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A Festschrift for
Emeritus Professor John A. Ayoade

The Legislature and Governance in Nigeria

VOLUME 1



Editors | Emmanuel O. Ojo
J. Shola Omotola

The Legislature and Governance in Nigeria

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The Legislature and Governance in Nigeria

A Festschrift for Emeritus Professor John A. A. Ayode

VOLUME I

Edited by

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Foreword

Professor Adebajji Akintoye
Formerly, Professor of History
Obafemi Awolowo University, Ile-Ife

In the distinguished generation of Nigerian intellectuals that are now gradually retiring from academia, Professor 'Bunmi Ayoade stands in the world as one of the most eminent. It is therefore fitting that some of his students – captains of the succeeding generation of our academics – should think of joining hands to do this book in honour of him. I am pleased with the opportunity to join them, through this Foreword, to accord this bountifully deserved honour to a brother whom I respect as a major source of light into the complex political experiences of African peoples in the modern world.

Ayoade did not only enjoy the privilege of receiving the best of preparation in History and Political Science from Nigeria's premier university, the University of Ibadan, he also further enriched his intellectual roots with studies in Public Policy and Strategy at the Nigerian National Institute for Policy and Strategic Studies, and by various teaching and research responsibilities in his Ibadan University home base, and in other Nigerian universities. In Ibadan, he rose to serve as Head of the Department of Political Science, and then as Dean of the Faculty of Social Sciences. In between these, he served as one of the pioneers of the Jos Campus of the University of Ibadan, the enterprise which subsequently matured into the University of Jos. At Obafemi Awolowo University, he gave two sabbaticals at the Department of Public Administration, teaching Public Administration, Comparative Public Administration, and Decentralisation and Inter-Governmental Relations. As a highly valued senior academic, he was invited to serve as External Examiner by several Nigerian universities including the Universities of Benin, Ilorin, Calabar and others, and other higher institutions such as the Nigerian National Defence College.

Among Nigerian academics of his generation, he has been one of the most exposed in the international intellectual community, and one of the best known international scholars. In various short-term and sabbatical capacities, and often by invitation, he has taught in various universities in the United States of

America – including Williams College, Massachusetts, Boston University, University of Pennsylvania, and others. He was Senior African Fulbright Scholar to Boston University in 1982. And he has served as External Examiner to one of Africa's leading universities, the University of Ghana, Legon. For a number of years, he was the President of the Nigerian Political Science Association.

As a result of all the experiences and expertise that Professor Ayoade has acquired in all these positions and exposures, he developed to be one of the most important intellectual resources of our country – a resource that our country has called upon, from time to time, for a wide variety of critical public service duties and responsibilities beyond the confines of university life, teaching and research. He was one of the minds that conceived the Nigerian Centre for Democratic Development Research and Training at the Nigerian Federal Capital, Abuja, and he served as its Director of Studies for six years, 1990-95 – years of very intense challenges for governance and democracy in the development of the Nigerian polity. He was also, at other times, tapped to serve on significant agencies in the economic configuration of the Nigerian Federation – notably as Director of the Nigerian National Supply Company, and Chairman of the Nigerian Cocoa Board.

But his extra-academic services have not been limited to his country, Nigeria. He has been a member of the Technical Advisory Programme of the African Capacity Building Foundation since 2002, and for a number of years, he was a member of the Pro-Poor Research Consortium at the Centre for African Economics, University of Oxford, United Kingdom. He has also been a member of several international academic organisations – including the Study Group on Conceptual and Terminological Analysis (COCTA) of the International Political Science Association, the American Political Science Association, and the American Association of University Teachers.

The younger intellectuals who have joined hands to do this book, and we the old folks who have seen Ayoade throughout the growth of his distinguished career, thus have, together, a scintillating treasure to celebrate in him. The list of contributors to this book, and the quality of analysis that runs through their chapters, are a proud testimony to the high quality of teaching and mentoring that he and his generation have done. Altogether, we the people of Africa are seeing the passing of an era when our continent, our cultures, and various aspects of our lives in our modern countries, have been communicated

to the wider world, and even to us ourselves, predominantly by people from other lands and other cultures. In spite of all the challenges that face us in Black Africa, and the frailties that we seem to demonstrate in country after country in the face of such challenges, titans like Ayoade, and younger and emerging titans like his students and members of their generation who have joined together to do this book, represent, for our continent, hopeful shafts of light at the end of the tunnel.

The subject which the contributors have chosen to illuminate together in this book, too, is a very important subject in the political life of Nigeria. Given the ethnic and political diversity of the country, and given the usually robust competitiveness in partisan politics in its political processes, one would expect its legislatures, at every level of government, to play highly exalted roles in governance – especially as protectors of diverse interests and the voices of the people. But, puzzlingly, this has not been so. Noticeably, legislatures and legislators at every level of the Nigerian government have gradually declined as a major and vital arm of government. In the exercise of their power of oversight over the executive functions of government, in their role as the voices of their remote constituencies, in their enunciation of party positions on important national issues, the legislatures have become a more or less muted organ in the Nigerian constitutional and political system. The chapters in this book help us to appreciate and understand this very important aspect of the country's decline, the underlying factors that account for the decline, and the consequences of the decline – notably the strong tendency towards executive dictatorship in the governance of Nigeria. This book is therefore a very valuable resource for all those who seek to keep up with an understanding of the tendencies in Nigeria's life and affairs.

Preface

The idea for this book grew out of three realisations. First is the decline of the legislature, at both the federal and state levels, in terms of their influence and powers as an organ of government *vis-a-vis* the executive. Second were the ills to which the legislature was subjected which eventually caused its decline. Students of political institutions now talk of the passing of the parliament, of bureaucracy triumphant, and of executive dictatorship. Third, the legislature in Nigeria has suffered some level of academic neglect, a gap this book seeks to bridge. This neglect is much more acute at sub-national levels. This book is, therefore, unique for its bold attempt to capture legislative activities beyond the national legislative arms, covering several State Houses of Assembly in Nigeria.

These observations necessitated this Reader – actually, a festschrift for Emeritus Professor of Political Science – John A.A. Ayode of the University of Ibadan, Nigeria – who is known to have made his mark in the study of the legislature in Nigeria.

This book has two major foci. The first section with six chapters constitutes the theoretical anchor for the entire book. The section commences with an insightful introductory chapter crafted by J. 'Shola Omotola, which dwells on the legislature in democratic political theory, extensively putting Nigeria in comparative perspective. The second chapter by a senior colleague, culled from an earlier work on Nigeria because of its direct bearing and significance to this work, was written by Celestine Bassey. Its focus is on the Legislature-Executive Relations and the future of democracy in Nigeria. The chapter emphasises the fact that the expansion of the democratic space and system maintenance is a function of executive-legislature harmony; more so, that the success of the presidential system, which Nigeria copied from the United States since the Second Republic (1979-1983), is predicated on mature democratic spirit and behaviours of its operators. The third chapter, contributed by Dhikru Yagboyaju, is essentially a critical examination of the relationship between some sensitive organs of government in Nigeria's Fourth Republic with a view to evaluating their impact on democratic consolidation. Chapter Four, written by Adeniyi Basiru, explores the politics of legislative oversight in Nigeria's neocolony (1999-2007). The chapter is imperative in the sense that legislative oversight has been one of the traditional and constitutional functions of the

parliament for ages. Emmanuel Ojo's study, which is Chapter Five, focuses its searchlight on the ills in both the Senate and the House of Representatives, bringing out the nexus between probity and public accountability *vis-à-vis* the effectiveness of the parliament. The section concludes with Bakare Adebola's postulations on legislative (in)effectiveness in developing democracies, using Nigeria as an experiment.

The second section focuses on the National Assembly. Comprising four chapters, the section begins with a co-authored chapter by E. Remi Aiyede and Emeka Njoku, which critically explores and provides 'a status report' on the Nigerian Senate; while Yinka Fashagba, with keen interest in legislative studies, contributed Chapter Eight, which is a perspective on the House of Representatives. This is followed by Michael Aleyomi's work on Inter-chamber Relations in the Fourth Republic. Oyekanmi, in Chapter Ten, argues that though the constitution provides for effective checks and balances and actually equips the legislature with the strength to perform its functions within the law, corruption and corrupt tendencies within and amongst members of the legislature have undermined these powers and continue to erode public confidence in the legislative arm.

The third section is the empirical analysis of selected state parliaments in Nigeria's convoluting federalism and fledgling democracy. From the outset, the intention was to cover the 36 states of the federation with a chapter each on both the Senate and the House of Representatives, but for constraints beyond our control, we eventually picked some sixteen states, making a good sample of the states. They are arranged in alphabetical order for discussion. The first of the sampled states studied is Anambra State, written by C. Jaja Nwanegbo, followed by Bauchi State's House of Assembly (BAHA), written by Jibrin Mohammed. He notes that the roles of the political élite are becoming a constraint to BAHA due to their interference. This is closely followed by Chapter Thirteen on Borno State's parliament. Haruna Ayuba, in his study, infers that the expected role of checks and balances by the parliament cannot be met at its best as a result of patron-client relations and lack of opposition on the floor of the House. Dele Adetoye captures the Ekiti State House of Assembly in a longitudinal analysis. He observes that over the years, the House suffered from the fact that over 90 percent of the lawmakers in each of the sets were dominated by members of the ruling party in the state, making the House to be too docile.

Chapter Fifteen, written by Peter Mbah and Ikenna Alumona, dwells on the legislature in Enugu state. Fanny Kinge-Mbafor did an empirical study of Gombe State House of Assembly covering 1999-2011. Hafsat Yakassai did her study on the Jigawa State House of Assembly, where she describes legislative-executive relations as cordial. The study of Katsina State House of Assembly, anchored by Aisha Abdul-Isma'il, reveals that the cordial relationship between both the executive and the legislature is tainted with corruption, settlement and influence of money. The Kwara legislature, as written by Abdurashed Muhammad, glaringly manifestoes the traits of a docile one as reflected in the title of the chapter. The conservative attributes of the political elite in the state was brought to bear on the attitude of the legislature *vis-a-vis* the discharge of its functions. Fatima Ibrahim appraised the performance of Kano State House of Assembly between 1999 and 2011. For her the legislature was weak and executive dominated, thereby hampering its effectiveness. Olayinka Akanle who reviews the activities of Lagos state parliament infers that it is development driven, making the state a model for others in the south-western part of the country. Adoyi Onoja from the title of his piece in Chapter Twenty-two found that the executive in Nassarawa state was overbearing, making the state legislature a beleaguered one, always dancing to the tunes of the executive.

The Oyo state legislature was captured by Stephen Lafenwa who adopts a political economy approach by considering the legislature and its developmental role in Oyo state, concluding that much was expected from the parliament which it could not eventually deliver. From the findings of Bolaji Omitola who writes Chapter Twenty-five on Osun State House of Assembly, it is the same story. In his words, "the legislature has effectively been reduced to a *rubber-stamp* of the policy decisions of the executive branch". Bello Gwarzo who studied Plateau state also notes that the House could not spring surprises. Chapter Twenty-six is a joint work by Ilufoye Ogundiya and Yahaya Baba. In their study of Sokoto State House of Assembly, linking legislative turnover with performance, discovered that the parliament could not do much because of its over-reliance on the executive for funding, coupled with high turnover of new members. The last chapter on empirical study of state legislatures came from Yobe state. Jibrin Mohammad also authored the chapter. He notes that corruption and wastages are the major hindrances to the performance of Yobe state legislature.

From the foregoing, it is glaring that the legislature has not only declined in influence as an organ of government, but it is also too corrupt for it to be a catalyst to sustainable democracy in Nigeria. In the concluding chapter, which is an overview of the legislature in Nigeria, the editors make a clarion call on the legislature to garner sufficient courage in discharging both its constitutional and traditional functions at all tiers of government for Nigeria's democracy to become vibrant.

E. O.Ojo

J. 'Shola Omotola

August 2013

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In the course of editing *The Legislature and Governance in Nigeria Volume 1*, we received assistance in one form or another. It is however pretty difficult to acknowledge virtually all those who contributed to the success of the book. But it is imperative that we make a few comments.

We wish to thank scholars who contributed chapters to the book. To our delight, they all exhibited a deep sense of commitment and professional integrity which has made the book project a reality. It is equally pertinent to acknowledge the cooperation of the revered Professor Adebajji Akintoye who condescends to crafting the enlightened Foreword. We cannot but specially acknowledge the financial support of Dr. Kayode Fayemi – the Governor of Ekiti State – who shared part of the burden of all the lots that were intimated. No doubt, we must also thank the anonymous reviewers of the manuscript, and Mr Tayelolu Akomolafe, the Publisher/CEO at John Archers Publishers Ltd, our publishers.

Finally, we appreciate the unquantified support our respective families who tolerated our frequent absence from home in pursuit of academic excellence. We thank our spouses, Dr (Mrs.) R.C. Ojo and Mrs. Rosline O. Omotola with their respective children – 'Tope, Kike, Dare and Ayomide (the Ojos) and Favour, Joshua and Esther (the Omotolas).

SECTION A

THEORETICAL EXPLORATIONS

The proper office of a representative assembly is to watch and control the government: to throw the light of publicity on its acts, to compel a full exposition and justification of all of them which any one considers questionable; to censure them if found condemnable . . . in addition to this, the parliament has an office . . . to be at once the nation's Committee of Grievances, and its Congresses of Opinions.

- John Stuart Mill, 1862

CHAPTER 1

The Legislature in Democratic Theory: Nigeria in Comparative Perspective

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INTRODUCTION

The legislature is a cardinal institution of democracy. Its functions are defined in terms of law-making, representation, oversight and constituency-related responsibilities, all of which are pivotal to the good health of democracy, if well delivered. After political parties, the legislature arguably offers the most comprehensive platform for citizen's participation in governance, irrespective of gender, ethnic, religious and ideological differences. It also serves to hold government accountable for its actions and/or inactions, itself permanently under the watchful eagle eyes of civil society, including the mass media. Being a core institution of democracy, the legislature, ideally, derives its democratic strengths from its roots, responsibility and responsiveness to the people. As Mohammed Salih argues, 'it is obvious that parliaments or legislatures are at the heart of governance and the national integrity system that citizens entrust with the burdensome task of ensuring that democratic states, aided by the constitution, fulfill their functions in the interests of citizens'.¹ Norman Ornstein, writing in *Freedom Paper No 3*, also underscores the democratic

1. Salih, M.A.E. ed. *African Parliaments: Between Governance and Government*. New York: Palgrave Macmillan, 2005, p. 20.

significance of the legislature, thus: 'no country can long have a workable democracy – with voices of opposition, accountable government, and adequate avenues for citizens to be heard – without a vibrant and meaningful legislature and legislative process'.² This is partly why the legislature is usually considered as the first among equals; and the stability and consolidation of any democracy, be it developed or developing, old or young, has been largely linked to the strength of its legislature.³

However, the discharge of these roles is not a given. Put differently, the mere existence of a legislative arm does not automatically guarantee the effective performance of its functions. A clear evidence of this, as will be shown shortly, is the existence of typologies of legislatures based on the level and quality of performance.⁴ It follows then that the legislature must fulfill certain institutional conditions to be able to measure up to expectations, most notably institutional capacity, measured by the constitutionally prescribed roles, or what has been referred elsewhere to as 'formal powers',⁵ autonomy cum educational and professional training/competencies of both the legislators and support staff, among others.

This chapter primarily seeks to state the theoretical questions that

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2. Norman Ornstein, *The Role of the Legislature in a Democracy*, Freedom Paper No. 3, 1992. Available at <http://www.aic.org.tw/infousa/en.us/media/pressfreedom/freedom3.htm> (accessed on 15 February, 2012), p2.
 3. For example, Steven M. Fish, 'Stronger Legislatures, Stronger Democracies', *Journal of Democracy*, Vol. 17 (1), 2006, pp. 754-771. See also G. T. Kurian, *World Encyclopedia of Parliaments and Legislatures*, Washington, DC: Congressional Quarterly, 1998.
 4. See among others, Joel D. Barkan, 'Legislatures on the Rise?', in Diamond, L. and Plattner, Marc F. eds. *Democratization in Africa: Progress and Retreat*, Second edition. Baltimore: The John Hopkins University Press, 2010, pp. 33-46; Joel D. Barkan, *Legislative Power in Emerging African Democracies*. Boulder, CO: Lynne Rienner, 2009; Joel D. Barkan, 'Legislatures on the Rise?', *Journal of Democracy*, Vol. 19 (2), 2008, pp. 124-137; Michelle M. Taylor-Robinson, 'Who gets Legislation Passed in a Marginal Legislature and is the Label Marginal Legislature Still Appropriate?: A Study of the Honduran Congress', *Comparative Political Studies*, Vol. 32(5), 1999, pp. 589-625; Michael Mezey, *Comparative Legislatures*, Durham, NC: Duke University Press, 1979.
 5. Philip Norton, 'Adding Value? The Role of the Second Chambers', *Asian Pacific Law Review*, Vol. 15 (1), 2007, p. 8.

frame the analyses presented hereafter. Drawing on comparative insights, can we say that the legislature in Nigeria, both at the federal and state levels, especially since 1999 when the country re-democratised, has lived up to expectations? In other words, has the legislature in Nigeria been at the heart of democratic governance and national integrity system? Under what conditions can the legislature fulfill its constitutional mandates? To whom is it accountable: the executive or the people? Better still, since the exercise of almost all its formal powers brings it in contact with the executive one way or the other, how has the legislature been relating with the executive – master-servant or mutual respect? How can we measure its performance, whether effective or not? Where can it be located on the scale of notable classificatory schemes both in terms of institutional and functional criteria? These and related questions will frame the theoretical discourses that will anchor the analyses undertaken in this book. Knowing how contentious some of these issues have been in political theory over the years, I make no pretence to suggest that the debate will be settled in this chapter. Far from it! Rather, I set out to make a modest contribution to the debate, which will serve as an analytical lens to guide subsequent empirical insights in the book, using Nigeria's experience in comparative perspective.

The chapter proceeds as follows. The first section theorizes the democratic significance of the legislature, with emphasis on its general functions irrespective of modes of organisation. The second explores the conditions that can facilitate effective discharge of these functions. The third reflects on typologies of the legislature from both institutional and functional perspectives. The aim is to provide yardsticks for appropriately situating Nigeria's. The fourth explores issues of accountability and responsiveness of the legislature, showing standard indicators for the exercise. The fifth section undertakes a critical appraisal of well-known approaches to the evaluation of legislative performance. Again, the objective here is to allow for an informed assessment of legislative performance. In dealing with these tasks, I draw illustrations from Nigeria's experience since 1999 and comparative insights. The conclusion synthesises the core arguments and highlights policy and research implications.

THE LEGISLATURE AS A CARDINAL INSTITUTION OF DEMOCRACY

Philip Norton, a consistent student of legislative studies, defines legislatures as 'constitutionally designed institutions for given assent to binding measures of public policy, that assent being given on behalf of a political community that extends beyond the government elite responsible for formulating those measures'.⁶ For Joe Barkan, another leading legislative scholar, legislatures are 'the institutional mechanisms through which societies make representative government real on a day-to-day basis. The institutional arena in which competing interests articulate and seek to advance their various objectives in the policymaking processes.'⁷ Also, John Stuart Mill (1862), suggests that the legislature acts as the eyes, ears and voice of the people, asserting that:

The proper office of a representative assembly is to watch and control the government: to throw the light of publicity on its acts, to compel a full exposition and justification of all of them which any one considers questionable; to censure them if found condemnable. In addition to this, the Parliament has an office to be at once the nation's Committee of Grievances, and its Congresses of Opinions.⁸

The foregoing definitions of the legislature identify some of its salient functions, most notably representation and oversight. This is not to say that legislative functions are limited to those two. Other important functions of the legislature include law-making and constituency services.

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6. Philip Norton, 'General Introduction', in Philip Norton, ed. *Legislatures*, Oxford: oxford University Press, 1990, p.1; as quoted in Philip Norton, 'Adding Value? The Role of the Second Chambers', *Asian Pacific Law Review*, Vol. 15 (1), 2007, p. 4.
 7. Joel D. Barkan, 'Legislatures on the Rise?', in Diamond, L. and Plattner, Marc F. eds. *Democratization in Africa: Progress and Retreat*, Second edition. Baltimore: The John Hopkins University Press, 2010, p. 34.
 8. John Stuart Mill, 1862, quoted in Norman Ornstein, *The Role of the Legislature in a Democracy*, Freedom Paper No. 3, 1992. Available at <http://www.ait.org.tw/infousa/enus/media/pressfreedom/freedom3.htm> (accessed on 15 February, 2012), p. 2.

Representation is an important function of the legislature that is central to democratic development. Though essentially a 'contested concept',⁹ political representation has been seen 'as a key activity, a lifeline or linchpin that connect the citizenry to the government'.¹⁰ While applicable to all political systems, the need for effective representation of usually competing and, at times, conflicting interests is much more acute in deeply segmented societies like Nigeria. In such societies, the legislature is expected to be a reflection of various societal interests both in composition, decision-making and policy outcomes. Most countries of the world, including the US and Britain, have long recognised the importance of this in the way they allocate parliamentary seats at both the lower and upper chambers to reflect the federal/national character of the state.¹¹ In the Nigerian case, the upper legislative chamber, known as senate, is constituted on the basis of equality of all states, and the lower chamber, called the House of Representatives, on the basis of population. This way, one can argue that in terms of composition, there was a conscious attempt to make the legislature a representative organ of the society.

But representation assumes deeper meaning when taken beyond composition for many reasons. For one, it 'requires members to advocate the particular concerns of their respective constituencies',¹² which is often difficult because, as Barkan argues, and rightly so, 'legislating requires bargaining and compromises across these and other interests, and therein lays a huge challenge'.¹³ Worse still, as he further argues, 'there is tension between legislating and constituency service: the former seeks to arrive at decisions that serve the entire nation, whereas the latter

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9. Omano Edigheji, 'Political Representation in Africa: Towards a Conceptual Framework', *Africa Development*, XXXI (3), 2006, p. 96.
 10. Omano Edigheji, 'Political Representation in Africa . . .', p. 96.
 11. Danica Fink-Hafner, 'Interest Representation and Post-Communist Parliaments over Two Decades', *The Journal of Legislative Studies*, Vol. 17 (2), 2011, pp. 215-233.
 12. Joel D. Barkan, 'Legislatures on the Rise? . . .', 2010, p. 35.
 13. *Ibid*, p. 35.

by definition serves a smaller subsector of society'.¹⁴ What a huge challenge, indeed! It is one that brings to the fore the age-long debate initiated by the well-known political theorist and lawmaker, Edmund Burke, over whether a representative should act as a trustee or delegate, in his famous speech to his constituency in the city of Bristol in 1774. I shall return to this later.

For another, there are several other specific interests that demand representation in parliament, notably minority groups such as ethnic and women.¹⁵ After all, the 'fairness of representation and democratic accountability hinge on collective decision-making being open to all citizens',¹⁶ irrespective of gender or ethnic identities. Unfortunately, the gender dimension of political representation, with few exceptions,¹⁷ has not been given adequate scholarly attention in Africa. One main finding across most of these studies is that the legislature in most African countries have not been sufficiently 'engendered', and in the very few cases where they do in number, most notably Uganda, the autonomy and efficiency

14. Ibid, p. 35.

15. D. P. Haider-Markel, M. R. Joslyn and C.J. Kniss, 'Minority Group Interests and Political Representation: Gay Elected Officials in the Policy Process', *The Journal of Politics*, 62(2), 2000, pp. 568-577.

16. J. Mestov, *J. Power, Process and Popular Sovereignty*, Philadelphia, PA: Temple University Press, 1992; as quoted in Christian Hunold, 'Corporatism, Pluralism, and Democracy: Toward a deliberative Theory of Bureaucratic Accountability', *Governance: An International Journal of Policy and Administration*, Vol. 14 (2), 2001, pp. 158.

17. J. 'Shola Omotola. 2007a. 'What is this Gender Talk All About After All? Gender, Power and Politics in Contemporary Nigeria'. *African Study Monographs*, 28(1), 2007a, pp. 33- 46; J. 'Shola Omotola, 'Engendering the Legislature in Nigeria: Faltering Prospects and New Hopes', In Saliu, H. A. et al. eds. *Nigeria Beyond 2007: Challenges and Prospects*. Ilorin: Faculty of Business and Social Sciences, University of Ilorin, 2008; Goetz, A.M. 'Women in Politics and Gender Equality in Policy: South Africa and Uganda', *Review of African Political Economy*, No. 76, 1998; Goetz, A.M. 2002. 'No Shortcuts to Power: Constraints on Women's Political Effectiveness in Uganda', *The Journal of Modern African Studies*, 40(4): 2002, 549-75; Staffan I. Lindberg, 'Women's Empowerment and Democratization: The Effects of Electoral Systems, Participation and Experience in Africa', *Studies in Comparative International Development*, 39 (1), 2004, pp. 28-53.

of such parliaments in general and women members in particular were compromised by the nature of politics that produced women representatives. As argued elsewhere, a legislature can be said to be engendered if it enhances 'the effective and efficient representation of women numerically and functionally in manners that strengthen women's participation in the politics and policy process of their country'.¹⁸ Engenderment is, therefore, a multi-dimensional question that, ideally, should impact positively on women's representation in parliament.

At the institutional-procedural level, it should help to make the parliament more 'women friendly' through the institutionalisation of measures that promote greater gender awareness. In terms of representation, it should serve to secure women's continued and enhanced access to parliament by encouraging women candidates, changing electoral and campaign laws and promoting equality legislation. Another dimension relates to the impact/influence on output, which has to do with "feminising" legislation, by making sure it takes into account women's concerns. Also, at the level of discourse, this embraces altering parliamentary images on women's perspectives and encouraging a change in public attitude towards women. An engendered legislature, therefore, connotes 'one that promotes women's political representation beyond number and places much more emphasis on functional representation and the promotion of conditions that make such possible'.¹⁹ What this suggests is that numerical increase, as important as it may be, is not a sufficient condition of an enhanced women representation, or equity in gender representation. At most, it is only the starting point. Molyneux and Razavi (2005: 987) capture this when they assert that 'despite the greater presence of girls and women in public life, gender segregation and inequality have only slowly eroded, or have taken new forms'.²⁰ The import of this is that numerical improvement only becomes meaningful when and where it

18. J. 'Shola Omotola, 'Engendering the Legislature in Nigeria', op. cit.

19. Ibid.

20. Molyneux, M. and S. Razavi, 'Beijing Plus Ten: An Ambivalent Record on Gender Justice', *Development and Change*, 36(6), 2005, 983-1010.

leads to improved autonomy and efficiency of the women in the politics and policy processes, which is seldom the case. As an informed opinion puts it:

These changes are welcome if they enlarge women's realm of positive freedom and allow them to develop their capabilities to the full. Few would doubt that women's access to public spheres of work and politics is a step in the direction of greater gender equality or that this has the potential to increase well-being. However, there are several important qualifications regarding these indicators of progress. Even where women have progressed on some indicators, this has been accompanied by persistence of gender inequalities, and in some cases a deepening of the gender divides.²¹

Across Africa, countries have been making frantic efforts to see that African parliaments adjust to these realities. One basic strategy has been the use of legislative quotas for women, in most cases in line with constitutional provisions, and in some other cases, according to political party requirements. In some other instances, it has been through presidential initiatives that are women friendly, as has so far been the case in Nigeria.²² For example, constitutionally mandated parliamentary quotas for women in some African countries are as high as 30 per cent. To be specific, Eritrea and Rwanda's constitutions put it at 30 and 18.4 per cent in 1995 and 2003 respectively. It stands at 20 and 18.4 per cent in Tanzania and Uganda in 2000 and 1989, respectively. Tanzania, however, succeeded in raising it to 30 per cent (75 seats) in 2005. For Djibouti and Morocco, it stands at 10 per cent in 2002 and as low as 3 per cent in Kenya in 1997.²³ Through some other legally sanctioned mechanisms, some Africa countries also have quotas for women in parliament. This was the case with Swaziland that has 28 per cent of

21. Molyneux, M. and S. Razavi, 'Beijing Plus . . .', p. 986.

22. Alli M. Tripp, 'Legislative Quotas for Women: Implications for Governance in Africa', In Salih, M.A.E. ed. *African Parliaments: Between Governance and Government*. New York: Palgrave Macmillan, 2005, pp. 48-60.

23. Alli M. Tripp, 'Legislative Quotas for Women . . .', p. 50.

seats reserved for women in 2003, while Sudan and Niger each has 9.7 and 10 percent in 2000.

As the foregoing data indicate, the use of quota system for women has brought about some improvement in the numerical representation of women in African parliaments. While this development marks a good beginning, the ability to translate the numerical improvement into functional representation is a different ball game. And as comparative as well as country-specific case studies have shown, it is doubtful whether such a transition has taken place, let alone taken firm roots in African countries. The case of Uganda, where the use of quotas has been of tremendous positive impact on the number of women parliamentarians is particularly intriguing. This is because, as some important studies²⁴ have demonstrated, the quota system, rather than advanced women's effective participation in politics and policy processes, only served to demean it. Most notably, the strategy did not only weaken, but also erode women's legitimacy and effectiveness in policymaking. This was made possible by the fact that the system did not 'threaten incumbent politicians or male aspirants,' the same way it did not 'challenge entrenched interest'. Consequently, women parliamentarians in Uganda have not been able to effect desirable legislation in the best interest of women. This was best exemplified by the 2000 Amendment of the Land Act where they failed to see to the elimination of clauses that limit the possibilities of women to own land in Uganda. It is in this connection that women's mode of ascension to power counts a great deal. It seems better if ascension to power is through their politics, than when it is through their gender, as typified by various modes of Affirmative Actions such as quotas and reserved seats.

If the comparative African experience falls below expectation, the

24. Alli M. Tripp, 'The Politics of Cooptation in Africa: The Case of Ugandan Women's Movement', *The Journal of Modern African Studies*, 31(1), 2001, pp. 101-28; M. Y. Yoon, 'Democratization and Women's Legislative Representation in Sub-Saharan Africa', *Democratization*, 8(2), 2001, pp. 169-90.

Nigerian reality across all epochs has been particularly appalling.²⁵ Has anything changed since 1999? From available studies, it seems neither the numerical nor functional representation has significantly improved.²⁶ This is one aspect of representation that requires more critical attention.

The legislature also has constitutional responsibility for law-making. This function, though universal to all political systems across time and space, there is now a growing concern about the law-making capacity of legislatures, as is being reflected in the growing literature on the decline of the legislature.²⁷ The core argument is that while legislatures are still in the business of law-making, their capacity and effectiveness in this regard have been greatly eroded by the existence of strong executives that tend to reduce them not only to mere rubber stamps, but also initiate majority, if not all the bills to be passed into laws. Worse still, the executives have the resources, both human, financial and material, needed to develop bills than usually available to the legislature. Yet, they also have strong influences on the electoral institutions and processes, and consequently on the reelection bids of legislatures. Whatever the constraints, however, since no bills become laws without legislative passage, it remains valid to claim that legislatures are still in the business

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25. J. 'Shola Omotola 2007a. 'What is this Gender Talk All About After All?., op cit; Ebenezer E. Lawal and Ronke C. Ojo, 'Politics of Gender Inequality in Nigeria', In Emmanuel O. Ojo, ed. *Challenges of Sustainable Democracy in Nigeria*. Ibadan: John Archers Publishers, 2006, pp. 330-46.
26. J. 'Shola Omotola, 'The 2003 Nigerian Second Election: Some Comments', *Political Science Review*, 3(1-2), 2004, 127-138; J. Shola Omotola, 'Godfathers and the 2007 Nigerian General Elections', *Journal of African Elections*, Vol. 6 (2), 2007b, pp. 134-154; J. 'Shola Omotola, 'Garrison' Democracy in Nigeria: The 2007 General Elections and the Prospects of Democratic Consolidation. *Commonwealth and Comparative Politics* Vol. 47 (2) 2009, pp. 195-221; J. 'Shola Omotola, 'Elections and Democratic Transitions in Nigeria under the Fourth Republic', *African Affairs*, Vol. 109 (437), 2010a, pp. 535-553.
27. William E. Crowther, 'Second Decade, Second Chance? Parliament, Politics and Democratic aspirations in Russia, Ukraine and Moldova', *The Journal of Legislative Studies*, Vol. 17 (2), 2011, pp. 147-171; ilil Michelle M. Taylor-Robinson, 'Who gets Legislation Passed in a Marginal Legislature . . . , op. cit.

of lawmaking. If anything, it is a question of the degree of their involvement, not about whether they are involved. This can be a useful tool for evaluating legislative performance, as this study will show shortly.

Indeed, like in most other countries, the 1999 constitution of Nigeria vests the law-making power in the legislature. Specifically, s. 4 (1) vests the power to legislate for Nigeria in the National Assembly, to wit: the Senate and the House of Representatives. Section 4 (2) of the constitution provides that the National Assembly shall 'make laws for the peace, order and good governance of the federation or any part thereof with respect to any matter included in the Exclusive Legislative List, which is set out in Part 1 the second Schedule of the constitution' (FRN, 1999). Similar provisions were provided in s. 4 (7) for State Houses of Assembly to legislate for the states in their areas of jurisdiction. How have the legislatures at both the federal and state levels fared in the discharge of their law-making responsibilities?

Another crucial function of the legislature is oversight. This is crucial because oversight is a democratic instrument that 'ensures both the vertical accountability of rulers to the ruled as well as the horizontal accountability of all other government agencies to the one branch the legislature'.²⁸ Though multidimensional, including what is generally referred to as 'the power of the purse', approval of executive and judicial appointments, adoption and ratification of treaties, investigation of public officials, and impeachment, among others, the power of the purse would appear to have emerged as the most important aspect of legislative oversight. This is because, as Wehner rightly notes, 'the requirement of *legislative approval of financial measures is a democratic foundation stone* that is enshrined in constitutions around the world'²⁹.

Despite this valid claim, the debate about the desirability or otherwise of such constitutional measures, as well as their democratic utilities, is far from over. While some argue that a reduction in legislative involvement

28. Joe D. Barkan, 'Legislatures on the Rise? . . .', 2010, p. 34.

29. Joachim Wehner, 'Assessing the Power of the Purse: An Index of Legislative Budget Institutions', *Political Studies*, Vol. 54 (4), 2006, p. 768 (emphasis mine).

enhances fiscal discipline,³⁰ others reveal the dangers associated with weak legislative scrutiny³¹. In spite of the controversy, however, one thing is settled, which is that while it is true that most constitutions around the world empower legislatures with the power of the purse, the mere definition of 'who has power over the budget does not tell us whether or not the budget is under control'.³²

How then can we know if the budget is under control? Wehner suggests that the 'presence of a critical number of institutional prerequisites, including formal authority and organisational characteristics, is necessary to facilitate budgetary control'.³³ He then proceeds to identify such 'critical institutional prerequisites' to include formal/constitutional powers to amend the budget presented by the executive, reversionary budgets, executive flexibility during implementation, adequate time for scrutiny, committee capacity, and access to budgetary information. Amendment powers, for example, if formally granted, and depending on its nature, allow the legislature the potential to change the budget policy proposed by the executive, and vice versa. In the absence of such powers, all the legislature can do is to either accept or reject the budget. In some cases, amendment powers may allow some amendments provided such will not affect the aggregate totals or the deficit in the draft budget are maintained. This, according to Wehner, allows engagement with budget priorities while protecting executive fiscal policy. But as Joachim Wehner rightly observes, the most permissive are unfettered powers of amendment where legislatures

30. Poterba, J.M. and von Hagen, J. eds. 1999. *Fiscal Institutions and Fiscal Performance*. Chicago, IL: University of Chicago Press, 1999; Strauch, R. R. and von Hagen, J. eds. *Institutions, politics and Fiscal Policy*, Boston: Kluwer Academic, 1999.

31. Burnell, P. 'Financing Indiscipline in Zambia's Third Republic: The Role of Parliamentary Scrutiny', *Journal of Legislative Studies*, Vol. 7(3), 2001, pp. 34-63; Santiso, C. 'Legislatures and Budget Oversight in Latin America: Strengthening Public Finance Accountability in Emerging Economies', *OECD Journal of Budgeting*, Vol. 4(2), 2004, pp. 47-76; all quoted in Joachim Wehner, 'Assessing the Power of the Purse', p. 769.

32. Joachim Wehner. 'Assessing the Power of the Purse . . .', p. 769.

33. *Ibid.*

have full authority to 'cut, increase and reallocate'.³⁴

Moreover, if the law permits the executive wide latitude of flexibility in budget implementation, then the power to control the budget will be limited. Such power allows impoundment, which allows the withholding of appropriated funds; and virement, that is the ability to reallocate or transfer funds between budget items during implementation. In the extreme, the executive may introduce new spending without legislative approval;³⁵ the same way it can 'allow the executive to undo legislative choices during implementation'.³⁶ Other important success factors include creating sufficient time for the legislature to scrutinise the budget, at least three months before the commencement of the fiscal year; the existence of a well developed committee system, which not only allow for division of labour that promotes specialisation and legislative expertise, but also increases productivity.³⁷ A functional committee system is particularly useful to the budgetary process where a huge volume of information will have to be processed, as well as in the monitoring of implementation. Finally, timely access to accurate information is crucial for effective budgetary process, without which its promise may be compromised.

Without any doubt, Wehner's scheme is very elaborate and useful in evaluating the budgetary process. His cross-country study numbering about 36 countries drawn from America, Europe, Asia, Australia, with only South Africa selected from Africa, reveals variations in the level of financial scrutiny of governments by the legislature among contemporary liberal democracies. It need be added that the Nigerian case is a good match, especially his 'institutional prerequisites' for effective budget control. Section 80 (3-4) of the 1999 constitution grants sufficient powers

34. Ibid, p. 770.

35. Carey and Shugart, 1998.

36. Santiso, C. 'Legislatures and Budget Oversight in Latin America: Strengthening Public Finance Accountability in Emerging Economies', *OECD Journal of Budgeting*, Vol. 4(2), 2004, pp. 47-76; quoted in Joachim Wehner, 'Assessing the Power of the Purse', p. 770.

37. Joachim Wehner, 'Assessing the Power of the Purse', p. 770.

of the purse to the legislature when it states that 'no money shall be withdrawn from any public fund of the federation, other than the consolidated revenue fund of the federation, unless the issue of this money has been authorised by an Act of the National Assembly'.³⁸ The same provisions for State Houses of Assembly are contained in s. 129 (3-4) of the constitution. Moreover, the 1999 constitution also provides in its s. 62 (1-40 and 103 (1-3) for the creation of legislative committees as well as purposes they may serve. However, whether the legislatures at both the federal and state levels have the capacity to leverage on these provisions in the discharge of their power of the purse is a different thing entirely. My suspicion, though, is that not many of them do, if any, for a number of reasons that have been explored in the emerging body of knowledge on legislative study in Nigeria.³⁹

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38. Federal Republic of Nigeria (FRN), *The 1999 Constitution of the Federal Republic of Nigeria*, Lagos: Government Printers, 1999.
39. Emmanuel R. Aiyede, 'Legislature-Executive Relations in Nigeria's Democracy', in Ojo, E. O. ed. *Challenges of Sustainable Democracy in Nigeria*, Ibadan, NIG: John Archers Publishers, 2006, pp. 140-154; Emmanuel R. Aiyede, "Executive-Legislature Relations in Nigeria's Emerging Presidential Democracy", *Unilag Journal of Politics*, Vol. 2(1), 2005, pp. 64-87; Emmanuel E. Aiyede and F. Adefemi Isumonah, *Towards Democratic Consolidation in Nigeria: Executive-Legislature Relations and the Budgetary Process*. Research Report No. 52, Development Policy Centre, Ibadan, 2002; Mojeed M. Alabi, and Wahab O. Egbewole, eds. 2010. *The Legislative in the Governance of Nigeria*, Tangier, Morocco: African Training and Research Centre in Administration for Development (CEFRAD); Emmanuel O. Ojo, ed. *Challenges of Sustainable Democracy in Nigeria*, Ibadan, NIG: John Archers Publishers, 2006; Okon Eminue, 'Executive-Legislative Relations: Some Preliminary Observations on the Budgetary Process', in Ojo, E. O. ed. *Challenges of Sustainable Democracy*, pp. 155-182; Celestine Bassey, 'Legislative Executive Relations and the Future of Democracy in Nigeria', in Emmanuel O. Ojo, ed. *Challenges of Sustainable Democracy*, pp. 128-139. J. Shola Omotola, *Public Attitudes Towards Impeachment Threats in Nigeria's Fourth Republic*, unpublished M.Sc. thesis, Department of Political Science, University of Ibadan, Ibadan, Nigeria, August 2003; J. Shola Omotola, 'Impeachment Threats and Nigeria's Democracy', in Emmanuel O. Ojo, ed. *Challenges of Sustainable Democracy*, pp. 185-208; J. Shola Omotola, 'Politics of Impeachment and Democratization in Nigeria, 1999-2007: The Oyo State Experience', *International Journal of Social and Management Sciences*, Vol. 3(2), 2010b, pp. 35-55.

Yet, another important oversight function of the legislature is the approval of executive and judicial appointments. As the practice is the world over, the legislature in Nigeria, by virtue of s. 147 (2), 153 (1), 154 (1), 174 (4), 231 (1-2), 238 (1) and 250 (1), has the power of approval over the appointment of ministers, chairmen and members of federal commissions and councils, ambassadors, chief justice of Nigeria and the justices of the Supreme Court, as well as the president of the Court of Appeal and the chief judge of the Federal High Court. Such powers are replicated for state assemblies in s. 197 (1), 198, 271 (1), and 238 (1).⁴⁰ The reason for such powers is to ensure that people of credible and unquestionable character are able to secure safe passage into important public offices that have bearings with national security, including the well-being of the people. It is, therefore, the responsibility of the legislature to set universally acceptable eligibility criteria within the global context of best practices. As a distant observer of the process, I am of the view that the exercise of this power by the legislative has been of mixed record, oscillating between effectiveness and ineffectiveness, depending of which particular exercise under review. Subsequent chapters will shed empirical light on this.

Also, as part of its oversight roles, the legislature has a responsibility for the investigation of public officers. The essence of this is to 'provide for a national integrity system by strengthening the existing institutions committed to waging war against corruption'.⁴¹ In Nigeria, the investigative powers of the legislature, as spelt out in s. 88 (2b), are to 'expose corruption, inefficiency or waste in the execution or administration of

40. FRN, *The 1999 Constitution of the Federal Republic of Nigeria*.

41. See Arthur E. Davies, 'The Role of the Legislature in Fostering an Efficient System of Public Finance'. In Taiwo, I.O. and A.A. Fajingbesi. eds. *Fiscal Federalism and Democratic Governance in Nigeria*. Ibadan. NCEMA/ACBF, 2004; Emmanuel O. Ojo, 'The Phenomenon of Corruption and the Challenges of Democratic Consolidation in Nigeria: A Prognosis', in Onu, G. ed. *Corruption and Sustainable Development: A Third World Perspective*. Enugu: Book Point Limited, 2003; J. 'Shola Omotola, "'Through A Glass Darkly": Assessing the 'New' War against Corruption in Nigeria', *Africa Insight*, Vol. 36(3-4), 2006a, pp. 214-229.

laws within its legislative competence and in the distribution of funds appropriated by it'. This is an aspect of the legislative job that has really advanced in developed democracies like the US and Britain that no public official would ever treat with contempt an invitation by the legislature for clarifications on certain public affairs. And in discharging this duty, the legislature has the power to issue a summons or warrant to compel the appearance of any public officer, indeed, anyone for that matter, before it. This is given effect in s. 89 and 129 of the 1999 constitution for the federal and state legislatures respectively. However, there is a judicial precedent that offers some form of protection to journalists when it decides in *Adikwu & Ors v. Federal House of Representatives & Ors* that 'the exercise of the legislative powers of the legislature does not permit the legislature to compel a newsman to disclose his source of information *except in grave and exceptional circumstances, e.g. the security of the nation or state*'.⁴²

Finally, the oversight functions of the legislature cover impeachment proceedings. Ordinarily, impeachment is a constitutional provision intended as an instrument of last resort for checking the excesses of public officers particularly on matters that constitute grave violation of the constitution and, by implication, pose severe threats to the survival of the system. By impeachment, we mean a constitutional method by which government officials may be removed from office when they have been formally accused of crimes or misconduct, tried and convicted.⁴³ In all regions and climes, ancient communities had traditional methods of removing erring public officers and have been put to use in different parts of the

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42. Quoted in Emmanuel O. Anyaegbunam, *The Legislator's Companion: A Handbook for the National Assembly, State Houses of Assembly and Local Government Legislative Councils*. Ibadan, : Book Builders, 2010, p. 83 (emphasis mine).
43. S. Martin Lipset, et. al., eds. *The Encyclopedia of Democracy*, Vol. 2, London: RUTledge, 1995, 595; *see also* Gondin, W. R. *Dictionary of parliamentary procedures*, Totowa 44, New Jersey: Little-field Adams and Co, 2000.

world at different times, though sparingly.⁴⁴ The experiences of Britain and the US, where impeachment or the threat of it are rare, illustrate this graphically.⁴⁵ In this sense, impeachment is a positive instrument of control.

The problem is, therefore, not about impeachment *per se*. Rather, it has to do with the manner of its initiation and execution, as well as frequency and intensity, particularly in Nigeria. As a keen observer of the process, a fundamental flaw that permits the perversion of this supposedly instrument of control and accountability, lies in inherent contradictions in the constitutional provisions on impeachment, as contained in s. 143 and 188 of the 1999 constitution for the removal of the president/vice president and governors and deputy governors, respectively.⁴⁶

The fourth crucial function of the legislature relates to constituency services. Here, greater emphasis is on individual legislators as representatives of their respective constituencies, rather than as an institution. Though a known feature of legislator-constituency relations the world over, the significance of this function has come to assume more prominence in developing countries, especially in Africa where legislators are expected to, beyond their representational roles, make positive and practically verifiable impacts on the well-being of constituents. For this reason, constituency services in Africa are known to have taken two formats:

- (1) Lawmakers regularly visiting their home districts to meet constituents and offer them assistance for individual needs; and

44. J. 'Shola Omotola, 'Politics of Impeachment and Democratization in Nigeria, 1999-2007: The Oyo State Experience', *International Journal of Social and Management Sciences*, Vol. 3(2), 2010b, pp. 35-55; Magil, F. N. ed. *International Encyclopedia of Government and Politics*, Vol. 1, London: Fitzroy/ Dearborn Publisher, 1996.

45. J. 'Shola Omotola, *Public Attitudes Towards Impeachment Threats in Nigeria's Fourth Republic*, unpublished M.Sc. thesis, Department of Political Science, University of Ibadan, Ibadan, Nigeria, August 2003.

46. J. 'Shola Omotola, 'A Critique of the 1999 Constitutional Provisions on Impeachment', *Anyigba Journal of Arts and Humanities*, Vol. 3(1-2), 2005; J. 'Shola Omotola, 'Politics of Impeachment', op. cit.

- (2) they support small to medium-scale development projects that provide district residents with public goods such as roads, water-supply systems, schools, health clinics and meeting halls.⁴⁷

This demand is much more acute in single or multi-member constituencies, but less so where the electoral system is proportional representation where residence does not play any role in the election of legislators.

Like in most other African countries, the imperative of the constituency services of legislators in Nigeria has been accorded some reasonable measure of importance. One way of doing so is the controversial measure called *constituency allowance and projects*. It is controversial not only because the so-called constituency allowance is paid directly to the legislators, but also because, as my personal experiences reveal, complaints by constituents as to the use to which such allocations are put by the legislators are commonplace. Another medium through which this function is facilitated is through the mandatory requirement of all parliamentarians at all levels to establish a functional constituency office in their home district, which they are expected to visit at regular intervals. Through the rents paid for the office accommodation, and the personal emoluments of the secretariat staff, the lives of constituents are, directly or indirectly, being positively affected. But whether these measures are being accorded adequate attention, is a different matter.

CONDITIONS FOR EFFECTIVE LEGISLATIVE PERFORMANCE

What the foregoing analyses reveal is that the legislature is by virtue of its crucial representational, law-making, oversight and constituency functions, a cardinal institution for democratic development and consolidation. But this is possible if the legislature is able to discharge these responsibilities effectively and efficiently. To do so, it must satisfy certain conditions built around its institutional capacity. The first and most basic indicator of the institutional capacity of the legislature vis-à-vis the effective and efficient discharge of its responsibilities relates to the

47. Joel B. Barkan, 'Legislatures on the Rise?'. 2010, p. 35.

nature of the *formal powers* ascribed to it by the constitution. The tendency for the legislature to perform its functions without fear or favour is higher in a situation where the constitution allows it wide latitude of powers, in such a way that guarantees its institutional autonomy, and vice versa. Important components of institutional autonomy of the legislature encompass administrative and, financial dimensions. Administratively, the legislature should be able to constitute its principal officers without undue interference from the legislature and, financially, should have its funding charged directly to the consolidated account. This way, it will not have to depend on the benevolence of the executive for the timely and adequate funding of its projects.

But the level of autonomy of the legislature is, often-times, even after constitutional empowerment, also a function of the system of government in operation. The situation is often better in a presidential system of government, where the principle of separation of powers among the organs of government is an essential requirement. This is unlike the parliamentary system characterised by fusion of power between the executive and the legislature. It is for this reason that the distinction between a *parliament* as named in parliamentary systems and *congress* in presidential systems, is essential. There is a functional difference between the two in the sense that a parliament's main function is to debate policy, while that of a congress is much more elaborate. Elaborating on this important distinction, Polsby⁴⁸ identifies two types of legislatures, namely *arena legislature* and *transformative legislature*. According to him, arena legislatures are 'forums for discussion of ideas and policies. a formalised setting for the interplay of significant political forces in the life of a political system', while transformative legislatures are, by contrast, those that actively translate ideas into laws, with 'independent capacity, frequently exercised, to mould and transform proposals from whatever source into law'.⁴⁹

48. Nelson Polsby, quoted in Norman Ornstein, *The Role of the Legislature in a Democracy*, Freedom Paper No. 3, 1992. Available at <http://www.ait.org.tw/infousa/enus/media/pressfreedom/freedom3.htm> (accessed on 15 February, 2012).

49. Norman Ornstein, *Ibid*, p. 5.

Also central to the capacity of any legislature, including its autonomy, is the mode of its composition, i.e. the nature of electoral politics that brought the legislatures into office, including primary elections. Where internal party democracy is guaranteed and electoral institutions enjoy administrative and financial independence, thereby limiting the ability of the executive to influence electoral processes and outcomes and by extension candidates' chances, legislatures tend to have more courage to act independently of the executive. But if the reverse is the case, legislators come under the heavy influence of the executive, thereby undermining their capacity. This is a particularly endemic problem in Nigeria,⁵⁰ like in several other African countries, but not restricted to them. Comparative studies have shown that parliaments in several post-communist European countries also suffer similar fate.⁵¹ As Crowder found, in the cases of Russia, Ukraine and Moldova, 'the weakness of political parties and the lack of party discipline undermined the work of legislatures, to the benefit of Presidents'.⁵² The impact a problem as this could have on the legislature was made manifest in several African countries over third-term politics and attendant de-institutionalisation of power, and Nigeria in particular

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50. J. 'Shola Omotola, J. S. "Godfathers and the 2007 Nigerian General Elections", *Journal of African Elections*, Vol. 6 (2), 2007b, pp.134-154; J. 'Shola Omotola, J. S. 2010a. 'Elections and Democratic Transitions'; J. 'Shola Omotola, 'Politics of Impeachment'.
51. Gabriella Ionszki and David M. Olson, 'Questions about Legislative Institutional Change and transformation in Eastern and east Central Europe: Beyond the Initial Decade', *The Journal of Legislative Studies*, Vol. 17 (2), 2011, pp. 116-127; Danica Fink-Hafner, 'Interest Representation and Post-Communist Parliaments over Two Decades', *The Journal of Legislative Studies*, Vol. 17 (2), 2011, pp. 215-233; William E. Crowther, 'second Decade, Second Chance? Parliament, Politics and Democratic aspirations in Russia, Ukraine and Moldova', *The Journal of Legislative Studies*, Vol. 17 (2), 2011, pp. 147-171.
52. Crowther, *Ibid*, p. 167.

due to the general weakness of political parties.⁵³

The educational and professional competencies of both the legislators and support staff are also very important in shaping and reshaping the capacity of legislature. Indeed, no legislature can be stronger than the capacity of its members and support staff, which can be measured in terms of the educational qualification(s) and professional training of members.⁵⁴ Practically speaking, however, training and experience can be acquired through learning on the job, since practice, they say, leads to perfection. This second source of competencies is particularly useful, given that much of legislative assignments are technical in nature, which partly explains why periodic training on legislative procedures and technicalities is very important. The point should be made, however, that on-the-job learning by legislators will prove handier in a political system where majority of legislators are often reelected over and over again, than one where the rate of turnover is very high. Otherwise, the legislature will be denied the benefits of accumulated experience, and will have to start all over again the process of training new lawmakers. This is not only time consuming, but also expensive.

The educational and professional qualification of MPs, and the way this affects their legislative roles, is gradually emerging as a new focus of

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53. J. 'Shola Omotola, 'Constitutional Review and the Third Term Agenda: Nigeria's Democracy at the Crossroads', *The Constitution: A Journal of Constitutional Development*, Vol.6 (3), 2006, pp. 57-77; J. 'Shola Omotola, 'Democracy and Constitutionalism in Nigeria Under the Fourth Republic, 1999-2007', *Africana*, Vol. 2(2), 2008, pp.1-29; J. 'Shola Omotola, 'Political Parties and the Quest for Political Stability in Nigeria' *Taiwan Journal of Democracy*, Vol. 6(2), 2010c, pp. 125-146; J. 'Shola Omotola, 'Third Term Politics and the De-Institutionalization of power in Africa', *Africa Review*, Vol. 3 (2), 2011a, pp. 123-140; J. 'Shola Omotola, *Unconstitutional Changes of Government in Africa. What Implications for Democratic Consolidation?* Sweden: Discussion Paper 70, Nordic African Institute, Uppsala, 2011b, 49pp.
54. Joel D. Barkan, *Legislative Power in Emerging African Democracies*. Boulder, CO: Lynne Rienner, 2009.

research in Africa.⁵⁵ The situation could not have been different because level of education attainment can have impact on the 'role orientation' of individual legislators.⁵⁶ In this sense, Mattes and Mozaffar⁵⁷ found in their comparative study of the subject in Africa that 'well-educated MPs are more likely to see themselves as "institutionalists" interested in making public policy and overseeing executive actions, and less likely to see themselves as "partisan hacks" or "constituency servants". Unfortunately, the study also found gender gap between male and female MPs, with lower proportion of women found among the highest educational category, though in a way that is not statistically significant.⁵⁸

The last but not least is what Norton calls 'political will'.⁵⁹ This refers to the deliberate determination and willingness by MPs to fully exercise their powers to the best of their abilities and in national/public interests, whatever the odds. In the absence of such will, no amount of institutional capacity, namely formal powers, autonomy, electoral integrity and, educational and professional heights, can produce the magic wand for effective legislative performance. Political will is what is required to translate the law in theory into practice without any fear or favour.

Other important success factors include the existence of effective committee system, whose benefits have been earlier stated; as well as the lifespan of the legislature. The longer, the better, especially if many MPs are reelected. These conditions are essential requirements for any legislature

55. For example, Robert Mattes and Shaheen Mozaffar, *Education, Legislators and Legislatures in Africa*. Wynberg: Centre for Higher Education Transformation (CHET) and Higher education Research and Advocacy Network in Africa (HERANA), 2011.

56. Bryan D. Jones, 'Competitiveness, Role Orientations, and Legislative Responsiveness', *The Journal of Politics*, Vol. 34(4), 1973, pp. 924-947; James, H. Kuklinski, and Richard C. Elling, 'Representational Role, Constituency Opinion, and Legislative Role-Call Behavior', *American Journal of Political Science*, Vol. 21 (1), 1997, pp. 135-147.

57. Robert Mattes and Shaheen Mozaffa, *Education, Leguslators*, op cit., p. 1.

58. *Ibid*, p. 6.

59. Philip Norton, 'Adding Value . . .', op cit., p. 10.

desirous of effectively discharging its responsibilities. How much of these institutional capacity can be ascribed to the legislature in Nigeria at both federal and state levels? Subsequent chapters will address this important question.

SUPERFLUOUS OR MISCHIEVOUS? TYPOLOGIES/ CLASSIFICATIONS OF LEGISLATURES

Two broad approaches are identifiable for classifying legislatures in the literature. The first is what I call *institutional-structural approach* and the second, the *functional delivery approach*. The institutional-structural approach emphasises the number of legislative chambers/houses in existence in a country at any point in time. Using this yardstick, a legislature can either be *unicameral*, with only one legislative chamber, as the case is at state levels in Nigeria, or *bicameral*, having two chambers/houses as the case is at the federal level. But if the demarcation between unicameral and bicameral legislatures looks so simplistic and straightforward, it is not the same when it comes to rationales for their existence and adoption, both in theory and practice.

Interestingly, this is a debate that has been shrouded in controversy among political theorists and experts in legislative studies over the years. While the controversy over the basis of unicameral legislature has been of lesser degree, the case with bicameralism is not so. At least, it is almost a settled matter that unicameralism is most suitable to a unitary system of government, with fairly homogenous and usually small populations. In such political systems, 'a single chamber legislature may have time to engage in reflection on its own initial preferences with control exercised through the judicial processes.'⁶⁰

Arguments have been made for and against the adoption of bicameralism.⁶¹ The arguments for bicameralism have been summarised

60. Ibid, p. 10.

61. William H. Riker, 'The Justification of Bicameralism', *International Political Science Review*, Vol. 13, 1992a, pp.101-116; William H. Riker, 'The Merits of Bicameralism', *International Review of Law and Economics*, Vol. 12, 1992b, pp. 166-168.

as: Preventing despotism; creation of room for well-considered and welfare legislation; reflection of dynamic public opinion; protection of minority interests; representation of wise and experienced persons; strengthening of the legislative activities; and its assumed indispensability to federal systems. The arguments against include its alleged undemocratic structure; not indispensable for promoting minority interests after all, as constitutional provisions could be crafted to accommodate such interests; not indispensable for judicious and well-considered legislation; identification of responsibility not so easy; very expensive and time consuming, leading to delay in legislation; and its potentials to serve as obstruction in the way of expression of the unified will.⁶² These criticisms resonate well with the argument of Franklin, who declared that bicameralism is like 'a carriage drawn by one horse in front and another behind pulling it in opposite directions'.⁶³

Nevertheless, fundamental controversies subsist not only around role specifications, but also the form of relationship(s) that should exist between the two chambers. In terms of roles, while both the lower and the upper chambers perform similar roles, Norton⁶⁴ identifies its two most salient functions of the second chamber as that of *representation* and *reflection*. For him, reflection refers to 'the second chamber deliberating, usually but not exclusively on what the first has done'. The discharge of this power can be done through persuasion or coercion. It may also be proactive or reactive. Other studies⁶⁵ claim that it is usual for a second

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62. See Kishore, 'The Legislature', 2011, available at <http://kish.in/the-legislature/> (accessed on 15 February, 2012).
63. Benjamin Franklin, Quoted in Jayanthi Natarajan, 'The Second Chamber', *The Asian Age*, 2010, available at <http://www.asianage.com/opinion/second-chamber-459> (accessed on 15 February, 2012).
64. Philip Norton, 'Adding Value . . .', op cit., p. 7.
65. Meg Russell, 'What are Second Chambers For?' *Parliamentary Affairs*, Vol. 54, 2001, pp. 422-458; Meg Russell, 'Elected Second Chambers and Their Powers: An International Survey', *The Political Quarterly*, Vol. 83 (1), 2012, pp. 117-129; George Tsebelis and Jeanette Money, *Bicameralism*, Cambridge, MA: Cambridge University Press, 1997; William B. Heller, 'Divided Politics: Bicameralism, Parties and Policy in Democratic Legislatures', *Annual Review of Political Science*, Vol. 10, 2007, pp. 245-269; David Fisk, 'Superfluous or Mischievous? Evaluating the Determinants of Government Defeats in Second Chamber', *Legislative Studies Quarterly*, Vol. 36 (2), 2011.

chamber to have powers that are different from those of the first, especially in four main areas, namely legislation, which though usually initiated in the lower house, but the upper house has the power to amend or reject; financial legislation; dispute resolution; and constitutional amendments. The extent to which the second chamber can effectively discharge these roles is largely contingent upon its mode of composition, whether through direct, indirect election or appointment; and the system of government in operation, parliamentary or presidential.⁶⁶

It was Sieyes (1748-1836), an early political commentator, who wrote that 'if a second chamber disagrees from the first, it is mischievous, if it agrees, it is superfluous'.⁶⁷ This is where the core controversy lies. Is the second chamber desirable at all? (See the arguments for and against above.) Where they exist (and there are increasing number of such places), what should be their relationships with the lower chamber? Though there are overwhelming evidences in support of the expansion of bicameralism across the globe,⁶⁸ yet, the controversy initiated by Sieyes remains largely unresolved. The expansion of bicameralism should not be seen as a sign of its victory over unicameralism. As Norton concludes, 'there is no compelling case for either unicameralism or bicameralism or for a particular form of bicameral system the combinations available are myriad and the result of what each country has done, largely driven by what is seen as its particular needs'. As such, 'second chambers will continue to be the subject of dispute'.⁶⁹

The second classification of legislatures is on the basis of functional delivery, whose main focus is the extent to which legislatures are able to live up to expectations in the discharge of their duties. Using this approach, Mezey⁷⁰ divides legislatures into five types: active, vulnerable, reactive,

66. Meg Russell, 'Elected second Chambers and Their Powers, op. cit.

67. Abbe Sieyes, quoted in David Fisk, 'Superfluous or Mischievous? . . .' p. 1; also quoted in J. Natarajan, 'The Second Chamber', p. 1.

68. Meg Russell, 'Elected second Chambers and Their Powers.' Philip Norton, *Adding Value*, 2007.

69. Norton, 2007, p. 18.

70. Michael Mezey, *Comparative Legislatures*, Durham, NC: Duke University Press. 1979.

marginal, and minimal. An active legislature is one that enjoys substantial institutional autonomy partly because of mode of composition that privileges direct elections of MPs, which frees MPs from 'strong demands of loyalty to either the executive or their party, and thus afford them the opportunity to pursue their own or their constituents' policy references, even when they conflict with the policy agenda of the president'.⁷¹ Active legislatures, therefore, approximates Polsby's *transformative legislatures*.

All other typologies of Mezey have a common denominator, which is their inability to assert institutional autonomy and are, to that extent, under the strong influence of the executive and/or party, with limited policy role and varying degrees of elite support.⁷² A reactive legislature, exemplified by the British parliament, for example, is one where strong party control over nomination of candidates to electable positions on the party list, or to run in safe districts allows the governing party to be able to count on the loyalty of first time parliamentarians. In such legislatures, MPs have 'little incentives to challenge the executive because of the high expected cost and the low expected benefit of doing so'.⁷³ Similarly, a marginal legislature is one with 'restricted but perceptible policy role', with little support from the elite.⁷⁴ Likewise, minimal legislatures are those with little or no policy making power. The difference between it and the marginal legislature is that it is being more supported by the elite, than the marginal legislature, at least on the need for the existence of the legislature, but not in terms of granting it any power over policy making. These categories of legislatures, therefore, approximate Polsby's *arena legislatures*.

However, in a comprehensive review of Mezey's typology and the application of Honduran case, Taylor-Robinson⁷⁵ undertook a reassessment that led to his alternative classification, which though not totally at variance

71. Quoted in Taylor-Robinson, 1999, p. 614.

72. Michael Mezey, *Comparative Legislatures*, pp. 40-45.

73. Quoted in Taylor-Robinson, 1999, p. 614.

74. *Ibid.*, p. 41.

75. *Ibid.*

with Mezey's, came up with one new typology. His classifications are active, secondary policymaking, and reactive legislatures. So, Taylor-Robinson's main contribution is his secondary policymaking legislature, like the Honduran, where MPs':

incentives to act independently is constrained by means of getting elected and reelected, which requires the support and backing of party leaders rather than the mass public, thus making them dependent on the goodwill of those leaders. Thus, when the governing party's leaders are in agreement on matters of policy, the legislature can be expected to defer to the executive. However, when the party leaders are not in agreement on a policy matter, or when different policy options can be expected to have different impacts on competing leaders' political future, the legislature will not necessarily follow the executive and can play an independent role in policy making.⁷⁶

ACCOUNTABILITY AND RESPONSIVENESS: TO WHOM AND IN WHOSE INTEREST?

The question of accountability and responsiveness has been an important subject in legislative studies. It is a question that is indirectly related to the task of oversight institutions and actors. Put differently, who exercises oversight powers over legislators? Before reflecting on the debate, it is apposite to define what is meant by accountability and responsiveness. Simply put, accountability connotes institutions and processes by which public officers, or any persons for that matter, are made to act within constitutional limits in a way that ensures the actualisation of popular interests takes precedent over selfish cum partisan interests. In a related vein, responsiveness connotes 'a conscious and deliberate effort by the representative to match his decisions on matters of public policy to his constituency's policy preferences'.⁷⁷

76. Ibid, p. 615.

77. Bryan D. Jones, 'Competitiveness, Vile Orientations, and Legislative Responsiveness', *The Journal of Politics*, Vol. 34(4), 1973, p. 925.

But for Prewitt and Eulsu, responsiveness is 'an inter-collectivity relationship between a representational body and the community which it serves'. In this case, representation connotes 'acting in the interests of the represented, in a manner responsive to them'.⁷⁸ This kind of responsive representation is only possible, according to Jones, if two conditions are met. First, the representative must correctly perceive his/her constituency's attitudes on relevant political issues; and second, s/he must act in accord with his perceptions of his/her constituency's preferences.

Though a useful entry point, with a strong emphasis on responsiveness to the constituency, yet Jones tends to ignore the reality of the existence of many other centres of power competing for the loyalty of representatives such as 'national interests' and political party. Even at that, this entry point opens us to the old debate initiated by Burke in 1774 over whether a representative should be a *delegate* or a *trustee*. A delegate is a representative whose main tasks are to reflect the views and interests of his/her constituency. A trustee, on the other hand, is one who offers his/her own independent judgment of what is best for the nation, even if it conflicts with the interests or desires of his constituency. For Burke, the most desirable form of representation is the *trustee model*. As he powerfully expresses his position:

Certainly, gentlemen, it ought to be the happiness and glory of a representative, to live in the strict union, the closest correspondence, and the most unreserved communication with his constituents. Their wishes ought to have great weight with him; their opinions high respect; their business unremitting attention. But his *unbiased opinion, his mature judgment, his enlightened conscience, he ought not to sacrifice to you, to any man, to any set of men living*. Parliament is not a congress of ambassadors from different and hostile interests, which interests each must maintain, as an agent and advocate, against other agents and

78. K. Prewitt and H. Eulau, 'Political Matrix and Political Representation: prolegomenon to a New Departure from old Problem', *American Political Science Review*, Vol. 63, 1969, pp. 428-429; quoted in Bryan D. Jones, 'Competitiveness', pp. 724-725.

advocates; but *Parliament is a deliberative assembly of one nation, with one interest, that of the whole-where not local purposes, not local prejudices, ought to guide, but the general good, resulting from the general reason of the whole.* You choose a member, indeed; but when you have chosen him, he is not a member of Bristol, but *he is a Member of Parliament.*⁷⁹

Powerful and persuasive words, indeed! But one must be careful not to be unduly swayed by the oratory power of the message. Burke accords preeminence to national interest, and rightly so, but fails to recognise the tensions usually associated with balancing national interests with constituency services, which has become an important aspect of legislative business, most especially in developing countries. Moreover, Burke leaves readers unclear about his measures of *unbiased opinion, mature judgment and enlightened conscience*, all of which can be subjective, to enable us identify one when we come across it. While the parliament is, in principle, supposed to be guided by collective, as against sectional interests, most countries are yet to attain such heights in practice. Burke was, therefore, unduly idealistic.

The debate is alive and will not be resolved here. However, MPs generally owe responsibility to the people, more so in political systems where MPs are directly elected. In doing this, however, they must be conscious of the collective responsibility of the legislature as an institution to effectively discharge their constitutional responsibilities. This is why the legislative business privileges bargaining and compromise in order to satisfy all interests as much as possible. The need for compromise is even higher in third wave legislatures where the struggle for resources to meet constituency services tend to strengthen the hands of the executive over those of the MPs. Worse still, the reelection bids of MPs is not so much dependent on the mass public. The executive can undercut them by not

79. Edmund Burke. 1774. Quoted in Norman Ornstein, *The Role of the Legislature in a Democracy*, Freedom Paper No. 3, 1992. Available at <http://www.ait.org.tw/infousa/enus/media/pressfreedom/freedom3.htm> (accessed on 15 February, 2012, emphasis mine).

even fielding any MPs considered to be anti-governing party by engineering his/her downfall in primary elections.

MEASURING LEGISLATIVE PERFORMANCE

This chapter will not be complete without a short reflection on contending approaches for measuring legislative performance. These approaches are already self-evident in the preceding analyses, but should be clearly and coherently restated. Good enough, they are in tandem with what have been developed in the literature on comparative legislature.⁸⁰ These approaches are: formal powers cum autonomy approach; functional delivery approach; component approach; number and content of bills approach; and reputational approach.

The formal powers approach stresses the latitude of power constitutionally ascribed to the legislature and the extent of institutional autonomy it enjoys in its relations with the executive. The assumption is that the higher the powers and level of autonomy, the stronger the legislature and democracy. The functional delivery approach, on the other hand, harps on the extent to which the legislature delivers in the performance of its four core functions earlier discussed. But given trade-offs that usually characterise tensions between national and constituency's interests; this may be a difficult exercise. As Barkan notes, 'any given legislature might score high for one or two functions – say constituency service and representation – but not for the others'.⁸¹

A third approach is the component approach. Here, the main indicator is the quality of key components and actors in the legislative process such as the committee system, whose benefits have been earlier highlighted. With a vibrant committed system, a legislature is said to be well positioned to be able to simultaneously respond not only to many legislative matters, but also in a timely and quality manner drawing on the expertise of committee members, and vice versa. Barkan⁸² expresses his preference

80. Barkan, 2010; Steven M. Fish and M. Kroenig, *The Handbook of National Legislatures: A Global Survey*. New York: Cambridge University Press, 2009.

81. Barkan, 2010, p. 45.

82. *Ibid.*

for this approach. The fourth approach is the one that emphasises the number and content of bills passed by the legislature over a given period of time, as is usually preferred in the US. Useful as it may be, the number of bills passed is not sufficient to tell if the legislature is effective or not. Questions are now being asked about the origin of the bills, with studies showing the dominance of executive over private member bills in the process. Worse still, given that legislatures operate under different environmental conditions, it may be difficult to set a standard measure of the appropriate number of bills that will qualify a legislature as effective per session. For instance, if the legislature in Nigeria passes more bills than its counterpart in the US over the same period of time will that be sufficient to say that Nigeria's is more effective than the US'? Monetary inducements and party influence may facilitate easy passage of bills in Nigeria than in the US, given the high level of corruption in the former.

Finally, legislative performance can be measured through the reputation of the institution. The way the public perceives an institution is crucial for its performance. Where there is a high level of public trust, institutions tend to perform better, and vice versa. The problem with this approach, however, is the fact that perceptions are not always a reflection of reality. They allow rooms for subjectivity. National surveys/opinion polls on a longitudinal basis may help reduce subjective tendencies as such will show the direction, potency and consistency of such perceptions over time.

Since each of the approaches has its strengths and weaknesses, a combination of two or more may offer a more reliable way of measuring legislative performance. For example, if formal powers and autonomy are strong, this is expected to rub positively on functional delivery. Combining the two may, therefore, give a better framework for evaluating performance. Conversely, a strong committee system may not necessarily produce the desired results if the powers and autonomy of the legislature are weak. These are pointers to the interconnectivity of these measures and none of them may be entirely self-sufficient.

CONCLUDING REFLECTIONS: ON THE RISE OR DECLINING?

The chapter has attempted to frame contending theoretical issues in

comparative legislative studies that inform and guide the analyses undertaken in this book. To synthesise, these are questions bothering on evaluating legislative performance, with emphasis on Nigeria since 1999 within a comparative perspective. In engaging with this main issue, the chapter focused on crucial indicators and measures from the literature on comparative legislature. Specifically, the chapter engaged with a number of contentious issues in legislative studies: the core functions expected of a living legislature; the conditions that can facilitate the effective discharge of such mandates; typologies of legislatures; accountability and responsiveness; and performance evaluation.

However, there is one important issue that this conclusion will briefly reflect, which is the question of whether the legislature is on the rise or declining. It is not a question of raising an entirely new subject in the conclusion, having alluded to it severally in the body of the work. However, one may be tempted to say that raising the issue of whether the legislature is on the rise is uncalled for, given the age-long debate about the decline of the legislature. The decline of the legislature is generally encapsulated in its relative powerlessness vis-à-vis the executive. It also includes the seeming general meltdown in public confidence regarding legislatures,⁸³ and other internal and external pressures that strengthen the executive in relation to the legislature and civil society by reducing opportunities for institutionalisation of the social partnership.⁸⁴ The dominance, if not monopoly of executive bills over private member bills, probably for lack of institutional capacity for the latter in relation to the former, is an indication.

Yet, one can speak about the rise of the legislature in some informed ways. One, the relative longevity of the life span of legislatures in ways unprecedented, especially in young African democracies, is an indication of such a rise. And there are sufficient reasons to assume that the trend

83. John G. Matsusaka, 'The Eclipse of Legislatures: Direct Democracy in the 21st Century', *Public Choice*, Vol. 124(1), 2005, pp. 45-177.

84. Nancy Dick Hether, 'Interest Representation and Post-Communist Parliaments: The New Wave', *The Journal of Legislative Studies*, Vol. 17(2), 2011, pp. 215-233.

will continue for a longtime. Notwithstanding the recent reincarnation of coups-d'état on the continent, it is pertinent to note that unconstitutional change of government through coups-d'état has become unfashionable; indeed, totally unacceptable globally and in Africa.⁸⁵ If the trend continues, as envisaged, legislative institutions will gain longer life span and through institutional practices and adjustments may assume more maturity and prominence in governance. Armed with these, legislative performance is bound to be better in all ramifications.

The study has research and policy implications. The research implications, which necessarily have to do with in-depth, comparative and case studies at both national and sub-national levels, have been accommodated in subsequent chapters of this book. At the policy level, however, there is need to pursue policy options that will engender the incentives of MPs to fully explore and exploit their constitutional powers in the best interest of the nation without any fear of repercussions. This requires investing heavily in building the institutional capacity of the legislature, including independent funding, periodic training and stable and resourceful leadership. Finally, attaining these also requires electoral reform that reduces the stronghold of the executive on the electoral processes within parties and generally. This way the reelection bids of MPs will no longer be exclusively determined by the executive. As the Nigerian experience has revealed, like in post-communist countries, concerns over reelection often tend to force the hands of MPs to go with the executive on matters of national significance where, ordinarily, they would have acted otherwise.

85. J. 'Shola Omotola, *Unconstitutional Changes of Government in Africa. What Implications for Democratic Consolidation?* Sweden: Discussion Paper 70, Nordic African Institute, Uppsala, 2011b, 49pp.

CHAPTER 2

Legislature-Executive Relations and the Future of Democracy in Nigeria

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INTRODUCTION

In separating powers among the Executive, Legislature and Judicial branches, however, the framers did not assign each a totally distinct function; rather, they made each share the function of government in such a manner as to be dependent on the other. The system of "checks and balances" thus relies not upon independence but interdependence among the branches.¹

That democracy in Nigeria is on trial is not a subject of contestation. The battle line has so far developed in multiple arenas and cut across vital constitutional issues that threaten to suffocate the process of democratic consolidation. One of the morbid symptoms of this deep and unsettled condition in our democratic order is the gladiatorial contest between the executive and the legislative arms of government, both at the federal and state levels. At the national level, this escalating contest has found manifest expression in the differences between the executive and legislature arms of government over 2000 Appropriation Bills, the Anti-Corruption and Niger Delta Development Commission Bills, the saga of the alleged

1. Denenberg, R.V. *Understanding American Politics*, Glasgow, 1973, p. 31.

₦4m bribery of the House of Representatives members to evict the former Speaker of the, Na'Abba, the offshore-onshore impasse and the series of exchanges culminating in the impeachment sagas in the Assemblies have developed in some cases into executive thuggery as sponsored agents (students in Abia state and police in Osun state) descended on defenceless legislators.

For some observers, these developments are transient and normal in the process of democratic consolidation in Nigeria. As one government functionary puts it.

These are all necessary tensions that characterise the fine-tuning of the democratic process; it is healthy in so far as it shows that both the legislature and the executive are alive to their constitutional responsibilities not to yield ground on principles. Such tension should, therefore, be seen as positive energies, which will be used to transform the landscape of our democracy.²

There is some truth in this position as it is to be expected, that in the system of "checks and balances", the executive acts as the legislature enact routine through enabling laws. Periodic and episodic tensions are therefore to be expected as divergent constituency and pressure group interests intrude into the political process. However, in the fragile and plural social order of Nigeria, where such tensions degenerate into personality and ego wars (as is currently the case in many states), the consequences for the stability of the system could be incalculable. The fallout of such acrimonious relationship between the executive and the legislature could be fatal to the process of democratic consolidation.

The expansion of democratic space and system maintenance depends critically on executive-legislature harmony, as the success of the presidential system is "predicated on mature democratic spirit and behaviours of its operators". On this view, a proper appreciation of our subject of discussion requires a preliminary contextual clarification of basic issues inherent in the theory and practice of the presidential system. This will be followed

2. Dorgu, S. "Democracy on Trial in Nigeria", *The Guardian*, 8 August, 2000, Lagos.

by the discussion as to why stable, productive and functional process of governance in the Fourth Republic can only be predicted on synchronisation (harmonisation) of objectives between the legislature and the executives if balances, order, stability, and consensus habits are to replace the prevailing condition of uncertainties, conflict of role, change and disorder that threaten to engulf the federation.

PRESIDENTIAL SYSTEM AND ITS DISCONTENTS

The adoption of presidentialism as a constitutive principle of government by the architects of 1999 constitutions was a conscious decision to address the specificity of our plural social system. In a society with deep primordial segmentation along ethnic and religious lines, the fusion of the executive and legislature in the Westminster (parliamentary) model poses serious problems for constitutional practice. This structural divisiveness could be and has been exploited by the opposition in parliamentary setting to either extort unpopular concessions or topple hapless regimes with a rapidity that defies logic or reason as seen in the French and Italian experience. This is so because the Westminster model with close relationship between the executive and the legislature is not only essential; its absence brings government to a standstill³. The executive needs "legislature majority to carry on in government".

On the other hand, since the cabinet in the parliamentary system also command the majority in the Legislature, the system could, as in Nigeria's First Republic, create a constitutional despotism "since an executive in control of the Legislature and the legislative process is in the position of a near-absolute ruler".⁴ Both systematic tendencies in the parliamentary system make it less attractive to plural social systems such as Nigeria. Its enforcement in other African countries has resulted in either a *de facto*

3. Baily, S., "Democracy on Trial in Nigeria", *Guardian*, 8 August, 2000 Lagos.

4. Ben Nwabuzue, *The presidential Constitution of Nigeria*, London, Hurst 1982. Also see his "The Working of the Presidential System, the Executive, the Legislature, and the Local Government Level, Seminar proceedings on the Presidential System of Government at the Local Government Level, Abuja, 26-28 February, 1992.

one-party state through the process of political channelisation, the process, that is, of "controlling and ordering demands of a politicised mass public through organised and concerted action" or in a hegemonic party (one-party dominant) state where a party "assumes such a pre-eminence within the political system that it is in a powerful position to determine the performance of other parties within the system".⁵ These were the dangers that the architects of the 1979 constitution sought to avoid by adopting the presidential principle of separation of powers. Again, as Ben Nwabueze has succinctly argued:

By its very nature, the executive function is inherently prone to arbitrary use, but its propensity to arbitrariness would, be greatly accentuated where the function of law-making also reposes in the same hands. For it is not just that the repository of the combined power can pass oppressive laws and then execute them oppressively, he can also oppress individuals by administrative acts not authorised by law and then proceed to legalise his action by retrospective legislation. Government in such a situation is not conducted according to predetermined rules; it is a government not of laws but of will, a government according to the whims and caprices of the ruler.⁶

In a highly politicised and segmented society such as Nigeria, the peril of political instability arising from "vote of no confidence" on the one hand, and the risk of constitutional despotism, on the other, inherent in the parliamentary system, the dual principles of "separation of powers" and "checks and balances" is highly commended under the presidential system, both the legislature and the executive are independent of each other" and the "existence and continuity of one does not depend on the other". The beauty of presidentialism is that the executive can continue in government without a majority in the legislature'.⁷

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5. B.J. Dudley, *An Introduction to Nigerian Government and Politics*, London Macmillan 1985, p. 180.
 6. Ben Nwabueze, *op. cit.*
 7. Centre for Democratic Studies, *Certificate of Competence in Local Government Training Modules*, December 1992, p. 2.

However, since by its very nature as asserted above the executive function is inherently prone to arbitrary use. In order to entrench popular sovereignty and ensure leadership accountability, the constitution reposes in the legislature enormous powers to limit the executive capacity and scope for arbitrary and oppressive actions against the people, by reason of the fact that "most executive acts violating or interfering with private rights or interest require to be authorised by law made the legislature".⁸ These powers include law-making, judicial and investigatory powers, financial powers, and confirmation along with impeachment powers. As one commentator puts it, "these, are draconian and frightening powers and they cannot but create anxieties in any rational mind. Great care needs to be exercised in the use of these powers".⁹ However, given the manifest tendency in our political culture for public officers to gravitate toward despotic excesses, whether at the federal, state or local government level, constitutional incapacitation of the "overbold and unwary" is the only assured protection for the public against "psychosis of power".¹⁰

Nevertheless, the executive is not simply a cog in the wheel of the system. The doctrine of separation of powers is also complemented by the principle of checks and balances. This implies that

The execution of law usually involves the exercise by the executive of discretion whether or not to do so, and he may refuse to execute or enforce a law that he considers oppressive. Moreover, the fact that the legislature had no control over the execution of its laws and cannot therefore prevent them being enforced against its members may deter it from passing oppressive laws knowing that the executive may enforce such oppressive laws equally against the legislators themselves as against other citizens.¹¹

Under the 1999 constitutions the executive, symbolised by the president, the state governors and local government chairmen are

8. Nwabueze, *op. cit.*

9. CDS, *op. cit.*

10. *Ibid.*

11. Nwabueze, *op. cit.*

exclusively responsible for policy formulation, policy implementation, including the execution of the provision of the laws, and the general administration of the country. But since the legislature is also vested with the powers to vet and monitor the implementation of projects and programmes, as well as advise, consult and liaise with the executive in the course of carrying out the functions, it follows logically that stable and smooth administration of the country depends critically on legislature executive accord and cooperation.

PROSPECTS

Although, in relative terms, the presidential system provides a better hope for a stable polity in a plural society such as Nigeria, the separation of powers also implies a certain degree of opposition between the legislature and the executive, "each anxious to assert and guard its independence".¹² In a condition of opposition majority, the entire legislative assembly is in a sense in opposition of executive as in certain states, thus accentuating the risk of a "confrontational or capricious assertion of the assembly's independence". This structural problem is in a sense the intended outcome of the constitutional architecture of the presidential system:

The great security against a gradual of the several powers (of government) in the same department wrote Madison (in Number 51 of the FEDERALIST) consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of others. The provision for defence must in this, as in all other cases, be made commensurate to the danger of attack. Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place.¹³

As one of the architects of the America presidential system, Madison's observation provides a classic rendition of the doctrine of "checks and balances"; the "system of checks and balances" relies not upon

12. Rossitter, C., *The American Presidency*, N.Y., 1970, p. 151.

13. Denenberg, op. cit.

independence but inter-dependence among the branches. Congress would enact legislation, but the president could veto it. The courts would construe the law, "but the judges would be appointed by the president with the consent of the senate".¹⁴ It is in this regard that the current tension, disagreements and apparent confusion between the executive and the legislature over vital provisions of bills emanating from the presidency can be considered inevitable resultant of the system. This is so because as Professor Finer puts it: "The ambition of the Senator or the Representative is opposed to that of the President".¹⁵ First reason is because the future of the Senator or the Representative is "bound up with deferring to his locality, not with representing the nation". Second, his time scale is different: the Assemblymen want to stay indefinitely, and this "means surviving several presidents whose personal terms are limited to a maximum of two full terms (eight years)". Hence, the Assemblymen will "often be disposed to vote down the president's policy if this means perpetuating their own tenure of office". Third, the highest pinnacle which the Assemblymen can attain is not, as in most parliamentary system in Europe, to become a minister and part of government, but to become a chairman of an important committee" and this demands that "he hangs on to his seat as long as possible, owing to the operation of seniority rule".

Detractors of both the presidency and the legislature have, however, viewed their acrimony as sordid remainders of our morally bankrupt social system. As one commentator recently notes:

The executive at the federal level has asserted its powers many times without recourse to the courts, which portrays it rightly or wrongly as dictatorial. Some of its actions are constitutionally questionable. The legislature is not better. For months, it agonised about autonomy and separation of powers. It happily coveted the executive function of awarding building and town planning contracts. The executive said that it had no such powers.¹⁶

14. *Ibid.*, p. 3.

15. Finer, *Comparative Government*. Harmondsworth: Penguin, 1985.

16. See Lawrence, "B., The Free-Riding Nigeria System", *The Guardian*, Lagos, 18 September, 2000.

The root of these problems can only be adduced from the ineluctable tendencies of our less than noble past in democratic experiment.¹⁷ Since in all instances of executive-legislature conflict so far reported, the battle-line has seldom been neatly drawn between the two arms of government as a collectivity (the executive in most cases has its sympathisers among the lawmakers). The fundamental root of these contests goes beyond the mere expectation of inevitable differences attendant on novel constitutional experiment or as "part of the necessary learning curve for the individual and for the nation". In others it has less to do with the fact that the problems being experienced now, as one of the state governors put it, "in the new structures are to be expected. They are normal teething problems of a new system. With time, they will fade away".

On the contrary, the debacle of the two previous experiments in constitutional practice in Nigeria (the first and second republics) and the current seething developments in executive-legislature relations suggest a deep and ubiquitous problem rooted in or political culture. First is the reciprocal expectation concerning the nature of reward, which continues to condition the behaviour of the political class in ways that defy constitutional propriety and civility. Politics continues to be seen by the politicians not as a call to service, but as a "clearing house for jobs, contract and official plunder". In the face of policy disposition by an executive bent on "fighting corruption" as a fundamental principle of governance in Nigeria (as the current president has so declared), then a major fallout is expected with legislator bent on perpetrating a rapacious mode of political behaviour and its attendant social and economic consequences. Unfortunately, executives themselves at all levels have not been able to match their words of transparency with deeds in the light of widespread revelation of sordid practices of administrative functionaries through inflated contract awards and allowance. This prevailing situation against the centrality of prebendal politics in the Nigerian polity is the "intensive and persistent struggle to control and

17. Omo Omoruyi, Text of an address at the formal opening ceremony of the training workshop for state legislators, Abuja, February 1992.

exploit the offices of the state, which guides the behaviour of political actors and yield reasonable expectation concerning their actions". As defined by Joseph, prebendal politics refers to:

Patterns of political behaviour which rest on the justifying principle that such offices should be competed for and then utilised for the personal benefit of office-holders as well as of their reference or support group. The official public purposes of the office often becomes a secondary concern, however, much that purpose might have been originally cited in its creation or during the periodic competition to fill it.¹⁸

The resilience and intractability of this syndrome of the Nigerian political process only found a graphic expression in the exposure of the senate committee which indicted a number of its officers, including the senate president. It has also regrettably been the source of the cankerworm (corruption) and "everything vile, brutal and oppressive" in the political system. As Azikiwe forewarns:

with the vice permeating the country, the prestige of our nation will dwindle to the vanishing point, defacing our national image and bringing shame to those who wear the "agbada" of Nigeria citizenship.

Unfortunately, Dr. Azikiwe's warning went unheeded by subsequent national leaders (military and civilian) and the consequent damage to the national psyche could be seen in a world outlook where every Nigerian is a potential "dupe". This sobriquet was reinforced when in the annual report released by the Germany-based anti-corruption agency, Transparency International-surveyed by the group, the Federal Republic of Nigeria topped the list of the corrupt countries of the world ("the chart of shame").

Conversely, as one commentator put it, "in a reversed order Nigeria is the last country to be trusted on matters of transparency and integrity". Climbing up from the 27th position in the previous assessments, "Nigeria scoring so high on corruption at this very period of democracy in which the war against corruption is the fundamental agenda of the government

18. Richard Joseph, *Democracy and Prebendal Politics in Nigeria*. Spectrum Books, Ibadan, 1991.

should worry a lot of people in and out of Nigeria”¹⁹. Hence, his trenchant assertion that:

Perhaps the real lesson for Nigerians and their leaders from this show of shame is the fact that corruption is a dangerous cancer on the way of national development. Nigeria will never grow as long as corruption goes unpunished anywhere it occurs. And as the report clearly reveals corruption is wreaking enormous damage on the polity and the democracy is at its highest. Our distinguished senators and honourables must now know that if, indeed what we have was democracy, and they as the key players have parted ways with it and have desecrated the game and should naturally consider themselves enemies of the people. Instead, they are demanding respect and ovations, when in fact; they have broken the faith and become imposters and social burden.²⁰

There is no doubt in the nation’s collective experience as a country, that the cancer of prebendal politics and the culture of settlement, mediocrity, opportunism and thuggery it promotes has constituted the bane of our societal progress. It is “often wasteful, unproductive and contribute to the increasing affluence of a relative few, paltry gains for a larger number, and misery for the great majority of the people”. Furthermore, since it is “a self-justifying system which grants legitimacy to a pattern or persistent conflict, and since its *modus operandi* is to politicise ethnic, regional and linguistic differences, it serves to make the Nigerian polity a simmering cauldron of unresolvable tensions over which a lid must regularly be clamped, and just as regularly removed”.²¹

This entrenchment of political culture of “primitive accumulation” has not only attracted unpleasant description of “rogues, contract seekers, looters, jerks, hustlers and columns” of the current political leadership at all levels, but has been seen as the greatest challenge to democratic consolidation in Nigeria. Thus, the question this generation of lawmakers

19. See, Ikhariale, M., “Nigeria’s Badge of Shame”, *The Guardian*, Lagos, 18, September 2000, p. 63.

20. *Ibid.*

21. Richard Joseph, *op. cit.*, pp. 10, 12.

will have to ask themselves in the national interest is whether "democratic politics will continue to be two sides of the same coin in Nigeria; each being turned over to reveal the other? Or will the gathering storm of change already begun in the National Assembly usher in countervailing mechanisms or processes that will 'transcend the stultifying embrace of democracy and prebendal politics in Nigeria?'" Current evidence of the hedonistic life style of the political class suggest otherwise. As a special edition of a newsmagazine laments "the malaise of an over-bloated government characterised by profligacy and waste endangers the country's hard-earned democracy and does very little to alleviate poverty".²²

The second reason for aggravated tension between the executive and the legislature is essentially rooted in the mindset bequeathed by nearly 30 years of military despotism. The operatives of our democratic system today have directly or indirectly undergone their political socialisation under authoritarian and repressive military rule. As Dudley observes, it needs little argument to show that military regime is hardly "the model to inculcate the tolerant, participant attitudes required for a democratic game".²³ While the democratic game "requires a participant civic political culture, praetorianism provided a managerial model calculated to engender subject, directive political attitudes".²⁴

A number of observers of executive-legislative conflict at both the national and state arena have attributed the problem to the abrasive legacy of military tyranny. As Stella Dorgu laments:

The effect of military's myopic; approach to solving problems has left almost indelible big scars on the psyche of the civil society. It will be tedious therefore to expect a swift mental change with the introduction of civil rule. We have just left the starting blocks. Military tendencies will decay gradually if efforts are made in the right direction to evolve a democratic society. Thus, the greater majority of members of our

1. *THIS (Special Edition) Lagos, 23 December, 2002.*

2. *Ibid.*

3. *Ibid.*

honoured legislature in the nascent democratic experience have not enough relevant experience to fall back.²⁵

Thus, a number of miscalculations of the Obasanjo administration in relation to policy matters requiring legislative approval (such as the deregulation of petroleum products and the UBE Bill) were attributed to the "militaristic and authoritarian mindset" of the executive.

On the other hand, members of the Assembly, as Lawrence notes, "think they have the power of life and death. Yet only the court can interpret whether they have such powers. But they won't go to court".²⁶ This over-bearing mindset and group-think factor have been held responsible for the fiscal rascality displayed in the national and some state assemblies. Nigerians, observes Gaff Ekata, "did not celebrate the demise of Abacha only to remain in the stranglehold of his henchmen-in-politics whose understanding of the new order is that of democratic corruption".²⁷ The resistance of the former Speaker of the House of Representatives, Alhaji Umar Ghali Na'Abba, to internal accounting process reinforces this observation. Finally, the melodrama in executive-legislative relations suggests a human dimension.

At issue in the executive-legislature conundrum are often two conflicting conceptions and perception of relative institutional grandeur, two different views of the constitutional process, and two variant visions of the future. Furthermore, what gives the controversy its tragic quality is that each view might have prevailed but for the existence of the other. In terms of institutional checks and balance, each group has the power to prevent the other from realising its objective; neither can achieve its own in practice without the co-operation of its opponent, despite the provision which allows the legislature to override executive veto by two-thirds majority. What this complex and evolving situation, therefore, suggests is that:

25. See, *The Guardian*, Lagos, 8 August, 2000.

26. *ibid.*

27. *The Guardian*, Lagos, 25 September, 2000

Government is a web of interlocking relationship. The legislature, in other words, cannot function in isolation. This also applies to the executive. Herein, lies the problem of legislature-executive relationship in a presidential governmental arrangement, i.e. between the autonomy conferred on each arm of government in virtue of the principle of separation of powers and the imperative of co-operation given the logic of government as an interactive process.²⁵

Democratic governance in a highly politicised and atomised social context such as Nigeria demands a high level of professionalism and mutual accommodation among its operators. This is essence of political pluralism which implies that "decisions are founded upon compromise and that various facets of society have a voice of government". Policy automatically "represents a consensus". Each group goes "away with the satisfying feeling that it has got whatever was possible". No group is "completely dominant and none is shut out and left to smoulder with resentment". The upshot of pluralism, therefore, is "contentment and stability". The evils of "faction", so feared by the founding fathers of the presidential system, are done away with, not "by abolishing factions but rejoicing in their multiplicity and their natural tendency to hold each other in check".²⁶

The case for the imperative need for legislature-executive harmony and synchronisation of objectives is strengthened by the consideration that the separation of powers among the three branches of government does not "assign each a totally distinct function: rather they made each share the function of government in such a manner as to be dependent on the other". The system of "checks and balances" thus "relies not upon independence but interdependence among the branches".²⁷ The legislators must, therefore, "give the executive the latitude within which they can function effectively in executing the laws of the land". Executives, on the other hand, "must appreciate that democracy triumphs with minimal executive proclamations, and must not assume the legislative prerogative

25. Omo Omoreyi, *op. cit.*, p. 2.

26. Deneberg, *op. cit.*, p. 2.

27. *Ibid.*

of rule making: executive pronouncements must be tempered or moderated by a due recognition and appreciation of the sensitivity of the legislative arm of government".³¹ As Omoruyi notes:

The deleterious consequences of a legislative arm of government pitched in battle against the executive and the paralysis such a battle causes both for the functioning of government and the overall development of the state and its people must dictate rationality in behaviour on both sides of the legislature-executive divide.³²

This observation does not, imply capitulation on constitutionally assigned functions for either side or collusion among the two arms of government on the administration of its jurisdictional responsibilities. On the contrary, as Davies³³ argues, the import of the doctrine of separation of powers is:

That there is no way by which the executive and legislature at the local government level will be relevant to their community if all that the two organs do is for each to use its power of restraint to obstruct the other. Political maturity and mutual accommodation of political differences are therefore required from the actors at the local government. Especially when, as it does happen, the executive is controlled by one political party while the legislature is being controlled by another party.

Indeed, if there is any single occurrence the architects of the presidential system were trying to avoid, it is the danger of collusion of rulers against the ruled. To preclude that eventuality, the "framers took pains to make each component of the government dependent upon a different "constituency".³⁴ The plan in Madison's word was to give each "the necessary constitutional means and personal motives to resist enrichment

31. Omoruyi, op. cit.

32. Ibid.

33. A.E. Davies, "The Relevance And Application of the Concept of Separation of Powers at the Local Government", Proceedings of Seminar on the President System of Government at the Local Government Level, Abuja, 26-28 February, 1992, p. 58.

34. E. Corwin, *The Constitution and What it Means Today*, New York Collier, 1973, p. 89.

on the others. Ambition must be made to counteract ambition".³⁵ Thus, however much that arrangement might seem like "a guarantee of governmental inertia, a built-in proclivity for doing nothing, such, in the framers' minds, was the price of avoiding tyranny".³⁶

Nevertheless, the realities of contemporary trends in the management of the modern state system unalterably suggest that for the smooth running of such a complex system, there is need for its practitioners to comply with certain norms of professional courtesy (to "disagree without being disagreeable"), and institutional patriotism and loyalty. In modern political parlance, a rigid adherence to one's views smacks of sectarianism. Sectarianism of whatever persuasion (right or left) assumes closed irrational and dogmatic positions. They are both reactionary because, starting from their respective false views of society, "both develop forms of action which negate freedom". As Freire argues, the only difference between the rightist sectarian and his leftist counterpart is that:

The former attempts to domesticate the present so that (he hopes) the future will reproduce this domesticated present, while the latter considers the future pre-established — a kind of inevitable fate, fortune or destiny. Closing themselves into circles of uncertainty from which they cannot escape, these men 'make' their truth. It is not the truth of men who struggle to build the future, running the risks involved in this very construction. Nor is the truth of men who fight side by side and learn together how to build this future. Both types of sectarian, treating history in an equally proprietary fashion end up without the people — which is another way of being against them.³⁷

In the course of their stewardship, what our government managers need is an educational orientation (in term of "resocialisation" and "reacculturation") that advances the process of "dealing critically and

35. Bailyn, B., *op. cit.* p. 102.

36. Deeney, *op. cit.*

37. Paulo Freire, *Pedagogy of the Oppressed*, Harmondsworth, Penguin, 1968, p. 18.

creatively with social reality and discovering how to participate in the transformation of their world' instead of myopic and short-term infatuation with "rat race".³⁸ This is because the challenges of the presidential system require a "unity of opposites". Its success, as the *Centre for Democratic Studies Manual* observes, is predicted, no mature democratic spirit and behaviour or its operators.³⁹ The men and women expected to operate the system must be imbued with superior national and state interests; the system fails in the hands of "parochial small-minded operators". In the final analysis, therefore, the stability of the political system will depend on the balance which the legislators and the executives are able "to strike between the competing demands on the two arms". This is all the more so in situations where "the rational and sophisticated choice of the voter has resulted in placing one party at the helm of executive affairs and the other party in dominance in the legislature".

It should be observed that given the unpredictable and capricious domestic and international circumstances, the executive at the national level could be a protean institution; the office could acquire power by "usage while staying more or less within the spirit of the original document's system of checks and balances". Thus, Rossiter argues in the American context, that the "modern presidency has grown from meager constitutional beginnings, testifies to the energy of the men who held the office and to the severity of the crises during which the country sought salvation in a strong executive". This changing operational environment has transformed the American president into "chief executive, legislative leader, head of state, leader of his party, supreme diplomat and chief warrior".⁴⁰

What this implies in the Nigerian context is that the constitution is not a static but a dynamic instrument of governance. Its application in changing generational circumstances is subject to judicial interpretation, formal amendment, custom and usage, which help ensure flexibility of the

38. *Ibid.*, p.4.

39. CDS Training Modules, *op. cit.*, p. 219.

40. Rossiter, *op. cit.*

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38. Ibid., p.4.

39. CDS Training Modules, op. cit., p. 219.

40. Rossiter, op. cit.

constitution. Although the presidential system was designed to prevent the "accumulation of unchecked power" in today's changing domestic and global circumstances, the Nigerian public also expects a "nation that speaks with a single voice" in international arena and a president that performs. The amorphousness of the legislature, the "polymorphousness of group pressures, the fragmentation of the executive branch itself — all thrusts the presidency into the center".⁴¹ As one analyst puts it, "if there is a genius of the constitution, the office of the president is one of its outstanding products".⁴² The "amorphous legislature reflects, the multifarious lobbies refract, the labyrinthine bureaucracy services", the needs and aspiration of polymorphous society. The presidency focuses them. If it "did not exist it would have to be invented. It is the one point of contact between the three. The entire burden is thrust upon the shoulders of one man".⁴³ But despite this observation, the executive by dint of constitutional imperative must reckon with the legislature. The executive "must be a lion, but he must also be the fox". If he can handle the legislature, his "power and authority is indeed' immense; if he cannot, it is blighted; if he will not, policy marks time and government declines into administrative routine". This seems to me the ultimate test of democratic consolidation in Nigerian in the 21st century.

41. R. Neustadt. *The Presidential Power*, New York, Wiley, 1962, p. 39.

42. White, T., *The Making of the President*, Cape, 1960, p. 135.

43. Finer, *op. cit.* p. 251. 21

CHAPTER 3

Intra-Governmental Relations and Democratic Consolidation in Nigeria's Fourth Republic

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INTRODUCTION

This chapter attempts a critical examination of the relationships between some organs of government in Nigeria's Fourth Republic with a view to evaluating their impact on democratic consolidation in the country. These key and central organs of government include the legislature, executive and judiciary, among others. Undoubtedly, the nature of the broad and deep interface between these institutional actors that relate sometimes at the same level, intra-governmental, or across different levels, inter-governmental, constitutes the fortunes or misfortunes of democracy in any part of the world. In the light of this, it is most probable that the success of the advanced democracies, most of which are characterised by democratic consolidation and overall development, can be traced to the harmonious relationships between sensitive public institutions.

In the case of Nigeria, relationships between key institutions of government have been largely frosty and acrimonious, despite the acclaimed preference of the ruling class and majority of the citizenry for democracy, and the unprecedented sustenance of civil rule for eleven years (1999-2010). It is rather curious that in spite of the evident control of the political landscape by the ruling People's Democratic Party (PDP),

from the outset, the relationships between the critical institutional actors have been characterised largely by acrimony and suspicion. In view of the over-bearing and overriding influence of the central government in Nigeria's peculiar federalism, and its impact on the performance of the country's democratisation, our analysis of intra-governmental relations shall concentrate on the activities of the public institutions mentioned above at the national level. It is, for instance, necessary to critically examine why the presidency of Olusegun Obasanjo was enmeshed so frequently in unhealthy conflicts with the National Assembly and some other public institutions between 1999 and 2007? What accounted for similar acrimonies in many other parts of the country? How plausible is the allusion that the hangover of military rule, especially as exemplified in the personalisation of public office, egoism and equating of personal interests with national interests, accounted for the frosty relationship? Can the same explanation be applied to the large presence of ex-military rulers and retired army generals in the PDP, and the frequent intra-party squabbles? How did President Umaru Yar'Adua and his successor, Dr. Goodluck Jonathan, manage a less frosty relationship with the other arms of government? Are there any significant contributions to all of these disharmonious relationships by other party and election financiers, most of whom are also owners of the private mass media and important opinion moulders in Nigeria? These questions and several others shall guide our discussion in this chapter.

DEFINITIONAL AND CONCEPTUAL ISSUES

Basically, we shall explain and operationalise the functions of key institutions like the legislature, executive and judiciary with the main objective of elucidating an aspect of their relationship – intra-governmental relations – and its impact on democratic consolidation in Nigeria's Fourth Republic. However, there is also the need to discuss the relationships between these key organs of government and others such as the mass media, political parties, pressure and interest groups, the police as well as other regulatory agencies that constitute the "political system".

The conceptualisation of the first three sensitive organs of government

shall benefit from the early writings of Montesquieu and some other notable scholars. According to Montesquieu, the legislature, executive and judiciary essentially perform the distinct functions of legislation, execution and adjudication of law. In order not to concentrate absolute powers that could corrupt absolutely in an individual or an institution, Montesquieu analysed the importance of the separation of powers. This principle has been adopted by many other prominent scholars as a necessity for “checks and balances” in the operations of modern government.¹ However, according to Willoughby² and a few others, this division is “unscientific”; and this is probably because of the inter-connectedness of the functions and operations of these institutional actors. Nevertheless, the preponderance of opinion seems to be in support of the logicity in the idea of separation of powers.

Drawing from the position of the Montesquieu School of Thought, the legislature in most modern democratic systems is saddled with the responsibility of representation and law-making. This arm of government is also often imbued with the constitutional powers of oversight functions on the other governmental institutions especially the executive. In simple terms, “oversight” or to oversee is to watch over somebody or something with a view to making sure that the person or structure carries out an assigned responsibility effectively and efficiently. The oversight function of the legislative arm, therefore, connotes a state of “being in charge by the legislature to ensure that the executive and other arms discharge the quality of services expected of them at the appropriate time”.³ In performing the oversight functions, the legislature is not only expected to monitor but also to review the activities of the executive arms of government in

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1. See Rousseau, J.J. (ed.) (1913). *The Social Contract and Discourses*, G.D.H. Cole, London, Everyman Library, Lasslet, P. (1960). John Locke: *Two Treatises of Government*, New York: New American Library, Olson D.M (1980). *The Legislative Process: A Comparative Approach*, New York: Harper and Row Publishers.
 2. Willoughby, W.F. (1939) *Principles of Legislative Organization and Administration*, England: The Brookings Institution.
 3. Bello Imam, I.B. (2005). *The War Against Corruption in Nigeria: Problem and Prospects*, Ibadan: College Press and Publisher.

particular. Thus, it means that the legislature helps to ensure transparency, accountability and the implementation of public policies that are enacted into law for the public interest. All of these, no doubt, place the legislature at the heart of the operations of democracy and, indeed, distinguishes the democratic system from other forms of government including military rule, especially in Nigeria and many other less-developed countries.

Statutorily, the executive arm is responsible for the implementation of legislations, policies and laws that are formulated by the legislature. This function makes the executive the action part or the most obvious part of government. In fact, it is the basis for the description of the executive as the government itself. Obviously, this is mainly because it consists of the leaders of the state and political elites most especially those responsible for the day-to-day running of the state—the bureaucrats and civil servants. Quite importantly, its activities impact directly on the well being of the generality of the citizens in such areas as provision of social amenities, protection of lives and property, building of essential physical infrastructure like roads, bridges, dams, power plants and others as well as providing an enabling environment for the economic empowerment of the people.

The third main organ of government, the judiciary, is responsible for the interpretation of the law, especially its knotty and difficult aspects. Also, during occasional frictions and conflicts, the judiciary is saddled with the responsibility of settling disputes that may arise from the relationships between the people and various institutions as well as imposing penalties and sanctions where and when necessary. Certainly, these functions of arbitration and adjudication also place on the judicial arm the sensitive role of an umpire in modern governments. It should, however, be noted that the relationship between these institutional actors as well as the management of the constitutional distribution of powers among them may be more complex than the somewhat simple explanations offered above. This is because the extant relationship discussed above forms only a section in the whole political process of a modern state. The term political process itself implies a recognition that legislatures, executive agencies and courts of law do not exist by themselves, and that “they do not operate independently of either one another or of other political

organisations in the society".⁴ In essence, such other groups and agencies like political parties, mass media, pressure and interest groups co-exist and relate with the more formal institutions of the state like the legislature, executive and judiciary to constitute the "political system". Therefore, the totality of such activities as the formulation, implementation and interpretation of law as well as others involving the attitudes and desires of the generality of the citizenry, electioneering, lobbying and group organisation that arise from time-to-time also determine the attitude of different arms of government to each other. All of these constitute what is often described as inter- or intra-governmental relations. However, intra-governmental relation is more constant and obvious than the inter-governmental aspect which is a manifestation of the former. The overall character of intra-governmental relations is, however, determined by the nature of socio-political life in any given country.

THEORETICAL ANCHORAGE FOR SOCIO-POLITICAL LIFE IN NIGERIA

The dominant logics behind Nigeria's socio-political system can largely be traced to the impact of colonialism and leadership failure in the country. Various explanations have been offered on the effects of colonialism, especially the 1914 amalgamation of diverse ethnic nationalities on socio-political life in Nigeria. It is, perhaps, necessary to note that many prominent nationalists criticised the artificial beginning of the country most probably because of its evident lack of legitimating ideals. While Obafemi Awolowo⁵ describes the product of the amalgamation as "a mere geographical expression", Sir Ahmadu Bello referred to the exercise in 1953 as the "Mistake of 1914". All of these and many other similar opinions seem to have been summarised by Soyinka (2000:5) when he states that modern Nigeria is the product of British colonial architecture, "the expression of an alien will". In simple terms, all of these suggested

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4. Rodec, C.C. et al (1983). *Introduction to Political Science*, Tokyo: McGraw-Hill International Book Company.
 5. Awolowo, O. *Path to Nigeria a Freedom*, London: Faber and Faber, 1947.

that although the colonisers successfully amalgamated the diverse ethnic nationalities in Nigeria, they failed to fully integrate them.⁶ Therefore, it is probably correct to argue that the colonially induced mutual suspicion and distrust is at the core of the acrimonious state –society relations in modern Nigeria.

Other scholarly works have linked colonialism, the politics of independence and the ethnic factor together to offer explanations on Nigeria's socio-political life. According to Dudley,⁷ politics in Nigeria "is not about alternative policies but about the control over men and resources" most probably because of the skeptical attachment of majority of the political class as well as the ordinary citizens to the state in Nigeria. Similarly, Bayo Okunade⁸ adopts an earlier explanation on the "narrow conception of politics" in Nigeria to analyse socio-political life in the country as one that is dominated by the contest for political office and the competition for its spoils. For,⁹ most aspects of these exploitative and ethnic related negative tendencies were analysed in his theory of the "Two Publics" in Nigeria and other parts of Africa. In this theory, explanations were offered as to the why and how indigenous public officials exploited primordial and ethnic sentiments against the colonially contrived state in Nigeria and other parts of Africa. In a related manner, Joseph¹⁰ adopts the basic explanations in Weber's analysis on the manipulation of traditional patron-client relationships for the pursuit of

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6. Ayoade J.A Nigeria: "Positive Pessimism and Negative Optimism" a Valedictory Lecture, Faculty of the Social Sciences, University of Ibadan, September 17th 2010.
 7. Dudley, B. "Skepticism and Political Value" Inaugural Lecture, University of Ibadan. 1975.
 8. Okunade, B. "Foreword"; in a paper on *The April 2007 Elections in Nigeria: What went Right* Delivered by Professor Maurice Iwu at the Department of Political Science Public Lecture Series, University of Ibadan, Tuesday, 15 April, 2008.
 9. Ekeh, P. (1975). *Colonialism and the two Publics in Africa: A Theoretical Statement, Comparative Studies in Society and History*.
 10. Joseph, R. (1991). *Democracy and Prebendal Politics in Nigeria: The Rise and Fall of the Second Republic*, Ibadan: Spectrum.

modern material goals particularly by the ruling class and other influential members of the society in explaining socio-political life in Nigeria. Joseph's explanations are essentially anchored on the prebendalist perspective of political life in Nigeria.

However, while one cannot underestimate the logical in most of the explanations above, it is quite appropriate to note that the evident lack of democratic ideals and sustainable development in Nigeria might be traced to some other factors. One probable factor, especially in view of the democratic advancement in several parts of the United States, Europe and lately Africa, is that of effective leadership. It should, for instance, be noted that the general dissatisfaction with the leadership of Nigeria's First Republic largely accounted for its collapse in 1966. Incidentally, subsequent military as well as the civilian administrations up to 1999 when the Fourth Republic commenced also had evidences of the major challenges now confronting the 11-year old Fourth Republic. Obviously, the combined effects of the long period of military rule and the suspicious credentials of majority of the power and ruling élite are great impediments to various aspects of democracy in Nigeria, particularly intra-governmental relations. Apparently, all of these are intrinsically linked with the country's public personnel system. In the light of this, it may be theoretically apposite to adopt Weber's expositions on the inherent dangers in the operations of a patrimony in a modern state to explain this aspect of Nigeria's socio-political life. This approach is quite appropriate because the entire career placement in the country, whether selection or election, affects the making of its constitution as well as other sensitive functions to which intra-governmental relations and several other public activities are connected. For the purpose of clarity, Weber developed the concept of patrimonialism to describe a system of personal rule in which the ruler dispenses offices and benefits to subordinates in return for loyalty, support and services. There is absence of distinct private and public spheres and the exercise of public authority is utilised to serve the ruler or the officials on which the offices are bestowed.¹¹ Therefore, in view of the overbearing

11. Weber, M. (1978). *Economy and Society*. Berkeley: University of California Press.

presence of the state in Nigeria and its overriding influence, patrimonialism should serve a useful analytical purpose in understanding the nature of socio-economic and political life in the country. The initial idea has, however, been expanded to comprise neo-patrimonialism, patrimonial administrative state and clientelism.¹² It is quite important to note that the common line of argument in these broad explanations on the concept of patrimonialism in Nigeria is the emphasis on such inherent dangers as political instability, administrative inefficiency, nepotism and corruption.¹³ In view of this overwhelming evidence of the undesirable consequences of patrimonialism on Nigeria's democratisation, why has it remained such a strong force in the political system? Perhaps, the most plausible explanation is that it appears to be an effective strategy, which the powerful elite class manipulates for its interest. Troublingly, the entire socio-political life in Nigeria, which consists of the totality of the relationships between all organs of government, the democratisation process and the state itself, is characterised by this personalisation of the functions of government and personal rule. In the light of this, the modern state in Nigeria, which should moderate and regulate all the activities of its components, is "captured" and crippled by its own very officials and their collaborators. Therefore, while it is absolutist, expanding and powerful because of its over-bearing presence, it is equally soft, feeble and fragile because it is largely incapable of enforcing its laws.¹⁴

Having constructed an eclectic theoretical framework for analysing Nigeria's socio-political life, we shall now proceed by applying the relevant

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12. See Theobald, R. (1982). *Patrimonialism, World Politics*, Vol. 34, No. 4, p. 61, Callaghy, T. (1987). "The State as a Leviathan: The Patrimonial Administrative State", in Zaki Ergas (ed.) *The African State in Transition*, New York: St. Martin's Press, Ikpé, U. (2000). *Political Behaviour and Electoral Politics in Nigeria*, Uyo: Golden Education Publishers.
 13. Ikpe, U. Towards Explaining the Contributing Dominance of Patrimonial Exchanges in State-Society Relations in Nigeria: The Relevance of Ethno-Patrimonial Incorporation Model, *Unilag Journal of Politics*, Vol. 2, No. 2, p. 6 (2005).
 14. Yagboyaju, D.A. *The State and Governance Crisis in Nigeria – A Comparative Approach*, Ibadan: College Press and Publishers Limited (2010).

aspects of the framework to our discussion on intra-governmental relations in the country's Fourth Republic. However, it may be necessary to briefly examine the 1999 Constitution and its key provisions on the relationships between sensitive organs of government.

THE 1999 CONSTITUTION AND GOVERNMENTAL RELATIONS

Essentially, the 1999 Constitution provides for two levels of governmental relations. These are namely, inter-governmental and intra-governmental. The relationship in the former as stated in s. 3(1) and (6) is between the federal or central, the state and the local governments. While there is only one federal government, there are 36 state governments and 774 local governments. The Federal Capital Territory has no distinct government like the 36 states although the provisions of the Constitution apply to it as if it were one of the states of the federation. Unlike in the 36 states where the Governors are in charge, the Federal Capital Territory is governed by a Minister appointed by the President.

As in most federal polities, power is distributed between the central, state and local governments in Nigeria's 1999 Constitution on the basis of exclusive, concurrent and residual respectively. The bicameral National Assembly made up of the Senate and House of Representatives and the President are responsible for making and executing laws on issues in the Executive List, while the State Houses of Assembly and the Governors; the Legislative Councils and Chairmen make and execute laws on issues contained in the concurrent and residual lists respectively. However, the extant relationship between these levels of government is not cut and dry or as simple as explained above. It should, for instance, be noted that the federal government has preponderant powers over the states and local government councils. It can make laws on any matter it thinks necessary and can also invalidate any law made by a state within the Concurrent List if it is inconsistent with any law made by the Federal Government. In a similar vein, the Constitution provides for the National Assembly to take over the functions of any State House of Assembly whenever the House is unable to perform its functions of holding meetings and transacting business until it is able to do so (1999 Constitution, s. 11 4 & 5.

The distribution of powers, as explained above, is quite important but basically on inter-governmental relations. What determines and also affects the nature of relations between governments "is certain responsibilities and functions conferred on each of them within the legislative powers".¹⁵ Basically, this is intra-governmental relations. Indeed, intra-governmental relation is quite important because "it is more constant and obvious, and at the same time determines the overall attitude of one government to the other".¹⁶ In the light of this, "inter-governmental relation is a manifestation of intra-governmental relations".¹⁷ However, we should be more concerned with the probable environmental and other intervening variables, arising from the *modus operandi* of the 1999 Constitution, which largely account for the disharmonious intra-governmental relations in Nigeria's Fourth Republic as well as the abysmal performance of the democratisation process.

One prominent environmental factor is the long period of military rule in Nigeria. It should, for instance, be noted that the military governed Nigeria for 29 out of the 39 years that the country existed as a sovereign nation before the re-introduction of civil rule in 1999. This long period robbed the country of the "time and infrastructure to build political parties, a network of pressure groups as well as the experience, social capital of trust, political culture and institutions of restraint required for a democratic dispensation".¹⁸ Apparently, by its very nature, military rule is oppressive while it also restricts political and social liberties as well as limiting or eliminating constitutional rights.¹⁹ From another point of view, all of these also support our argument in a preceding section that the "solidaristic"

15. Lasisi, R.O. "Inter-Governmental Relations in Nigeria's Fourth Republic", in I.O. Albert (ed.) *Praxis of Political Concepts and Cliches in Nigeria's Fourth Republic*, Ibadan: Bookcraft Limited. (2009).

16. *ibid.*

17. *ibid.*

18. Agbaje, A. (1999). "Political Parties and Pressure Groups", in Remi Anifowose Francis Enemuoh (eds.) *Elements of Politics*, Lagos: Sam Iroanusi Publications.

19. Joseph, R (1996). "Nigeria", in Richard Joseph *et al* (eds.) *Third World Politics at the Crossroads*, Lexington, M.A., Heath.

nature of Nigeria's patrimonial state during the early civilian administrations took a more "egoistic" character at the height of military rule in the country. The net effect of this was sycophancy and hero worship because the privileged class had to do everything to sustain their beneficial relationships with the military rulers.

Therefore, it was not surprising that the legislature, party system, orderly political succession and, quite importantly, intra-governmental relations suffered. Similarly, the composition of the Constitution Drafting Committee (CDC) must have been affected by these general environmental factors. In other words, the CDC that produced the 1999 Constitution was, most probably, largely characterised by self-serving motives, incompetence, lack of understanding of democratic operations and unrepresentativeness. It should be noted that the peculiar nature of successive military transitions from the late 1980s, particularly the banning and restriction of the "old breed" as well as the encouragement of the "new breed" also contributed to the predominance of the CDC and the entire political landscape by direct beneficiaries of military rule and later retired military rulers. Most of these people evidently lack the credentials and prerequisite understanding of a democratic system. All of these either accounted for some prominent ambiguities in the 1999 Constitution or the frequent unnecessary misinterpretations by the parliamentarians many of whom also enjoyed prominence in the immediate past military regimes. It should, for instance, be noted that s. 143 and 188 of the Constitution that provide for the removal of the President and Governor respectively are quite ambiguous. This is because the legislators can effect such removal without being questioned by the court, whereas s. 4 (8) says that the exercise of legislative powers by the National Assembly and House of Assembly is subject to the jurisdiction of the courts of law. In another dimension, there is also the controversial s. 145, which deals with the temporary absence of the President or Governor. This section allows the President "to decide whether or not to inform the National Assembly of his absence due to ill-health or vacation" (Lasisi, *op. cit.*). If the President does not inform the National Assembly, as we shall discuss later, it means that the Vice-President cannot officially act as required by the

same section of the constitution. It is important to note that the provisions of this section were flagrantly violated by successive Presidents and Governors in the Fourth Republic until President Yar'Adua's prolonged ill-health, which prevented him from performing his official functions from late 2009 to early 2010, almost caused a serious constitutional crisis in the country. We shall delve more into this as well as its implications later.

Other clumsy aspects of the constitution include s. 162 and 305, which deal with the creation of local government areas and the declaration of emergency rule respectively. These sections were particularly contentious and accounted for serious disharmonious intra-governmental relations under President Olusegun Obasanjo. The background information provided above on some aspects of governmental relations in the 1999 Constitution should serve very useful purposes as we shall discuss some randomly selected cases.

SELECTED CASES IN THE FOURTH REPUBLIC

In this section, we shall draw practical instances to analyse harmonious and frosty intra-governmental relations across Nigeria during the 11-year old Fourth Republic. Our analysis shall cover the extant relationships between such sensitive institutions and agencies as the legislature, executive, judiciary, political parties, the electoral commission, regulatory agencies, the police, the mass media and other professional bodies between 1999 and 2010. In addition, in line with the country's preparations for another major electoral exercise in 2011, the paper shall attempt a pre-emptive analysis of the impact of intra-governmental relations on the whole democratisation process. Apparently, the executive-legislature gridlock has been the most profound since the commencement of Nigeria's Fourth Republic. Remarkably,²⁰ is of the opinion that this is not completely unusual or abnormal. In a study on the Latin-American experience, Linz

20. Linz, J. "The Perils of Presidentialism", in L. Diamond and M.F. Plattner (eds.) *The Global Resurgence of Democracy*, Baltimore and London: The John Hopkins University Press (1993).

observes that the problem is “the offshoot of dual democratic legitimacy of two popularly elected independent organs”. In the case of Nigeria, this can be interpreted to mean that the different electoral processes, which produced the President or Governor, elected as Chief Executive from across the whole country or state, and the Parliament, elected as individual members from their different constituencies, may contribute to a kind of assertiveness and independence that “negates the requisite complement for an effective functioning of democratic processes”.²¹ Furthermore, the greater proximity of the parliamentarians to their individual constituencies strengthens their “claim to first-hand knowledge of the feelings and aspirations of the people” and, probably the urge to fight for their cause.²² In line with the position of Linz, while this logical argument may be normal and even beneficial to democratic consolidation in some societies that are largely characterised by negotiation, bargaining and consensus-building as well as other democratic ethos, it is obviously not so in Nigeria.

Therefore, in view of the background of mutual suspicion, the executive and legislative arms under the Obasanjo administration had a major friction immediately after the inauguration of the Fourth Republic in 1999. The non-provision for the operations of the parliament in that year’s budget was at the core of this matter. Thus, it meant that the legislative arm had to commence its own activities at the mercy of the executive. Obviously, this arrangement fuelled the animosity between the executive and legislature. In particular terms, the non-availability of “conducive” offices and residential apartments for the legislators hindered their legislative duties. The controversy generated by this issue and the “furniture allowance” palaver was partly resolved only after each of the legislators was granted between 14,000 and 21,000 Naira as daily accommodation allowance. It should be noted that in all of these, the

21. Aiyede, “E. (2005). Executive-Legislature Relations in Nigeria’s Emerging Presidential Democracy, *UNILAG Journal of Politics*, Vol. 2. No.1, September, p. 67.

22. Ibid.

legislature was presented in a bad light to the general public. Thus, in what was probably a retaliatory move to diminish the public image of the executive, the National Assembly unduly delayed the approval of the budget for the following year 2000.²³ Troublingly, the delay of budget approval by the legislature seems to have remained an effective "tool for negotiation" ever since. In fact, none of the budgets between 2007 and 2010 was approved before the end of the first quarter of the year. Other substantive issues that led to serious acrimony early in the life of the Fourth Republic included the ICPC and NDDC Bills that were sponsored by the executive. In the case of the former, which essentially was meant to address the issue of corruption, the legislature criticised it on the grounds that its functions could be performed by the police; while it delayed the second bill because of its argument on the "exact amount to be contributed by the Federal Government and the oil-producing states in the Commission's fund".²⁴ It should, however be noted that the delay suffered by the two bills could probably have been shorter if President Obasanjo could properly negotiate and lobby as required in a democracy. Disturbingly, while it appeared Obasanjo lacked the democratic attributes of give and take, the ruling party that could have also moderated the entire process seemed overwhelmed by the hangover of the military culture, which many of its stakeholders were used to.

Similarly, the initial choice of a President for the Senate as well as the Speaker for the House of Representatives did not go down well with the legislature. In fact, the emergence of Evan Enwereh and Salim Abubakar as Senate President and Speaker respectively was linked with the lack support that they enjoyed from the Presidency. It was, therefore, not surprising that their removal in connection with allegations of age and academic falsification worsened the cold war between the executive and legislature. Again, when the more daring and assertive Senate

23. See JELL, April 24, 2000, p. 18; Ogburn, J. "Budget (DNC) Honeycomb over Legislators query Executive Implementation". *The Guardian*, 9 December, 2000.

24. Ugwuwa, A. "Legislature Moves to Veto Obasanjo on Niger Delta Bill". *The Comet*, 28 May, pp.1-2 (2000).

President, Chuba Okadigbo, who replaced Enwerem, was removed in 2000, the executive arm was accused of being behind the removal of the candidate of majority of the parliamentarians. This was in spite of the fact that Okadigbo and other principal officers that were removed were linked with a contract scam. This cat-and-mouse relationship between the two arms of government persisted even with the emergence of Adolphus Wabara and Anyim Pius Anyim as Senate Presidents at different points in time, and Ghali Umaru Na'Abba as the Speaker of the House of Representatives. While the leadership of the Senate under Wabara and Anyim had a somewhat smooth relationship with the executive, the same could not be said of the relationship between the executive and Na'Abba's House of Representatives. It was under Na'Abba's leadership, particularly between 2002 and 2003, that President Obasanjo was really threatened with impeachment on several serious allegations. However, all of these moves and the subsequent actions of some of the Governors in PDP controlled states against the re-election aspiration of President Obasanjo, in 2003, were reportedly curtailed by the then Vice-President Atiku Abubakar. Obviously, Abubakar's better understanding of the operations of the PDP and democracy in general enabled him to pacify both the parliamentarians and the Governors as well as contribute to the overall modest restoration of harmonious intra-governmental relations at that point in time.

Obasanjo was re-elected in 2003 after much intrigue, which had serious impacts on intra-governmental relations. Notably, there appeared to be a rapprochement between the Presidency and the National Assembly. It should be noted, for instance, that Ken Nnamani and Aminu Bello Masari, Senate President and Speaker of the House of Representatives respectively did not have serious political problems like the ones between their predecessors and the executive. While some analysts attributed the then rapprochement to the political maturity of the leadership of the National Assembly, another school of thought noted that Obasanjo's better understanding of the operations of a democracy, after his first term, accounted for the harmonious relationship. However, the relative peace could not be sustained especially because of the controversial

constitution amendment exercise spearheaded by the Deputy Senate President, Ibrahim Mantu, in 2006. Initially, the exercise was widely commended during the public sessions in the country's six geo-political zones. However, sinister motives especially the widely circulated desire of President Obasanjo to illegally extend his tenure were alleged to be behind the whole exercise when the Mantu Committee deliberately prevented critical opinions. There were, therefore indications of fresh troubles when the committee's report was tabled for open discussion in the National Assembly and an overwhelming majority of members, and many other opinion moulders from outside the legislative chambers, insisted that the exercise was primarily meant to push Obasanjo's "third term" agenda. The entire report was rejected and this, expectedly, renewed the bad blood between the legislature and the executive. Not surprisingly, all the principal officers in the National Assembly like Nnamani and Bello Masari, and some others who did not openly support the controversial constitution amendment exercise lost their party tickets during the 2007 general elections. On a broader term, this new frosty intra-governmental relations also affected some other prominent political figures outside the National Assembly. It affected the then Vice- President Atiku Abubakar who had earlier on been investigated in connection with alleged fraud in the Petroleum Trust Development Fund (PTDF) as well as de-listed from the ruling PDP. In view of all of these, and his open opposition to the third term agenda, Atiku Abubakar had to decamp to the then Action Congress (AC). He also contested the presidential election of 2007 on the platform of this party. On this note, it is pertinent to mention that the intra-party squabbles within the PDP, the allegations and counter allegations of corruption between Obasanjo and Atiku also caused a lot of distraction, which largely contributed to governance crisis at that point in time.

Similarly, the funding and execution of constituency projects constitute another contentious aspect in executive-legislature relations. However, in view of the expected commonality of party interests between the three successive federal administrations and the leadership of the National Assembly, since the commencement of the Fourth Republic, this is rather

disturbing. Obviously, in line with the constitutional provisions on constituency projects, the legislators can lobby for proper funding of such projects, but should not be involved in their direct execution. Surprisingly, the parliamentarians at different levels have disagreed with the executive and even threatened to impeach Presidents Obasanjo and Yar'Adua, at different points in time, in connection with the execution of the projects. It is necessary to note that these threats of impeachment against the two former presidents were based on allegations of selective execution of the projects which, according to the parliamentarians, negatively affected their ratings in their different constituencies. In another vein, the legislature is also always often at war with the executive over the inclusion of their yearly operational funds in the annual budget that is directly controlled by the executive.

Obviously, intra-governmental relations became a bit more harmonious under President Yar'Adua and later President Goodluck Jonathan. In the case of the former, there are two plausible explanations. In the first place, Yar'Adua's non-confrontational approach to governance probably endeared him to the generality of the parliamentarians and other party stalwarts. Secondly, Yar'Adua's evident preference for non-interference in the internal operations of the National Assembly could be another strong factor. It should, for instance, be noted that the emergence of David Mark and Patricia Etteh as Senate President and Speaker of the House of Representatives respectively did not attract open comments on the meddlesomeness of the executive, in the selection processes, as it used to be under his predecessor. Even in 2007, when the House of Representatives was embroiled in the serious crisis that led to the replacement of Etteh by Dimeji Bankole, none of the parties was directly linked with the presidency. These two factors, most probably, also worked in favour of the harmonious relationship between Umaru Yar'Adua and the Katsina State House of Assembly, between 1999 and 2007, when the former was the Governor of the State.

However, the prolonged ill-health of Yar'Adua that warranted his frequent trips outside the country, for medical attention, also had a serious impact on intra-governmental relations. It should be noted that at no time

during these foreign trips did the president send a letter of notification to the National Assembly as required by the constitution. This aside, the President also did not formally hand over to his deputy on any of these occasions when he had to travel out. The country was, therefore, enveloped in anxiety over a possible constitutional crisis when, between November 2009 and April 2010, the President travelled again on health grounds, and neither the leadership of the National Assembly nor his deputy could officially explain his condition. Thus, in view of the secrecy under which Yar'Adua's condition was managed and the inability of the then Vice-President, Goodluck Jonathan to appropriately take over, the National Assembly applied the "doctrine of necessity" to pronounce Jonathan as the Acting President in February, 2010. Prior to this pronouncement, important national assignments which needed the President's personal attention included the signing of that year's supplementary budget, the swearing-in of a new Chief Justice and the swearing-in of some newly appointed Permanent Secretaries, among several others. It should be noted that Yar'Adua's violation of s. 144 and 145 of the 1999 constitution did not attract the full penalty of impeachment either because of PDP's penchant for equating national interest with that of the party or because of the sufficiently smooth relationship that existed between it and Yar'Adua before the latter's most prolonged absence from office. In the light of this, the position of the National Assembly could probably have been different if former President Obasanjo were to be at the centre of such a controversy.

Other prominent aspects of the frosty executive-legislature relationships that had serious impact on the advancement of democratic ideals in Nigeria's Fourth Republic included the frequent disagreements on the outrageous salaries and allowances collected by the parliamentarians (the most celebrated being the alarm raised by²⁵ the regular controversy as to whether the legislators could go ahead to pass a law with or without the President's assent); the oversight functions of the legislators under s. 88 of the Constitution, which ensures that they can practically conduct an

25. Sanusi Lamido Sanusi, CBN Governor, in November 2010.

investigation on any matter or the conduct of any person and; the recent controversial "Right of First Refusal" clause in the amended 2010 Electoral act. In simple terms, if this clause acquires the force of law, as it was pushed by the legislators, it means that whether a legislator is the choice of his people or not, or whether he is elected or not, he can find his way back to the National Assembly.

At some other levels, such as the state and local governments, executive-legislature relations have also not fared better in Nigeria's eleven-year old democratisation. Between 1999 and 2003, for example, there were several instances of disharmonious intra-governmental relationships in Osun, Bayelsa, Plateau, Anambra and several others, while Oyo, Ogun and a host of others have joined the list since 2003. In the case of Osun, the "old school" and perfectionist ideas of Governor Bisi Akande set him and his newbreed deputy, Otunba Iyiola Omisore, on a collision path right from the beginning. In no time, their personal differences and opposing views on governance gradually polarised the State House of Assembly, and later led to the impeachment of Omisore in 2001. In Bayelsa and Plateau states, where Governors D.S.P Alamiyeseigha and Joshua Dariye respectively were removed under controversial circumstances, majority of the parliamentarians in the respective Houses of Assembly were reportedly pressurised into taking their decisions by the Presidency. It should be recalled that Alamiyeseigha and Dariye enjoyed the support of their legislators until the EFCC moved in to force them to act otherwise. Similarly, the illegal removal of the then Governor Rashidi Ladoja of Oyo State, in 2006, by a section of the State House of Assembly, which did not meet any of the constitutional requirements on such a matter, was traced to the political romance between Ladoja's estranged godfather, Lamidi Adedibu and the then President Obasanjo. In a similar vein, Ayodele Fayose was also removed as Governor of Ekiti State in 2006 ostensibly because of a major disagreement between him and Obasanjo. In the case of Anambra state under Governor Peter Obi, a school of thought traced the serious intra-governmental crises to the control of the legislative and executive arms by different political parties, while another school emphasised the several unjustifiable attempts

by the parliamentarians to increase recurrent budgetary allocations over and above capital votes.

In the same manner that legislators were alleged to be manipulated to remove their Governors, others have been accused of maintaining a cordial relationship with the executive solely because of financial inducements. Such states as Osun, Kwara and a few others that have enjoyed harmonious executive-legislature relations since 2003, and Oyo from 2007 are often linked with such salacious deals between the two sensitive arms of government. However, in Ogun State where legislative business has been disrupted since 2009, the two arms have continued to trade blames. While the Governor insist that many of the parliamentarians were financially induced from outside the state, the latter claimed that the main source of the distraction confronting governance in the state was their decision to become more independent.

Importantly, the third most obvious arm of the government, the judiciary, has played a pivotal role by constantly sustaining confidence and restoring hope in Nigeria's democratisation since 1999. Some of the prominent contentious constitutional issues that the judiciary helped to resolve under Obasanjo included the onshore-offshore oil dichotomy, the Lagos State Local Government Council allocations and many trade related disputes. Similarly, under Yar'Adua, the judicial arm helped to resolve many labour-related crises such as the ones that involved the Academic Staff Union of Universities (ASUU), especially in respect of some University of Ilorin lecturers who were illegally sacked in 2000, and several other election petitions and political cases. In fact, the several controversial election results that were overturned by the judiciary clearly confirmed the role of an independent and assertive judiciary in a democracy. Expectedly, the judiciary has received more commendations than any other arm of government in Nigeria's Fourth Republic.

In accordance with our assertion in a preceding section, our discussion on intra-governmental relations shall move beyond the traditional relationships between the legislature, executive and judiciary. Therefore, we shall consider the impact of the political parties or the entire party system on democratic consolidation in Nigeria's Fourth Republic.

Obviously, such functions of political parties as identifying and training of leaders, developing of policy platforms, presenting the best aspirants and candidates for political offices, regulating office holders, conducting research on party and political development, and encouraging public discourses²⁶ make them basic ingredients for the success of a democratic system. Apparently, experiences from across the advanced democracies of the world confirm that the conformity to these functions help to sustain “performance politics”, while Nigeria’s “identity politics” is largely predicated on the utter disregard for these functions. It should, for instance, be noted that many of Nigeria’s political parties in the Fourth Republic have so far shown lack of independence and assertiveness needed for the performance of the functions highlighted above. In the case of the ruling PDP, whose tickets are obviously the most attractive, it seems the most important goal is the capture of political power and the distribution of the accompanying privileges to political godfathers, financiers and other stalwarts who, incidentally, dominate the country’s patrimonial and patriarchal socio-political structures. In this case, the focus is concentrated on the wellbeing of members and patrons that are directly linked to the political party instead of services to the generality of the citizens. Not surprisingly, this arrangement made the ruling PDP the dominant party and almost turned Nigeria into a one-party system in the first decade of the Fourth Republic. Meanwhile, this same arrangement that denied many Nigerians access to the services of government also constantly caused intra-party squabbles between the party officials on one hand, and elected and appointed party candidates on the other. It should be noted that the main cause of this kind of friction between these categories of party and government officials has, over the years, been the surreptitious attempts by the elected and appointed officials to seize their party machinery in order to make their re-election or subsequent appointments easy. Some of the classical examples of the manipulation of this intra-party phenomenon

26. Ihonvbere, J. (12 March, 2009). Leadership and the Future of Nigeria,” Fourth Foundation Day/Distinguished Public Lecture, Lead City University, Ibadan, *ThisDay*.

included the attempts by Governors Ladoja and Ngige of Oyo and Anambra states respectively to “hijack” the PDP from the hold of Adedibu and Uba. It should be recalled that Ladoja was instructed by his party’s national officers like Ahmadu Ali and Olabode George to comply with the directives of Adedibu, who was described as the party’s “Garrison Commander” in Oyo state, while Ngige’s disobedience to Uba actually constituted part of the reasons for the former’s abduction in 2003.

Similarly, regulatory agencies like the Independent National Electoral Commission (INEC), EFCC, ICPC and the Police also contributed in different ways to intra-governmental relations and its impact on the performance of Nigeria’s democratisation in the Fourth Republic. The electoral body was, for instance, widely criticised for the generally flawed electoral exercises that were conducted between 1999 and 2010 especially before Atahiru Jega took over as the Chairman of the agency. In all, the general consensus was that the elections lacked transparency while the results depicted incompetence and administrative failure.²⁷ Similarly, the European Union Election Observers’ Group criticised INEC for “usurping, the role of Nigerians in determining the legitimacy of the outcome of the 2007 elections”, while President Yar’Adua openly lambasted the agency over the outcome of the 2007 general elections. Yar’Adua also instituted the Electoral Reforms Commission and saddled it with the responsibility of correcting the flawed processes that led to the monumental failure. Just like INEC, the police was also reprimanded for its role at different points in time. Chief among its activities that were roundly condemned include its open bias in favour of the ruling party on election days, failure to effectively prosecute electoral offenders and unprofessional conduct during the occasional disruption of parliamentary sessions in different parts of the country. It should be noted that the police was severally castigated by the numerous election tribunals and the courts,

27. See Okunade, B. (2008). “Foreword”; in “The April 2007 Elections in Nigeria: What Went Right?” delivered by Professor Maurice Iwu at the Department of Political Science Public Lecture Series, University of Ibadan, Tuesday, 15, April *Vanguard*, 23 August, 2007, p. 16.

which upturned many of the controversial election results. In another vein, the police was at various times indicted for its role in different acts of human rights violation, intimidation, harassment and extra-judicial killings. In a related manner, the ICPC and EFCC were constantly accused especially during the Obasanjo administration, of being selective and patchy in their approach to the country's anti-corruption war. Apparently, this was because majority of those who were prosecuted were either estranged friends of the then President or critics of his administration. However, it was rather curious that both INEC and the police have over the years counter-alleged the political elites, in general, as the main cause of the manipulation of the activities of these agencies.

Remarkably, the mass media that is also described as the "Fourth Estate of the Realm" is another key institution in any modern government. In Nigeria's Fourth Republic, the mass media like in several other societies can, in terms of their ownership, broadly be classified into private and public. Being the mirror or watchdog of the society, the mass media has a great role to play in the advancement of harmonious intra intra-governments. To a large extent, the private arm of the mass media seemed to have effectively performed this role since 1999. Notable instances included the several critical and instructive opinions, editorials and articles directed at intransigent officials or institutions of government as well as the occasional live broadcast of critical parliamentary and other political sessions in the country. Similarly, the regular commentaries on the dire consequences of the then President Yar'Adua's ill-health and the controversies that surrounded the appointment of Goodluck Jonathan as Acting President before his eventual pronouncement as President in May 2010 were quite effective. However, the same story cannot be told of government's mass media that have over the years been regularly manipulated by the government of the day at different levels. The Nigeria Television Authority (NTA) and Federal Radio Corporation of Nigeria (FRCN) were, for instance, severally used by President Obasanjo to attack the National Assembly especially early in the life of the Fourth Republic. In view of the fact that NTA and FRCN did not beam or broadcast any major deficiency of the Presidency especially the

parliamentary debate on the controversial tenure elongation in 2006, and their undue preference for news items from the Federal Government largely worsened intra-governmental relations. In fact, the impact of this practice warranted Justice Muhammadu Lawal Uwais, then Chief Justice of the Federation, to caution the executive arm of government against the use of press wars, mudslinging and “other extra-judicial measures, instead of inviting the judiciary to adjudicate in the crisis between the legislature and executive” at different points in time.²⁸ Similarly, several state governors and their cabinets have variously manipulated the mass media that they control to harass and intimidate some other sensitive agencies of government. We can vividly recall the manipulation of the activities of the Broadcasting Corporation of Oyo state by the Christopher Alao Akala administration and Adedibu, against the pro-Ladoja parliamentarians during the Adedibu-Ladoja political crisis in 2006. In a similar vein, the Ogun State Broadcasting Corporation (OGBC), between 2008 and 2010, seemed to have taken a position that was largely in favour of the executive during the impasse, which hindered legislative activities for several months. Remarkably, it was perhaps only in Osun State under Governor Bisi Akande that government’s mass media played a regulatory and moderating role in intra-governmental relations. Obviously, this was largely because the Board of the Osun State Broadcasting Corporation (OSBC), the government-owned mass media, was headed by Yemi Farounbi, a stalwart of the People’s Democratic Party (PDP), then the major opposition in the state.

In summary, our analysis of the impact of intra-governmental relations, as a key component in Nigeria’s eleven-year old democracy, clearly shows evidences of an abysmal performance. In so many ways, this negates the general expectation of the Nigerian citizenry that presumed that the return of civil rule, in the country, will mark the end of the unnecessary perennial conflicts between some sensitive organs of government. While this absurdity may not be totally strange under the

28. *The Guardian*, 1 November, 2000, pp. 1-2.

country's past military regimes because of their unconstitutional character, the garb of constitutionalism in which the Fourth Republic appears makes it rather worrisome. Indeed, it is most probable, for instance, that the robust and cordial relationship between sensitive arms of government in Ghana's relatively young democracy contribute to the country's better placement, over and above Nigeria, in several international surveys in recent times. In 2008, for example, a study conducted on the operations of 180 advanced and emerging democracies ranked Ghana better than Nigeria in all the sectors it examined. The core areas, which directly or indirectly concern intra-governmental relations in the evaluation are namely, Human Development Index-Ghana 142, Nigeria 154; Economic Freedom Index-Ghana 94, Nigeria 105; Corruption Perception Index-Ghana 67, Nigeria 121; Global Peace Index-Ghana 31, Nigeria 131.²⁹

CONCLUDING REMARKS

The main thesis in this chapter is that the hope of revamping institutional capacity through vibrant intra-governmental relationships in Nigeria's Fourth Republic seems to have, so far, been badly squandered. Evidently, a combination of the country's clientele and prebendal politics, political instability and uncertainty, its long history of disorderly political succession and such other factors that confront the weak state in Nigeria largely accounted for this. Obviously, it is not surprising that the weak, less functional and highly personalised state and its agencies cannot effectively regulate and moderate the activities of most influential individuals, political elites and groups in a manner that also ensures harmonious intra-governmental relations.

In view of the enormous threats that all of these pose to the health of democracy and democratic consolidation in Nigeria, there is an urgent need to discover genuine transformational leaders especially at the local community levels. Incidentally, the process that will lead to the identification of such selfless leaders will also require the conscious

29. *The Punch*, Monday, 29 December, 2008, p. 14.

engagement of more civil society organisations, enlightened individuals and professionals in public affairs and governance in general. In more specific terms, the modest achievements made, so far, by the independent service commissions in the executive and judicial arms in Nigeria's Fourth Republic, can possibly serve as a model for the establishment of a separate and autonomous service commission for the legislative arm of government.

CHAPTER 4

The Politics of Legislative Oversight in Nigeria's Neo-Colony, 1999-2007

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INTRODUCTION

Every man invested with power is apt to abuse it, and to carry authority as far as it will go. To preserve political liberty, the Constitution should ensure that the power of one branch of government should not be exercised by the same person(s) which possess the power of another branch.
- Montesquieu¹

Montesquieu's view quoted above captures the corruptive nature of power when concentrated in a single social formation. Specifically, a monocentric concentration of power is not only injurious to the health of the body politic, but also detrimental to the good life, generally referred to as good governance.² To this end, political communities, from the most rudimentary to the most sophisticated, in all ages, have devised various institutional mechanisms³ for curtailing overt and covert tyrannies.

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1. C.L. Montesquieu (1976). *The Spirit of the Law*. New York: Hafner, p. 4.
 2. On the concept of good governance, see Goran Hyden, "Governance and the Study of Politics", in Goran Hyden and Michael Bratton (eds.), *Governance and Politics in Africa*. Boulder C.O.: Lynne Rienner Press, 1992, pp. 1-26.
 3. These strategies include both violent and non-violent. The latter includes the courts, the legislatures, referenda, among others, while the former ranges from revolts, revolutions, rebellions, etc.

In the Britain, for example, in addition to the judicatures, the legislatures since the advent of constitutional democracy in the 18th century have not only emerged as the guarantors of good governance, rule of law and constitutionalism,⁴ but also as the purveyors of horizontal accountability.⁵ In other words, the legislatures, dispense oversight services. "Oversight" here is defined as a scenario in executive-legislature relations in which the executive branch owes to the legislative branch certain obligations and/or information.⁶

But, in the neocolonial democracies⁷ of the south, despite constitutional guarantee of legislative autonomy, the legislatures are, in most cases, the caricatures of the powerful executives and, indeed, some authors on Latin American politics have stressed that presidents in the region enjoy considerable legislative prerogatives, agenda power, informational advantages, and expertise.⁸ Obviously, this has had implication for development and good governance.

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4. In Great Britain, though it is impossible to achieve complete separation of powers but even in this kind of political arrangement, the Cabinet is responsible to the Parliament and can, indeed, be voted out of office by the Parliament. This implies that some kind of difference between the Executive and the Legislature is recognised and maintained. Moreover, the Judicial branch is separated more distinctly and carefully from the more political branches (Executive and the Legislature) in order to ideally ensure the highest degree of judicial independence and impartiality. See E. May, *Parliamentary Practice*. London: Butterworths, 1976.
 5. On the concept of horizontal accountability, see Charles Kenney, "Horizontal Accountability: Concepts and Conflicts". in Mainwaring, Scott and Welna, Christopher (eds.), *Democratic Accountability in Latin America*. Oxford: Oxford University Press, 2003, pp. 55-76.
 6. On legislative oversight, see Martin James, *Congressional Oversight*. New York: Nova Science; Morris Ogul, and Bert Rockman, "Overseeing Oversight: New Departures and Old Problems." *Legislative Studies Quarterly* 15, February, pp. 5-24.
 7. These are post colonial entities created, by the imperial powers of Europe and America, in the image of liberalism. For details, see H. Alavi, "The State in Post-Colonial Societies: Pakistan and Bangladesh" *New Left Review*, 74, July/August, 1972; B. Beckman "Whose State? State and Capitalist Development in Nigeria", *Review of African Political Economy*, No. 23, 1982.
 8. Gary, Cox, and Scott Morgenstern. Scott "Latin America's Reactive Assemblies and Proactive Presidents". *Comparative Politics*, Vol. 33 n 2, January 2001, pp. 171-190.

In sub-Saharan Africa, for example, weak legislatures and civil societies have been blamed for the prevalence governance crisis.⁹ This explains why the African Union, through NEPAD, shows its commitment to democracy and good governance by its undertaking to adhere to separation of powers, through effective parliaments.¹⁰

Nigeria, a complex neocolonial contraption, offers an example of a polity where the legislature has been enmeshed in the crisis of relevance. In other words, the country is a case of an entity where congressional oversight, the hallmarks of participatory democracy, has been enmeshed in contradictions of monumental proportions.¹¹ What does all these portend for democracy and good governance? What are the political and institutional dynamics that structured legislative behaviour in Africa nay Nigeria?

This chapter seeks answers to these questions in the context of sub-Saharan Africa, using the Nigerian neocolony as research backdrop. Although many illuminating studies¹² have been done on legislative oversight in Nigeria in recent times, they hardly factor the neo-patrimonial nature of the the Nigerian state in their analyses. Thus, in a radical departure, this chapter seeks alternative explanation in political economy.

CONCEPTUAL AND THEORETICAL ISSUES

We begin this section by deciphering the ontology of the legislature and then oversight or simply whose institutional entity constitutes the legislature

9. George Buadi, *'The Legislature And Good Governance From A Human Rights Perspective: A Comparative Study Of Ghana And South Africa'* Unpublished LLM Dissertation, Center For Human Rights University of Pretoria, October 2002, 52pp.
10. See NEPAD Document "Declaration on Democracy, Political, Economic and Corporate Governance" NEPAD Secretariat. Abuja, 2001, p. 4, par 4.
11. *Nigeria Country Report*, June 2011. Centre for Social Science Research, www.sssr.net.ac.za accessed 22/10/2011.
12. See J.O. Akindayo, *Legislation in Democratic Governance in Nigeria*, Ibadan, Nigeria: HRC, 1989, 69p; Jacob I. Omenka "Legislative Oversight and Socio-Economic Development in Benue State". Unpublished Ph.D thesis, Department of Political Science, University of Jos, January 2008, 216pp.

in a polity and invariably which legislative function approximates oversight. Scally, the nature of the legislature, especially in pseudo-democracy, is difficult to grasp.¹³ Thus, rather than searching for the defining characteristics of the legislature, we follow Polsby who identifies the characteristics that an institution must have in order to qualify it as a legislature:

- (1) That legislatures are formal assemblies;
- (2) Are official, rather than private bodies;
- (3) Members are popularly elected;
- (4) Members meet, deliberate and act collectively as formal equals;
- (5) Their formal enactments are officially binding on a population in which they are accountable and from whom their legitimacy emanates.¹⁴

Using by the above formulation, not all governmental decision-making bodies qualify to be labelled as the legislature. In the context of Nigeria, Tamba remarks thus:

It is clear that general councils of a military junta (e.g. Armed Forces Ruling Council, or the Supreme Military Council), is certainly not a legislature. Neither is an executive council for ministers (where decisions regarding the implementation of certain policies are taken) under a democratic dispensation a legislature. This is because members of these two bodies are not predominantly? elected but are appointed. The legitimacy of the members of these two bodies do not necessarily emanate from any particular constituency, to which they are accountable. In any case, these two bodies are not constitutionally empowered to make laws on behalf of the people.¹⁵

Given the above clarifications, we define legislature, by following

13 A concise definition of the legislature usually views it as a body elected by the people to make laws.

14 Polsby, *op. cit.*, p. 28.

15 Ibid.

Mezey,¹⁶ as a predominantly elected body of people that acts collegially and has at least the formal but not necessarily the exclusive power to enact laws binding on all members of a specific geopolitical entity.

What then is legislative oversight? Truly, it is a subset of what is called 'horizontal accountability', which encompasses any kind of control performed by an intra-state set of institutions designed to constrain illegitimate or arbitrary power, and to discourage abuses and illegalities perpetrated by the state itself. In another instance, it is seen as the supervision of executive's actions, for which legislatures can count on mechanisms such as hearings, summoning of ministers, resolutions of inquiry, special investigatory committees, and confirmation process, among others.¹⁷

This oversight, according to some writers,¹⁸ can be performed *ex ante* – during the design and implementation of a programme – as well as *ex post*, after its implementation. In specific terms, legislative oversight in a democracy is instrumentalised through the following mechanisms as identified by Jibo.¹⁹ First, by the 'question time' in the open assembly, in which case policymakers are required to make explanations on certain policies made, or decisions or actions taken. Second, the legislative committees could call government functionaries to account for their actions, conduct investigations on polices, and make recommendations either to the full house, or to the government. In Nigeria, for example, the Public Accounts Committee of the Senate often requests Heads of several Government Parastatals and Ministers of the Federal Republic of Nigeria to appear before it and make certain explanations regarding their areas of jurisdiction. Third, debates carried out within the legislative house itself

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16. M.L. Mezey, *Comparative Legislatures*. Durham, North Carolina: Duke University Press, 1979, p. 6.
 17. For details, see Joel Aberbach, *Keeping a Watchful Eye: The Politics of Legislative Oversight*. Washington, D.C. The Brookings Institution, 1990.
 18. Morris Ogul, and Bert Rockman, op. cit, pp. 5-24.
 19. Jibo, M. "The Executive and the Legislature: The Theory and Practice of the Separation of Powers." *University of Jos Journal of Political Sciences*, 2000, 11(11): pp. 1-14.

serve to focus attention on the actions of the government and thereby make government to act more transparently.

From the foregoing, it is instructive to note that the institution of the legislature and its oversight instrumentality are part of constitutional edifice in a democracy and as stated at the beginning of this chapter, it has been so since the advent of liberal democracy in the west in the 18th Century. However, in the 1960s and 1970s, debate about oversight in the advanced democracies was a very normative one. Authors pointed to the non-existence or inefficiency of the oversight framework, and "negligence" was a frequently used word.²⁰ In the United States, for instance, in spite of the more complexity of the executive branch activities, Congress had little or no control over form and quality of implemented policies.

By the late 1970s and early 1980s, this "debilitated legislative oversight" theory, remarks Lemos,²¹ was questioned and a new approach came up. As noted by Ogul,²² there is no existing model of democracy that boasts of a sophisticated and all-inclusive oversight system. Countries like Japan, Italy, United States and Germany have been dealing with systematic political corruption and low accountability. Progressively, by the mid-1990s, following the waves of democratisation, the debate on horizontal accountability grew in vigour. However, two controversies emerged, one concerning the basic conceptual utility of horizontal accountability and the other centred on the preferred institutions for oversight.

The first debate saw some scholars claiming that vertical accountability is the only relevant form. The argument is that independent powers vary in their vertical responsibilities, due to distinct mandates and incongruent constituencies, so by definition such independent powers cannot be accountable to each other. Moreover, if each vertical domain is internally

20. *Young-Lewis*, 'Legislative Oversight of the Executive Branch in Six Democracies - From Europe', Paper delivered at the Oxford-Princeton Global Leaders Meeting, Princeton NJ, 3-4 May, 2010.

21. *Ibid.*

22. *Walter Ogul*, 'Congressional Oversight: Structures and Incentives', in Lawrence E. *Hyman* and Bruce I. *Oppenheimer* (eds.), *Congress Reconsidered*, New York: Basic Books, 1980.

functional, then there is no need for horizontal accountability.²³

The second debate in the 1990s centred on the ideal institutional domain for the exercise of oversight: internal systems, the judiciary, or the legislative branch? While some authors privilege the judiciary,²⁴ others hammer on internal executive mechanism. Needless to say here that irrespective of the theoretical dissensions, the legislatures have remained the major agents of horizontal accountability, albeit with adjectives, in neocolonies.

POLITICO-CONSTITUTIONAL DEVELOPMENTS IN NIGERIA BEFORE 1999

Nigeria, a politically arranged country, like other Anglophone countries, was greatly influenced by the political traditions of the British participatory model ever since formal political authority of the Crown was established in 1861.²⁵ However, it was not until 1914 when the process of constitutionalising began.²⁶ The advent of the constitution invariably marked the arrival of the legislature on the country's political scene. Although the Lugard Council laid the foundation for legislative development in Nigeria, the real attempt at indigenising legislative representation took place under the Clifford Constitution of 1922, when electives principals were

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23. Erika Moreno, *et al.* "The Accountability Deficit in Latin America". In Mainwaring, Scott and Welna Christopher, *Democratic Accountability in Latin America*, op. cit., pp. 79-131.
 24. See Leany Lemos, op. cit.
 25. James Coleman (1986). *Nigeria: Background to Nationalism*. Berkeley: California University Press, p. 36.
 26. The various works that have been undertaken on the history of constitutions in Nigeria have not agreed on the starting point of constitutional making. While some traced the evolution of constitution making to 1922, others regard 1914 as the starting point. On the former and the latter, see the works of Ezera and Okon respectively. K. Ezera, *Constitutional Developments in Nigeria*. Cambridge: Cambridge University Press, 1960; A.O. Okon "Nigeria and People's Constitution: The imperative of Democracy and change." *The Constitution*, Vol. 4, No. 1, 2004, pp. 11-36.

introduced to elect Africans into the central legislative council.²⁷ Since then, legislative structures have been provided for in subsequent constitutions in Nigeria.

It is instructive to note that the quality of each legislature, following each constitutional effort, has been determined by the nature of the constitution itself, which in turn is dependent on the character of the regime that has midwived it.²⁸ In real terms, the Nigerian political space has been littered with constitutions that lacked autochthonous status as the ruling élite have always assumed the prime responsibility for drawing constitutions for Nigerians. In such endeavour, the tendency has always been to strengthen the executives at the expense of the legislatures.²⁹ This was even more noticeable during the 1959, 1979 and 1999 transitions.

Given the nature of the country's political economy, the executives in these dispensations became omnipresent and acted, with the supports of cronies, to pursue agenda that were not in tandem with wishes of the people. During the first republic, despite the embeddedness of parliamentary oversight in the 1960 constitution, the parliament hardly checked the executive. In fact, John Mackintosh put the scenario thus:

The legislature had only three working committees, which largely served administrative and business roles. There was little expertise in specific policy areas. The First Parliament was an anemic political body, never serving more than 54 days in any year. Both chambers were generally quiescent toward the executive and rarely initiated law.³⁰

Without being cynical, it is instructive to note that the same pattern, though with little institutional modifications, was repeated in the Second

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27. See A. Momoh "The History and Politics of Constitution in Nigeria", in S. Jegede et al (eds.), *Path to People Constitution*, Lagos: CDHR, 2004.
 28. See A.S. Basiru (2010). "Colonialism and the Legacy of Constitution-making in Nigeria", in J. Osuntokun et al (eds.), *Nigerian Studies: Readings in History, Politics, Society and Culture*. New Jersey: Goldline and Jacobs, pp. 105-116.
 29. The military rulers like their colonial overlords have always believed that the executive being the centre of patronage must be strengthened against the legislature.
 30. John P. Mackintosh (1966). *Nigerian Government and Politics*. Evanston: Northwestern University Press, p. 113.

Republic. National Assembly though retained its structure of representation, apportioned by state population in the House of Representatives, and by uniform seats for each state in the Senate,³¹ had a relatively weak structure, as executive preferences shaped the political agenda and more importantly, the legislature did not exercise significant oversight of the executive or other government operations.

Needless to say that the second republic with its constitutional edifice collapsed on 31 December, 1983, following a coup d'état and thus marking the end of the Second Republics. Why and how it collapsed should not detain us here as gallons of inks have been spilled by scholars of Nigeria politics.³² Thus, between 1984 and 1999, the military overlords experimented with different political models, but General Babangida's model of a new political order was legendary and needs brief illustration. The General, in his first major address to the nation, on the occasion of the silver jubilee independence anniversary of Nigeria on 1 October, 1985, announced his administration's intention to:

begin a most vigorous search for a new political order capable of ensuring sustained economic growth and social development. With this in mind, we shall in the course of 1986 announce a political programme for the country.³³

True to his word, he set out to achieve this goal. The first step was the inauguration of the Political Bureau on 13 January, 1986.³⁴ Apart from the Bureau, there were numerous other transition agencies like the Constitution Review Committee, the Constituent Assembly, the National Electoral Commissions (NEC) that he initiated. With these institutions in

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31. See Jadesola Akande, *The Constitution of the Federal Republic of Nigeria 1979, with Annotations*. London: Sweet and Maxwell.
 32. For details, see T. Falola, and J. Ihonvbire, *The Rise and Fall of the Second Republic*. Zed Books, 1985. Joseph Richard, *Democracy and Prebendal Politics in Nigeria: The Rise and Fall of the Second Republic*. Cambridge: Cambridge University Press, 1987
 33. *Daily Times* (Lagos), 2 October, 1986.
 34. See *Daily Times* (Lagos), 14 January, 1986.

place, the administration was able to convince both the public and the international community about its desire to hand over power, to civilian, in 1990, a date which the administration changed first to 1992 and then to 1993.

With the successful implementation of the programme at the local and the state levels, as well as the inauguration of the National Assembly, expectations were high that come 27 August, 1993, presidential democracy would foothold on Nigeria's political soil. Thus, hopes were high on 12 June 1993, when Nigerians went to vote in a nationwide presidential election to choose between M.K.O Abiola, the Social Democratic Party (SDP) flag bearer and that of the National Republican Convention (NRC) candidate, Bashir Tofa.³⁵ At the end of polling, the unofficial result showed that Abiola had won a majority in 19 states but while the nation awaited the official result, on 23 June, 1993, a spanner was thrown in the works when General Babangida annulled the election that was adjudged as the freest in the country's history, for inexplicable reasons.³⁶

As expected, the cancellation of the election provoked nationwide condemnation and ignited protests and violence that lasted for weeks. In the ensuing crisis, Babangida made an inglorious exit after swearing-in a hand-picked Interim National Government (ING) headed by Ernest Shonekan on 26 August 1993.³⁷ Strikes and protests, however, persisted, prompting military coup d'état led by General Sani Abacha who took over power on 17 November, 1993. The advent of administration Abacha administration marked the end of all constitutional structures erected by the administration of General Babangida.

Under the administration of General Abacha, the politics of transition

35. *Daily Times* (Lagos), 13 June, 1993.

36. On the this point, see Omo Omoruyi, *The Annulment of the 12 June Election: The Betrayal of the Democratic Rights of Nigerians*. Lagos: New Link Publishers, 1993.

37. It was estimated that General Babangida's aborted transition cost the Nation about 40 billion naira. see Emmanuel Ojo (2000). "The Military and Democratic Transition in Nigeria: An Indepth Analysis of General Babangida's Transition programme (1985-1993)." *Journal of Political and Military Sociology*, 28(1), 2000, pp. 1-23.

continued with new approach and styles.³⁸ Indeed, the politics of transition was replaced with that of self-succession and the General used many strategies to remain in power but unfortunately he died on 4 June, 1998. The successor administration of Abdulsalami Abubakar immediately began a process of confident building and it was not too long when the regime began to enjoy the goodwill of the domestic constituencies and the international community.³⁹

Thus, the Abubakar administration, in order to distance his administration from his predecessor's, promptly dismantle all the existing democratic structures already put in place to pave way for the implementation of a revised transition programme. In the midst of these, the administration sought and was given audience in the capitals of the great powers and this marked the country's slow and steady re-integration into the mainstream of world politics.

With some modicum of legitimacy, the regime faithfully implemented a modest transition programme that culminated into civilian rule on 29 May, 1999. Of particular importance was the 1999 constitution which was largely modeled on the 1979 charter,⁴⁰ maintaining the presidential system with an expanded federal structure of 36 states. The bicameral legislature was preserved, with single-member districts elected at 4 year intervals concurrent with the Presidential vote. The House of Representatives was allotted 360 seats among the 36 states, with seats allotted by relative population, and the Senate had 109 seats – 3 per state and one for the Federal Capital Territory.⁴¹ With the new constitutional

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38. For collection of works on this issue, see Diamond, Larry; Anthony Kirk-Green and Oyeleye Oyediran. Eds. 1996. *Transition Without End: Nigerian Politics and Civil Society Under Babangida*. Ibadan, Nigeria: Vantage Publishers; Browne Onuoha, and M.M Fadakinde (eds.) (2002). *Transition Politics in Nigeria, 1970-1998*. Lagos, Nigeria: Malthouse Press; Oyediran, Oyeleye and Adigun Agbaje (eds.) (1999). *Nigeria: Politics of Transition and Governance, 1986-1996*. Dakar, Senegal: CODESRIA Book Series.
 39. A. Fawole, *Paranoia, Hostility and Defiance: General Sani Abacha and the New Nigeria Foreign Policy*. Ife: OAU Press, 1999.
 40. The process of making the 1999 constitution was not markedly different from those of the past. The majority of the citizens did participate in its making.
 41. *Constitution of the Federal Republic of Nigeria, 1999*. Lagos, Government Press.

order, the stage was now set for another era of executive-legislature interactions at both the metropole and satellites of the Nigerian federation.

LEGISLATURE-EXECUTIVE RELATIONS IN THE NIGERIA'S METROPOLE (1999-2007)

With the inauguration of democracy, and constitution on 29 May, 1999, a new era of executive-legislative interactions began in Nigeria. Prior to this time, the legislatures at both the federal and states, remarks Aiyede⁴² were shut down. Thus, with the new order, the nascent legislatures, in conjunction with the executives, were expected to play major roles in promoting good governance. To achieve this objective, the 1999 constitution, drawing inspiration from that of 1979, provided for a clear separation of powers and functions between the three arms of government. Section 5(1) vests executive power of federal government in the president and such power extended to the maintenance of the constitution, as well as all laws made by the National Assembly.⁴³

Section 4 (1 and 2) of the same constitution confers on the National Assembly, the power to make "laws for peace, order, and good government of the federation or any matter included in the exclusive legislative list of the constitution".⁴⁴ Additionally, Section 88 and 89 grant the National Assembly power to conduct investigation as well as the powers to take evidence and summon any person in Nigeria to give evidence.⁴⁵ Section 6 of the constitution vested the judicial powers in the courts. This section empowers the courts to determine the legality and constitutionality of the other two branches. With these constitutional frameworks, the executive and the legislature at the centre, was expected,

42. Remi Aiyede, "Legislature-Executive Relations in Nigeria's Democracy", in Emmanuel Ojo (ed.), *Challenges of Sustainable Democracy in Nigeria*, Ibadan: John Archers (Publishers) Limited, 2006, p.152.

43. Constitution of the Federal Republic of Nigeria, s. 5(1).

44. *ibid* s. 4(1 and 2)

45. See Aiyede, *op. cit.*, p.146.

in the spirit of co-operation, to work harmoniously for the common good.⁴⁶

Disappointingly, the optimism soon paved way for pessimism as the relationships between the Presidency, the arrowhead of the executive, and the National Assembly became acrimonious.⁴⁷ Although, such acrimony or gridlock in executive-legislative relations, is not pathological⁴⁸ but the way and manner in which it was carried out in Nigeria since 1999 made many observers, to wonder if it would not jeopardise democracy in the country.⁴⁹ Obviously, one area in which the acrimony was most visible was in the area of public finance. In fact, Okon, in 2005, captured the scenario thus:

Since President Olusegun Obasanjo assumed (or resumed) the leadership of Nigeria in 1999, virtually no budget has been passed without altercation between the Executive and the Legislature. Passing, the Annual Appropriation Bill when the year has literally run out has been a notorious practice under Obasanjo's democratic dispensation.⁵⁰

At this juncture, it is instructive to note that there were other areas of conflicts between the two organs at the national level⁵¹ but in most cases,

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46. In practice, the principle of separation of power hardly materialises. Thus, it has been modified by giving each organ powers and functions, which are counterpoised. SEE M. J. C Vile, *Constitutionalism and the Separation of Powers*. London: Oxford University Press, 1967, p. 18.
 47. See Aiyede, op. cit., pp. 140-154; L. Adele Jinadu, "Separation of Powers and the Budgetary Process in Nigeria: Tentative conjectures", in Lai Olurode (ed.), *Reflections on a Decade of Democratization in Nigeria*. Friedrich-Elbert-Stiftung, 2010, pp. 26-41.
 48. See Juan Linz, "The Peril of Presidentialism in Larry Diamond and M. F. Plattner (eds.), *Global Resurgence of Democracy*, Baltimore: John Hopkin University Press, 1993, p. 108.
 49. Dhikiru Yagboyaju "Intra-governmental Relations", in Lai Olurode (ed.), op. cit. pp.193-216. See also E. Aiyede "Executive-Legislature Relations in Nigeria's Emerging Presidential Democracy." *Unilag Journal of Politics*, 2, 1, 2005 p. 67.
 50. Eminne Okon "Executive-Legislature Relations: Some Preliminary Observation", in E. Ojo (ed.), op cit, pp. 161-162.
 51. The two actors also disagreed on the passage of ICPC and NDDC Bills. The President vetoed the two bills but the National Assembly passed them into laws by two-thirds majority. See, *The Comet*, 28 May, 2000, pp. 1-2.

they centred on money. One example: suffices here, the budget proposal that was prepared and submitted by the executive to the National Assembly in December 1999, included a provision of 2.6 billion Naira out of a budget total of about 500 billion Naira for the running of the Assembly during 2000 fiscal year. But the Assembly rejected this because such proposal impinged on the principle of separation of powers. As an autonomous body, contend, the leadership of the National Assembly, it has the constitutional right to prepare its own budget without consulting the executive.⁵²

The President, on the other hand, considered the actions of the Assembly as a breach of the checks and balances principle. In specific terms, President Obasanjo queried the action of the Legislature, insisting that it was the responsibility of the Executive to provide for the needs of the Legislature. Thus, head or tail, each camp believed that it acted within the purview of the constitution.

Since passing judgement is outside the scope of this paper, the fact remains that issues of "appropriation" and "allocation" were central to the relations between the two arms. In the game of supremacy, each side deployed different strategies. On the part of the Assembly, the ultimate strategy the threats of impeachment.⁵³ The Presidency, on the other hand, relied on inducements, bribes, co-optation and threats to deal with the Assembly.⁵⁴ In fact, the third Senate president, Anyim Pius Anyim, in his valedictory address in 2003, stated that Ghana-Must-Go bags only came to the Assembly from outside whenever there was an effort to impeach the leadership of the Assembly.⁵⁵

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52. See the interview of the chairman of the Senate Public Accounts Committee, Alhaji Idris Abubakar in *TELL* (Lagos), 24 April, 2000.
 53. See J. 'Shola Omotola "Impeachment Threats and Nigeria's Democracy" in E. Ojo (ed.), op. cit., pp. 185-208; see also his Public Attitudes Towards Impeachment Threats in Nigeria's Fourth Republic, unpublished M.Sc. thesis, Department of Political Science, University of Ibadan, Ibadan, Nigeria, August 2003.
 54. See *TELL* (Lagos), 7 October, 2002, pp 43-44; *The News* (Lagos), 2 September, 2002, pp. 20-23.
 55. A.P. Anyim "Fourth Assembly Senate: A Valedictory Speech" quoted in Aiyede, op. cit., p. 154.

From the foregoing, it is clear that the two sides, in real sense, “over-stepped” their constitutional bounds, but the poser is: How? The ought to equilibrate each other but the 1999 constitution via CHAPTERS 1 (4-6) and CHAPTERS 5-7, tilted the balance in favour of the Legislature in theory but empirical reality, contends Jinadu, suggests otherwise.⁵⁶ In real terms, the Executive is dominant and expectedly, this had had implications for governance. In the area of budgetary oversight, Jinadu puts the sorry state thus:

What has become clear in Nigeria since 1999 is that given the enormous size and complexity of the budget, federal and state legislatures and their Appropriations Committee have been unable, owing to ponderous constraints imposed upon them by historical, cultural, institutional, capacity and idiosyncratic factors to scrutinise the budget, as well as other executive branch proposed legislation closely and thoroughly.⁵⁷

In this situation, the Assembly became the arena of corruption and patronage where legislators in order to kowtow with the executive not only mortgage their integrity but also eroded the sanctity of the Legislature from being an effective check on the executive⁵⁸ Given this reality, legislative oversight, which is the hallmark of presidential democracy became enmeshed in the politics of the belly.⁵⁹ For example, the legislators at the centre the opportunity afforded by public hearings to milk the public.⁶⁰

THE CRUX OF THE MATTER: COLONIALISM AND THE LEGACY OF SOCIAL CLOSURE

If the central legislature in Nigeria, is institutionally weak, it is logical to

56. Adele Jinadu, op cit, p. 33.

57. Ibid, p. 34.

58. Iyabo Olojede “Democracy and Corruption: Executive-Legislature Relations in Nigeria's Fourth Republic”, in E. Ojo (ed.), op. cit., p. 278.

59. See, Francois Bayart, *State in Africa Politics of the Belly*.

60. See *TELL* (Lagos), 1 July, 2002, p. 31.

ask: What is the dominant logic behind its weakness? Although, several explanations have been offered on this question⁶¹ it instructive to note here that some of these explanations, while logical and robust, are barren. Alternatively, our answer to the question is anchored on our understanding of the political economy of the Nigeria and the intra-governmental relations thrown up by it. Thus, drawing from the works of Ekeh,⁶² Joseph⁶³ and Ikpe,⁶⁴ we argue that colonialism left Nigeria and other postcolonial African states, with a legacy of state-society disconnect or, put differently, a social closure.⁶⁵ In real terms, a political system where a few opportunistic members élite rather than serving the general societal interests, only serve primordial interests, can hardly serve to advance a stable democratisation process, including stable Executive-Legislature relations.

This emphasises a kind of patrimonialism⁶⁶ or prebendalism, which Richard Joseph:

Pattern of political behaviour which rest on the justifying principle that such offices should be competed for and then utilised for the potential benefit of office-holders as well as of their reference or support group. The official public purposes of the office often becomes a secondary concern, however, much that purpose might have been originally used in its creation or during the periodic competition to fill it.⁶⁷

61. See Remi Aiyede, *op. cit.*, pp. 151-154; Ormanika, *op. cit.*

62. P.P. Ekeh, "Colonialism and the Publics in Africa: A Theoretical Statement," *Comparative Studies in Society and History*, 1975.

63. Richard Joseph, *op. cit.*

64. Umana Ikpe, *Political Behaviour and Electoral Politics in Nigeria*. Uyo: Golden Educational Publisher.

65. Ideally, the state derives its legitimacy from the society. But the reality in Africa is that the State hardly serves the society. For a fuller accounts, Naomi Chazan, "State and Society in Africa: Images and Challenges" in D. Rothchild and N. Chazan (eds.), *The Precarious Balance: The State and Society in Africa*. Boulder, Westview, 1988.

66. On Patrimonialism and its discontents, see R. Theobald, "Patrimonialism" *World Politics*, Vol. 34, 4, 1982.

67. Richard Joseph, *op. cit.*

Thus, with prebendalisation of politics, government business becomes informal and clientelistic. During military administration, it was effected via military logic but civilian, a new strategy was devised. Indeed, a new model of patron-client relationship where the president or the chief patron disbursed patronages to clients from within and without the National Assembly.

This trend was more pronounced in the administration of President Olusegun Obasanjo when the People Democratic Party (PDP), the ruling party, courtesy of the 2003 flawed elections,⁶⁸ had majority in the National Assembly. In specific terms, while PDP's majority in the Senate increased from 59 in 1999 to 76 in 2003, those of the Alliance for Democracy (AD) and All Nigeria People Party (ANPP) decreased from 20 to 6 and 29 to 27 respectively.⁶⁹ Obviously, this gave the chief executive so much power to bend the legislature at will⁷⁰. With this kind of situation, the beauty of "oversight", was defaced. Invariably, this has implication for governance at all levels. This is the crux of the matter.

CONCLUDING REMARKS

While extra-governmental institutions like the civil society organisations and the media operate from the background to check the executive, the legislature does similar assignment operating from within but how this is done varies from polity to polity. Indeed, national variations in legislative capabilities are determined by a combination of historical and political factors. In neocolonial states where political institutions are still haunted by the colonial past, Legislatures tend to be in limbo. For example, the

68. On character of the 2003 election, see J. 'Shola Omotola, 'The 2003 Nigerian Second Election: Some Comments', *Political Science Review*, 3 (1&2), 2004, pp. 126-38; and J. 'Shola Omotola, 'Elections and Democratic Transitions in Nigeria under the Fourth Republic', *African Affairs*, Vol. 109 (437), 2010, pp. 535-355.

69. See *Nigeria Country Report*, June 2011, op. cit., p. 6.

70. In his inauguration address to the second National Assembly The president made it categorically clear that it was not going to be business as usual, see his 'Fast Forward into the Future' in *The Guardian*, 5 June, 2003, p.10.

African Governance Report 2005 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".²¹

In Nigeria, colonialism has created a prebendal culture where institutions of state have been clientelised to the extent that they hardly serve the common good. Between 1999 and 2007, Legislatures in Nigeria, particularly at the centre, except in few instances, became the caricatures of themselves. Rather than safeguarding the interests of their constituencies, the pursuit of pecuniary benefits have been the lot of legislators. Obviously, this has implication for governance and constitutionalism. In fact, the PDP-controlled National Assembly between 2003 and 2007, except during the third term saga, prebendalised with impunity. Given this reality, how do we turn things around? First, in the short run, the political class in Nigeria, must become democrats. Second, the neo-colonial the Nigerian state must be decolonised and re-constituted via re-constitutionalisation. Through such framework, the 'real parliament' that could serve popular interests, by performing the tripartite functions of legislation, representation and oversight, would emerge. Although these recommendations might sound utopian in a neo-colony like Nigeria, but a determined people can force such agenda on the state via mass struggle.

²¹ *African Governance Report*, UNECA, 2005, p. 127.

CHAPTER 5

The Legislature and the Challenge of Public Accountability, 1999-2011

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INTRODUCTION

Most of us came into the National Assembly with very high expectations. It is an investment really to come to the National Assembly. When we go around campaigning and asking for votes, we don't get these votes free. You spend some money. Most of us even sold houses. You come in through legitimate means *but you can't recoup what you spent* (emphasis mine).¹

The above quotation by a one-time Senate President in Nigeria – Adolphus Wabara – betrays what psychologists would call a Freudian slip. He revealed why elected and oftentimes appointed public office holders

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1. Cited in Ernest Omoavelejie, "Rot in the National Assembly: Cases of Corruption are pervasive in the Legislature", in *The News*, Lagos, 4 April, 2005, p. 50. Wabara's rationalisation is in line with my work on the corrupt influence of money in Politics, see, Emmanuel O. Ojo "Vote Buying in Nigeria" in *Money, Politics and Corruption in Nigeria*, IFES-Nigeria Publication, Abuja, May 2006, pp. 105-123. It equally corroborates Robert Guest's position that 'because political office is a quick route to wealth in Africa, people fight for it'. In "a survey of sub-Saharan Africa", *The Economist*, 17 January, 2004, pp. 1-16. Also cited in Patrick J. Mc Gowan, *Coup and Conflict in West Africa, 1995-2004*. Armed Forces and Society, Vol. 32, No. 1, 2005, p. 5.

engage in brazen corruption at the expense of the system they were elected or appointed to defend. No doubt, as rightly pointed by Akpan, "the present-day politicians carry their ideologies and consciences in their handbags and hawk them so long as the asking price is handsome enough". In the words of Ayodele, "corruption is the worst of instruments of destructive destruction in the country today and it now in public display as it is a trade fair".¹ In a retrospective lecture, Kofun Dinka, avers that "the issue of corruption and ethical leadership is a major challenge facing Nigeria currently".² Corruption and unethical leadership continue major impediments to any good governance that is desired in the nation. A nation that is corrupt is not an appropriate environment for good governance to bring about poverty alleviation.³

Over the last couple of years, Nigeria – Africa's largest nation – gained international global attention on account of its unenviable reputation – 'top-of-the-worst corruption'.⁴ For instance, in 1999, Nigeria was ranked the second most corrupt country in the whole world by Transparency International (TI). In year 2000, it emerged the most corrupt country again.⁵ After eight years of the purported war against corruption, the summary of its report of the African Peer Review Mechanism (APRM), the work conducted as assessment in Nigeria in February 2005, scored the

1. Ibid. p. 4. Akpan, Nigeria: Positive Skepticism and Negative Optimism. A Thematic Lecture delivered at the Faculty of Social Sciences, University of Lagos, 17 September 2010, p. 46.
2. Ibid. p. 4.
3. See Kofun Dinka, "Ethical Leadership, Social Responsibility and Corruption in Nigeria", in Ayandiff D. Aina (ed.), *Corruption and the Challenge of Development*, a publication of the Program on Policy, Conflict and Strategic Studies, Eastern University, August 2007, p. 2.
4. Ibid.
5. See T. David Omorogbe, "Through A Corrupt Lens: Transparency International's Report on Corruption in Nigeria", *Africa World Press* (3-4), 2006, pp. 214-229.
6. David Omorogbe Erweremadu, "The State of the National Anti-Corruption Commission (NACC) under the Fourth Republic", *Journal of African Research* Issue, Vol. 2, An official journal of the French Institute for Research in Africa (IFRA), Ibadan, Nigeria, 2007, p. 1.

country low in good governance, noting that its immense internal wealth notwithstanding, the country currently hosts the third largest population of the world's poor people. The report noted further that the country's anti-corruption crusade since 1999 had facilitated the recovery of about ₦120 billion (\$1 billion US dollars) from oil companies as a result of the Extractive Industries Transparency Initiative (EITI) to which Nigeria is a signatory. The APRM, however, regarded the success as just 'modest'.⁸ The panel, led by Kenya's former Ambassador to France, Bethuel Kiplagat, divided corruption in Nigeria into three categories: petty corruption, grand corruption and outright looting.⁹

In the same vein, the 2008 Corruption Perception Index (CPI) released by Transparency International (TI) showed that Nigeria is rated 121 out of 180 countries surveyed by the Berlin, hand-based organisation. On a scale of 10.0, Nigeria scored 1.6 in 1999, 1.2 in 2000, 1.0 in 2001, 1.6 in 2002, 1.4 in 2003, 1.6 in 2004, 1.9 in 2005, 2.2 in 2006, 2.2 in 2007 and 2.7 in 2008. Deploable as it is, the ranking is a major jump from the bottom of the ladder that it had been placed for years. In 2005, the country was placed 152 out of 158, and it was 147 in 2006 and 2007. In the 2008 ranking under out of 158, and it was 147 in 2006 and 2007. In with Nepal, Sao Tome and Principe, Togo and Vietnam. Denmark, New Zealand and Democratic Republic of Congo are in the number one position, while Haiti, Iraq, Myanmar and Equatorial Guinea, Sudan, Afghanistan and Haiti, Iraq, Myanmar and Equatorial Guinea, Sudan, Afghanistan are the most corrupt.¹⁰

It is against this background that this chapter takes a critical and in-depth look at the Legislature (both the Senate and Federal House of Representatives) and its role in the promotion of probity, transparency and accountability.

8. Ibid.

9. For the same see Nigeria's APRM Report on Progress, 23 September 2008, pp. 1 & 2.

10. For same see Transparency International, 'Nigeria Improves on CPI', 24 September 2008, p. 1.

ON PROBITY, TRANSPARENCY AND ACCOUNTABILITY

In the extant literature on good governance generally, the level of transparency and accountability determines how good or bad governance in a country is. In a study, Davies¹¹ identifies six ways through which the government and its officials are expected to demonstrate responsibility for their actions in contemporary human collectivity. They are:

- (1) Political Accountability, i.e. a doctrine associated with the responsibility of the rulers to defend their action before the ruled. The doctrine originated from the theory of political mandate which makes the political office holders to be accountable to those who elect them;
- (2) Legal accountability, which shows the responsibility to obey laws, sometimes referred to as regime of rule of law. The absence of which undermines democracy and creates a class of over lords among public officers with a penchant to act arbitrarily;
- (3) Fiscal accountability, i.e. responsibility for public funds put in their care to show that public money has been used judiciously for public purposes. Effective public account auditing will be needed to ensure this;
- (4) Programme accountability, i.e. responsibility for executing public programmes;
- (5) Process accountability, i.e. responsibility to plan, adopt and follow established procedure in administration; and
- (6) Outcome or performance accountability, i.e. responsibility for results, good or bad.

The British Council in 1993 outlined the essence of good governance as including:¹²

11. Arthur E. Davies, "Reflections on the Imperative of Transparency and Accountability for Good Governance", *Ilorin Journal of Business and Social Sciences*, Vol. 8, Nos. 1 & 2, 2003, pp. 1-6.
12. Cited in Farida Waziri, 'How Corruption undermines Democracy', *Nigerian Compass*, Isheri, Ogun State, 27 May 2009, p. 46.

- (1) Legitimate and representative government;
- (2) Accountable administration characterised by the free flow of information;
- (3) Separation of powers;
- (4) Effective internal and external auditing;
- (5) Low levels of nepotism, clientism and cronyism;
- (6) A competent and service oriented Public Service;
- (7) Respect for human rights; and
- (8) Rule of Law and absence of executive arbitrariness.

In the words of Waziri, a past Chairman of the Economic and Financial Crimes Commission (EFCC), Nigeria's leading anti-corruption agency, good governance, therefore, incorporates integrity, efficiency and effective leadership. This becomes attainable only when the competitive process is free and fair. So important and central to the governed is that their leaders will constantly gauge their opinion in all matters before taking action. Indeed the government exists in the first instance to promote their common good. This is in consonance with s. 14(1b) of the 1999 constitution.¹³

In another extensive study of corruption in Nigeria, Dibia, adopted six ethical principles in analysing the malady. For Dibia, the six ethical principles should remind government officials in Nigeria that no single value, such as economic efficiency, can provide an adequate basis for all decision making, rather, moral principles and the values they represent are fundamental to ethics. First, according to Aristotle (384-322 BC) public leaders have to be honest, open and truthful. For example, to eliminate distrust, they should live temperately so as not to incite envy.¹⁴ The principle then can be expressed as "never take any action that is not honest, open, and truthful, and that you would not be proud to see reported widely in national newspapers and on network television".¹⁵

13. Ibid; and as detailed in S. 14(1b) of the 1999 constitution of Nigeria.

14. See, Robert Dibia, op. cit., p. 3.

15. See, Hosmer, LaRue Tome, *The Ethics of Management*, Boston, McGraw-Hill. Also cited in Dibia, op. cit.

Second, in their religious injunctions, St. Augustine AD (354-403) and St. Thomas Aquinas, (1225-1227), indicated that honesty, truthfulness and temperance are not enough. The principle can then be expressed as "never take any action that is not kind and that does not build a sense of community, a sense of all of us working together for a commonly accepted goal."¹⁶ Third, the utilitarian doctrine that was postulated by Jeremy Bentham (1747-1832), and John Stuart Mill (1806-1873), contend that compassion, and sense of community would be ideal if everyone was compassionate, kind and work for the good of the community rather than for themselves. An act is then 'right' if it leads to greatest net social benefits than social harm. This is the rule that is often summarised as "greatest good for the greatest number". The principle can be summarised as "never take any action that does not result in greater good than harm for the nation of which public leaders are a part."¹⁷

Fourth, the universal rule provided by Immanuel Kant (1724-1804), points out that what we need is a rule to eliminate the self-interest of the person who decides in any given situation, and we can do that by universalising the decision making process. The principle, then, can be expressed as never take any action that you would not be willing to see others, faced with the same or a close or a similar situation, and also be free or even be encouraged to take".¹⁸

Fifth, distributive justice by John Rawls contends that people have different social and economic wants. Public leaders and public administrators need a rule to protect the poor and the uneducated that lack the power and position to achieve those wants. The principle, then, can be expressed as "never take any action in which the least among us will be harmed in any way".¹⁹

Sixth, contributive liberty principle by Nozick points out that perhaps liberty, the freedom to follow one's own interest within the constraints of

16. *Ibid.*

17. *Ibid.*

18. *Ibid.*, p. 4.

19. *Ibid.*, p. 4.

the law and markets, is more important than justice, the right to be protected from extremes of that law and those markets. The principle then can be expressed as “never take any action that will interfere with the rights of others for self-development and self-improvement”.²⁰

It is vital to state that much as ethical principles are very good as social restraints and behavioural guide in public office in terms of being conscious of the required etiquette, one cannot but emphasise the fact that ethical principles are meaningless unless then, can be applied to all. This is why equity, justice and observance of rule of law are essential ingredients of good governance the world. We now proceed to events in the National Assembly as they relate to corruption and moral questions.

MANIFESTATIONS OF CORRUPTION IN THE LEGISLATURE

The foci of this section of the chapter is to chronicle major manifestations of corrupt practices in the legislature right from the inception of democratic rule in May 1999 till date; as well an assessment of the effectiveness of government's efforts at curbing the menace. It would be recalled that the spate of corrupt practices was spearheaded by Alhaji Salisu Buhari, former Speaker of the Federal House of Representatives. Barely a year of the inauguration of Nigeria's nascent democracy, the young speaker was exposed by a newsmagazine of certificate forgery and perjury. In his biodata, which he submitted for election, Buhari purported to be 36 years old and claimed to have attended the University of Toronto, Canada. Whereas, he was neither up to that age nor ever attended that University, talk less of holding the qualification he claimed to have. In an exclusive report entitled “The Face of a Liar”, the newsmagazine²¹ reported that the Speaker was a cheat. After much controversy, the Speaker admitted that he forged his birth and academic certificates. He was removed from office, for the fact that he had padded his age to surmount the 30 years minimum age requirement the Constitution places in the way of prospective

20. Ibid.

21. See, *The News*, Lagos, 2 August, 1999.

candidates for the House of Representatives. While the degree he faked was an egocentric mis-adventure, both are a criminal perfidy. He was eventually tried and convicted for forgery and perjury and sentenced to jail by an Abuja Chief Magistrate Court.²²

Immediately after the removal of the former speaker, another privately owned newsmagazine, *TELL* ran an exclusive, scandalous and equally corrupt story about the Senate President – Evan(s) Enwerem. He too was accused of having a questionable past, which ought not to have given him the privilege of becoming a number three man in the polity. Like a child's play, he too was removed as Senate President. Enwerem was replaced by Chuba Okadigbo. According to the famous dictum, 'What is morally wrong cannot be politically right'. The mass media quickly discovered financial recklessness on the part of the new Senate President too.²³ In view of the persistent media war against him, the House set up a probe panel to investigate him and off he went like his predecessor having been found guilty of corrupt practices too. In less than two years of democratic experiment, Nigeria had three Senate Presidents and two Speakers of the House of Representatives for no other reason than corrupt charges. As rightly put by a newsmagazine: from Evan(s) Enwerem to Chuba Okadigbo and now to Anyim Pius Anyim, the upper legislative house has become a laughing stock over allegations of impropriety.²⁴

Likewise, at the state level, that tier of government is not immune from corruption too. In February 2000, the Speaker of the Oyo State Legislature was declared wanted by the police for defrauding the state government of 6.5 million Naira (about \$60,000).²⁵

In 2002, former Federal Capital Territory Minister, Mallam Nasir el-Rufai, alleged that the leadership of the Senate had requested for a

22. *TELL*, 19 June, 2000, Lagos, p. 19.

23. See Emmanuel O. Ojo, "Nigeria's Nascent Democracy and 'WAR' Against Corruption: A Rear View Mirror", 2011 (forthcoming).

24. *The News*, 4 June, 2001, Lagos.

25. *Ibid.*

'gratis' of about 54 million Naira to facilitate his clearance as a ministerial nominee.²⁶ This generated a lot of heated debate in the media. He was eventually positively screened by the parliament to safe face. Not long after, Senator Adolphus Wabara, former Senate President, was forced to resign after a bribery scandal involving some senators and a former education minister, Fabian Osuji. After a national broadcast on the matter by President Obasanjo, Osuji quit the cabinet. Sources claimed that such sundry corrupt practices still reign amongst the current lawmakers.²⁷ Shortly after, the first female Speaker of the House of Representatives – Patricia Olubunmi Etteh – was accused of involvement in a 628 million Naira House contract scam. She was probed and eventually forced to step down as House Speaker too.²⁸

It was reported too that the Ministry of Health had defied the presidential order that by 15 December, 2007, all unspent monies from the 2007 budget should be returned by all government departments to the treasury. This was in keeping with existing regulations. But faced with a 300-million Naira unspent part of the Health Ministry's budget, Adenike Grange, the health minister, and her officers were said to have immediately deployed about 106 million Naira to the award of contracts at the last minute. The sad revelation is that these contracts were for services and equipment, which seem not to be immediately relevant to healthcare service delivery: purchase of refrigerators, photocopiers, security devices, smoke detectors, fire extinguishers, equipment for protocol unit, acoustic ceiling tiles and cooling systems. The remaining amount was then allegedly shared out among the officials as "Christmas bonus". Members of the National Assembly Committee on Health also got a handsome share of the money. This action cost Adenike Grange and Gabriel Yakubu Aduku, minister of state for health, their jobs along with 14 senior civil servants in the ministry, including the permanent secretary, Simon Ogandi.²⁹

26. *The News*, 28 June, 2010, Lagos, p. 25.

27. *Ibid.*

28. *See*, "Corruption War: How far can Obasanjo Go?", *TELL*, Lagos, 18 April, 2005, p. 23.

29. *The Guardian*, Editorial Comment, 2 April, 2008, Lagos, p. 16.

As if each leadership of the house was jinxed, in 2010, the Dimeji Bankole-led house was accused of corruption, misappropriation and gross misconduct. He was asked to explain the disbursement of 9 billion Naira out of the 11 billion Naira capital vote for 2008 and 2009. In a petition, the “Progressive Group” in the house led by Dino Melaiye wrote:

we are aware of how 400 units of Samsung 40-inch TV sets were bought at ₦525,000.00 Naira per unit while the market price is ₦180,000 Naira – even if you add VAT of 10 per cent, the amount will not exceed ₦220,000 Naira per unit – how ₦150 million Naira was spent on exotic bullet proof Mercedes Benz Jeeps, and ₦62 million Naira on Range Rover bullet-proof Jeeps when the President does not have such cars in his convoy.”³⁰

It will be recalled that a Lagos lawyer, Festus Keyamo, sometime in October 2008 accused Speaker Dimeji Bankole and other members of soiling their hands in the inflated car purchase contract. The allegation raised eyebrows in the polity and led to several attempts to impeach the speaker. But like a cat with nine lives, Dimeji Bankole escaped such plots by the whiskers.³¹ Further attempts to unseat him over the allegation were nipped in the bud in a clinical manner by the House Committee on Ethics and Privilege, which turned in a controversial report exonerating the speaker of any wrongdoing in the vehicle purchase. The report stated unequivocally that the investigators “found no evidence of scam in the purchase of the Peugeot 407 ST Sport cars.”³² But the damage had been done. The house leadership was rubbished. Eventually, the 11 members of the ‘rebellious’ group were suspended till close to the end of the legislative session.³³ This was in spite court injunctions reinstating them.

Beyond the issue of moral questions hanging on the neck of house

30. See, *TheNews*, Lagos, 5 July, 2010, p. 36.

31. *The News*, 31 May, 2010, Lagos, p. 25.

32. *Ibid*, p. 25.

33. Those suspended are: Dino Melaiye (PDP Kogi), Independence Ogunewe (PDP Imo), West Idahosa (PDP Edo), Solomon Awhwinahwi (PDP Delta), Austin Nwachukwu (PDP Delta), Gbenga Oduwaiye (PDP Ogun), Abba Adamu (PDP Jigawa), Kayode Amuran (PDP Ogun), Gbenga Onigbogi (PDP Osun), Bitrus Kaze (PDP Plateau) and Doris Ubah (PDP Delta).

leaderships and a number of individual parliamentarians, the public perception of the collective too is not good enough.³⁴ To start with, between 1999 when the house was inaugurated and 2010, covered by this study (a period), the house – both Senate and Representatives – have been using the advantage of their statutory responsibility as the approving authority for the annual Appropriation Act. The lawmakers have, over the years, become proficient at jacking up the various sub-heads in the national budget, especially as they relate to allocations to the National Assembly and ministries ready to do deal with them. According to media reports, usually included in the budget are generous provisions for constituency projects. The padding of the budget via inclusion of new sub-heads and unilateral increase of allocations to sectors was a source of friction between President Olusegun Obasanjo and the National Assembly between 1999 and 2007. The lawmakers on a few occasions, threatened the president with impeachment over his refusal to implement the budget as passed by the National Assembly.³⁵

The situation got worse under President Umaru Yar'Adua who, unlike Obasanjo, was not averse to sweetheart deals with the National Assembly in the guise of maintaining a cordial relationship between the executive and legislative.³⁶ It would be recalled that the president had initially refused to sign the 2008 budget because members of the National Assembly unilaterally increased the estimates from ₦2.4 to ₦2.89 trillion Naira. The President ordered that the bill be returned to the National

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34. Negative perceptions of the legislature are not only because of their corrupt dispositions, but also for their complicities in the politics of impeachment. *See*, for example, 'Impeachment Threats and Nigeria's Democracy', in Ojo, E.O. ed. *Challenges of Sustainable Democracy in Nigeria*. Ibadan: John Archers Publishers, pp. 185-208; and for similarities at state levels, J. 'Shola Omotola, 'Politics of Impeachment and Democratisation in Nigeria, 1999-2007: The Oyo State Experience', *International Journal of Social and Management Sciences*, Vol. 3(2), pp. 35-55.
 35. For a comprehensive study on frosty relations between Obasanjo and the National Assembly, *see* J. 'Shola Omotola, "Public Attitudes Towards Impeachment Threats in Nigeria's Fourth Republic", unpublished M.Sc. thesis, Department of Political Science, University of Ibadan, Ibadan, Nigeria, August 2003.
 36. *See*, *The News*, 18 June, 2010, Lagos, p. 19.

Assembly as there might not be enough funds to implement it.³⁷ The lawmakers, after some saber-rattling, revised the estimates to ₦2.7 trillion and re-submitted them to the president for his assent. The president complained that the revised figure was not much different from the initial one, but was nevertheless pressed to sign the bill into law by the leadership of the National Assembly, which argued that the president could later submit a supplementary bill to take care of any observed lapses. Interestingly, after signing the 2009 Appropriation Bill into law, the president expressed his “reservations” on the workability of the ₦3.1018 trillion budget. Yar’Adua had in December 2008 presented a budget proposal, with an aggregate expenditure of ₦2.87 trillion and a deficit of ₦1.09 trillion or 3.95 percent of Gross Domestic Product (GDP) to the National Assembly. The deficit of the budget was consequently revised to ₦654 billion or 2.36 percent of GDP. The National Assembly, however, jacked up the budget proposal to ₦3.1018 trillion with a deficit of ₦836.6 billion or 3.02% of GDP, which it sent to the president for his assent.³⁸

Finally, the parliamentarians were known to be drawing fat allowances beyond what was statutorily approved for them. It was a former member of the House of Representatives who, in 2003, shocked Nigerians when he went public with what he described as “barefaced looting called allowances” being received by the lawmakers.³⁹ This observation includes too many frivolous local and foreign trips. But what exposed the parliamentarians to public disgust was the disclosure by some former House members that members were drawing estacodes, which happened to be the second highest in the world.⁴⁰

37. Ibid.

38. Ibid.

39. This disclosure by Sola Adeyeye, a former member of the House of Representatives from Osun State was even before members of the National Assembly started receiving tens of millions in constituency allowances. See *The News*, 28 June, 2010, p. 24.

40. This figure was officially released by Ibrahim Lamode, Acting. Chairman, EFCC, see, *Nigerian Tribune*, Ibadan, 11 February, 2008 p. 5.

CORRUPTION, DEMOCRACY AND DEVELOPMENT: A NEXUS

It is shocking to discover that Nigerian leaders have embezzled about US 400 billion dollars between 1960 till date, and most of them were not challenged. The amount recovered by the EFCC from assets and other sources till date is more than 20 percent of the 2008 budget proposal, which stood at 2.5 trillion Naira. If only a portion of it had being used to develop electricity generation alone, incessant power failure would be no more.⁴¹ In a public lecture recently, Kenya's prime minister, Raila Amolo Odinga, noted that in Africa, 'corruption has being and remained a major scourge preventing economic growth and stability in African countries. It is a barrier to national development, infrastructural growth, and investment'. No doubt, the concomitant effect of corruption is poor economy and lingering poverty problem. Nigeria's poverty conundrum has assumed a frightening dimension. In the words of Magnus Kpakol, a senior special assistant to the president and the national coordinator of National Poverty Eradication Programme:

The number of poor Nigerians could be put at an estimated figure of 70 million. In 1980, the figure was 28.1 million in 1985, 46.3 million in 1992, 47.7 million, 1996, 65.6 million and 1999 42.7 million, 1996, 70.0 million, 2004, 54.4 million.⁴²

He gave the statistical break down along the six regional levels to be 'North-East, 72.2 percent; South-East, 26.7 percent, South-South, 31.5 percent, South-West 43.1 percent, North Central 67.0 percent and North-West, 71.2 percent'.⁴³ For official poverty statistics to have revealed that half of Nigeria's 150 million populations is poor, is a serious source of worry for a nascent democracy. This is because democracy is endangered in Nigeria now more than ever before, simply because want and squalor are anti-democratic forces in the polity. The dilemma is that the state is

41. See, Festus Ojudu, 'The Rape of Nigeria', in *Sunday Tribune*, Ibadan, 9 December, 2007 pp. 15-17.

42. See, *The Guardian*, Lagos, 10 October, 2008 p. 2.

43. See, *National Life*, Lagos, 13 September, 2008 Lagos, p. 8

blesed with abundant human and material resources. But over the years, corruption has made nonsense of revenue accruable to all levels of government between 1999 till date. In essence, state capacity to provide basic infrastructure has been whittled down by both political and bureaucratic corruption

Corruption, which has crippled the economy, is antithetical to sustainable democracy. As argued elsewhere,⁴⁴ qualitative cross-national research on the economic determinant of democracy and democratisation generally, consistently reveals that a country's level of economic development is associated positively and strongly with the extent to which the political systems manifest properties of democracy. There is, therefore, a two-way causal relationship between the economy and sustainable democracy, the state of the economy is the determinant of enduring democracy but democracy is a key pre requisite for sustainable economic transformation. It is for this reason that Nigeria's war against corruption must be fought in virtually all organs of government if the nascent democracy would not suffer regression.

CONCLUDING REMARKS

From the foregoing, it is high time Nigerians began to take a keen interest in who become their representatives in the parliament. The beauty of democracy is throwing up politicians of proven integrity for effective representation rather than the present crop of political merchants and vampires who are all out to milk the system rather than improve on the system.

44. Emmanuel O. Ojo, 'Imperatives of Sustaining Democratic Values in Nigeria', in Emmanuel O. Ojo (ed.), *Challenges of Sustainable Democracy in Nigeria*. John Archers (Publishers), Ibadan, Nigeria, 2006, p. 9.

CHAPTER 6

Legislative (In)Effectiveness in Developing Democracies: The Nigerian Experience

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INTRODUCTION

It is arguable that the legislature is the bulwark of democracy, because it occupies a central position in comparative understanding of democratic experience in developing countries. While there can be government without the legislature, there can never be a democracy without the legislature. The legislature epitomises the existence of democracy in a polity because it distinguishes a democratic government from an autocratic government; as both systems have the executive and judiciary arms. Hout's¹ position

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1. See, Volden, C. and Wiseman, A. E., "*The Lawmakers*", 2013, Available online at http://polisci.emory.edu/home/cslope/conference_2013/papers/Craig_Volden_Ch2_Ch4.pdf, Accessed on July 13, 2013; Carson, J.L., Koger, G., Lebo, M.J. and Young, E., "The Electoral Costs of Party Loyalty in Congress" *American Journal of Political Science*, Vol. 54, No. 3, July 2010, pp. 598–616; Davies, A.E., "Executive-Legislative Relations and Democratisation during the Transition Programme", in A. Gboyega (ed.) *Corruption and Democratisation in Nigeria*, Ibadan, Agbo Areo Publishers, 1996; Saliu, H.A and Mohammed, A.A., op. cit., 2010; Alabi, M.O.A. and Fashagba, J.K., "The Legislature and Anti-corruption Crusade under the Fourth Republic of Nigeria: Constitutional Imperatives and Practical Realities", *International Journal of Politics and Good Governance*, Vol. 1, No. 1&2 Quarter II, 2010; Mayhew, D.R., *Congress: The Electoral Connection*, New Haven, Yale University Press, 1974; Bello-Imam, I.B., "The Legislature: Its Role, Performance, Problems and Prospect in Nigeria", in I. B. Bello-Imam and Mike Obadan (eds.) *Democratic Governance and Development*

gives credence to this argument when he opines that the legislature is clearly the key institution in minimal and liberal democracies around the world. The legislature is seen as the engine of democratic governance, because laws made by it set the agenda for the government and regulate

Management in Nigeria's 4th Republic, 1999-2003, Ibadan, Centre for Local Government and Rural Development Studies, 2004; Hout. W., op. cit., 2006; Aiyede, E.R., "Legislative executive Relations in Nigeria's Democracy", in E.O. Ojo (eds.) *Challenges of Sustainable Democracy in Nigeria*, Ibadan, John Archers, 2006; Fenno, R.F., *Home Style: House Members in Their Districts*, Boston, Little Brown and Company, 1978; Zwingina, J.S., "The Role of the Legislature in Democratic Governance: the Nigerian Experience", *Nigerian Journal of Legislative Affairs*, Vol. 1, No.1, 2006; Okoosi-Simbine, A.T., "Understanding the Role and Challenges of the Legislature in the Fourth Republic: the Case of Oyo State House of Assembly", *Nigerian Journal of Legislative Affairs*, Vol. 3, No.1&2, 2006, pp. 1-27; Ijaiya, G., "Legislative Committees and Oversight Functions in Nigeria", *Nigerian Journal of Legislative Affairs* Vol. 3, No.1&2, 2010, pp. 159-169; Egwu, S.G., "The Legislature in Nigeria's Fourth Republic" in A.T. Gana and Y.B.C. Omelle (ed.) *Democratic Rebirth in Nigeria 1999-200*, New Jersey, Africa's Multimedia, 2005; Ojagbohunmi, G.A., "Committees of the Legislature", *Paper Presented at a Training Workshop for Clerks-at-the-Table and Committee Clerks of the National Assembly held at Shiroro Hotel, Minna, Niger State*. January 16-30, 2006; Solomon, A.B., "National Assembly: the Limit of Party Politics in Legislative Process", *Nigerian Journal of Legislative Affairs*, Vol. 3, No. 1&2, pp. 44-72; Lafenwa, S.A.. op. cit., 2009; Fashagba, J.K., "The Roles of the Committee System in Enhancing Legislative Efficiency in Nigeria: The Case of Kwara State House of Assembly", *Journal of Sustainable Development in Africa*, Vol. 10, No. 4, 2009, pp. 426-444; Ishaya, S.H., "The Role and Challenges of Parliamentary Staff in a Nascent Democracy", *Nigerian Journal of Legislative Affairs*, Vol. 3, No. 1&2, 2010, pp. 170-180; Wiseman, A. E., and Wright, J.R., "The Legislative Median and Partisan Policy," *Journal of Theoretical Politics*, Vol. 20, No.1, 2008, pp. 5-30; Weissert, C.S., "Issue Salience and State Legislative Effectiveness", *Legislative Studies Quarterly*, Vol. 16, No. 4, 1991, pp. 509-520; Miquel, G.P.I. and Snyder, J.M., "Legislative Effectiveness and Legislative Careers," *Legislative Studies Quarterly*, Vol. 31, No. 3, 2006, pp. 347-381; Bartels, L.M., "Constituency Opinion and Congressional Policy Making: The Reagan Defense Build Up", *The American Political Science Review*, Vol. 85, No. 2, 1991, pp. 457-474; Bartels, L.M., "Partisanship and Voting Behavior, 1952-1996", *American Journal of Political Science*, Vol. 44, 2000, pp. 35-50; Krehbiel, K., *Information and Legislative Organization*, Ann Arbor, University of Michigan Press, 1991; Anderson, W. D., Box-Steffensmeier, J.M. and Sinclair-Chapman, V., "The Keys to Legislative Success in the U.S. House of Representatives." *Legislative Studies Quarterly*, Vol. 28, No. 3, 2003, pp. 357-386.

the conduct of the people. Saliu and Muhammed² observe that it also serves as an arena for reconciling differences in opinions about policy within the state. In addition, its oversight and representational duties are critical to sustainable development, which is considered as one of the ends of democracy.³ To this end, it is settled in the annals of scholarly literature that the legislature has important roles to play in a democracy.⁴

All governance that is undemocratic (dictatorship, monarchy, despotism, tyranny, absolutism, authoritarianism, totalitarianism) are widely commended as repugnant and obnoxious because they discountenance political participation and have high disdain for both opposition and dissident views. On the other hand, democracy tends to correct these anomalies through legislative politics which allow the entire citizenry to participate (through representation in parliament) and express or input minority or opposition view in governance. The significance of the legislature in this regard cannot be over-emphasised because it provides the forum for inclusive political dialogue and national debate; and as such can distil citizen preferences and provide a broad assessment of a country's needs with inputs from political parties and civil society.

The argument of Bello-Imam⁵ depicts the centrality and significance of legislature in democratic governance.

The legislature is in-dissociable from liberal democracies as they are constructed around it or on the basis of it. Any attack against the organisation, composition or functioning of the parliament/assembly is seen as a blow against democracy. Parliament can do anything except change a man to a woman.

Aside from the basic roles of the legislature which are law-making, representation and oversights; it also performs other important constitutional

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2. Bello-Imam, I.B., op. cit. 2004, p. 408.
 3. Federal Republic of Nigeria, 1999 *Constitution of the Federal Republic of Nigeria*, Lagos, Federal Government Printer, 1999.
 4. Ihedioha, E., "The Legislature: Roles, misconceptions and experience in democratic Nigeria". Paper presented at a public lecture organised by the Department of Political Science, University of Lagos, July 2012, p. 16.
 5. *ibid*, p. 17.

functions which are intended to promote good governance and development. These include (with reference to Nigeria): *Investigative roles* given by s. 88 of the 1999 Constitution⁶ as amended. It is constitutionally empowered to conduct investigations into any agency of government with a view to exposing corruption and correcting any lapses in the conduct of public policy. In carrying out its investigative roles, the National Assembly can summon any person in Nigeria “to give evidence at any place or produce any document or other thing in his possession or under his control, and examine him as a witness, subject to all just exceptions”. It also has the constitutional mandate to receive and enquire into *Public Petitions and Complaints* brought to its attention, through its Committees on Public Petitions. Ihedioha⁷ apprises us that since 1999, many of such petitions and complaints have been received and conclusively addressed by both chambers of the National Assembly. The National Assembly is empowered by the *Power of Appropriation* conferred on it by s. 81 of the Constitution as amended, which states that “no money shall be withdrawn from the Consolidated Revenue Fund or other public funds of the Federation without the authorisation of the National Assembly”.

In the Nigerian context as elsewhere, the role of the legislature in promoting good governance and fostering national development has become a widely contested issue. Since 1999, the ‘effectiveness’ of the Nigerian National Assembly has become a subject of debate. While some have continued to pass unsatisfactory comments about its low level performance, others tend to appreciate the fact that it has been working assiduously to contribute positively to good governance despite the complicated hindrances facing it. It should be noted that the legislature itself is aware of the challenge. The deputy speaker of the House of

6. Mayhew, D.R., *op. cit.*

7. Fenno, R.F., *op. cit.* p. 139.

Representatives, Ihedioha⁸ argues that:

Our circumstance is not helped by the skepticism that has been the lot of the legislature, given many years of military domination of our polity. Some persons still see us as meddlesome; a burdensome institution and, in some cases, an overweight in the democratic project. Going forward, we should be assessed by the savings we make for the nation as the fear of our inquisition has now become the cure of executive recklessness.

It is against this background 'effectiveness arguments' that this chapter intends to assess the effectiveness of the legislators and the legislature as a whole; all within the overall framework of the role which the parliament can play in promoting democratic sustainability, good governance and development in the Nigerian context. The objectives are to critically assess the level of legislative effectiveness or otherwise in fostering national development and identify the factors responsible for the (in)effectiveness in the context of the given roles as enshrined in the Nigerian constitution.

LEGISLATIVE EFFECTIVENESS: ETYMOLOGY AND CONCEPTUAL CLARIFICATION

Scholarly work on the 'legislative effectiveness' has its origin in the United States and can be traced to the period around 1970s. In his classic

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8. See; Cox G. and McCubbins, M., *Legislative Leviathan: Party Government in the House*, Berkeley, University of California Press, 1993; Wiseman and Wright, op. cit.; Weissert, op. cit.; Arnold, R. Douglas, *The Logic of Congressional Action*, New Haven, CT, Yale University Press, 1990; Canes-Wrone, B., Brady, D.W. and Cogan, J.F. 2002. Out of Step, Out of Office: Electoral Accountability and House Members' Voting. *American Political Science Review*, Vol. 96, March, 2002, pp. 127-140; Erikson, R. S. and Wright, G.C., "Voters, Candidates, and Issues in Congressional Elections", in L.C. Dodd and B.I. Oppenheimer (eds.) *Congress Reconsidered* 7th ed. Washington, DC, CQ Press, 2001, pp. 67-96; Miquel and Snyder, op. cit.; Cox G. and McCubbins, M., *Setting the Agenda: Responsible Party Government in the US House of Representatives*, Cambridge, Cambridge University Press, 2005; Carson et al, op. cit.; Bartels, op. cit.; Krehbiel, op.cit; Aldrich, J. H. and Rohde, D.W., "Balance of Power: Republican Party Leadership and the Committee System in the 104th House", *Paper presented at the annual meeting of the Midwest Political Science Association*, April 10-13, 1997, Chicago, Ill; among others.

work, Mayhew⁹ attempts to identify the factors that can guarantee an incumbent parliamentarian of his/her seat in the next election. He examined the electoral connection in congress and discovered that incumbents Congressmen are extremely sensitive to the potential electoral implications of their votes, and as a result, behaves strategically when announcing a position on a roll-call vote. In essence, the electorate will only return a legislator if he/she is seen to be effective in congress; thus legislative performance is largely motivated by re-election.

Building on this, other scholars argue that the effectiveness of a legislator is largely seen from the standpoint of institutional power or good public policy. Legislators are expected to pass legislation to please their constituents and to advance their policy agenda in a manner that will make them better-off, being members of Congress. For example, Fenno¹⁰ notes that legislators who want to be seen as effective “believe that their supporters want their representative to be influential in Congress, and that they take a certain pride in having an effective congressman – more so when he is effective on their behalf.” These observations paved the way for scholars to embark on series of research related to the effectiveness of the parliament and the parliamentarians.¹¹

What is central to the conceptualisation of the term by these scholars is that legislative effectiveness depends crucially on the ability of elected representatives to take the issues that are important to their constituents and to translate them into public policy. Precisely defined, Volden and Wiseman¹² argue that it is the varying abilities of the legislators to advance their legislative agendas, based on their personal aptitude and on their

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9. Volden and Wiseman, *op. cit.* p. 6.
 10. Volden, C. and Wiseman, A. E., “Legislative Effectiveness in Congress”, 2009, Available on line at https://my.vanderbilt.edu/alanwiseman/files/2011/08/LEP_webpage_090710.pdf (Accessed on 13 July, 2013).
 11. The methodology used for the study is revalidated in Volden, C. and Wiseman, A. E., *The Lawmakers*, 2013, Available online at http://polisci.emory.edu/home/cslpe/conference_2013/papers/Craig_Volden_Ch2_Ch4.pdf, Accessed on 13 July, 2013.
 12. Olaniyi, J.O., *Foundations of Public Policy Analysis*, Ibadan: Sunad Publishers Ltd, 2003, p. 39.

institutional positions that determined their position in the legislative effectiveness ranking. From this analysis, we can see that the systematic differences across members in advancing agenda items can help us to understand the internal workings of the legislature and subsequently venture into the inquiry on why some legislators are more 'effective' than others.

Having popularised the term in the global political analysis (by the above mentioned scholarship efforts), the consequence was the contested issue of focus on whether legislative effectiveness can be determined through assessment of the individual legislators or the parliament as a whole; which as earlier noted led to the proliferation of indicators and benchmark such as the Commonwealth Parliamentary Association's (CPA) *Recommended Benchmarks for Democratic Legislatures*; the National Democratic Institute for International Affairs' (NDI) *Minimum Standards Assessment Survey*; the Inter-parliamentary Union's (IPU) *Self-Assessment Toolkit for Parliaments*; the Parliamentary Centre's *Parliamentary Report Cards*; the International IDEA's *State of Democracy Assessment Methodology* among others for measuring parliaments' effective and those for measuring individual legislators effectiveness include: *PRS Legislative Research Service*, developed in India; *Pakistan Institute of Legislative Development and Transparency (PILDAT)*, developed in Pakistan; *Africa Leadership Institute- AFLI Parliamentary Scorecard*, developed in Uganda; *Legislative Effectiveness Score (LES)* developed in the United States by Craig Volden and Allan Wiseman, among others. Despite the effort of the World Bank Institute and the Griffith University through the organisation of a workshop on 21-24 September, 2008 in Brisbane, Australia with the theme: Workshop on Legislative Benchmark and Indicators; where participants shared approaches, methodologies and results, and discuss whether a new holistic framework to measure legislature's capacity or performance could (or should) be established, no breakthrough was achieved on a unified benchmark and indicator owing to the fact that there is no unified resemblance of the status, function, institutional framework, membership constitution of the legislature and most importantly the system of government in all democracies. Consequently, there emerged the case studies difficulties in

developing appropriate indicators that can fit into all case studies.

Be that as it may, one of the most prominent and ground breaking analysis of legislative effectiveness is the research work done by Volden and Wiseman^{13,14} where they assessed the concept in the 93rd–110th United States' Congress and concisely defined it as “the proven ability to advance a member's agenda items through the legislative process and into law”. They inferred that this definition has four key components. First, it discusses the “proven ability” of members on the ground that while many lawmakers may have great potential to bring about policy change, unless they use that potential to actually advance agenda items, they are not considered to be effective. Second, it emphasises on “advancing” legislation in view of the ability of a lawmaker to bring about positive change even in the face of daunting obstacles from proposals blockage by others. However, they recognised that placing obstacles in an opponent's path is also an important aspect of legislative policymaking; such could not be seen as a hallmark of effectiveness. In my opinion, this assertion could be premised on the fact that not all critics can actually perform better if up to the one being criticised. Third, the definition focuses on the “member's agenda items”; rather than the agenda items of the political party, the president, or even the member's constituents. They argue that lawmakers have a great deal of choice and flexibility in deciding which issues to act upon and which to set aside, and that it is these choices that form the basis for evaluation of a member's effectiveness. Fourth, and finally, it focuses on movement “through the legislative process and into law.” They argue that effectiveness can be demonstrated at multiple stages of the lawmaking process, not simply in the passage of new laws. While such laws may be the ultimate goal, members may be effective at moving their proposed legislation through key committees and to the floor of the House. Yet, even if they fail to gain passage of

13. See, Davies, *op. cit.* 1996; Bello-Imam, *op.cit.* 2004; Aiyede, *op. cit.* 2006; and Zwingina, *op. cit.* 2006.

14. See, Okoosi-Simbine, *op. cit.* 2010; Ijaiya, *op. cit.* 2010; Egwu, *op. cit.* 2005; and Ojagbohunmi, *op. cit.* 2006.

their bills on the floor, such members have demonstrated a level of effectiveness. Though, members whose bills are eventually signed into law are regarded to be more effective.

From this conceptual analysis, one can infer that the definition of legislative effectiveness excludes various legislative activities and behaviours, especially those that extend well beyond an ability to advance legislation. For instance, one could speak of their “fundraising effectiveness” with campaign contributors, their “electoral effectiveness” with their constituents, or their “administrative effectiveness” in managing a large legislative staff. It also excludes any exploration of whether the laws proposed by these members are themselves effective and beneficial to the people, since important work in the field of public policy analysis is done on a daily basis to assess the impact of policies in line with the argument that a good public policy must always be in the public interest.¹⁵

LEGISLATIVE EFFECTIVENESS IN THE NIGERIAN CONTEXT

Scholarship efforts on the study of the Nigerian legislature are highly appreciable without reservations. This is premised on the fact that before the emergence of the Fourth Republic, it is difficult to make any meaningful analysis of the law-making institution, because that the history of Nigeria’s legislature was characterised by disruptions, re-establishments and reforms, all of which left it without a strong, deeply engrained legislative tradition, norms, practices and procedures. The experience is that, the process of setting down roots has had to begin afresh. However, for the first time in independent Nigeria, the National Assembly has witnessed fourteen years of uninterrupted legislative activities from 1999 to 2003 (4th assembly), 2003 to 2007 (5th assembly), 2007 to 2011 (6th assembly) and the current 7th assembly of 2011 till date. This has undoubtedly prepared the ground on which to base performance

15. See, Saliu and Muhammed, *op. cit.* 2010; Alabi and Fashagba, *op. cit.* 2010; Solomon, *op. cit.* 2010; Lafenwa, *op. cit.* 2009; Fashagba, *op. cit.* 2009; and Ishaya, *op. cit.* 2010.

statement. Therefore, it is not out of context to measure the progression of the legislative branch of Nigeria's evolving democratic government.

As a result, scholars have since been exploring the institutional workings of the National Assembly towards identifying the factors responsible for its efficiency or otherwise. While some based their analyses on the symmetric and asymmetric relations with the executive arm of government,¹⁶ others tend to see it from the invaluable role it is playing in the democratic governance.¹⁷ In a different perspective, some other scholars explore it as an institution of governance analysing its workings and pointing out the challenges hindering its effectiveness.¹⁸ Despite these applauding efforts, little or no attention (as far as I know) is made to scientifically measure the effectiveness of the National Assembly as it is the case in most democracies.¹⁹

16. In response to this, my PhD research centres on the attempt to scientifically measure legislative effectiveness in Nigeria using a combination of carefully selected indicators and benchmarks (in a multivariate way) that can be domesticated bearing the nature of Nigerian parliament in mind. The study will satisfy the need for adequate evaluation of the Nigerian legislature as well as test the validity of these benchmarks, and at the same time come up with a number of theoretical frameworks that can be applied to all developing democracies. The study will break ground in the studies of legislature in Africa as the method will later be extended for studying other African legislature. This will set the stage for a comparative analysis of these legislatures making the task easier for other researchers that wish to adopt my methodology.

17. Visiting Professor, Stephen Fish and Matthew Kronig, both of University of California.

18. See, Adcock, E. and Collier, D., "Measurement Validity: A Shared Standard for Qualitative and Quantitative Research", *American Political Science Review*, Vol. 95, No. 3, 2001, pp. 529-546; Volden and Wiseman, op. cit. 2013; Cox, G. W. and William C. T., "Legislative Productivity in the 93rd-105th Congresses", *Legislative Studies Quarterly*, Vol. 33, No. 4, 2008, pp. 603-618; Wiseman and Wright, op. cit. 2008.

19. World Bank Institute, *Summary report of the workshop on legislative benchmarks and indicators*. Organized by WBI and Griffith University on September 21-24, 2009 in Brisbane, Australia. Available online at <http://www.agora-parl.org/sites/default/files/WBI-Brisbaneworkshoponlegislativebenchmarksandindicators-summaryreport.pdf>. Accessed 14 July, 2013.

From the foregoing, this task (literature review) has been able to identify the contradiction amongst scholars as to how and what method is the most appropriate and efficient in measuring legislative effectiveness. It also found out that there is no uniformity of purpose as to whether to assess individual legislators or the parliament as a whole in the attempt to determine the legislative effectiveness. In the Nigerian context, the study observed the gap that exists in the lack of scientific assessment of the National Assembly anchoring on the use of indicators and benchmarks that will be generally acceptable. This paper will therefore attempt to bridge these gaps and contradictions, thus serve as the focus of the research's literature review.

GLOBALISING LEGISLATIVE EFFECTIVENESS BENCHMARKS

The Problematic

It is no more news to emphasise the inevitability of the legislature in democratic governance, neither can one dispute the centrality of the legislature in the quest for good governance and national development. The fundamental issue needed to be addressed is how well the institution of legislature is fairing in the performance of its responsibilities. In view of this, there is a serious disagreement among scholars on the most efficient method to be adopted in assessing legislative performance and the effectiveness of legislative strengthening programmes.

It should be noted that all scholars and practitioners have realised the need to develop a universally accepted benchmarks and indicators for measuring legislative effectiveness. The problem of whom and what to measure becomes another daunting task facing the scholarship of legislative studies. While some believe that the legislature should be assessed as a whole,²⁰ others believe we can get the effectiveness of the whole parliament by examining the effectiveness of individual legislators.²¹ This has become

20. *ibid.* p. 8.

21. Adcock and Collier, *op. cit.* p. 534.

a serious challenge militating against the development of a “one-size-fits-all” framework for legislative assessment across board over the years.

Recognising this challenge, the World Bank Institute and the Griffith University organised a workshop²² with the theme: Workshop on Legislative Benchmark and Indicators; where participant shared approaches, methodologies and results, and discuss whether a new holistic framework to measure legislature’s capacity or performance could (or should) be established. However, no breakthrough was achieved on a unified benchmark and indicator. It was discovered that there is case studies difficulties in developing appropriate indicators premised on the fact that certain standards obtainable in some studies may not fit well with others. Above all, a number of parliaments may have specific powers outlined in the assessments without necessarily using them in practice.²⁵

Be that as it may, for any benchmark or indicator to be valid in the face of the difficulty in measuring intangible concept like legislative effectiveness, Adcock and Collier²⁴ espouses that such benchmark and indicator must be in tandem or satisfy the following “measurement development and validation mechanism”:

- (i) Scholars must offer an explicit definition of the concept they seek to measure.
- (ii) We must identify indicators of the defined concept.
- (iii) We must combine the indicators into a set of scores that concisely capture the defined concept; and
- (iv) Finally, such a score or measure should be assessed based on a variety of validation criteria.

As a result, it becomes inevitable for scholars of legislative studies to rise up to tackle headlong the challenges of designing an acceptable benchmark

22. NPC, 2006 Population & Housing Census Report, available on line at <http://www.population.gov.ng/>, accessed on 20 July, 2013.

23. Ihedioha, op. cit. 2013, p. 17.

24. Institute for Development Research, “*The Final Report of the Nigeria Survey and Corruption Survey Study*”, Zaria, Institute for Development Research, Ahmadu Bello University. June 2003.

that is verifiable to assess the effectiveness of the legislature; in their role to promote good governance and foster national development.

THE EFFECTIVENESS OF THE NIGERIAN LEGISLATURE IN PROMOTING GOOD GOVERNANCE: AN ASSESSMENT

This section will attempt to assess the level of performance of the Nigerian National Assembly in its basic roles of law making, representation, oversight, investigative, appropriation and the public petitions and complaints enquiry; toward promoting good governance and fostering national development. These roles can be grouped into three broad categories for logical and rational assessment to be made. They are:

- (i) **Democratic Conformism:** How well does the composition of the parliament comply with the democratic tenet of true representativeness?
- (ii) **Combating Corruption:** How effective is the parliament in fighting the menace of corruption, checking abuse of office and avoiding resources wastages through its oversight, appropriation and investigative powers.
- (iii) **Legislation:** How effective and efficient are the legislators in the lawmaking process? And whether the laws proposed by these members are themselves effective and beneficial to the people.

It is pertinent to note that there are some factors (independent variables) that determine the level at which a legislator is effective in performing these roles. These include innate ability, educational qualification, seniority considerations, previous legislative experience, party influence, legislative leadership, committee influence, ideological considerations, natural coalition partners, and electoral connection, among other factors/independent variables.

DEMOCRATIC CONFORMISM

The fact that democratic governance tends to correct the shortcomings of

repugnant and obnoxious un-representativeness of 'monocratic' regimes through the parliament makes it inevitable to inquire into the nature of how the parliament is constituted in terms of membership from each region. If the distribution of membership of a parliament does not truly reflect the population distribution, the consequent is the illegitimacy or unpopularity of the decision made by such legislative body since it will never portray the decision of the entire citizenry. First and foremost, one should begin the assessment of Nigerian parliament on the premise of whether their membership distributions truly reflect the heterogeneous nature of the country. The table below clearly shows the legislative seats allocated to each of the thirty-six states and the Federal Capital Territory (FCT) in the country.

A close perusal of the table shows some deficiencies and lopsidedness in the distribution of legislative seats in the House of Representatives. One may not be out of context to question the rationality in giving nine (9) seats to Ogun State with a population of 3,751,140 while its contemporaries like Akwa Ibom and Sokoto in terms of population size with 3,902,051 and 3,702,676 respectively have eleven (11) seats each. One will also wonder if the people of Zamfara are not legally entitled to equal representation in the lower chamber. The state with the population might of 3,278,873 is allocated seven (7) seats while those with lower population such as Enugu with 3,267,837 people and Kebbi with 3,256,541 inhabitants are given eight (8) seats each and above all, Edo state with 3,233,366 residents has nine (9) seats. The injustice meted to Ogun and Zamfara, among others like Anambra, Bornu and Delta, can also be seen in the allocation of ten (10) seats to Niger and Imo with 3,954,772 and 3,927,563 people respectively as against the same allocation to Anambra, Bornu and Delta states with a whopping one million people higher. Is the FCT not also short-changed with two (2) seats compare to five (5) given to Nasarawa and Bayelsa considering their population range?

However, there is no doubt that aside from the few cases noted above, the parliament relatively conforms to the tenet of democratic representativeness. This is because there is never perfection in humanity

Table 1. Numerical and Percentage Distribution of Legislative Seats in the National Assembly by States' Population

S/N	State	Population	% of Total Population	Senatorial Seats	% of Total Senate Seats	House of Representative Seats	% of Total House of Representative Seats
1	Kano	9,401,288	6.69	3	2.75	24	6.67
2	Lagos	9,113,605	6.49	3	2.75	24	6.67
3	Kaduna	6,113,503	4.35	3	2.75	16	4.44
4	Katsina	5,801,584	4.13	3	2.75	15	4.17
5	Oyo	5,580,894	3.97	3	2.75	14	3.89
6	Rivers	5,198,716	3.70	3	2.75	13	3.62
7	Bauchi	4,653,066	3.31	3	2.75	12	3.33
8	Jigawa	4,361,002	3.11	3	2.75	11	3.06
9	Benue	4,253,641	3.03	3	2.75	11	3.06
10	Anambra	4,177,828	2.97	3	2.75	10	2.78
11	Bornu	4,171,104	2.97	3	2.75	10	2.78
12	Delta	4,112,445	2.93	3	2.75	10	2.78
13	Niger	3,954,772	2.82	3	2.75	10	2.78
14	Imo	3,927,563	2.80	3	2.75	10	2.78
15	Akwa Ibom	3,902,051	2.78	3	2.75	11	3.06
16	Ogun	3,751,140	2.67	3	2.75	9	2.50
17	Sokoto	3,702,676	2.64	3	2.75	11	3.06
18	Ondo	3,460,877	2.46	3	2.75	9	2.50
19	Osun	3,416,959	2.43	3	2.75	9	2.50
20	Kogi	3,314,043	2.36	3	2.75	9	2.50
21	Zamfara	3,278,873	2.33	3	2.75	7	1.94
22	Enugu	3,267,837	2.33	3	2.75	8	2.22
23	Kebbi	3,256,541	2.32	3	2.75	8	2.22
24	Edo	3,233,366	2.31	3	2.75	9	2.50
25	Plateau	3,206,531	2.28	3	2.75	8	2.22
26	Adamawa	3,178,950	2.26	3	2.75	8	2.22

27	Cross River	2,892,988	2.06	3	2.75	8	2.22
28	Abia	2,845,380	2.03	3	2.75	8	2.22
29	Ekiti	2,398,957	1.71	3	2.75	6	1.67
30	Kwara	2,365,353	1.68	3	2.75	6	1.67
31	Gombe	2,365,040	1.68	3	2.75	6	1.67
32	Yobe	2,321,339	1.65	3	2.75	6	1.67
33	Taraba	2,294,800	1.63	3	2.75	6	1.67
34	Ebonyi	2,176,947	1.55	3	2.75	6	1.67
35	Nasarawa	1,869,377	1.33	3	2.75	5	1.39
36	Bayelsa	1,704,515	1.21	3	2.75	5	1.39
37	FCT	1,406,239	1.00	1	1.00	2	0.56
TOTAL		140,431,790	100	109	100	360	100

Source: Population figure from National Population Commission,²⁵ 2006; number of legislative seats and percentages calculated by Author.

and the seat distribution reflects average distribution according to population range. On the other hand, the equal distribution of senatorial seats regardless of population, economic viability, social advancement, political consciousness and geographical size do make up for the little deficiencies. It also satisfies moral justification to check the possible excesses of the highly populated states and regions in becoming dictatorial in the conduct of legislative businesses. To this end, legislative decisions in the National Assembly do reflect the wish of the entire citizenry; *ceteris paribus* (all things being equal). Perhaps, that is why there is little or no agitation for the creation of more federal constituencies on the basis of marginalisation.

COMBATING CORRUPTION

In order to combat corruption and check abuse of office, the National Assembly is saddled with the power of appropriation as stated in s. 81 of the constitution as amended. Here, the constitution provides that “no

25. Alabi and Fashagba, *op. cit.* 2010, pp. 37-39.

money shall be withdrawn from the Consolidated Revenue Fund or other public funds of the Federation without the authorisation of the National Assembly". Much of the influence which the legislature enjoys in the polity is derived essentially from its power of appropriation which it has been effectively deployed with regard to its oversight functions.

However, the achievement of the legislature in this regard has been shrouded by the high profile corrupt cases committed by the legislators themselves. The institution empowered to combat corruption has since being wallowing in the mud of corruption which makes it difficult for an average Nigerian to agree with the argument of the deputy speaker of the House of Representatives, Ihedioha²⁶ that that the legislature has made some savings for the nation as the fear of its inquisition has now become the cure of executive recklessness.

As at 2003, the legislature is seen to be the third most corrupt institution in Nigeria after the Nigerian Police and the political parties.²⁷ The numerous cases of corruption as captured in the table below gives credence to this claim.

But the legislature should not be solely crucified for the problem of corruption in the polity. The Executive is also a major culprit as the lack of political will to pursue the above cases led to its inconclusive end. The few ones that were concluded are seen to be selective cases that have to do with those that in one way or the way have fallen out of political favour of the Executive.

Be it as it may, from the political situation in the country since 1999, the legislature despite its constitutional and institutional power to fight corruption appeared to lack the will to tackle it headlong. This is evident in the nature of anticorruption bills in the parliament and the low attention given to those bills. For instance, out of the five bills on anti-corruption over which the lower chamber deliberated upon between 1999 and 2003, the Executive initiated three, while the remaining two originated from

26. *ibid*, pp. 22-23.

27. Ihedioha, *op. cit.* 2012, p. 21.

Table 2. Reported Cases of Corruption in the National Assembly (Fourth Republic)

S/N	Names of Culprits	Status/ Designation	Chambers	Year	Nature of Allegations	Outcomes
1	Salisu Buhari	Speaker	House of Reps (HoRs)	1999	Falsify academic claim	Forced to resign and arraigned Received presidential pardon
2	Evans Enwerem	Senate President	Senate	1999	Falsified age, names and academic qualification	Forced resignation
3	Pius Chuba Okadigbo	Senate President	Senate	2000	Awarded contract to cronies at inflated price	Impeached
4	Haruna Abubakar	Deputy Senate President	Senate	2000	Embezzled N16.9m as Xmas and <i>Sallah</i> gift	Impeached
5	Unnamed members	Members, HoRs	HoRs	2002	Took money from the Executive to impeach the Speaker	Allegation not proved
6	Maurice Ibekwe	Member	HoRs	2004	Defrauded a German businessman of \$350,000 and \$75,000	Died in prison while still under trial
7	Ibrahim Mantu led committee for screening of political nominees	Deputy Senate President	Senate	2003	Nasir el-Rufai alleged that the committee requested N54m as a condition for confirming his nomination	Case swept under the carpet

Table 2 (cont'd)

8	Adolphous Wabara	Senate President	Senate	2005	Connived with chairmen senate and House committees on education to take bribe of N55m (\$458,333) from education ministry	Resigned, arraigned but prosecution inconclusive
9	John Mbata, Abubakar Maccido, Emmanuel Chris Adighije and AbdulAzeez Ibrahim	Leaders and members. Senate committee on education	Senate	2005	As above	Chairman and Vice lost the committee's leadership positions, arraigned, but prosecution inconclusive
10	Garba S. Matazu, Osita Izunaso and Gabriel Suswam	Leader and members. House committee on education	HoRs	2005	As above	As above
11	Ad-hoc committee that investigated PTDF case	Members	Senate	2006	Alleged to have taken bribe from Vice President to cover the truth on PTDF stolen fund	Report rejected and new committee set up
12	Patricia Etch	Speaker	HoRs	2007	Award contract at inflated price of N628m (\$233,333)	Forced resignation

Table 2 (cont'd)

13	Iyabo Obasanjo	Chairman, Senate committee on health	Senate	2008	Collected N10m (\$83,333) as share of senate committee from unspent budget of 2007	Arrested and arraigned
14	Iyabo Obasanjo	Chairman, Senate committee on health	Senate	2008	Alleged to have taken contract worth N3.5b for power generation alongside an Australian firm, but failed to execute the contract after taken certain amount	The crime was committed while Obasanjo; her father was the president
15	Leaders and members of the HoRs	Chairmen and members of various House committees	HoRs	2005	Alleged to have collected money from ministries, departments and agencies of government (MDA) before approving their budget	Dr. Haruna Yerima accused his colleagues in the House of extorting money from MDA before passing their budget.

Table 2 (cont'd)

16	Dimeji Bankole	Speaker	HoRs	2008	Alleged to have over-invoiced the bill for the purchase of vehicles for oversight functions at the rate of ₦2.4b	Cleared of allegation in a controversial way. Note: Allowances for vehicle, housing and furniture among others are already monetised for public servants in Nigeria
17	Ndudi Elumelu, Paulinus Igwe and Mohammed Jibo	Chairman and Deputy Chair of committee on power; Chairman House committee on Rural development respectively	HoRs	2009	Alleged complicity in ₦5.2b power contract	Arrested by EFCC on May 11, 2009 and arraigned in court on May 13, 2009. Remanded in Kujic prison between May 18 and June 4, 2009.
18	Nicolas Yahaya Ugbani	Chairman, Senate committee on power	Senate	2009	As above	As above
19	Farouk Lawan	Chairman, Ad Hoc committee on fuel subsidy scam	HoRs	2012	Allegedly accepted \$500,000 from Femi Otedola, as part of a \$3 million bribe he had solicited from Otedola to remove Zenon Oil from list of implicated company	Arrested by the EFCC, charged to court, remanded in prison and later granted bail. Trial is still ongoing.

Table 2 (cont'd)

20	Herman Hembe	Chairman, House Committee on Capital Market	HoRs	2012	Alleged to have collected undisclosed amount from SEC in 2011 to attend Conference in Dominican Republic which he neither did nor refunded the money; also demanded N44m to vindicate Arunma Oteh in the probe of the Capital Market scandal	Allegations denied, case swept under the carpet.
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Source: Alabi and Fashagba;²⁸ updated by the author

the lower chamber. One of the two private members initiatives was a proposed amendment to the Corrupt Practices and Other Related Offences Bill 2000. The private member bills could not achieve their aims as they were not passed by the house. Furthermore, between 2003 and 2007, there were eleven bills on anti-corruption that the lower chamber received, out of which the executive was responsible for nine. One of the nine bills was a United Nations convention against crime. Eight of the Executive bills were passed while one was killed. The remaining two bills which originated from the house did not pass. The same trend is noticed in the Senate as out of the ten bills relating to anti-corruption received between 2003 and 2007, the Executive accounted for about eight, out of which

28. National Assembly. 2009. *National Assembly Statistical Information Vol. 3*, Abuja, Library, Research and Statistics Department, 2009, p. 85.

five were passed. The two private member bills, one of which sought to amend an Executive bill on money laundering failed. All these bills were just on three areas viz. ICPC, EFCC and money laundering.²⁹

LEGISLATION

The importance of the legislature with regard to its lawmaking role can be seen in the fact that the constitution recognised it first before the Executive and the judiciary. The underlying rationale is premise on the significance of the law in the running of the country's affairs. It is often said that "where there is no law, there is no sin"; in which case the state of anarchy abound. Section 4(2) of the 1999 constitution provides that "the National Assembly shall have power to make laws for the peace, order and good government of the federation". In addition, S. 9(2) of the Constitution confers on the legislature at federal and state levels the powers to alter the Constitution. However, the powers conferred on the legislature to amend the Constitution can better be exercised with popular participation and support in order for it to win legitimacy.

In view of this, the legislature, for the first time in Nigeria's history, achieved a broad amendment of multiple sections of the 1999 Constitution in 2010. The amendments addressed popular agitations and pressures from Nigerians for the reform of the electoral process. These amendments helped achieve the improved elections conducted by INEC in 2011.³⁰ With the inauguration of the 7th National Assembly, there have been pressures for even wider and more ground-breaking amendments of the Constitution to reflect demands for greater fiscal responsibility, devolution of powers, fiscal federalism, citizenship rights, and land use reform. The Legislature has since responded to this call and has started the process of amending the Constitution. On the other hand, legislative activities is not only confined to constitutional amendment; rather a more concerted effort is being carried out on the making of new laws where and when necessary.

29. This will be done in my ongoing Ph.D research, as earlier mentioned.

30. This hypothetical assumption is been subjected to verification and validation in my Ph.D research work on legislative effectiveness in Nigerian National Assembly

Such activities are given below for a specific period in the legislative life of the Nigerian parliament within the fourth republic.

Table 3. Comparative analysis of numerical and percentage of bills received and passed in the two chambers in the 1st and 2nd sessions in the Sixth Assembly

Chambers	Session(s)	1st Session			2nd Session			Total (1st and 2nd sessions)		
		Bills Received	Bills Passed	%over Received	Bills Received	Bills Passed	%over Received	Bills Received	Bills Passed	%over Received
Senate	Executive	8	5	3.94	46	7	3.50	54	12	3.67
	Minister	113	3	2.37	142	5	2.50	255	8	2.45
	Bills transmitted from House to the Senate for concurrence	6	-	-	12	-	-	18	-	-
	Total	127	8	6.30	200	12	6.0	327	20	6.12
	Executive	18	6	5.26	38	18	9.95	235	24	8.14
House	Minister	94	5	4.39	141	19	10.50	56	24	8.14
	Bills transmitted from Senate to the House for concurrence	2	-	-	2	4	2.21	4	4	1.36
	Total	114	11	9.65	181	41	22.66	295	52	17.64

Source: National Assembly, 2009³¹

31. National Assembly, 2009. *National Assembly Statistical Information Vol. 3*, Abuja, Library, Research and Statistics Department, 2009, p. 85.

From the above table, one can see the pace of legislative performance of its lawmaking role. During the first session, senators were able to initiate 113 bills but only 3, representing 2.37 percent were passed while 5 out of the 8 sponsored by the executive were passed. The second session witnessed increased achievement owing to the fact that legislative activities on some of the bills were rolled over from the first session. Though, there is increment in the number of bills initiated by the senators chiefly premised on the legislative experiences gained by members (especially those in their freshman term). This trend continues till the expiration of the 6th assembly tenure. At the end of the second session, out of the total 327 bills introduced, only 20 representing 6.12 percent were passed. The breakdown indicates that 8 (6.30%) and 12 (6.0%) were passed in 1st and 2nd session respectively with averages gestation periods of 246.6 and 195.67 days respectively.

There is an astronomical growth in the performance of the house in the 2nd session. 94 bills were introduced and 5 (4.39%) were passed; while 141 bills were introduced in the 2nd session with 19 (10.50%) passed with averages gestation periods of 73.45 and 227.49 days respectively. At the end of the 2nd session, out of the 295 bill received, 52 bills (representing 17.64%) were passed; a performance that is far above that of the Senate.

From the comparative analysis of the two chambers, one would notice that the senate is only effective in introducing bills but the House of Representatives, despite its large membership is more effective in advancing legislative agenda. This is commendable because it is the latter part of legislative activities that is more difficult in law-making. The consequence is the fact that the house passed more bills than the Senate. It is pertinent to note that there are other factors that may have contribute to the variation in the chambers' performances. For instance, the Senate is more preoccupied with screening and confirmation of Executive nominees which more often than not take much of the time it could have invested in passing legislation. It should be noted that we cannot make a factual judgment on whether the National Assembly is effective or otherwise premise on the above performance. This is because there is need for us

to design a benchmark which will determine the level of its effectiveness.³²

There is no gainsaying the fact that the laws proposed by these members are themselves not effective and beneficial to the people. On a number of grounds, the legislature has been able to make laws that have saved the country from the path of peril. Such occasions are too numerous to mention but a case in point is the Doctrine of Necessity clause that enabled the Vice President Goodluck Jonathan to become acting president when President Umar Musa Yar'Adua was incapacitated. This has become a law applicable to the three tiers of government even if the principal did not hand over properly. In addition, the legislature also has the added responsibility of conflict mediation and resolution. The legislature has established an enviable record of performance in this regard. For instance, since 1999 the legislature has positively intervened and settled several government-labour disputes, be it over minimum wage or maltreatment of worker(s), the fuel subsidy crisis, and more recently the ASUU and ASUP demands for better conditions of service in the universities and polytechnics respectively.

FACTORS UNDERMINING LEGISLATIVE EFFECTIVENESS IN DEVELOPING DEMOCRACIES

Legislative ineffectiveness can be attributed to a number of factors. First, the dearth of experienced legislators is militating against the institutionalisation of professionalism in the parliament of most developing democracies. Many people in these developing democracies (Nigeria inclusive) share the notion that once a legislator serves two terms, such should retire for another person to take charge. Since experience is an individual innate property that cannot be transferred, the new legislator will have to start afresh by learning legislative terminologies and procedures. This might take him/her the entire four years. If lucky to be returned for sophomore term, he/she would start establishing authority and settle down for effective legislative activities based on the acquired

32. This will be done in my ongoing Ph.D research, as earlier mentioned.

experience. After four years, same notion applies and the cycle continues. This negate what is obtainable in the developed democracies where there are many career legislators who have spent decades in the parliament and have become professionals. This pose threat to legislative effectiveness as it is arguable that there is significant correlation between the (in) effectiveness of a legislator in his/her freshman term to sophomore terms.³³

Second, the lack of sincerity of purpose on the part of the legislators to fight corruption is also militating against their effectiveness. Most corruption investigative committees of the legislature are deficient in performing the checks they were meant for. In some cases, the investigating committees have been caught arm twisting the suspected public officers into giving them money in order to twist the case by vindicating the suspects (*see* cases in Table 2). On many occasions, it has been alleged that government ministries and agencies do connive and bribe the legislators to increase their budgetary allocation even above what the president submitted for legislative approval.

The public misconception of the legislature is another factor that is contributing to legislative ineffectiveness. Many people confuse the roles of the legislature to that of the executive thereby setting higher expectation for the legislators. In Nigeria, the constituency residents expect their legislators to provide roads, hospitals, electricity, water, schools, employment and even empowerment programmes, all of which falls within the purview of the Executive. The failure of the legislators to provide these amenities makes people to see them as ineffective. To avoid this, the legislators are bound to go the extra mile running after ministers for contract and attempting to influence government agencies to provide these amenities. These always come with a price of compromise. The question is: How do legislators investigate and scrutinise the minister whom they begged to provide infrastructural facilities for their constituencies? In addition, the public also misconceived the running costs of the legislators. People are just interested in the sum total of the

33. This hypothetical assumption is been subjected to verification and validation in my Ph.D research work on legislative effectiveness in Nigerian National Assembly.

money accrued to a legislator but discountenance the fact that such funds are meant to pay the salaries of legislative aides, constituency office staff, and research consultants as well as travel allowances, among others. This makes people to have negative perception of the legislative image thereby seeing them as going to the assembly to do nothing other than to share money.

Another factor contributing to legislative ineffectiveness is the nature of Nigerian politics. Election has become a highly capital intensive to the extent that the huge amount required to stand for election has more often than not made contestants to sell their properties, obtain bank loans and solicit for godfather sponsorship with the view that they are making investment. On getting into office, such legislators are bound to compromise and cut corners to recoup the money spent and pay back the godfathers in a profitable ratio. In this case, how does one expect such legislators to sincerely legislate to combat corruption in which they are also culprits?

CONCLUDING REMARKS

As evident in this paper, the fact that the legislature occupies the centre stage in democratic project is uncontested; so the fact that effective discharge of legislative duties cannot be compromised for attainment of good governance, democratic consolidation and sustainability in developing democracies. However, measuring legislative effectiveness has become problematic not only in developing democracies but also in developed ones. The lack of a universally accepted benchmark is contributing in no small measure to this daunting challenge. This does not totally make an assessment of legislative effectiveness an impossible feat. In view of this, one would agree that this work have been able to assess legislative performance in developing democracies and highlighted the factors contributing to the ineffectiveness of the legislature with reference to the Nigerian case. Though, the paper does not claim to capture the complexity of the exercise; rather there is no doubt that it has successfully provides some snapshots based on the prevailing trajectories and shed light on the challenges ahead for further research consideration.

SECTION B

THE NATIONAL ASSEMBLY

If a second chamber is in agreement with the first, it is superfluous,
but if it is not in agreement it is mischievous.

– *Abbe Sieyes (1748-1836)*

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CHAPTER 7

The Nigerian Senate

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INTRODUCTION

The legislature is a key institution of democratic governance, a key institution of representation and accountability in the running of the affairs of the state. That is, in fact, the very essence of its establishment. The nature of this institution, which is geared towards representing vast number of people in the society, also ensures that popular will and interests are protected. The legislature has been described as “institutional mechanisms through which societies realise representative governance on a day-to-day basis . . . the main purpose of individual legislators and the body to which they belong is to represent, that is, to re-present or mimic the varied and conflicting interests extant in society as a whole”.¹ The potency of the legislature lies in its ability to ensure that decision making powers rest with the populace and the will of the people is translated to government policies.² However, sometimes negligence on the part of the legislature in its salient statutory responsibilities may make nonsense of this essence. Claude Ake asserts that “the roles performed by legislature could facilitate the smooth functioning of the democratic systems or by default its decline

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1. Joel D. Barkan, *The Legislative Power in Emerging African Democracies*. USA: Lynne Rienner, 2009, p. 7.
 2. Claude Ake, *Democracy and Development in Africa*. Ibadan: Spectrum Books, 1996.

and ultimate collapse".³

Furthermore, the legislature plays crucial tasks in democratic governance by principally guaranteeing the accountability of the ruler to the ruled. The entrenchment of legislative procedure and practices furthers the democratisation process of the state. Thus, weighty parliament is a symbol of democracy. To achieve democratisation, the legislature is ascribed basic structural obligations which includes, rule making and legislative oversight, particularly to check on implementation of national budgets through its various oversight activities. Therefore, budget approval and supervision, powers of confirmation of executive appointments, ratification of treaties, impeachment of the Chief Executive and Deputies, rest within the precinct of the legislature. To a large extent, for democratisation to be sustained in any state, the onus lies with the legislature.

However, as much as some of these features can be said of legislatures in developed societies, it is only recently that African parliaments are gradually asserting themselves as institutions to reckon with in the process of democratic consolidation. For several decades, they were relatively inefficient and ineffective and their relationship with other organs of government, particularly the executive, has been one of master-servant relationship. This has been traced to the legislative pattern bequeathed to Africans by their colonial masters. In many situations, especially in Nigeria, more effort has been channelled towards constituency project, than legislation and oversight. This is largely ascribed to the neo-patrimonial or prebendal character of politics, a process of "patron-client" bond common among most military and civilian administrations. Thus, national legislatures in Africa have been haranguers of the executive having no soul of their own. Nevertheless, the establishment of multiparty systems and competitive politics has led to the awakening of African legislatures in the 1990s. Even though the decisiveness of the legislatures in Africa varies according to their features and structures, some have advanced beyond their subservient position and have become truly independent.

3. Adigun Agbaje, "Politics in the Legislature" *Abuja Mirror*, May 2000, p. 2.

Joel Barkan is of the view that countries such as Kenya, Uganda, South Africa and to some extent Nigeria, have had legislatures that prevailed on the executive to alter and completely withdraw unpopular proposals, fiscal policies particularly budgets, exposed corrupt undertakings of the executives and other levels of government.⁴ These are new trends in the continent, which is faced with diverse archetypes of authoritarianism.

Nigerian legislative system, shortly after independence, like its African contemporaries, was marred by a system of patronage that undermined the democratisation process. Patron-client relations were endemic in both civilian and military administrations that followed. Peter Lewis captures the nature of the Nigerian legislature, “the legislatures often appear as little more than a trading floor in which political élite bid on the distribution of spoils such as allowances, and special funds, development allocations, government appointments and opportunities for private business.”⁵ At this level, the executive-legislature relationship became one of struggle and antagonism over the allotments of national wealth. This placed the executive at a vantage position, because of its hegemony over public funds to exert control and manipulate the legislature. “Legislators focused chiefly on the capture of rents, not only for personal aggrandisement, but also to build clientelist networks that might ensure political survivals. A structure of incentives shaped the recruitment of politicians and their behaviour in office, strongly reinforcing patronage politics and minimal deference to institutional rules”.⁶ The executive employed the carrot and stick approach to influence decisions of the legislature. This was clearly seen in the 2006 constitutional amendment debate, where the executive pushed for tenure extension. It was alleged that the executive offered ₦50 million each to over 90 members of the parliament to influence their

4. Joel D. Barkan, *op. cit.* p. 2.

5. Peter M. Lewis, “Rules and Rents: Legislative Politics in Nigeria”, Paper presented at the annual Meeting of the American Political Science Association. Washington DC, 3 September, 2010.

6. See Charles Dickson and J. Elendu, “Third Term: Nigeria Saved from Blood Bath,” at http://www.elendureports.com/index.php?Itemid=1&id=226&option=com_content&task=view

votes and threatened to disrupt their political future, if they fail to comply.⁷ Neo-patrimonialism characterised the legislators of the second, third and to a large extent fourth republic, hampering the democratic process.

Several factors have been adduced for this form of legislative practices in Nigeria. For Lewis, the trajectory of Nigeria's political economy facilitated the patron-client relationship. That is, the oil boom of the 1970s converted Nigeria to a monoculture economy with crude oil as its main revenue resource and the federal government having discretionary powers over the control of these resources. This gave the government at the federal level more powers than the states, and a constant power tussle among ethnic groups to capture the government at the center.⁸ Therefore, perennial struggle for the control of the national wealth by the ethno-regional factions within the country led to the naissance of the hydra-headed challenge of political corruption the country is faced with today, an act that involves the diverting of public funds for personal enrichment.⁹ This is the major challenge to democratic consolidation and consequently, economic growth and development in Nigeria.

Against this backdrop, this chapter provides a status report on the Nigerian Senate since the return to civil rule in 1999. It begins by investigating the theoretical foundation of the bicameral system. It then proceeds to explore the emergence and character of the Senate as an arm of the national legislature in the first and second republics. The fourth part examines the Senate of the Fourth Republic. It seeks to identify some of the challenges facing the Senate, explains the foundation of these challenges and provides insight on how they can be addressed.

7. Peter M. Lewis, *op cit*.

8. See Stephen Lafenwa, "The Legislature and the Challenges of Democratic Governance In Africa: The Nigerian Case", A draft seminar paper prepared for distribution at a conference organised by the Politics and International Studies (POLIS), Centre for African Studies, University of Leeds, with assistance from EADI Working Group on Governance and Development on Democratisation in Africa: Retrospective and Future Prospects, 4-5 December, 2009.

9. As cited in Tselbis G. and Money J. *Bicameralism: The Political Economy of Institutions and Decisions*. Cambridge: Cambridge University Press, 1997, 21.

THE LEGISLATURE AND BICAMERALISM

The structuring of political institutions is critical for political stability and economic development. Although it is sometimes affected by history, states have had to decide on the pattern of legislative structure to adopt and how they should operate. A basic fact behind cameral miscellany is its dependent on the unique characteristics of a particular state, such as its history, culture, demography and politics, which exerts enormous influence in the structural pattern of legislative institution. Across the world, legislatures take the forms of unicameralism or bicameralism.

The practice of bicameralism is more endemic among modern legislatures. However, it predates the 18th and 19th century British parliamentary systems of two distinct assemblies – the House of Commons and the House of Lords, which was regarded as a model political institution by Western scholars.¹⁰ Thus, bicameralism is relatively viewed as modern political institutions, because it existed in ancient Greece and in Rome. The primordial Greek city-state had various institutions that represented various classes of people. They had a bicameral-like legislative institution, “the council of wise men and the assembly” which deliberated on similar issues.¹¹ The Romans also had similar institutions, the council of elders also known as the “senate” appointed by the king and a second assembly “*Comitia Curiate*” whose responsibilities include the approval of a new king selected by the senate on the event of the death of an incumbent king, and the rights of the king over the army.¹²

Western scholars agree, however, that bicameral legislature grew in three phases, which lasted for two centuries from the King’s great council of England: “the process began with the Great Council’s retention of power of taxation. This was followed by the expansion of representation in the Great Council. The final stage was the division of these various

10. Ibid.

11. For the evolution of bicameralism, see Kurt Von Fritz, *The Theory of the Mixed Constitution in Antiquity*, Columbia, OH: Columbia University Press, 1954.

12. Ibid, p. 22.

estates into two distinctive chambers".¹³ Hence, the two chamber legislature, which most government practice today, was borrowed from the Greeks and the Romans although these institutions have undergone a process of transformations culminating in the British-style parliamentary system.

Most states in the United States during 17th Century had unicameral legislative structure, but they later evolved to bicameralism overtime. Although the change from unicameralism to bicameralism varied among the states that make up the US, the executive usually progressed into an upper legislative chamber. By 1776, most states had established the process of ceding powers to two legislative chambers, and by 1787 bicameral legislature was adopted at the national level.¹⁴ Britain took this model of legislative structure to the colonies, although most began with a unicameral structure but they later advanced to bicameralism. Thereafter, some African states, including Nigeria threw away the Westminster-style of bicameralism practised by the United Kingdom and adopted the US model of bicameralism.

There have been debates about the essence of bicameral legislative structures in modern democracies. Scholars are of the view that the significance of bicameralism is to ensure adequate representation of the people in the government. Montesquieu stressed the fact that various classes of the people in the society have roles to play in the government, hence the need to be represented: "Executive power is best located in the hands of the monarch, who can act quickly when action is needed, while legislative power is "better ordered" by many individuals rather than a single individual. Moreover, the aristocracy would be overwhelmed if represented as individuals in a single legislative body and would fail to support such an institutional structure."¹⁵ Montesquieu, then proposed a

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13. *Ibid*, p. 27.
14. Tom Todd, "Unicameral or Bicameral State Legislature: The Policy Debate", *Policy Brief*, Minnesota House of Representatives Research Department, 1999, p. 2.
15. James Buchanan and Gordon Tullock (1962), Roger D. Congleton and Birgitta Swedenborg, 'Introduction: Rational Choice Politics and Political Institutions', in eds, *Democratic Constitutional Design and Public Policy, Analysis and Evidence*, available at <http://rdc1.net/forthcoming/Democratic%20Constitutional%20Design%20%28preface,%20toc,%20intro%29.pdf> (accessed 15 March 2012).

two legislative assembly whereby the people and the aristocracy will be well represented.¹⁶ Similarly, James Madison argues for bicameralism particularly for its feature of adequate representation of the diverse interests within the society, therefore, guiding against ill-conceived legislation. He argues that states have interests which are different from that of the population as a whole, which should be represented.¹⁷ Representation of the diverse interests in society is very central justification for bicameralism.

Some scholars argue that simple majority rule cannot flourish without bicameralism.¹⁸ This is because bicameral structures increase the size of the majority which is required by law to adopt legislation. In other words, for a bill to become law there will have to be a balance of interests among the majorities or what has been termed “supermajority”.¹⁹ Okuwa supports this assertion when he stated that “it is imperative for the states to play their unifying role as a second legislative chamber at the centre and act as a check to any kind of legislation which the representatives from any group of states may want to unfairly impose on the country”.²⁰ Hence, bicameralism can be defended as a method for identifying policies with supermajority support. This was encapsulated in the words of Montesquieu. “The legislative body [is] composed of two parts; one checks the other, by the mutual privilege of refusing.” A system which Levmore describes as a “stopping mechanism” which obstructs the imposition of policies by government influenced largely by simple majority. Consequently, the rationale for the adoption of bicameral legislature among modern democracies is to ensure adequate representation. The lower house is apportioned based on population, while the upper chamber is shared among the regions within a country. Some countries have equal representations in the upper house, while other modern legislatures are asymmetrical.

16. Ibid.

17. Okuwa B. “Retaining a bicameral legislature for Nigeria” Niger Delta Congress, 2001 www.nigerdeltacongress.com/articles/retaining_a_bicameral_legislature.htm.

18. Mueller, D.C., *Bicameralism and Public Policy*. Constitutional Design and Public Policy Lecture 6, P.3.

19. Ibid, p. 35.

20. Ibid.

Furthermore, scholars that ratified the praxis of bicameralism also buttressed the fact that adequate representation of divergent interests ensures political stability. Montesquieu noted that "the distinctive qualities of a senate, whose members share the characteristics of age, virtue, wisdom, and service to the community. Such a council would reinforce the stability of the polity through its sound advice".²¹ For Congleton, the overall features of bicameralism are the factors that guarantee its stability. He submitted that bicameral systems are somewhat more stable because majority circles are fewer; levels of consensus for legislation to be adopted are higher; policy decisions are usually more informed and reflect the interests of the electorate.²² John Adams stressed that the ancient Greek system of apportionment of powers can be seen in most states, including the United States. This division of powers between the monarchy, the aristocracy and the people is very significant to achieve a stable polity. For Todd, the stability of law and consequently the political system can best be achieved in a bicameral legislature because it facilitates the balancing of rival values of responsiveness to the people, which can be easily and unwisely moved by popular sentiments.²³ The crux of a second legislative chamber is to make certain that the predilection of the lower house to acquiesce to popular pressure leading to unnecessary political and even economic variation, is dispensed with thus, guaranteeing stability.

Finally, the role of the second legislative chamber in checking the lower house from promulgating precarious legislation aids in certifying that quality legislation emanates from the legislative houses. Laws made in a bicameral legislature are agreed upon by divergent groups of legislators having a mixture of perspectives and insights. Thus, a second legislative chamber is usually in the position of discovering and correcting flaws originating from one legislative chamber or the other.²⁴ The idea behind the senate could be traced to ancient Greeks that established the council

21. *Ibid.* p. 22.

22. *Ibid.* p. 3.

23. *Ibid.*

24. *Ibid.* p. 10.

of elders, who as a result of their wisdom and experience can better sieve legislative decisions. Moreover, these were the aristocratic class, who were privileged to be educated and their skills needed for good output in legislative processes.²⁵ This is factored in the composition of the modern legislature, where the senate as the second legislative chamber is institutionally positioned, having higher educational qualification and experience, including its longer tenure of office, to ensure that laws that are promulgated do possess high value.²⁶

THE EMERGENCE OF THE SENATE IN NIGERIA

The Senate came into existence as a second chamber legislature following the adoption of bicameral legislative structure in Nigeria in 1946. The practice of bicameralism in Nigeria began at regional level in 1946 during the Richard's constitution, which granted two legislative chambers to the Northern region. The North then had the House of Assembly and House of Chiefs, while the Eastern and Western regions retained unicameralism. This changed, however, in 1951 during Macpherson's constitution, which introduced the House of Chiefs in the Western region. Bicameralism became operational at the central level in 1960 after the defects of the Lyttleton's constitution were corrected in 1957. Moreover, the Eastern region for the first time was given a bicameral structure at the same time.

At the central level, there existed the House of Senate, which consisted of 56 members and the House of Representatives, which was increased from 184 members to 320 with each constituency representing 100,000 individuals. The Northern People's Congress (NPC) formed the majority in the house. Abubakar Tafawa Balewa, who was then the Deputy Leader, was appointed as the first Prime Minister, following the House Leader, Ahmadu Bello's refusal to become the Prime Minister. Furthermore, the 1960 independence constitution also recognised bicameral legislative structure. The Senate was made up of 44 members and the House of

25. Ibid, p. 40.

26. Ibid.

Representatives 305. Under this structure, regional assemblies were given the right to legislate on matters in the residual list which, were not included in the exclusive and the concurrent list. More so, there was a provision in the 1960 constitution that when there was a conflict between regional laws and federal laws, the former shall be void to the extent of its inconsistencies.

The 1963 republican constitution also retained the bicameral structure. Senator Nwafor Orizu became the first Senate President of Nigeria. The Senate was made up of 12 members representing the regions, while 4 members represented the Federal capital Territory, which was then in Lagos, and 4 members were selected by the President of Nigeria. However, the first military coup which began in 1966 terminated the legislative experience. The partial success of the 15 January 1966 coup led to the assumption of Senator Nwafor Orizu as the Acting President, a position he held for two days before he relinquished it to Major-General J.T.U. Aguiyi-Ironsi on 17 January, 1966, the highest ranking military officer at the time.

The 1979 constitution was a complete change from the system practiced in the 1960s. It adopted an executive presidential system of government, inspired by the United States model. The choice of the presidential system was justified by the Constituent Assembly on the ground that it has a clear office of responsibility, unlike the parliamentary system where the conflict of personality and interests between the president and the prime-minister, who are of two different political parties, over the 1965 general elections, presaged the military intervention of the following year. Specifically, chapter seven of the Report of the 1977/78 Constituent Assembly stated that unity, energy and despatch inhere in the executive president. As the Assembly reasoned, "there should be a single individual in the capacity of a chief executive who can decide and act promptly when despatch is demanded, and who can impose his will when difference of opinion among cabinet members threatens to paralyse government."²⁷

27. Federal Republic of Nigeria, *Report of the Constitution Drafting Committee Containing the Draft Constitution*, Lagos: Federal Ministry of Information, Printing Division, 1979.

It further reasoned that dual executive of the parliamentary system beclouds responsibility with the principle of collective responsibility. However, the 1979 constitution operated for only four years before it was terminated by the military coup of 31 December, 1983, which saw General Muhammadu Buhari emerge as the Head of State. Nigeria was not to return to full democratic institutions until 1999.

The effort to return to democratic through an elongated transition programme failed when the results of the 12 June, 1993 presidential elections were annulled by the General Ibrahim Babangida, who had overthrown the Buhari administration in August 1985. The annulment aborted the Third Republic. Under the 1989 constitution, the presidential system of government was retained. The constitution amended certain aspects of the 1979 Constitution to reflect the new structure of the federation. The number of states had increased from 19 to 30 and there were 593 local governments. The membership of the Senate was reduced from 95 in 1979 to 91 as each state produced 3 senators, and one from the Federal Capital Territory, Abuja. The 1989 constitution changed the qualifications for becoming a member of the Senate by setting the age limit for members 30 years as against 25 years in 1979. Those who drafted the 1989 constitution also considered educational qualification as paramount before any citizen can become a member of the senate. However, due to the sensitivity of the matter, the drafters could only consider secondary school certificate or its equivalent as prerequisites for becoming a member of the Senate.

The 1989 constitution was equally short-lived due to the crisis that followed the annulment. It ended with the demolition of democratic structures following the overthrow of the interim National Government left by General Babangida who was forced to step aside on 27 August 1993 by General Sanni Abacha. Abacha, who orchestrated a constitution-making process as a part of a grand plan to transform into a civilian president died in mid 1998. General Abdulsalami became head of state. The latter organised a brief transition programme that returned the country to democratic rule on 29 May, 1999.

Under the 1999 constitution, which was markedly similar to the 1979

constitution with little amendments, Nigeria retained the presidential system of government and a bicameral legislative structure. The constitution corrected some major defects of other constitutions relating to the composition of the National Assembly, age requirements, the number of sitting and forming of quorum. The Senate was made up of 109 senators on the basis of 3 senators for each of the 36 states and 1 from the Federal Capital Territory, Abuja.

THE SENATE IN THE FOURTH REPUBLIC: THE FOURTH SENATE 1999–2003

The outcome of the parliamentary elections held in 1999 saw the Peoples Democratic Party (PDP) claiming 59 seats in the senate, while the All Peoples Party (APP) won 29 seats and the Alliance for Democracy (AD) won 20 senatorial seats. One seat was, however, vacant or undeclared.²⁸ The 4th National Assembly was subsequently inaugurated on the 29 May, 1999 at the start of the Nigerian Fourth Republic. The Senate was made up of three senators from each of the 36 states, plus one Senator for the Federal Capital Territory, Abuja.

The fourth Senate of the federal republic was characterised by leadership struggles and antagonistic relationships between the Senate and the Presidency. The 4th Senate spent much of its strength fighting for independence. Anyanwu note that the first manifestation of this struggle was the choice of leadership. Prior to the inauguration of the Assembly, senators of the ruling PDP held a shadow election in which they conceded the position of the Senate President to Chuba Okadigbo. However, the coalitions of other interests cornered the votes in favour of Evan(s) Ewerem.²⁹ Thus, Chief Enwerem was elected the first president of the Senate in the Fourth Republic. However, he was impeached six months later (November 1999) over charges of falsification of age and forgery

28. African Elections Database, <http://africanelections.tripod.com/ng.html>

29. Anyanwu C. *The Lawmakers, Federal Republic of Nigeria, 2003-2007*, 4th edition statecraft International Ltd. 2003, p. 47.

of academic qualifications in his resume, as well as gross incompetence. After the impeachment of Enwerem, the stage was set for the emergence of Chuba Okadigbo as the 2nd president of the 4th Senate. Chuba Okadigbo's leadership style was dictatorial and arrogant. Thus it was resented by his colleagues in the senate, leading to his impeachment alongside his deputy eleven months later on allegations of corruptions. He was replaced by Anyim Pius Anyim, who became the 3rd Senate President of Fourth Republic. Although he faced many challenges from the executive, he was able to retain his leadership position till the end of the 4th Senate.

The relationship between the presidency and the legislature has always been one of dominance and antagonism. This is the result of the uneven development of the two institutions as a result of several interruption of democratic rule by the military. Under the military, the legislature is often abolished, leaving the legislature largely underdeveloped relative to the executive. The presidential system introduced in 1979 was among other things geared toward the establishment of a strong legislature that will serve as a watch dog on the executive. The 1979 constitution empowered the legislature to impeach the president on the grounds of gross misconduct and the legislature was also to decide what constitute gross misconduct.³⁰ The 1999 Constitution followed the 1979 Constitution in two areas: "money bills and the impeachment of the president".³¹ This translated into persistent conflict of interest between President Olusegun Obasanjo and the legislature, specifically the Senate. The frosty relationship between the Senate and the presidency began on 2nd July 1999 after President Olusegun Obasanjo repealed Decree 25 of 1994 establishing the Petroleum Trust Fund (PTF). The Senate, however, nullified the decision of the president through a resolution passed on 2 July, 1999 claiming that the executive acted unilaterally thereby undermining the powers of the legislature. After much clarification by stakeholders that

30. E. 'Remi Aiyede, 'Legislature-Executive Relations in Nigeria's Emergent Presidential Democracy', *UNILAG Journal of Politics*, Vol. 2, No. 1, 2005, pp. 64-87.

31. *Ibid*, p. 146.

the President acted in conformity with the constitution, the senate reversed its order.

Another area which put the President and the Senate at loggerheads was in budget implementation. This was attributed to the assertiveness of the presidency in policy making and implementation. Anyanwu reported that as a result of improper budget implementation in the first one year, the Senate gave directives to all Senate Committees to invoke its powers of investigation and assess the level of implementation of constituency projects. The various committees reported that the performance was very low and there were many irregularities in the management of funds. This discovery prompted the Senate to invite the Minister of State for Finance, Jubril Martins-Kuye, Accountant-General, Auditor-General, Governor of the Central Bank of Nigerian (CBN) and top officials of the Nigerian National Petroleum Corporation (NNPC) for questioning, in order to ascertain the extent to which the executive performed in managing the economy.³² The presidency was accused of selectively implementing the budget. Consequently, the Senate agreed not to deliberate on the 2002 budget pending when the President issued detailed report on the implementation of the 2001 Supplementary Appropriation Act.³³ Other issues which further aggravated the frosty relationship between the President and the Senate was the provisions of s. 58 (4), 58 (5), and 15 of the Electoral Act 2002. Power sharing, Local Government creation, resource control and revenue allocation, onshore-offshore dichotomy bill. Moreover, The Corrupt Practices and other Related Offences Bill of 2003 and the Niger Delta Development Commission Bill also involved fundamental disagreements between the Senate and the President. These bills, which were vetoed by the president, were made laws when the Senate and the House of Representatives override the veto of the president with two-thirds majority vote, a month after they was sent to the President for assent. The culmination of the hostile relationship between the Senate and the President over these matters and other issues led to the move to

32. *Ibid.*, p. 149.

33. *Ibid.*

impeach President Olusegun Obasanjo on the 18th August 2002 by the National Assembly spearheaded by the House of Representatives.³⁴

In general, the 4th Senate was able to introduced 258 bills out of which 65 were passed. The relatively poor performance of the Fourth Republic Senate was attributed to the challenges of leadership and the hostile relationship between it and the Executive.

THE FIFTH SENATE 2003-2007

The Fifth Senate was inaugurated in May 2003 following the 2003 general elections. In the National Assembly elections, the PDP won 76 seats in the Senate, while the All Nigeria's Peoples Party (ANPP) won 27 seats and the AD won 6.³⁵ Chief Adolphus Wabara of the PDP emerged as the Senate president.

From June 2003 to May 2005, the presidency and the Senate enjoyed a cordial relationship, as the Senate differed to the President. The opposition parties could not challenge any of the policies of the President because the president's party, the PDP, controlled over two-thirds majority in the Senate. Furthermore, this period witnessed the introduction of major reform policies, some of which had adverse effect on the populace, leading to popular outcry. Indeed, the Obasanjo administration articulated a comprehensive development reform agenda, the National Economic Empowerment and Development Strategy (NEEDS). NEEDS focused on four main areas: improving the macroeconomic environment, pursuing structural reforms, strengthening public expenditure management, and implementing institutional and governance reforms. Public sector reform consists of seven main goals. These are to right-size the sector and eliminate ghost workers, restore the professionalism of the civil service,

34. For details on this particular impeachment crisis, see J. Shola Omotola, *Public Attitudes Towards Impeachment Threats in Nigeria's Fourth Republic*, unpublished M.Sc. thesis, Department of Political Science, University of Ibadan, Ibadan, Nigeria, August 2003.

35. C. Anyanwu, *The Lawmakers. Federal Republic of Nigeria, 2003-2007*, Fifth Edition Startcraft International Ltd, 2007, p. 54.

rationalise, restructure and strengthen institutions, privatise and liberalise the sector, tackle corruption and improve transparency in government accounts, reduce waste and improve efficiency of government expenditures, and enhance economic coordination.³⁶

As the adverse consequences of some of the reforms began to afflict ordinary people, the Nigeria Labour Congress (NLC) catalysed and galvanised a series of public protests against price hikes in petroleum products as a result of the government's policy of deregulating the downstream sector of the petroleum industry. Between 1999 and 2004 there were six protracted general strikes. By 2004 the strikes and opposition to elements of the Obasanjo reforms has become so worrisome that the government detained the NLC president.³⁷

The affable relationship between the presidency and the Senate soon hit the rocks in May 2005, when the Presidency, through the Economic and Financial Crime Commission (EFCC) alleged that the Senate President and some Senators were involved in a bribery scandal. The Senators saw this as a move by the President to dent the image of the Senate before the Nigerian public and they were more perturbed that the President was using the EFCC, a supposedly independent investigative agency, to witch hunt some members of the Senate. Consequently, the presidency pressured the Senate to remove the Senate President. Following the resignation of Senator Wabara, the Senate resolved to assert its independence. It ensured that the executive did not exercise influence over the election of the next Senate president. Consensual agreement led to the election of Ken Nnamani, who was a first time Senator, from Enugu state as the Senate President.

One major issue worthy of note in the Fifth Senate was the constitutional amendment bill of 2006. The bill proposed 116 amendments, but s.137

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36. Federal Republic of Nigeria, *Nigeria: National Economic Empowerment and Development Strategy (NEEDS)*. Abuja: NEEDS Secretariat and National Orientation Agency, 2004.
37. E. Remi Aiyede, "From Corporatist Power to Abjection: Labour and State Control in Nigeria", in Wale Adebawo and Ebenezer Obadare (eds.), *Encountering the Nigerian State*, New York: Palgrave Macmillan, 2010, 177-197.

ss. (1b) raised attracted public opprobrium. The proposed bill sought to increase the tenure of office of the president from two terms of four years each to three terms of four years per term. Similarly, the proposed bill sought to amend s.182 ss.13 of the 1999 Constitution by granting state Governors the right to three terms of four years each. The bill also proposed to recognise the six geo-political zones as basis for national planning and power sharing; to increase the number of states and local government and also to enhance local government autonomy; make vice president and deputy governor not to be automatic successors to the office of the president and governor respectively; removal of the immunity clause for the president, vice president, governor and deputy Governor, among others.

The bill which sought to increase the term of office of the president and governors caught more attention, as the senators accused the President and Governors of a gang up to elongate their tenure. The senate unanimously rejected the bills even though some of the bill proposed would have been beneficial to the country. However, Senators of the fifth Assembly agreed that the killing of the 2006 amendment bill was their greatest achievement. Senator Adolphous Wabara reiterated this when he stated that, ensuring that the proposed amendment was not passed was "our most significant contribution . . . That was our moment in the sun. That was the moment when the hopes and future of a people and a country rested on a thread because of personal ambition . . . even if we did nothing else . . . we had the courage to do the right thing".³⁸ Senate President Ken Nnamani, while remaining publicly neutral on the issue, resisted efforts by the "third term" supporters to manipulate the Assembly's procedures and intimidated the senators on the need not to accept the measures.

The Fifth Senate considered a total of 392 bills out of which 138 were Executive bills, while 227 were private member bills. Of the 392 bills only about 132 bills were passed, 83 executive bills and 49 private member's bills. This was an improvement when compared to the bills

38. C. Anyanwu, *op. cit.*, p. 15.

passed by the Fourth Senate. Furthermore, the Fifth Senate was credited with achievements in other respects. First, the Senators were able to carry out their statutory responsibility of oversight by improved committee work. They took control of the national budget; improved public hearings; paid off their debt of about ₦349 million and further ensured fiscal responsibility. The reforming of their internal operations enabled them to pass laws on public procurement and fiscal responsibility. Legislators and analysts observed that the overall quality of Assembly members in both the Senate and the House had improved, as more educated and more experienced people emerged.³⁹

THE SIXTH SENATE, 2007-2011

The result of the 2007 parliamentary elections showed that the PDP won a total of 87 seats in the Senate, the ANPP 14, Action Congress (AC) 6, while the Progressive People's Party (PPA) and Accord Party won 1 seat each.⁴⁰ The sixth Senate was later inaugurated on the 6th of June 2007 with Senator David Mark emerging as the President. David Mark has been a Senator representing Benue State for three consecutive terms. On election as President of the Senate, David Mark became the ninth Senate President since the First Republic. David Mark retained the office of the senate presidency throughout the Sixth Legislative Assembly. There was basically no leadership tussle among members of the Senate. Senator David Mark was able to hold on to power throughout his tenure. This can be attributed to the respect he had among his colleagues, unlike the Fourth and Fifth Senates, which experienced leadership crisis perpetuated largely by the executive. Moreover, under the administration of President Umaru Musa Yar'Adua, there was, probably for the first time, smooth relationship between the Senate and the president. However, the weakness of the executive arm, due largely to Yar'Adua's illness, emboldened the

39. Ibid.

40. Dayo Aiyetan. Good luck to Jonathan: Nigeria's acting president will need both of good luck and guts to perform effectively in that office with the enormous challenges ahead, *TELL*, 22 February, 2010, pp. 17-21.

Senate. The number and scope of committees expanded. There were 54 committees in the Senate. The Sixth Senate was noted for its probes into activities of government ministries of past administrations. These investigations yielded little or no results, thus attracting criticisms from various quarters of the Nigerian public.

First among the probes was the transport ministry, initiated by a motion moved by Senator Ayogu Eze, who called for investigation of the ministry due to the deplorable nature of the Nigerian roads despite the huge funds, about ₦1 trillion that government had pumped into the transport sector. The probe panel was headed by Senator Heineken Lokpobiri. The panel summoned Chief Tony Anenih and Adeseye Ogunlewe who were transport ministers during the period, but were alleged to have collected ₦300 billion for road construction with nothing to show for it. The probe, however, went down after gathering much dust. Next was the Federal Capital Territory probe under Nasir el-Rufai. Senator Abubakar Sodangi, who was the Chairman, Senate Committee on the FCT, was in charge of the probe from 1999 to 2007. The probe became important following public outcry that the former Minister of the FCT was ruthless and demolished over 75,000 houses in the FCT rendering many Nigerians homeless, and stepping on the toes of some bigwigs in government. However, the former Minister refuted the allegations saying that he followed the dictates of the FCT building planning regulation, claiming that all the houses demolished violated the law. At the end of the hearing, the chairman recommended that the former FCT minister should be ban from public office.

Next in the line was the aviation sector probe, which was headed by the chairman of the Senate Committee on Aviation, Senator Anyim Ude. It was alleged that a ₦19.5 billion safe tower project was misappropriated. Two former ministers, Professor Babalola Borishade and Femi Fani-Kayode were accused of fraud during the committee investigation. Another probe worthy of mentioning was the agricultural sector probe conducted by an ad hoc committee led by Senator Idris Umar. The Committee was charged to examine the causes of food shortage in Nigeria and the ₦300 billion spent in the sector for the procurement and distribution of fertiliser.

However, after many months of deliberation and traversing many parts of the country, the Senate could not examine the committee report before the end of the Senate session.

Despite these shortcomings, the Sixth Senate was credited for saving the country from an imminent crisis through the "Doctrine of Necessity" motion it passed, which helped to clear the way for Vice President Goodluck Jonathan to assume responsibility as Acting President against the background of the health challenge of President Umaru Musa Yar'Adua.⁴¹ President Yar'Adua was away from the country to Saudi Arabia for more than 80 days without giving due notice to the National Assembly. At a time, unknown to the vice-president, he was subsequently ferried into the country under the cover of night and taken, with military support, from the airport to the presidential villa. This created a major stir in the polity until the Senate, submitting to pressure from civil society and the belated shift of allegiance and support of the Governors' Forum, empowered the vice-president to act as president, drawing on what it called the 'Doctrine of Necessity'.

The constitution had made elaborate provisions for the process of handing over to the vice president or transforming the vice president into an acting president in a situation where the president proceeds on vacation, becomes incapacitated by ill-health or dies in office. The constitution expects the president to write to the National Assembly conveying the transfer of power to the vice president to the National Assembly during his absence. Where the president is unable to do so in the case of medical incapacity, the Federal Executive Council was to catalyse a process where a select number of medical practitioners, including the president's personal physician, determine the state of health of the president and where he was satisfied unfit to function, conveys the situation to the National Assembly to enable the vice president become acting president. The constitution, however, failed to create an appropriate context for the

41. For an insight into Yar'Adua's health crisis. see 'A Cabalised Regime: Neopatrimonialism, President Yar'Adua's Health Crisis and Nigeria's Democracy', *CEU Political Science Journal*, Vol. 6 (2), 2011. pp. 222-253.

speedy achievement of transforming the vice to president where the president failed to write to the National Assembly. This is because it empowered the Federal Executive Council to act in a situation where the president is incapacitated and fails to write to the National Assembly to enable the vice president to act as president during a long absence from office as Nigeria experienced in this case. In the particular instance, the Federal Executive Council failed to act as required by the constitution. The doctrine of necessity was used by the Senate to arrest the situation. The Sixth Assembly eventually amended the constitution to enable the vice-president to be sworn-in as acting president after 21 days of the president's absence without notifying the National Assembly. This action of the Sixth Senate has been the most significant legislative action of the federal republic.⁴²

The Sixth Senate is also credited for altering certain sections of the 1999 constitution and for passing the 12 years old Freedom of Information Bill which originated from the House of Representatives and the electoral act 2010 which led to the relative success of the 2011 general election. More so, the Sixth Senate is credited with timely passage of the Asset Management Corporation of Nigeria Bill, charged with the responsibility of managing bank toxic assets as part of the reforms to arrest the rots in the banking sector. Lastly the Sixth senate passed the Sovereign Wealth bill, tobacco control bill and hydroelectric power commission bills. The sixth Senate received a total of 500 bills out of which 89 were passed while 118 motions were moved one of which was the "Doctrine of Necessity".

CONCLUSION

This chapter discusses the Nigerian Senate, its emergence and its roles of ensuring democratic consolidation of the Nigerian polity. In the last decade, the Senate has re-emerged as a formidable force in the political development of the Nigerian state. It has risen against unpopular policies

42. Ibid.

emanating from the executive, and performing the statutory checks. Among the success stories of the Nigerian Senate under the Fourth Republic was the repudiation of an executive bill which sought to extend the tenure of office of the president and governors. Sensing that it was a conspiracy between then President Olusegun Obasanjo and the 36 state governors to elongate their tenure of office, the Senate rose to kill the bill.

Another remarkable move of the Senate that saved the country from imminent collapse was the doctrine of necessity motion. This motion paved the way for the vice president to assume power as acting president, against the background of the long absence of the president due to illness. The Senate has also been credited for its numerous probes in the activities of government agencies, even though these investigations did not yield the much needed result. In general, the Senate created a platform where the activities of government agencies can be publicly scrutinised. However, despite these laudable achievements of the Senate, more efforts need to be done to advance the integrity of the Senate. The Senate, like the House of Representative, is viewed largely as parasites on the Nigerian economy because of the enormous emolument that they receive. Rent-seeking and clientelism have made the Senate to be increasingly vulnerable to the ploys of the executive. Therefore, to ensure democratic consolidation in Nigerian, the Senate must rise above these challenges in the spirit of nationalism and patriotism.

CHAPTER 8

The Nigerian House of Representatives

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INTRODUCTION

The legislative institution in Nigeria adopted the bicameral arrangement since the First Republic. The parliamentary system of government of the first republic, as well as the American-style presidential system of subsequent republics, all had the two-chamber legislative assembly. Indeed, the parliamentary system of the first republic had its peculiar legislative character; most notably fusion of powers and personnel, unlike the legislatures during the subsequent presidential republics. In the first republic, the lower legislative chamber produced the prime minister, who was also the chief executive and head of government.¹

In contrast, consequent upon the shift from the parliamentary to the presidential system of government in the second republic, the working and relations among the institutions of government were altered by the adoption of the principle of separation of powers, personnel and institutions. By implication, the almost boundless political authority with which the House of Representatives in the first republic was constitutionally vested vanished with the transformation in the government system. In particular,

1. Billy J. Dudley, *An Introduction to Nigerian Government and Politics*. London: The Macmillan Press Ltd, 1982; Eghosa E. Osaghae, *Crippled Giant: Nigeria Since Independence*. London, Hurst & Company, 1998.

under the presidential system, the executive not only ceased to be members of the legislature, but also emerge from separate popular elections. Thus, while the Speaker of the House of Representatives has been elected by the members of the lower legislative chamber from among themselves as the house's presiding officer, the Senate President has been elected by the Senators to preside over the Senate.

The House of Representatives (HORs) under fourth republic of Nigeria is a product of the 1999 constitution. In the fourth republic, the country has operated the dual legislative system, where the two chambers of the legislature have been separated horizontally, in a way that the powers of the central legislature are shared between the chambers in most respects. It can be said that the two chambers each performs distinct roles to keep the wheel of Nigeria's democracy rolling; their importance to the survival of Nigeria's developing democracy cannot be over-emphasised. As much as the roles of the Senate and the HORs are distinct, they are nonetheless similar as well. Both chambers complement each other and jointly mitigate abuse of the power of legislature. As a result, legislative tyranny is being checked to a barest minimum. As a matter of fact, despite the acknowledged individual relevance of the legislative chambers, scholars have often tended to functionally merge them for the purpose of analysis. In other words, there are a few works on the Nigerian legislature, but chamber-specific studies are very rare to come by. Due to functional similarities, most writings on the legislature in Nigeria treat the two chambers as one institution of government.

Yet, recent developments in the central legislature have shown that though the two houses have shared huge legislative responsibilities, and indeed complemented each other, they take different approaches to decision-making, as well as to internal and operational challenges, among others. The fact that the two houses adopt separate approaches to their legislative duties and face different challenges in their legislative businesses necessitates independent examination of each of the two chambers. This rather rare approach to the study of the nation's legislature will facilitate a deeper understanding of its distinct operational mechanism, methods and difficulties. To this end, this chapter focuses on the HORs.

Specifically, this study examines the operations, performances, politics and challenges of the House of Representatives in the fourth republic of Nigeria. The study seeks to establish the nature and dimension of internal politics of the HORs. It utilises data drawn from secondary sources and analyses it using the descriptive and explanatory methods. For clarity and precision, the study is divided into four sections. They are, namely the functions of the HORs under the 1999 constitution; structure and organisation of the HORs; performance of the HORs; the challenges of the HORs; and conclusion. It is expected that at the end of this paper the information lacuna in the studies on Nigeria's central legislature will be filled.

FUNCTIONS OF THE HOUSE OF REPRESENTATIVES UNDER THE 1999 CONSTITUTION OF NIGERIA

The political environment in which a legislature operates often determines the roles vested in it as well as the extent of the discharge of its responsibilities. In Nigeria, the two-chamber legislative model is adopted at the federal level, while in the constituent states the unicameral arrangement is practised. Unlike in the first republic parliament, the two-chamber arrangement of the second and subsequent Nigerian legislatures is modeled after America's. Thus, the functions vested in the House of Representatives by the 1999 constitution can be understood in this regard. It should be noted that despite the amendment of the 1999 Nigerian constitution in 2010, the functions and power of the HORs remains unaltered.

The 1999 constitution of Nigeria vests the law-making power of government in the National Assembly, comprising the Senate and the House of Representatives. According to the provisions of Part II, s. 4 (1 and 2) of the constitution:

The legislative powers of the Federal Republic of Nigeria shall be vested in a National Assembly for the Federation which shall consist of a Senate and a House of Representatives. The National Assembly shall have power to make laws for the peace, order and good government of the Federation.

Evident from the above provisions is that the two chambers of the central legislature are vested with joint legislative power and responsibility to make laws for the country. The two houses thus have concurrent power on most legislative matters under consideration in the assembly. Bills passed by one chamber must equally be passed by the other for it to take the force of law. The only exceptions are on moving motions and on oversight roles, especially the screening and confirmation of political nominees.

Furthermore, the 1999 constitution of Nigeria confers the power of the purse on the National Assembly, of which the House of Representatives is a constituent chamber. The power is implied in the provisions of s. 80 (2):

No moneys shall be withdrawn from the Consolidated Revenue Fund of the Federation except to meet expenditure that is charged upon the fund by this constitution or where the issue of those moneys has been authorised by an Appropriation Act, Supplementary Appropriation Act or an Act passed in pursuance of Section 81 of this constitution.²

Impliedly, through the Appropriation Act, Supplementary Act and any other Act that is passed by the Central legislature, including the HORs' approval, the HORs holds and exercises the power of the purse. Charged with the responsibility to enact bills, the HORs debates and scrutinises the annual budget proposal submitted to it by the executive, amends it where it is deemed necessary, and passes it into law – the Appropriation Act. The Appropriation Act only becomes the guiding formal document on which the executive bases its expenditure.

In the provisions of s. 80 (3 and 4) and 81, the power is even made more explicit. And according to s.81(1), 'The President shall cause to be prepared and laid before each House of the National Assembly at any time in each financial year estimates of the revenues and expenditure of the Federation for the next following financial year'. Further power of scrutiny over state expenditure is vested in the assembly by the provisions

2. The 1999 Constitution of the Federal Republic of Nigeria.

of s. 85 of the 1999 constitution. The section provides that the reports of audits of financial statements of all government offices and courts be submitted to each chamber of the National Assembly by the Auditor-General of the Federation periodically. This power is intended to check misappropriation and misapplication of government's and taxpayers' funds. The power of the purse is obviously one of the oversight functions of the legislature in Nigeria.

Apart from authorising funds for the state expenditure, the legislature also scrutinises the executive (state) administration. Various committees of the legislature are involved in discharging this duty. The essence of this is:

- (1) to ensure that legislative intent as passed in laws is not unduly set aside in the course of implementation; and
- (2) to investigate any officer charged or intended to be charged with the responsibility for spending the funds appropriated by the HORs.

The due and effective exercise of these legislative powers – law-making and administrative oversight – is expected to ensure good state governance and effective public administration in the Nigerian polity. Yet, to carry out the functions assigned to the two-chamber legislative assembly, the appropriate institutional structure and framework have to be provided. The next section, therefore, discusses the structure and organisation of the HORs.

STRUCTURE AND ORGANISATION OF THE HOUSE OF REPRESENTATIVES

The lower legislative chamber, the House of Representatives, is made up of two categories of personnel: these are the administrative personnel (supporting staff) that are headed by the Clerk of the HORs, and the elected legislators headed by the Speaker of the House. The administrative personnel are career officers who hold their appointments until retirement. Of course, for the purpose of recruitment, promotion, compensation and discipline of staff, the administrative personnel of the central legislature

have a distinct service commission known as the National Assembly Service Commission (NASC). On the contrary, the legislators are elected into office for a renewable term of four years.

In particular, the HORs is made up of 360 legislators. The 360 legislators are elected from the 360 constituencies to which the 36 states are delineated. It is important to point out, however, that because of the use of the population criterion for the constituency delineation, the distribution of legislative seats, in the HORs, among the states is not equal but proportional to the relative population of each state (Chapter V, Part I of the 1999 constitution). According to Section 49 of the constitution: "Subject to the provisions of this constitution, the House of Representatives shall consist of 360 members representing constituencies of nearly equal population as far as possible, provided that no constituency shall fall within more than one state".

Despite the fact that population figures/census have always been contentious in Nigeria, with many people believing that official figures are often at variance with the actual population strength of most states, population has remained the major criterion for delimiting constituencies. The use of population criterion for the constituency delimitation in Nigeria made Senator Martin Yellowe, representing Rivers State West, to initiate a bill amending the law setting up the National Population Commission following the controversial census figures of 2006. As earlier noted, every member of the House of Representatives is elected into a four-year term of office. Nonetheless, term restriction is not placed on the legislators. They can seek re-election for as long as they succeed at polls.

As stated earlier, the HORs is headed by a substantive head, the Speaker. The Speaker in the fourth republic is the presiding officer over legislative sessions, and the Deputy Speaker takes over as the presiding officer in the absence of the Speaker (s.53(b)), 1999 constitution: s.26 (1 & 2) of the *Standing Rules of the House of Representatives*). In Nigeria, the party with majority seats on the floor of the House constitutes its leadership. However, the minority parties are not completely exempted from the leadership. The minority parties are represented by the Minority Leader, Minority Whip and Deputy Minority Whip. Since the inception

of the nation's fourth republic in 1999 up to 2011, the People's Democratic Party (PDP) has occupied the office of the Speaker. Other positions like Deputy Speaker, Majority Leader and Deputy Majority Leader, and Chief Whip and Deputy Chief Whip have also been filled by the PDP. PDP has consistently won and controlled the majority seats in the HORs. In 1999, for instance, the PDP won 206 seats, the APP 74 and the AD 68. The remaining twelve were unaccounted for (African elections database, elections in Nigeria). In a similar vein, in 2003 the PDP won 223 seats, the ANPP – 96, the AD – 36, the United Nigeria People's Party (UNPP) – 2, the National Democratic Party (NDP) – 1, the APGA – 2, and the People's Redemption Party (PRP) – 1 and others 1. At the inauguration of the 3rd assembly of the fourth republic in June 2007, the PDP had 263 out of the 360 seats in the house. ANPP and the AC shared the remaining 97, with 63 and 30 seats respectively. The PPA had 3 while the remaining one went to the Labour Party (LP).³

While the Speaker of the HORs wields the greatest power and influence during legislative sessions and the Deputy Speaker presides in his absence, any member elected by the House can preside over legislative proceedings of the day in the absence of both the Speaker and the Deputy Speaker (*Standing Rules of the House of Representatives*, Chapter IX). Moreover, the HORs, like other legislatures elsewhere, uses the committee system for thoroughness and effectiveness in its legislative business. Committees and subcommittees are the units through which the Nigerian legislature does most of its tasks. The House committee in the fourth republic of Nigeria is headed by a Chairman and assisted by a vice chairman. The HORs committee system comprises the standing and the special committees. The standing committees comprise business and rule, ethics and privilege, appropriation and budget committees, public account, among others. Usually they are not many. In Nigeria, while the standing committees are usually few, the special committees have ranged from 42 in 1999 to over 70 under the leadership of the Dimeji Bankole (2007-

3. Consortium for Elections and Political Process Strengthening, CEPDS; African elections database-elections in Nigeria.

2011). The committee system serves as a checkpoint for detailed examination of policy proposals. It constitutes the forum for detailed, clause-by-clause scrutiny of the content of a bill.⁴ In fact, through the committee system the state policies are shaped, groups' interests are heard, and legislations are formulated.⁵ Section 62 of the 1999 constitution states:

- (1) The Senate or the House of Representatives may appoint a committee of its members for such special or general purpose as in its opinion would be better regulated and managed by means of such a committee, and may by resolutions, regulation or otherwise, as it thinks fit, delegate any functions exercisable by it to any such committee.
- (2) The number of members of a committee appointed under this section, their terms of office and quorum shall be fixed by the House appointing it.

Indeed, the legislative committee is the most important and influential decision-shaping unit, ranking next to the Speaker.

However, the importance of the legislative committees as decision-shaping platforms appears to be not yet well understood by most Nigerian legislators, considering their unimpressive attitude towards their committee responsibilities. Particularly under Dimeji Bankole (2007-2011), on several occasions the leadership of the house openly expressed its disapproval of the lackadaisical attitude of members of some committees towards the House's businesses with which their committees were tasked. Often, arriving at far-reaching decisions on major issues in the House has been slowed down owing to the failure of the committees at turning in reports on their individual assignments.

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4. Fashagba, J. Y. De-constitutionalising? Democratic governance in Nigeria: Assessing executive-legislative handling of executive-power vacuum in the fourth republic. *Africana*. 4(1), 6-43, 2010a.
 5. Cummings, M. C. and Wise, D. *Democracy under pressure: An introduction to the American political system*. New York: Harcourt Brace College Publisher, 1997.

Especially from 2007 to date, a member of the House has belonged to no fewer than two committees. Some members have belonged to as many as eight committees. This partly explains the inefficient productivity of the House committees' members. In addition, the committees appear to serve patronage purposes than making legislative function efficient in Nigeria. Members scramble for juicy committee placements at the commencement of every legislative term. The few members that have been lucky to secure re-elections often have sought for greener pastures in better committee placements, where they can attend to their patronage concerns. And the immediate implication of this propensity of the Nigerian HORs committee members is that it hinders them from gaining the valuable specialised skill in distinct legislative businesses through longer service, in one or two committees. Membership in many committees will turn out self-indulgent to the legislators, as already observed.

After bills' second reading in the House and the bills are committed to relevant House committees, the committees scrutinise the proposed legislations. Most times, the committees organise public hearings with a view to aggregating opinions and gauging public feelings on proposed legislations. More importantly, the committees scrutinise the executive administration and policy implementation to ensure that legislations and policy intents are not unnecessarily deviated from by the administrative personnel and agencies implementing them. Indeed, budgetary provisions are often made for the oversight function of the legislature in order for its task of administrative scrutiny to be carried out efficiently. In particular, the supervisory roles of the House committees over different government departments and agencies are smoothed (s.88, 1999 Nigerian Constitution). They are meant to check the abuse and mismanagement of appropriated funds by the departments and agencies.

PERFORMANCE OF THE HORs UNDER THE FOURTH REPUBLIC

As in other democracies, both old and new, the HORs as an arm of the Nigeria's National Assembly has played a representational role in the new democracy. Indeed, it would have been impossible to classify Nigeria as a democracy – notwithstanding certain procedural and institutional

characteristic of the electoral administration – but for the presence of the House of Representatives. The HORs particularly facilitates the representation of the 360 constituencies, to which the country has been delineated, and thus has met regularly to debate public policies and address issues of public concern. Towards this end, the HORs has passed bills or adopted legislative resolutions. For instance, by the last quarter of 2010, the House had passed 95 Bills between June 2007 and October 2010. Similarly over 400 bills at different levels of consideration, while 49 bills are awaiting consideration of the Committee of the Whole with 71 referred to the Committees.

The HORs' representational role guarantees cross-cultural and inter-ethnic elite socialisation. It also ensures that government policies are legitimised by the electorate through their representatives in the House. When the military ruled the country, only a handful of self-installed leadership made laws (edicts and decrees) and policies on which the fate of the entire nation depended. The people who had no voice in public policy formulation were at the mercy of the ruling military authorities. But public opinions have spurred the legislature, the HORs specifically, under the renewed democratic dispensation to make legislations and take certain actions, which it might have ignored or towards which they might have shown silent passivity. Some of the bills that have been passed in response to and partnership with the public include the Constitutional Amendment Bill 2010 and the Electoral Amendment Bill 2010. These were passed by the House during the last quarter of 2010.

In the same vein, the HORs have been a platform for political socialisation among the 360 members representing their electorate. There is no doubt that the necessity for political integration cannot be overemphasised in a highly ethnically polarised society like Nigeria. The election of the representatives from the 360 constituencies, which cut across the country's different ethnic groups, indeed enables the various ethnic groups, including the many minority groups that would have been marginalised, to be represented at the formulation and implementation of the government policy. In a multi-ethnic state like Nigeria again, which is characterised by intra and inter-ethnic rivalries, competitions, shared

suspicious and struggles for power and resources alike, the political socialisation facilitated by the representational character of the HORs is most pertinent. The Nigerian electorates have always felt that government decisions were reached with inputs of their representatives. Thus, the political integration ensured by the representative assembly has invariably deepened the legitimacy of the Nigerian government and her policies, in spite of the occasional criticisms against the democratic institutions.

As important as the contribution of the House of Representatives is to governance in the Fourth Republic of Nigeria, it has been unnoticed and unappreciated by most political observers. To appreciate the HORs' role, a little insight into executive-legislature relations at the federal level between 1999 and 2003 will suffice. During the period, the executive arm of the Nigerian government made several futile attempts to unseat the Speaker of the HORs. But not only was the Speaker, a northerner and Hausa by tribe, defended by the other Hausa-Fulani ethnic representation in the house, he enjoyed overwhelming support of the legislators of Yoruba descent in the House.⁶ The country's President at the time was from the South-West, a Yoruba; yet, the Yoruba members of the House gave their support to the House leadership in what could be termed legislative solidarity.⁷ However, when an impeachment threat was raised against the executive, particularly the president, most of the Yoruba legislators picked the ethnic card and defected to support President Olusegun Obasanjo.

Nevertheless, the latter case above casts no aspersion on the HORs instrumentality at promoting political stability and deepening democracy in Nigeria. Amending the constitution to elongate the tenure of Obasanjo in 2006, for instance, would perhaps have exposed Nigeria's fledgling democracy to threat of collapse. The central legislature had ended the inordinate quest. One major reason for democratic reversals in Niger Republic in February 2010 was the executive-instigated constitutional

6. Fashagba, J. Y. interethnic relations in Nigeria: An institutional perspective. In: A. Osuntokun et al, Nigeria culture, people society and culture, 2010b.

7. *Legislative Digest*, Abuja, Nigeria, 2002.

amendment of 2009. The constitutional amendment masterminded by the ousted president granted him the right to contest the November 2009 Nigerian election, having earlier served the two terms that were constitutionally permitted. In addition, during the long absence of President Musa Yar'Adua from office in 2010, the HORs had in collaboration with the Senate passed a motion transferring the executive power to the vice president to operate as acting president.⁸ The state of confusion created by the absence of the ailing president was doused by the legislature's timely intervention in transferring the power of the president.

In the discharge of its constitutional responsibility of administrative scrutiny, the HORs has participated in the budgetary appropriation of the Nigerian central government since 1999. While it may be difficult to assess the performance of a single chamber of the central legislature considering the fact that deliberations were separately made by each arm of the bicameral legislature, it is evident that the HORs has often exhibited over-zealousness in the appropriation process. On several occasions the almost immature over-zealousness of members of the lower chamber has thrown the House into avoidable controversy and confrontation with the executive.⁹ The HORs has often arm-twisted the executive into accepting its view on annual budgets. The central legislature has sought to jerk up its annual budgetary allocation from 1999 to date. Indeed, despite the criticisms that have consistently attended the inflated budgetary allocation for the HORs, the ignoble trend has continued unabated.

Clashes between the executive and the legislature over the nation's annual budgets have persisted. In fact, most politically aware Nigerians hold in contempt the national assembly, whose lower chamber is the HORs, as an institution peopled with self-serving individuals, particularly because of the way it has handled successive annual budgets. In 2009,

8. Fashagba, J.Y. op.cit.

9. Eminue, O. Executive – legislative relations: Some preliminary observations on the budget process. In: E.O. Ojo (ed.), *Challenges of sustainable democracy in Nigeria*, Ibadan: John Archers (Publishers) Limited, pp. 155-183, 2006.

the House advised President Yar'Adua to go to court if he was dissatisfied with what the house passed as the 2009 budget. The late president had threatened not to implement the 2009 budget passed because of the huge increase introduced into it by the assembly. The legislature increased its annual budgetary allocation alone by over 70 percent, voting the sum of ₦60 billion for its members' constituency projects in 2009 budget.

Yet, this legislative resolve was in total discountenance of the mounting level of poverty in Nigeria. For instance, the data released by the United Nations Development Commission in 2007 shows the nation's poverty level to be 34.1, and the data released by the Central Intelligence Agency in 2007 put the poverty level at 70 percent. The contradictory figures notwithstanding, poverty level in Nigeria has remained high. In the same vein, considering the gulf of a difference between the Nigerian legislator's income and the take-home of the average Nigerian worker, the quality of representation provided by the legislature is certainly questionable. The level and nature of disparity between the earnings of the legislators and that of the Nigerian workers was captured by Omar Abdulwaheed, the president of the Nigerian Labour Congress (NLC):

despite the sorry state of the economy, about 10 per cent of the population corner over 30 per cent of the nation's wealth through looting the public treasury, excessive remuneration in public office, and engagement in speculative and dubious businesses.

"It is instructive that a federal legislator on the average earns about ₦289 million or more than ₦24 million a month," Omar said, adding:

"Given the new minimum wage of ₦18,000, this amount will pay 111 workers for one year. The annual constituency allowance of a senator, which stands at about ₦1.6 billion, will pay 741 workers a year at ₦18,000 minimum wages.¹⁰

Perhaps because the executive was always critical of the legislature's tendency to jerk up its annual budgetary proposals, the legislature transferred its funding from overheads to statutory account during the

10. *The Nation*, Lagos, 2 May, 2011.

constitution amendment of 2010.¹¹ As a consequence, the executive is no longer in a position to query legislative spending. This implies the possibility of an ever-widening legislator-ordinary citizen income gap, in the absence of any institutional bulwark that regulates and control the widening disparity.

Notwithstanding, the House still has played other positive and impressive roles in the nation. It has engaged in numerous investigations and uncovered some mismanagement among the government agencies and parastatals. It has succeeded in reducing waste of resources in some public institutions and blocking certain leakages. The House exposed the age-long tradition of private appropriation of unspent annual budget in federal ministries, departments and agencies (MDAs), for instance. In 2008 when the House discovered the corrupt practice, of private appropriation of unspent annual budget, among the various government institutions, the public officers involved had to return the sum of ₦371 billion of unspent budgetary allocation into the state treasury, under close monitoring by the HORs. The sum of ₦350 billion was returned as unspent allocation in the following year, 2009. And in 2010, despite the extension of the budgetary tenure to March 2011, about ₦200 billion was returned in December 2011.

Between 2007 and 2011, in its oversight, administrative scrutiny function, the House has in fact stopped the tradition of sharing the federal government's annual budgetary surplus (leftover). For emphasis, *The Nation* notes: 'through oversight the House has facilitated the return of over ₦800 billion of unspent funds by Ministries and Departments of Government to the government treasury' (2 April 2011). Of course, prior to the discovery of this corrupt practice in 2007, state officers comprising the bureaucrats and the heads of government establishments had connived to share and convert to private use the leftover from each year's budget. There was the indictment of a former Minister of Health in 2005 over her alleged involvement in the sharing of about ₦300 million, a part of the unspent 2004 budgetary allocation. Another instance

11. *The Punch*, Lagos, 19 May, 2009.

was Nigeria's power sector where an investigation on its poor power generation between 1999 and 2007, in spite of the increased budgetary allocation and investment in the sector, was ordered by the central government. Although the report of the ad hoc committee of the House saddled with the investigation was inconclusive and controversial, it revealed that an estimated sum of \$16 billion was spent on the power sector, and yet there was no corresponding increase in the power generation.¹² The House did not conclude the investigation as the members of the ad hoc committee were alleged to have been involved in a \$5 billion scandal in the course of the investigation.

The fact that the members of the committee saddled with such an important responsibility were bereft of integrity as evidenced by the alleged involvement in a financial scandal points to the fact that the members did not only lack the required political will for the job, but were also self serving. This accounts for the thriving business of corruption in government establishments, despite the propaganda of the government and its anti-corruption agencies, namely, the Economic and Financial Crime Commission (EFCC) and the Independent Corrupt Practices and Other Related Offences Commission (ICPC).

Furthermore, the House of Representatives has collaborated with the Senate at critical times to stabilise the polity. The House also had intervened during the country's Labour-Government crisis to resolve the issues at stake. The Education Committee of the House mediated in the Academic Staff Union of Universities (ASUU) and Federal Government dispute in 2009 (www.informationNigeria.org, 24 September 2009). It set in motion the process that restored in the country industrial harmony and political stability, although the intervention did not by itself resolve the conflict. In fact, the HORs Education Committee provided the needed platform for a representational dialogue.

The performance assessment of the HORs will be incomplete without considering the house's businesses with the Senate, as well as with the

12. *Daily Trust*, Abuja, 5 August, 2008.

president, on a special note. Its interaction with the upper legislative chamber, the Senate, will be regarded as horizontal relations. Its interaction with the Presidency (or the executive arm of the government) will on the other hand be referred to as vertical relations. With respect to its horizontal relations, the House of Representatives worked with the Senate under the Nigerian constitutional bicameral arrangement. The bicameral relations are predicated on the imperative for joint legislative actions of the two chambers on most legislative issues. In accordance with the 1999 Nigerian constitution, bills are only passed into law after their separate readings and approvals by the two chambers of the nation's central legislature. Also, the conference committee comprising of members drawn from the two chambers must have met to harmonise differences in bills passed by the individual chambers.

Nonetheless, although the upper and lower chambers of the legislature worked collaboratively on different occasions and passed into laws a number of bills, or take certain actions, they have on other occasions been at loggerheads. There was the crisis between the Ghali Umar Na'Abba-led House of Representations and the Senate that lasted from 1999 till 2003. The HORs alleged that it was been underrated by the Senate; it believed that the executive deliberately employed divide-and-rule strategy to ensure that it maintained a firm grip on the National Assembly. There was yet a similar serious disagreement between the House and the Senate in 2009 when the committee set up to review and suggest possible amendments to the 1999 constitution met. The Senate members of the joint committee were led by the Deputy Senate President and the HORs members were led by the Deputy Speaker. However, contrary to s. 53 (2b) of the 1999 constitution which stipulates that in any joint sitting where the Senate President and the Speaker are absent the deputy senate president should preside, the HORs delegation objected to the Deputy Senate leadership at the joint committee sitting.¹³

In fact, the HORs members threatened to take the matter up in court and seek judicial clarification of the status of each chamber in the

13. *The Guardian*, Lagos, 27 February, 2009.

committee. The HORs members maintained that the Senate was not in any way superior to the HORs, thus it (the Senate) could not preside over the joint committee necessarily (*Constitution Review: Reps Go to Court over Status*, 2009). However, the matter was resolved among the joint committee that each chamber's representatives should work separately on the constitution. The decisions of the constitution review committee of each chamber were later harmonised under the joint chairmanship of the deputy senate president and the deputy speaker of the House of Representatives.

Moreover, there was the supremacy tussles between the Senate and the HORs on where the president should present the 2008 budget. As the budget presentation should, according to constitutional provision, be made before a joint sitting of the national assembly, the HORs insisted that its chamber had the largest representation and its venue should, therefore, be used for the joint hearing of the presentation. To be sure, this was a development contrary to the legislative precedents by the two previous national assemblies (1999-2003 and 2003-2007). The previous assemblies made use of the Senate chamber for the purposes of joint sittings. Coming upon the development yet, the HORs got itself involved in other avoidable controversies and, out of the over-zealousness, rather trivialised important national issues in the President's 2008 budget presentation. The fact that the ruling PDP controlled the majority members of the House of Reps as well as the Senate notwithstanding, the HORs confrontational relationship with the Senate has remained unmitigated.

In a similar vein, despite the fact that majority of the members of the HORs were also elected on the platform of the ruling PDP, the relations between the House and the executive arm of the government have not been devoid of acrimony. The HORs-executive relations were characterised by unabated acrimony between 1999 and 2003, to be followed by the period of less confrontation from 2003 to 2007. Sometimes after the change of leadership in October 2007, the relational approach of the House towards the executive appeared really less confrontational; the relations at the time were only relatively harmonious. But from that time in 2007 up till 2010, the HORs has been very confrontational. To

be sure, while legislative assertiveness is required so that the assembly will not become a rubber stamp of the executive, a sense of responsibility is equally needed to build an effective, purposeful and harmonious working relationship with the executive. The legislature, particularly under the leadership of Dimeji Bankole (2007-2011), did not cultivate such a working relationship.

In fact, the greatest opposition to government policies has been raised by the PDP-controlled lower chamber. The house, for instance, opposed the move by the executive to establish land reform commission. Within the same period, it also sought to reduce the control of the executive over the Economic and Financial Crimes Commission (EFCC).¹⁴ And on the disagreement over the 2009 budget the house threatened to enter a court case with the executive. Therefore, to affirm that the Nigeria's fourth republic HORs demonstrated significant immaturity in its business involvement with both the Senate and the Executive, especially between 2007 and 2011, is no overstatement, while not discountenancing its positive inputs.

CHALLENGES OF THE HOUSE OF REPRESENTATIVES

The fourth republic HORs' immature, hostile relations with other institutions of the Nigerian government represent one of its greatest challenges. Its confrontations have constituted no mean distraction to its primary legislative responsibility. Even the Speaker of the HORs (2007-2011) has frequently referred to the negative attitude of House members within their committees and regarding other legislative businesses. His threat of sanctions against defaulting committees has been unable to produce a change of attitude in the concerned legislators. Given the House committee members' lackadaisical attitude to their committee tasks, most issues and decisions that should be considered on the floor of the House have often suffered serious setbacks.

14. *The Nation*, 24 March, 2010; 'Reps move to loosen presidency's grip on EFCC', *The Nation*, 20 May, 2009.

Compounding yet the unserious attitude of the legislators is the large number of the members who are absentees at the House plenary session. According to Richard Akinjide, most members of the legislature attend plenary sessions when there is an allowance or some monetary allocation to share or to be derived from the sitting.¹⁵ For other days of the month, when there is nothing (no money) to share, members stay away to the detriment of their legislative businesses, and particularly their committees' assignments.

Furthermore, the HORs have experienced a number of internal crises that have slowed down its legislative businesses. Some of the crises have resulted from the composition of committees, attempts to remove the leaderships and allegations of corruption against the leadership of the House. Indeed, between 1999 and 2007, the composition of House committees was a major cause of legislative disharmony in the house. The allegation against the Speaker, Patricia Etteh, by some members of the Integrity Group, a pressure group in the assembly, resulted largely from discontent over the composition of committees in 2007. Some members who were dissatisfied with their assigned committees masterminded the scandal, and the ensuing pressure forced the Speaker to step down. The way was therefore paved for a member of the Integrity Group to take over as the Speaker. Subsequently, the House committees were re-constituted by the new HORs leadership and the victorious group got juicy committee placements as well as chairmanship of committees. To yet further advance their private gains, a member may belong to as many as eight committees.¹⁶ Expectedly, the commitment and efficiency of the members in their committee businesses were eroded.

Accountable for some of the challenges of the lower chamber of Nigeria's fourth republic is the absence of legislative culture that it has suffered. Democracy has, to be sure, been short-lived until 1999 on the

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15. Richard Akinjide was interviewed by the Channels Television, Lagos, 3 April 2011.
 16. Fashagba, J. Y. Legislative oversight under the Nigerian presidential system. *The Journal of Legislative Studies*. 15(4), 439-459, 2009.

nation's political scene. Of course, the series of military incursion on the country's administration is the principal cause of its poor democratic experience. As a matter of fact, more than 95 percent of the legislators that were in the lower chamber when democracy was restored in 1999 were greenhorns. This disadvantage, coupled with the high turnover of legislators in successive legislatures of the fourth republic, has produced only very few House members that possess the required basic legislative experience. For instance, only 58 out of the 360 members of the HORs were re-elected in 2007.¹⁷

Apart from the large number of members that often fail in their re-election bid, the absence of the level of transparency and integrity required from members have been a great challenge to the assembly. Obviously, the legislators in the investigation committee saw their membership as an opportunity to improve their huge salary. Transparency and integrity that have been wanting among members of the HORs committees has often engendered frequent controversies over actions of the house leadership, decisions of some of its committees, and actions or decisions of the entire House. Indeed, on different occasions members of the lower legislative chamber have demonstrated that personal interest and private gain were more important to them than national interest. It has been earlier underscored in this regard that the legislators have taken to jerking up the house annual budgetary allocation. The legislators see their office as a platform for self-aggrandisement.

A number of the HORs members have indeed been alleged to be involved in one form of financial impropriety or the other. In 2007, the fourth Speaker of the fourth republic house was alleged of involvement in financial impropriety to the tune of ₦628m.¹⁸ Dino Melaye and ten other members of the house were suspended in June 2010 because they resolved to expose the financial mismanagement been perpetrated by the HORs leadership, particularly a mismanagement that involved over-invoicing in the purchase of some cars for the House leaders and members

17. *Ibid.*

18. *The Punch*, 7 November, 2011.

in 2008. Moreover, between 1999 and 2011 the House has been involved in not less than six high-profile financial scandals.¹⁹

CONCLUSION

While it is clear that the HORs under the fourth republic has been a useful asset in the democratic project of the nation, it has not been without significant blemishes. Basically, the HORs has been an important instrument of cross-cultural, inter-ethnic élite socialisation and general political socialisation in the country. It has made no mean impact in its oversight functions and administrative scrutiny roles as well. In regard of its legislative responsibility, it has checked the mismanagement of the country's annual budget leftover. Where undue constitutional amendment issue arose, the HORs stepped in with historic success.

On the other hand, the HORs has disappointed Nigerians in important respects. Constituting its principal failure has been its virtual consistent disharmony with the Senate and the executive arm of the government. The House has similarly suffered internal crises that set back its legislative businesses. Self-aggrandisement no doubt has been at the root of the internal crises – crises such as the constitution and reconstitution of the house committees. Some house members similarly connived with the executive, for private gains, at the tenure elongation bid of President Obasanjo.

One weakness of the HORs is that it has suffered an absence of legislative culture and has had little legislative experience as a result. It can be hoped that time will heal some ailing parts in the Nigerian lower legislative chamber. Also, the house demonstrated lack of political will that made it falter under political pressure, especially from the executive. The legislators need to change their attitudes to their legislative duties. They should raise national interest above group or personal interests. Why should the legislators enjoy excessive comfort when their constituencies and electorates still suffer lack of provision of social

19. Fashagba, *Legislative oversight . . .*, op. cit.

amenities, for instance? Of course, the HORs require the cooperation of the Senate and the executive arm of the federal government, more especially the presidency. Both the legislature and the executive should make good democratic governance and the collective good of the nation's teeming populace their uppermost concern.

CHAPTER 9

Inter-Chamber Relations in the Fourth Republic

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INTRODUCTION

In all democracies, the arm of government that has the responsibility to exercise and express the power of the people is the legislature. The legislature, in reality, symbolises the people and it is saddled with the powers to make laws that guide and regulate how the state is run. While making laws, the legislature must be as representative as possible to reflect the various divides, groups, strata, states, population, and so on in the state. A legislature that is not really representational may find it difficult to reflect all shades of interest and ideas in its debates, deliberations and operations.¹ The structure of a legislature could be unicameral, bicameral, tricameral or tetracameral. The last two are historical and no longer exist anywhere. This chapter focuses on bicameral legislature. Bicameral legislature or parliament is a legislature which consists of two chambers or houses with one usually requiring the concurrence of the other to pass legislation. The constitution of the Federal Republic of Nigeria, 1999 vests legislative powers in a two-chamber National

1. Bakare, I. Bicameral Legislature: Justification, Conflict and Hierarchy: A Case Study of the National Assembly of Nigeria, *The National Assembly Legislative Digest* Vol. 1. Available at www.nasslegisdigestonline.com. Retrieved on 14 August, 2012.

Assembly consisting of the senate and the House of Representatives and this chapter reviews the role of legislature, the rationale behind its adoption and conflicts, hierarchy and effects of legislative bicameralism on democratic consolidation and sustainable development.

The ideas on which bicameralism are based can be traced to theories developed in ancient Greece, ancient India and Rome.² Recognisable bicameral institutions first arose in medieval Europe where they were associated with separate representation for different classes of people; one house would represent the aristocracy while the other would represent the commoners. Many other countries of the world now also operate variants of bicameral legislatures along federal, aristocratic, unitary and Islamic systems. In fact, there is almost a split right down the middle between countries that practise bicameralism and unicameralism all over the world.³

How many chambers a parliament should have is a controversial question in constitutional law. Having two legislative chambers grew out of the monarchy system in the UK and other European countries, where there was a need to represent both the aristocracy and the common man, and out of the federal system in the USA, where individual states required representation. In recent years, unicameral systems, or those with one legislative chamber, were associated with authoritarian states. Although that perception does not currently hold true, because there appears to be a general trend toward two chambers in emerging democracies, particularly in larger countries like Nigeria. Given historical, cultural and political factors, governments must decide whether one chamber or two chambers will better serve the needs of the country.

LEGISLATURE AND BICAMERALISM: THE CONCEPTUAL INSIGHTS

The basic requirement for analysing any concept is to have an insight

2. Loewenberg, G. (1995). Legislatures and Parliaments in The Encyclopedia of Democracy. USA: *Congressional Chatterley International*, pp. 736-74.
3. Norton, P. and Olson, D.M. (2008). *Post-Communist and Post-Soviet Parliaments: The Initial Decade*. Routledge.

and understand, most importantly, the actual concept in question.⁴ Hence, it is important to understand and clarify some of the important concepts in this research, namely, legislature and bicameralism and inter-chamber relations

Legislature

The legislature is an essential constituent of any democratic government and a major factor in its growth and sustenance. The legislature had existed before modern democracy. The emergence of the legislature⁵ dates back to the 12th century and a product of medieval European civilisation but has transformed in the age of democracy to suit the needs of a great variety of contemporary political systems. Most established democracies have always had legislatures. Before and after World War II, as colonialism failed and nations grew in number, constitutions incorporating a national legislature replaced extant governing institutions throughout the world.⁶

Legislature is a lawmaking assembly of elected members in a formal equal relationship to one another. Legislatures evolved from medieval bodies periodically assembled by Kings in order to agree to levies of taxation to bodies which sat more or less continuously, or at least claimed the right to do so.⁷ The legislature is one of the three organs of government; the others being the executive and the judiciary. The legislature is known by different names in different countries. Such names include Parliament, Assembly or Congress. In any political system, the functions include

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4. Chafe, K.S., *The Problematic of African Democracy Experiences from Political Transition in Nigeria*, Africa Zamani, Special Issue on Historical Heritage and Democratization in Africa, New Series, No. 2, July (1994).
 5. Loewenberg, G., *op.cit.*
 6. Odinga, R. *Parliamentarians and Corruption and Human Rights in AFL Summary Report of Seminar Organised by African Leadership Forum in Entebbe, Uganda 12-14 December*, pp. 119-21 (1994).
 7. McLean, I. and McMillan, A.) *Concise Dictionary of Politics*, Oxford: Oxford University Press (2009).

representation and lawmaking,⁸ administration, supervision and control of finance, electoral issues and contribution to political decisions. In spite of the fact that legislature was popular before now, the increased popularity of the legislature cannot be divorced from the tidal wave of democratic growth sweeping across continents. Legislature is the bulwark of democracy because it stipulates popular representations and suggests how a country should be governed via its primary function of law-making. Indeed, if democracy is a system anchored on the informed and active participation of the people, the legislature is a vehicle for wider representation. In other words, the existence of an independent legislative institution composed of representatives of the people is a distinguishing hallmark of democratic government from non-democratic ones.

Bicameralism

When we have a legislature that consists of two separate houses or chambers with members 'freely' elected or nominated into these, we refer to it as bicameral legislature or bicameralism. A bicameral legislature is composed of two-chambers or houses, usually termed the 'lower house' and 'upper house'. The lower house, which is the first house with larger membership, based proportionally on population with each member representing roughly the same number of citizens in each district, region or state. The upper house varies more broadly in the way in which members are selected; its membership could be through inheritance, appointment by various bodies and direct or indirect elections. Representation in the upper house can reflect political and class subdivisions, as is the case for the US Senate, German Bundesrat and Indian Rajya Sabha.⁹ Bicameral systems tend to occur in federal states, because of its two-tiered power structure. Where subdivisions are drawn to coincide with other important societal units, the upper house can serve to represent ethnic, religious or tribal groupings, as in India or Ethiopia.

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8. Jewell, M. E. Legislature, in *the Encyclopedia Americana International* (ed.) Vol. 17. Connecticut: Grolier incorporated, p. 172 (1997).
 9. Norton, P. And Olson, D.M. op.cit.

There are different names for the chambers of the legislature. In British Parliament, the lower house is referred to as the House of Commons and the Upper House as the House of Lords. In the US the lower house is called the House of Representatives and the upper house is named the Senate. The US model is what Nigeria has adopted since 1979, and which is operational till date.¹⁰ In Nigeria, the legislature is known as the National Assembly.

THE JUSTIFICATION OF BICAMERALISM IN NIGERIA

Countries that operate bicameral legislatures do so for different reasons, but the main reasons allow mass participation to give a voice to all, and the need to have a second thought or view on legislation. Second, chambers facilitate representation for groups or interests that otherwise might be ignored. They do so not only by making more legislative seats available to legislators elected from different districts and possibly by different rules but, more importantly, by giving more legislators a voice in the legislative process. Traditional views of bicameralism hold that second chamber can matter because their members have the authority to veto or at least delay bills, whether they do in fact affect legislative content depends on whether and to what extent majority preferences differ across chambers.¹¹

The report of the Committee on Legislature and Legislative Lists in the 1994 Constitutional Conference a conference that gave birth to the 1999 constitution gave the rationale for the establishment of a bicameral legislature for Nigeria. Issues such as ethnic suspicion, fear of political and economic domination at federal and state levels, uneven access to the wealth of the nation, unfair application of the resources of the nation, insensitivity to the plight of states that are not well endowed, all informed

10. Fashagba, J. Y. De-constitutionalizing? Democratic Governance in Nigeria: Assessing Executive-Legislative Handling of Executive-Power Vacuum in the Fourth Republic, *Africana: A Journal of Ideas on Africa and the African Diaspora*, pp. 7-44 (2010).

11. Bakare, I. op. cit.

the committee's decision. During its deliberations, strong arguments were made for the creation of a unicameral, bicameral or even a tricameral legislature. Those who wanted a third house clamoured for a house for traditional rulers, past heads of state and past chief justices of the federation. They argued that since these persons would have no political inclinations, they would view issues more as statesmen. Those clamouring for a unicameral legislature emphasised the need to save costs and reduce delay in the law-making process. The group that argued in favour of a bicameral legislature opined that three houses were not only wasteful but would also institute an unelected legislative body in a democratic state. This is an act the advocate for bicameralism saw as contradictory and retrogressive.¹² Bicameralism advocates also argued against a unicameral legislature by saying that thoroughness should not be sacrificed on the altar of cutting cost. For them, a bicameral legislature offers an opportunity for the views of one house to be subjected to the scrutiny of the second house.¹³

The committee settled for a bicameral legislature, comprising a Senate and a House of Representatives, because of its greater merits over the other forms. Of importance was the unanimous opinion of the committee that the Senate should reflect the equality of states, while all states are not equal in the House of Representatives. Some states have more federal constituencies than others since it reflects the population of states. The bicameral system, therefore, is a method of combining the principle of democratic equality with the principle of federalism – all constituencies are equal in the House of Representatives, while all states are equal in the Senate.

Nigeria's National Assembly may, therefore, be said to be created with the wisdom of the 'Great Compromise'. A combined reading of

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12. Alabi, M.O.A. and Egbewole, W.O. The Legislature in Nigeria: Analysis of a Neglected Institution of Governance. In Alabi, M.O.A. and Egbewole, W.O. (eds.) *Perspective on the Legislature in the Government of Nigeria*, African Training and Research Centre in Administration for Development (CAFRAD), pp. 1-43 (2010).
 13. Pelizo, R. and Tapenhurst, D. *Contemporary Issues in Parliamentary Development*, Washington DC: World Bank Institute (2004).

s. 48, 49 and 58 of the 1999 Constitution demonstrates this compromise. Section 48 establishes a senate that represents equality of states, it says: "The senate shall consist of three Senators from each State and one from the Federal Capital Territory, Abuja".¹⁴

The fixed number of seats per state in the Senate makes it an exact replica of the composition of the U.S. Senate. Section 49 of the 1999 Constitution does not fix the number of seats per state in the House of Representatives, thereby allowing for delineation of constituencies based on population growth or decline, it says; "Subject to the provisions of this Constitution, the House of Representatives shall consist 362 members representing constituencies of nearly equal population as far as possible, provided that no constituency shall fall within more than one state" Additionally, s.58(1) reveals the intention of the drafters of the 1999 constitution to make one house act as a check on the other. It says in s.58(1); "The power of the National Assembly to make laws shall be exercised by bills passed by both the Senate and the House of Representatives and, except as otherwise provided in subsection (5) of this section, assented to by the President".

A major advantage accruing from this ingredient in the constitution is the additional impediment a house must prove against improper acts of legislation. No law can be passed without the concurrence of the majority of the people (the House of Representatives) and the majority of the states (the Senate). It must be acknowledged that this complicated check on legislation may in some instances be injurious as well as beneficial. For instance, the governor of the Central Bank of Nigeria (CBN) made announcement on 23 August, 2012 to comprehensively restructure Nigerian currency and introduce a ₦5,000 note. This became a contentious issue as it was completely condemned by virtually all segments of the Nigerian society, including the National Assembly. The Senate and the House of Representatives in separate unanimous motions asked the CBN to suspend its planned introduction of the note the conversion or restructuring

14. Constitution of the Federal Republic of Nigeria, 1999.

of the entire currency.¹⁵

Nigeria had its first legislative house between 1960 and 1966 and a second one between 1979 and 1983. A third one had a very short life span as it went with the aborted Third Republic. The import of this is that, the current legislature like other democratic institutions in the country emerged against the background of prolonged military rule. In other words, prolonged military rule in Nigeria created a learning vacuum in the art of law-making through democratic processes as those powers which ordinarily belonged to the legislature were usurped by the military. This learning vacuum during and after the military administration led to the fourth republic that started in 1999. The legislature in Nigeria's Fourth Republic began on 29 May, 1999 following the successful conduct of a general election in April of that year and the swearing-in of an elected civilian government headed by Olusegun Obasanjo. Much of the politics the Fourth Republic have been documented by scholars.¹⁶

It is imperative at this point to note that the current National Assembly followed the successful transition from military dictatorship to a civilian government and its formal inauguration on 2 June, 1999. Like every other bicameral legislature, the National Assembly comprises both the Upper House (Senate) made up of 109 elected members (3 representing each of the 36 states of the federation and one representing Abuja, Federal Capital Territory) and a House of Representatives (lower house)

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15. Hassan, T. A. How National Assembly Halted ₦5000 Note, *Sunday Trust*, September 23; *Daily Times*, 19 September 19, 2012 (2012).
 16. Momoh, A. and Thovoethin, P. An Overview of the 1998-1999 Democratization Process in Nigeria, *DPMN Bulletin*. Online: <http://www.dpmf.org/democratization-in-nigeria-abubakar-sept-2001.html> (Retrieved June 1, 2012) (2001); Olurode, L. Prelude to the Elections in Olurode, L. and Anifowoshe, R. (eds.) *Issues in Nigeria's 1999 General Elections*. Lagos, Nigeria: John West Publications Ltd and Reboniks Publications Ltd, pp. 9-33 (2004); Saliu, H.A. Dimensions of Democracy in Africa and the March to the South Republic, In Saliu H. A. (ed.) *Nigeria under Democratic Rule, 1999-2003*, Ibadan, Nigeria: University Press PLC. pp. 3-11 (2004); Yaqub, N. The Military, Democratic Transitions and the 1999 Elections, In Olurode, L. and Anifowoshe R. (eds.) *Issues in Nigeria's 1999 General Elections*, Lagos, Nigeria: John West Publications Ltd and Reboniks Publications Ltd.

with 360 elected members. Like every other legislature as well, its powers and duties are derived from the 1999 constitution which state in s. 4(1) that: The legislative powers of the Federal Republic of Nigeria shall be vested in a National Assembly for the federation which shall consist of a senate and a House of Representatives. More so, the National Assembly shall have power to make laws for the peace, order and good governance of the Federation or any part thereof with respect to any matter included in the Exclusive Legislative List of 1999 constitution of Nigeria, Section 4(2). Other powers of the legislature especially in relation to public fund and oversight functions are clearly spelt out in s. 80, 88 and 89 of the constitution. The essence of the above expositions is to give an insight into the powers and fundamental duties of the Nigerian legislature. As shall be discussed later, the essential in engendering good governance and democratic growth.

THE ROLE OF THE LEGISLATURE IN NIGERIA

A modern study of government and politics is impossible without appreciating the role of the legislature.¹⁷ However, scholars have argued that the development of the legislature is yet to witness the enviable status. This is acquired by the symbol of democracy in the industrialised countries of the West. But its existence alone in the new and emerging democracies mark a departure from the politics of authoritarianism and impunity to that of government of accredited representative of the people under the rule of law.¹⁸ Legislature as the bulwark of democracy performs some basic functions that distinguish legislature from other branches of government.¹⁹ Legislatures have formal authority to pass laws, which

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17. Fish, M.S. and Kroenig, M. *The Handbook of National Legislatures: A Global Survey*, Cambridge: Cambridge University Press (2009); Norton, P. and Olson, D. M. *op. cit.*
 18. Alabi, M.O.A. and Egbewole, W.O. *The Legislature in Nigeria: Analysis of a Neglected Institution of Governance*. In Alabi, M.O.A. and Egbewole, W.O. (eds.) *Perspective on the Legislature in the Government of Nigeria*, African Training and Research Centre in Administration for Development (CAFRAD), pp. 1-43 (2010).
 19. Jewell, M.E. *op. cit.*

are implemented and interpreted by the executive and judicial branches and their members normally are elected to represent various elements in the population. The legislature is generally and primarily known for lawmaking. The laws, most especially oversight functions, are binding on all organs of government including the legislature itself. These laws are vital for the orderly conduct of government and administration. Existing laws can also be amended by the legislature in the process, or as part of a new law. It may be changed or amended in the face of new developments and realities in accordance with constitutional provisions.

Beyond these, the legislature carries out many other functions in our polity which are intended to promote good governance and development. One of the functions of the legislature is its investigative roles. The legislature, in a democracy, has the constitutional power to conduct investigations into any agency of government. The aim of legislative investigation is to ensure that laws made are complied with and that finances in the Appropriation Act are deployed in accordance with the Act's provision. This may be with a view to exposing corruption and correcting any lapses or lacuna in the conduct of public policy. This power is enjoyed under s. 88(1) a and b of the 1999 constitution which states that: Subject to the provisions of this constitution, each House of the National Assembly shall have power by resolution published in its journal or in the Official Gazette of the Government of the Federation to direct or cause to be directed investigation into – (a) any matter or thing with respect to which it has power to make laws, and (b) the conduct of affairs of any person, authority, ministry or government department charged, or intended to be charged, with the duty of or responsibility for – (i) executing or administering laws enacted by National Assembly, and (ii) disbursing or administering moneys appropriated or to be appropriated by the National Assembly. In carrying out its investigative roles, the National Assembly can summon any person in Nigeria “to give evidence at any place or produce any document or other thing in his possession or under his control, and examine him as a witness, subject to all just exceptions”.²⁰

20. Bakare, I., *op. cit.*

Another legislative function is public petitions. The National Assembly, through its Committees on Public Petitions, has the mandate to receive and enquire into public petitions and complaints brought before it. In the last 13 years of democratic experiment, many of such petitions and complaints have been received and conclusively addressed by both chambers of the National Assembly. This is one of the representative functions of the National Assembly.

Power of appropriation is another important function of the legislature. Under its law-making role, the National Assembly is saddled with the power of appropriation and the control of government revenues and expenditure.²¹ The legislature is in a way a custodian of public funds and so, it oversees the raising and spending of public money. Perhaps this is the single most important function of the legislature under the constitution. The power of appropriation is conferred on the legislature by s. 81 and 82 of the 1999 Nigeria constitution as amended. Under this section, no monies shall be withdrawn from the Consolidated Revenue Fund or other public funds of the federation without the authorisation of the National Assembly. Much of the influence which the legislature enjoys in the polity is derived essentially from its power of appropriation which it has effectively deployed with regard to the sitting of government projects and infrastructure. However, no one is in doubt today why the budget was never funded in spite of Nigeria's huge infrastructural deficits.

The legislature, through its oversight functions, holds the ministries, departments and agencies accountable to the public. Since it has the responsibility to appropriate funds to the various government institutions for their operations, it naturally follows that the legislature must oversee these institutions to ensure that the public get value for their money. It also ensures that these institutions are run in accordance with the laws of the land. With the cabinet or parliamentary system of government, members of the cabinet are all responsible collectively to the parliament.

21. Ihedioha, E. *Legislature: Roles, Misconceptions and Experience in Democratic Nigeria*. A Paper Presented at a public lecture organised by the Department of Political Science, University of Lagos, 8 July, 2012.

Members of the cabinet are usually summoned to parliament to defend their actions. Where it is convinced that the cabinet can no longer offer responsible leadership or positive governance, parliament may pass a vote of no confidence on them, leading to the resignation or fall of such a government.²²

The legislature has the power to ratify certain appointments made by the executive. This is also known as power of confirmation. The legislature also has the sole power under the constitution to screen and confirm nominees for appointment into the Executive Council of the Federation (EXCOF) and other federal executive bodies. The legislature approves government nominees for ambassadorial postings. This power is exclusively performed by the Senate. There are, however, some exceptions in which the concurrence of the House of Representatives is required. For example, the Niger Delta Development Commission (NDDC) Act 2000 requires the Senate to consult with the House of Representatives in the confirmation of nominees into NDDC Governing Board. Section 2(2a) of the NDDC Act 2000 states that: The Chairman and other members of the Board shall be appointed by the President, Commander-in-Chief of the Armed Forces, subject to the confirmation of the Senate, in consultation with the House of Representatives.²³ Another example of the legislative power to ratify appointment is s.147(2) of the 1999 constitution that empowers the Senate to confirm any person nominated by the president for a ministerial appointment, whilst s.154 (1) makes it mandatory for the Senate to confirm all the chairmen and members of the Code of Conduct Bureau, the Federal Character Commission, the Federal Civil Service Commission, the Federal Judicial Service Commission, the Independent National Electoral Commission, the National Defence Council, the National Economic Council, the National Judicial Council, the National Population Commission, the National Security Council, the Nigeria Police Council, the Police Service Commission and the Revenue Mobilisation

22. Egbewole, W. O. *Millennium Legislature of the living Spring*, Ilorin: Intellectual Research Institute (2003).

23. (NDDC Act 2000).

Allocation and Fiscal Commission. The appointment to the office of ambassador, high commissioner or other principal representatives of Nigeria shall not have effect, according to s. 171 (4), unless the appointment is confirmed by the Senate. And when²⁴ the president resigns from, the notice of such resignation must be addressed to the president of the Senate. Outside the 1999 Constitution, the Economic and Financial Crimes Commission (EFCC) Act 2004 makes it mandatory for the chairman and other members of the Commission appointed by the president of the Federal Republic of Nigeria to be confirmed by the Senate. Need we probe more into the intentment, the intelligence or correct understanding of the Constitution and its draftsmen with regard to the status of the Nigerian Senate *vis-a-vis* the House of Representatives?

Conflict mediation and resolution is another function of the legislature. In this area, the legislature has established an enviable record of performance. For instance, since 1999 the legislature has positively intervened and settled several government-labour disputes, be it over minimum wage, Academic Staff Union of Universities (ASUU) demands for better conditions of service in the universities or, most recently, the fuel subsidy crisis. The National Assembly on several occasions moved to mediate over ASUU strike. This is done to resolve the crisis and restore stability into the Nation's education system.²⁵

The legislature performs the functions of political/leadership recruitment and leadership development. The parliament has over time served as major channels of recruitment, providing a pool of talent from which leading decision-makers emerge.²⁶ For example, this is evident in the number of legislators that have moved up the political ladder in Nigeria today.

Protection of the interests of the people is one of the primary functions of the legislature. To protect and defend the interests and rights of the

24. Section 306 (3).

25. Salem, T. Reps Move to End ASUU Strike, <http://www.vanguardngr.com>, Retrieved on 6 October, 2012, *Vanguard*, 8 December, 2011 (2009).

26. Ihedioha, E. op.cit.

constituent units is a responsibility saddled with the legislature. Much more importantly, as the representatives of the people, the legislature also ensures that the dividends of democracy are attracted to the respective constituencies to serve the best interests of the people.

CONFLICT IN BICAMERAL LEGISLATURE IN NIGERIA

Until recently, not much attention was given to the issue of conflict and its management in the legislature. However, conflict is an issue that cannot be ignored in the study of law-making. Conflict in the legislature reflects the nature and character of democracy.²⁷ In a democracy, conflict is inevitable. Conflict is one of the few concepts in the social and management sciences that have attracted the attention of many scholars. Because of its attraction to many scholars, conflict has been explained from different perspectives. From whatever perspective conflict is examined, the nature and goals are the same and that is the existence of incompatible interests which lead to conflict. Conflict is a process and a struggle over values and claims to scarce status, power and resources in which the aims of the opponents are to neutralise, injure or eliminate their rivals.²⁸ The function of conflict in the society is to strengthen the bond of unity in a relationship. The implication of this is that new changes would be accommodated in the relationship and these changes would automatically lead to the growth and development of that relationship.

It is not in doubt that conflicts exist in the legislature just as in all human organisations. Just as in any gathering of people or groups with diverse interests and views, conflicts and is agreements between houses in a bicameral legislature are not uncommon. Such conflicts may be desirable or undesirable. It becomes undesirable only when it threatens comity and courtesy among members. Policy disagreement can cause the most possible friction but this does not create a problem unless the conflict

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27. Ogundiya, S.I. et al. *A Decade of Re-Democratization in Nigeria*, A Publication of the Department of Political Science, Usman Dan Fodio University, Sokoto (2009).
 28. Stratman, T and Baur, M. Plurality Rule, Proportional Representation and German Bundstag, *American Journal of Political Science*, Vol. 46(3), pp. 506-14 (2002).

spills over into personal attacks and lack of decorum. Inter-chamber tensions have always been a problem in Nigeria and they arise for a number of reasons.

Conflict Over Issues and Proposals

This is when each chamber of the legislature holds strongly and tenaciously to its views on an issue or legislative proposal and is unwilling to compromise its position. For examples in the Second Republic, the Senate and the House of Representatives disagreed over the issue of state creation and the time-table for the movement of the seat of government from Lagos to the new Federal Capital Territory (FCT) Abuja. There was also a conflict between both Houses during the current 4th republic when the House of Representatives refused to participate in a joint session to receive the then Canadian Prime Minister, Jean Chretien. The major crisis was who to preside over the joint session. The joint session planned to receive the president's 2010 budget presentation was postponed over disagreement on which chamber to use. The views expressed and canvassed by members of different chambers over bills is also sometimes conflicting and consequently delays passage of such bills, but the rules of both houses envisage this conflict and creates a conference session where both chambers reconcile both versions of the bill. Conflicts based on different positions on bills and policies are healthy and not undesirable unlike personality clashes and seniority/primacy issue.

Different Parties in Control of Both Chambers

This is uncommon in Nigeria, but tensions between chambers often arise when different parties are in the majority in both chambers. In this case, issues are usually seen from different perspectives and neither party is willing to yield its position. Conflicts based on different positions on bills and policies are healthy and not undesirable unlike personality clashes and seniority/primacy issue.

Primacy/Seniority of Chamber

The issue of equality of chamber and which chamber comes first has

always arisen in Nigeria's National Assembly. One of such is the disagreement during the constitution review process where members of the House of Representatives strongly opposed the deputy speaker being referred to as the deputy chairman of the joint committee and who should produce the chairman of the Joint Committee on the Review of the Constitution (JCRC), the Senate or the House of Representatives. Since the "war" erupted, a sizeable crop of pundits, including legal luminaries, have commented on the status of each of the two Houses of the nation's parliament. This form of conflict sometimes leads to personality clashes between the principal functionaries of both houses over who is superior as was the case during the Second Republic. For example, the Senate and the House of Representatives disagreed over the issue of state creation and on the time-table for the movement of the seat of government from Lagos to Abuja in the Second Republic.²⁹ There was also conflict between both houses during the current Fourth Republic when the House of Representatives refused to participate in a joint session to receive the then Canadian Prime Minister, Jean Chretien. The 2010 budget presentation by the President in a joint session was put off because of disagreement on which chamber to use.³⁰

Superiority Crisis and Constitutional Imperativeness

The issue of hierarchy in a bicameral legislature is one that has come to the fore at different times in Nigeria's democratic development. The earlier mentioned primacy crisis between both chambers of the National Assembly over the status of the deputy speaker and, by extension, the House of Representatives in the constitution review committee is a case in point.³¹ The trigger can be linked to the unnecessary dispute over which of the two chambers is superior. Some political commentators

29. Habu, I. S. Conflict Management in the Nigerian Legislature, *The National Assembly Legislative Digest* Vol. 1 Available at www.nasslegisdigestonline.com (2009).

30. Bakare, I. op. cit.

31. Stratman, T and Baur, M. op. cit Bakare, I. op. cit. Habu, I. S. op. cit.

like³² are of the view that both the Senate and the House of Representatives should operate on a plain of mutual equality. While the second school of thought believes that the two chambers are not mutually equal but that one is superior over the other. Before we look at the constitutional stand of Nigeria bicameralism, it would be necessary to examine the comparative analysis of the US and Nigeria constitution on which chamber is superior in the two countries.³³

The Nigerian constitution may be similar to, but certainly it is not identical with, the US constitution, which equates the Senate with the House of Representatives in almost all respects, apart from art 1, s.3 (6) thereof, which makes an impeachment trial the preserve of the Senate. The US House of Representatives (435 members) is constitutionally the legislative equal of the US Senate (100 members). Article I, s. 1-10 of the US constitution gives equal powers to the two chambers of the US congress, except the said s.3 (6) of Article I, which vests in the Senate the sole power to try all cases of impeachment.

However, in view of the short life of the house (representatives are elected for only two years and Senators for six) and the inferior quality of its debates, the House of Representatives is commonly regarded as a less powerful chamber than the Senate, hence the house is pre-fixed with the base adjective "lower", while the Senate is dignified with being the "upper" of the bicameral legislature.³⁴ Thus, to be qualified for the US House of Representatives, a person has to attain the age of 25 years and, for the Senate, 30 years. In Nigeria, it is 30 years and 35 years, respectively.³⁵ It should also be noted that whereas members of the House of Representatives in the US elect one of their member as their Speaker, the Senate is presided over by the vice president. That, in itself, confers constructive superiority on the Senate, even in the US. The transcendence

32. Nwabueze, B. *Constitutional Development in Africa*. Vol. 4, Ibadan: Spectrum Publisher (2004); Norton, P. and Olson, D.M. *op. cit.*

33. Nwabueze, B. *op. cit.*

34. Akiri, C. *Senate is Superior to the House*. Nigerian Best Forum (NBF); Nwabueze, B. *op. cit.*

35. Section 65 of the Federal Republic of Nigeria Constitution 1999.

of the Nigerian Senate is exemplified in several provisions of the constitution of the Federal Republic of Nigeria. To start with, according to s.53(2), it provides that "At any joint sitting of the Senate and (the) House of Representatives - (a) the President of the Senate shall preside, and in his absence the Speaker of the House of Representatives shall preside; and (b) in the absence of the persons mentioned in paragraph (a) of this subsection, the Deputy President of the Senate shall preside, and in his absence the Deputy Speaker of the House of Representatives shall preside". There is no suggestion of a "co-chairman" in these provisions.³⁶ There is no doubt, therefore, that even though we no longer operate the parliamentary system where the Senate is invariably known as the upper house and, therefore, regarded as superior to the House of Representatives, the presidential system also recognises the precedence of (the) Senate over the House of Representatives. Whereas, in s.59 (2) of the constitution, there is a dispute between the chambers of the National Assembly in the passage of an Appropriation Bill or a Supplementary Appropriation Bill, it is the Senate which is empowered to arrange for and convene a meeting of the Joint Finance Committee to examine the Bill with a view to resolving any difference between the two houses. Every Senator represents a third of the population of every state (about 33.3 percent), whilst every member of the House of Representatives represents about eight percent of the population of every state.³⁷

Section 143 subsections (2) (a) and (b) of the constitution makes the president of the Senate the sole recipient of any notice of an intended removal from office of the president or vice president of Nigeria. Under s.144(4), if the president or vice president is declared to be incapable of discharging the functions of his office, a medical panel is appointed by the President of the Senate, not (it must be noted), in conjunction with the Speaker of the House of Representatives. According to s.146 (1) (2) of the Constitution, where the offices of the President and Vice-President

36. Akande, J. Introduction to the Nigerian Constitution. A Seminar Paper Presentation at Faculty of Law, Lagos State University (LASU), (1982).

37. Section 71a & b of the Constitution.

are vacant, “the President of the Senate shall hold the office of President for a period of not more than three months . . .” This makes the Senate President the third in Nigeria.

The superiority of the Senate over the House of Representatives is historical. In the days of Marcus Tullius Cicero (106-43 BC), the Roman constitution created a Council called the “Senate” or *Senatus*. Among Roman citizens, there were three social and political categories: the Senatorial Order (*ordo senatorius*), the Equestrian Order (*ordo equestris*) and the people (*populus*), in the narrower sense. The first two of these ranks made up the Roman aristocracy. The Senate or *Senatus* was a council of elders, a noble and respectable institution.³⁸ That explains why today, both the Nigerian and the US constitutions make eligibility for membership of the Senate among other things, upon the attainment of a higher age-bracket than is required for the House of Representatives.

It should be clear from the foregoing that, there is a yawning gap in terms of constitutional powers between Nigerian Senate and House of Representatives, which clearly tilt in favour of the Senate. Be that as it may, the jostle by members of the House of Representatives for equal status with the Senate is the height of inappropriateness.

CONCLUSION

The Nigerian legislature is modeled after that of the United States. In appointment responsibilities, the upper house has the power of impeachment of judges and other high officials of the executive branch. The upper house also confirms the president’s nomination and senior diplomats and even the independent federal commissions. All legislations must pass through both the upper and lower houses of the legislature. Both houses have equal power and jurisdiction. While it may be implied from the constitution and other laws that the Senate is superior to the House of Representatives, it is important to stress here that both the Senate and House of Representatives rank equally for the purpose of the

38. Akiri, C. Senate is Superior to the House. Nigerian Best Forum (NBF) (2009).

exercise of any power or function conferred on the National Assembly by the constitution, whether the power is exercisable by means of legislation, resolution or otherwise. The superiority of a house over the other is not expressly stated in the 1999 constitution of the Federal Republic of Nigeria. In fact, neither is the office of the President expressly stated to be superior to that of the Senate President, Speaker of the House of Representatives or even the Chief Justice of the Federation.

Regardless of this implied superiority, a bill passed or a resolution on a matter by one house does not make it a decision of the National Assembly unless and until it is adopted by the other House, and neither house can override the other with respect to the passing of a legislative proposal.³⁹ It follows that in a conflict in which each House is unwilling to yield ground to the other, the bill or proposal is killed completely.

Finally, a bicameral legislature characterised by equality between its two houses does create a lot of room for rivalry. The two houses should be complementary and not competitive. Conflicts over legislative proposals should be based on genuine differences of opinion rather than jealousy. Yet, with the House guarding its equality with the Senate, there is bound to be rivalry over the issue of primacy. Neither will like to concede primacy to the other. From all said and done, the legislature has developed tremendously from what it was in the early days of introduction of elective principle and representative democracy in Nigeria.⁴⁰

39. Bakare, I. *op. cit.*

40. Nwabueze, B. *op. cit.*

CHAPTER 10

Checks and Balances in Nigerian Democracy: An Assessment of the National Assembly, 1999-2012

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INTRODUCTION

One of the basic beauties of the presidential system of government is separation of powers. This is a notable feature of the Nigerian constitution as it is also related to other constitutional democracies everywhere.¹ Separation of power is not common to other system of government like military or monarchy, etc. It provides for three different organs of government which though separate but are mutually reinforcing. The essence of this is to maintain effective checks and balances in order to prevent misuse of power. It is against this backdrop that Montesquieu² posits that the work of governance is so important than to leave it to one organ of government. Several countries adopted this system in order to maintain stability and efficiency in the polity and by extension development.

Nigeria at independence adopted the Westminster model in which there was a fusion of the executive and the legislative arms of government. This system though short-lived, was criticised for the excessive powers vested in the prime minister who also must be a member of parliament.

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1. Notable examples include: USA, Ghana, Germany, among others.
 2. Baron John Montesquieu: *The Spirit of the Law* (1948:18).

This system with its shortcomings was abruptly brought to an end with the first military incursion in the Nigerian polity in 1966. Although this system was short-lived, it however laid the foundation for the future political development of the country.

With the end of the third military interregnum in 1979, the country began a new phase of political history with the introduction of the Presidential system of government which patterned after the United States with three main organs – the legislature, the executive and the judiciary. In this vein, the legislature was constitutionally vested with the power of lawmaking for the good of the Federal Republic of Nigeria and to check the other arms of government, especially the executive arm of government in order to avoid misuse of power,³ while implementing laws and policies for the good and stability of the nation.

It is important to note that in spite of several criticisms levelled against the presidential system with the chief among them being the high cost of governance, the system has continued to thrive even into the Fourth republic. The whole essence of the system is to checkmate corruption in the polity and promote development of the country in general.

Separation of powers is a model under which a state is divided into branches, with each having separate and independent powers and areas of responsibility, so that no branch is more powerful than the others.⁴ This division is usually the executive, legislature and judiciary.

Since independence in 1960, Nigeria has not had a stable democracy: However, the Fourth Republic which began in 1999 has been the longest democratic era which the country has enjoyed. The previous Republics – 1960-1966, 1979-1983, 1991-1993 – apart from the Third Republic which was aborted, the others were short-lived because of several cases of gross misconduct, corruption and loss of confidence by the member of the public against the political class. This is epitomised by the reasons the military usually give for taking over powers from the civilian government.

3. *The Constitution of the Federal Republic of Nigeria 1979.*

4. Baron Montesquieu (op. cit).

The oversight function of the National Assembly empowers the National Assembly which represents the people to check the executive as a separate arm of government and not to be fused with it. Since 1999 to date, it appears that, in practice, there is fusion of the executive and the legislature. Several cases of corrupt practices have been levelled against the executive just like in the previous republics, but the sad news is that the legislatures which are the mouthpiece of the people have not equally lived above board. It is sad to note that the legislatures in order to perform their legislative functions of checkmating the excesses of the executive usually get soiled with corrupt practices each time they attempt to investigate an alleged case of corruption on the executive. Several cases abound as this chapter shall reveal. These cases of corruption have in one way or the other contributed to the inability of the National Assembly to effectively perform its oversight functions, thereby denying the people the fruit of good governance.

THE LEGISLATURE AT A GLANCE

Lawmaking in Nigeria like in every other traditional society transcends the colonial era. The societies which make up the area which was later christened Nigeria had a system of functional government which makes laws for the good and progress of the society and also adjudicate over disputes between and among members of the society. This continued even up to the colonial era, but with some modifications to suit the colonialists' tendencies. This is also true of older societies like the Greek city-state of Athens, Rome, etc. For instance, the primitive extended families had leaders who decide things for them, tribes had councils which debate major problems and adjudicate disputes, while city-states like Athens had assemblies that combined legislative, executive and judicial functions.⁵ In fact the history of legislature dates back to the 12th century medieval European Civilisation but with modifications with the emergence of the modern democracy in order to suit the modern political needs of the society.⁶

5. Pearson, *Political Science: An Introduction* (2010:233).

6. Loewenberg G. (1995:736) *Legislatures and Parliaments in the Encyclopedia*.

The history of modern legislature in Nigeria began at independence in 1960. This did not last because of the coup d'état, 1966. This was the first coup in Nigeria and it launched the country to an era of civil war which lasted for about three years. During these periods, the constitution was suspended and all political activities put on hold. However, the third coup in 1975 prepared the country for a transition to democratic era and this was completed in 1979, and thus launched the country to the Second Republic. Like the First Republic, the military did not allow the civilian authorities to stay long in power because the administration was booted out of power in December 1983. This marked the end of the second Republic. From this period on, the country moved into an unending military rule as the subsequent military administration were reluctant to relinquish power to the civilians. But one thing was common to the complaints leveled against the civilian authorities in each of these periods - by the military coupists, and that is gross misconduct and mismanagement of the nation's resources. This is not to say that the military were better managers of resources. By 1991, Nigeria made an attempt to Third Republic but this process was aborted in 1993 with the annulment of the 12 June, 1993 election which was widely claimed to have been won by Moshood Abiola. After a long time of instability in the country caused by the annulment of the 12 June, 1993 election, the death of the military head of state General Sani Abacha and the subsequent death in detention of Abiola, all in 1998, the military finally returned power to the civilians in 1999. This marked the beginning of the Fourth Republic. It is important to note that in spite of all the challenges it has been facing, this has been the longest republic since independence.

The legislature does not operate in a vacuum, but within a democratic institution, and democracy is anchored on the informed and active participation of the people. The legislature is, therefore, a vehicle for wider representation.⁷ Similarly, the existence of an independent legislative institution composed of representatives of the people is a distinguishing

7. Abdulrasheed A. Muhammad, *Legislative Corruption and the Challenge of Democratic Sustenance in Nigeria, 1999-2002*.

hallmark of democratic government from other forms of government. It does not just exist as a form of decoration as was the case with the colonial authority system in Nigeria. The legislative arm in a democracy functions as an independent institution with its own patterns and process, which are meant to promote democracy and ultimately good governance.

The National Assembly is saddled with many functions according to the 1999 constitution. However two, of these are germane to the sustenance of democratic governance and effective checks and balances. These include the lawmaking and oversight functions. The legislature being the very representative of the people are not just there to make laws but also to act as the watchdog on behalf of the people. By virtue of the powers conferred on it by the constitution, it must follow up with legislations by ensuring that they are properly implemented and obeyed. It also furnishes the legislature the needed information in order to amend, strengthen or even abrogate laws. It is against this backdrop that Odinga argues that:

if the constitution is the embodiment of the aspirations ideals and collective will of the people, the parliament is the collective defender and watchdog of the aspiration of the will of the people. If the constitution is the social contract between the people and their government, the parliament is the advocate for the people and the arbiter of the national interest. Indeed if the constitution is (like the Bible, the Quran and other religious treaties) the covenant between the people and their leaders the parliament is the repository and protector of the oracles of the political covenant and social contract between the people and their judgment.⁸

By implication, for there to be sustainable democracy, the legislature must ensure that laws which are made are followed to the letter, and that no level of government tramples on it. This is because the strength and future of any democracy lie to a large extent on the strength of the legislature and its ability to live above board and defend the constitution. To ensure that the objectives of the constitution are achieved, it guarantees

8. Odinga Ralia, 'Parliamentarians and corruption and Human Rights' AFL Summary Report of Seminar Organized by African Leadership Forum in Entebbe, Uganda 12-14 December, 1994: 119-124.

the principle of separation of powers and functions on all the three organs of government. By this the legislature is effectively empowered to checkmate the other arms of *vis-à-vis* corrupt practice and abuse of public office. However, having this power in principle or in the letter is not enough; rather, the players (legislature) have to present themselves as men and women of integrity and proving character not succumbing to threats or temptations to corrupt practices or intimidation of any form from any of the other organs especially the executive. The legislature needs to know that it did not derive its powers and functions from the executive, but directly from the constitution and, therefore, loose itself from the appendage of the executive. Thus, it is when the legislative arm of government lives up to expectation by effectively checkmating the other organs of government and report and investigate every case of corruption or misconduct that they will be compelled to live above board and the expected dividend of democracy will be achieved.

THE LEGISLATIVE OVERSIGHT FUNCTIONS IN THE FOURTH REPUBLIC

The Legislature⁹ is responsible for lawmaking for the good governance of the Federal Republic of Nigeria. According to the 1999 constitution, the functions of the legislature¹⁰ include law-making and policy formulation and oversight functions. In order to fulfill the needs of the citizens and the primary functions of actualising public interest, legislative oversight could be considered as an essential in the protection and promotion of public interest.¹¹

The power to oversee the activities of government by the legislature is derived from §§. 89, 128 and 129 of 1999 constitution of the Federal

9. It may be referred to as National Assembly, Legislative Assembly or the Parliament.

10. Investigative functions, the role of the watchdog of public funds, derived from the legislatures powers and duties with regards to public finance.

11. Ayo Akinbobola, 'Political Institutionalization in Democratic setting'. *Supra* 1 at 5. This has become feature of most modern democracies, as an implicit and inherent derivative of the legislative powers.

Republic of Nigeria.¹² The sections empower the National Assembly to conduct investigations into any matter or thing, the conduct of affairs of any person, authority or government department charged or intended to be charged with the duty or responsibility for executing or administering laws enacted by the National Assembly.¹³ This could be done through authorisation, investigative hearing, and public hearings by standing committees and specialised investigations by selected ad hoc committees.

The oversight function of the national assembly in this regard is the actual invocation of the constitution or putting the constitution at work in order to checkmate or control the exercise of constitutional power of the other organs of government, especially the executive so as to make it responsive, accountable and transparent to the electorate through the National Assembly who are the representatives of the people in the discharge of their assignments. This is based on the fact that the legislature makes the laws which created the administrative agencies and also assigned functions and responsibilities to them through the law. Similarly, the exercise of the oversight functions is to keep the executive on its toes and ensure that it delivers good governance.

It is quite unfortunate to note that since 1999 the legislature is yet to appreciate the great powers vested on it by the constitution given the way it has over time subjected itself to the whims and caprices of the executive. This accounts in part for the enormity of corruption, public looting and flagrant abuse of power being experienced in the polity. Oftentimes, the legislative arm is seen as functioning within the ambience and impulse of the executive. This is creating a feeling that the legislative arm derived its powers from the executive, because the legislature in most cases have failed to act as a true watchdog on the executive as they succumb easily to the demands and wishes of the other arms of government.

In reality, all the three arms of government derive their powers and functions from the constitution and are separate and independent in person and functions. The compromise of the legislature in this regard undermines

12. *The Constitution of the Federal Republic of Nigeria 1999.*

13. *Ibid.*

the objective of the constitution in creating separation of powers and establishing checks and balances. The inability of the legislative arm of the government and its sub-servient disposition to the executive may not be unconnected to the way most of them got elected. Some of them lacked credibility and personal merit to adequately convince the electorate about their integrity to deliver good governance when voted to power. So, since they wanted power at all cost, they had to emerge through the benevolent act of the executive or a godfather who in turn demands loyalty and royalty from them, and failure to compromise means the end of patronage.

CHECKS AND BALANCES IN A DEMOCRACY: A THEORETICAL INSIGHT

In his *Spirit of the Law*, the proponent of the theory of separation of powers, Baron John de Montesquieu,¹⁴ argues that liberty could only be secured if government was divided into two distinct branches – the legislature and the executive – with the ability to check and balance the other. He came to this conclusion after studying the relationship between the monarch (executive) and the parliament (legislature) in England. Hitherto, the monarchs in Europe wielded absolute powers and other organs of the government were subservient to them. However, the events that led to the breaking away of the English monarch from the Roman Catholic Church made the parliament to consider itself co-equal with the monarch – and even supreme. Thus, this event increased the power of the legislative arm.

The doctrine of separation of powers differentiates presidential system from the parliamentary system. In the parliamentary system, some members of parliament are also appointed to the cabinet. So, there is no clear-cut separation between parliament and the executive and the system can lead to arbitrary use of power or tyranny because the prime minister can

14. Baron de Montesquieu; *The Spirit of Law* (1948:18), John Locke *Treatises on Government* (1960:76).

dissolve the parliament at will.

The Nigerian constitution¹⁵ like any other constitutional democracy globally¹⁶ upholds the principle of separation of powers. This entails the constitutional division of powers between the legislature, executive and the judiciary. Although the original principle excludes the judiciary, most modern democracies include the judiciary. The Nigerian constitution does not only uphold the principle of separation of powers but also prescribes the scope and limit within which the exercise of legislative powers is supreme. According to B.A Garner, separation of powers connotes:

The division of governmental authority into three branches of government, the legislature, the executive and judiciary with each having specific duties in which neither of the other branches can encroach, the constitutional doctrine of checks and balances by which the people are protected against tyranny.¹⁷

Some of the essence of checks and balances is to prevent corruption, inefficiency and totalitarianism. According to Nwabueze, the philosophy behind the separation of powers is that:

Concentration of government's powers in the hands of one individual is the very definition of dictatorship and absolute powers by its very nature arbitrary, capricious and despotic. Limited government therefore demands that the organisation of government should be based on some concepts of structure whereby, the functions of law-making, execution and adjudication are vested in separate agencies, operating with separate personnel and

15. 1963, 1979 and 1999 constitution of the Federal of Nigeria, the doctrine was adopted by the convention of 1787, not to promote efficiency but to reduce the exercise of arbitrary power. The purpose was not to avoid friction, but by means of the inevitable friction incident to the distribution of the governmental powers among three departments to save people from autocracy. See P. Roscoe, *Development of Constitutional Guarantee of Liberty* (The H. W. Wilson Company, 1957:94), T.A. Aguda, *Understanding the Nigerian Constitution of 1999* (MIJ Publisher, 2009: 9-13).

16. USA, Canada, South Africa.

17. B.A. Garner, (n4) 1396-1397.

procedure. We are not prepared write vile, "to accept that government can become on the ground of efficiency or for any reason, a single undifferentiated monolithic structure, nor can be allowed to become simply an accidental agglomeration of purely pragmatic relationship. By separating the function of execution from that of law making, by insisting that every execution must be so far at any rate as it affects an individual have authority of some laws by prescribing a different procedure for law making the arbitrariness of the executive action can be effectively checked.¹⁸

Lending credence to the above assertion and justifying the need for separation of powers, James Madison succinctly argues "the accumulation of all powers, legislature and judiciary in same hands . . . may justly be pronounced the very definition of tyranny".¹⁹

In spite of the passive separation and independence enjoyed by these three arms of government, some levels of interactions still exist. The legislature makes the law for the good governance of the nation, the executive implements these laws, and while executing the laws the legislature acts as a watchdog to ensure that the executive does not misuse its powers or act recklessly; the judiciary, on the other hand, puts a check on the legislature and the executive by interpreting the laws made by the legislature and implemented by the executive to ensure that are consistent and are in good conscience. Although the legislature by virtue of the powers vested in it by the constitution can re-enact or amend the existing laws but since the beginning of the fourth republic the legislature has not actually done much in this direction.

LEGISLATIVE OVERSIGHT AND THE DIMENSION OF CORRUPTION IN THE NATIONAL ASSEMBLY

Among other things, corruption remains one of the major monsters

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18. Ben O. Nwabueze, *The Presidential Constitution of Nigeria*, London: Sweet and Maxwell 1982: 32-33.
 19. Democratic Government, what is democracy, United States information Agency, p. 22.

challenging the socio-economic and political development of Nigeria. It has eaten deeply into the fabric of our national life such that there is hardly any institution - social, economic, religious, political, etc. which corruption has not eaten through. It is often speculated and believed that corruption in Nigeria was as a result of the military incursion into the Nigerian polity. But contrary to this view, C.C Sunday traces corruption in Nigeria to the colonial era. According to him, corruption in public office has existed in Nigeria since the establishment of modern structures of public administration in the country by British colonial administrations.²⁰ However, as the system continued to increase and expands the issue of corruption rather than abating, continued to be strengthened by succeeding administrations including the indigenous. This was captured by T. Forest when he argues: since the nationalist politicians had gained control of regional state apparatus in 1950s the exercise of state power was closely linked to the economic advancement of individuals, community, sectarian and ethnic interests.²¹ Prince Bola Ajibola also lends credence to this view when he avers that:

Corruption and other forms of economic crimes have since been on the upsurge. The alarming dimension taken by such crimes have not gone unnoticed. In our acquisitive society, many people are rated in terms what they own and not in terms of what they are. Social climbing based on illicit wealth is not frowned at. Public office is regarded as a vehicle for acquiring wealth and unbridled affluence and not as a merit avenue for rendering invaluable services to the nation for our collective good.²²

The argument that the military spread the culture of corruption in Nigeria may not be unconnected with the fact that almost immediately after independence the military hijacked power from the civilians and because the military structure lacked the appropriate regulatory institutions

20. C.C. Sunday, *Corruption in Nigeria* (Afro-oybis and Snaap Press Ltd 2004: 19.

21. T. Forest, *Politics and Economic Development in Nigeria*. Westview Press, 1995:32.

22. Bola Ajibola, Speech at National conference on Corruption and Economic Crime held from 13-15 December, 1988 under the auspice of the Federal Ministry of Justice, Lagos, 5.

to ensure checks and balances, governance became a free-for-all thing and might and the right connections became right. Every effort made by different administration²³ in Nigeria to crackdown on corruption since independence has proven nearly abortive. Is it that the institutions are weak to deal with corruption or that the human agents who were saddled with operating the institutions were weak? I think the second question should be correct. In the word of J.S. Nye:

Corruption is a behavior which deviates from the normal duties of a public role because of private-regarding (family, close private cliques) pecuniary or status gains; that violate rules against the exercise of certain types of private- regarding influence. This includes such behavior as bribery (use of reward to pervert the judgment of a person in a position of trust); nepotism (bestowal of patronage by reason of ascriptive relationship rather than merit) and misappropriation (illegal appropriation of public resources for private regarding uses).²⁴

Corruption is a betrayal of trust, because it involves using public resources for personal aggrandisement, rather than for the overall good of all citizens.

Although it has always been argued that the long era of military rule²⁵ in Nigeria and the fact that the legislative arm of government was

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23. Efforts made by different administration in Nigeria to crackdown on corruption General Gowon 1966, Public Officer (Investigation Assets) Decree No. 5 of 1966, General Muritala Muhammed 1975 The Corrupt Practices Decree, Buhari and Idiagbon, 1984, War Against Indiscipline and Special Tribunal on Recovery of Public Property, Ibrahim Babangida, Structural Adjustment Programme 1985, and General Sanni Abacha 1993, introduced Failed Bank Tribunal Decree, President Oluseun Obasanjo, set up the Independent Corrupt Practices and other related offences Commission in 2000 and Economic and Financial Crimes Commission (EFCC) in 2004.
 24. Nye J.S. Corruption and Political Development: A cost Benefit Analysis. *American Political Science Review* 61, 1967:419.
 25. Mojeed Olujinmi, A. Alabi and Joseph Y. Fawagba; "The Legislature and Anti-corruption Crusade under the Fourth Republic of Nigeria: Constitutional Imperatives and Practical Realities. *International Journal of Politics and Good Governance*, Vol.1 No.1.2 Quarter 11 2010:14.

not functional during those periods led to the promotion of the culture of corruption in the Nigeria, the 1999 constitution sufficiently empowers the National Assembly to deal with the monster (corruption) headlong. Section 88 (2b) of the Nigerian 1999 constitution defines the oversight functions of the National Assembly. It explains that these powers should be used for the purpose of enabling the National Assembly to expose cases of corruption, inefficiency or waste in the execution or administration of laws within its legislative competence and in the disbursement of or administration of funds appropriated by the National Assembly. Apart from this, s. 85, 89, 128, 129 and 143 of the 1999 constitution all equip the National Assembly with the weapon to effectively checkmate corruption in Nigeria.

A particular legal maxim says that 'he who comes to equity must come with clean hands'. Having been equipped with such powers, the National Assembly is expected to uphold the highest level of moral standard, efficiency, accountability and transparency and leadership by example. Maintaining this level of morality is the only way they can gain the respect of the public and other arms of the government which they oversee. It is for this purpose that Mathekga posits that the parliament is, indeed, the rightful institution to ensure accountability by the executive.²⁶

However, the growing pattern with the Nigerian National Assembly since 1999 reveals the contrary. The oversight function bequeathed to it has been turned to a self-seeking venture. The growing trend has been that the National Assembly since inception in 1999 has been involved in law-making and passing of several bills²⁷ but it has continued and consistently been failing in the area of oversight functions which is the main aspect of their function which will affect the lives of the people who they represents. While it has tried in exposing some high level corrupt practices in the executive and its agencies, its internal conduct and perennial allegations of corrupt practices against its members is very worrisome

26. Mathekga, R. The ANC 'Leadership Crisis' and the Age of Populism in Post-Apartheid South Africa.

27. *Nigerian Journal of Legislative Affairs*. Vol. 1, No. 001, 2006:8-19.

and calls for national concern. Although corruption cuts across all sectors and institutions in Nigeria, the National Assembly being the watchdog is expected to live above board in order to ensure that the corruption crusade is won, but in reality they either connive with the other agencies to dupe the country or do it unilaterally.

Since the beginning of the Fourth Republic we have had four administrations, viz: 1999-2003, 2003-2007, 2007-2011 and 2011 to date (expected to end by 2015). It is interesting to note that of all these administering hardly was there one that the National Assembly has not been indicted for one form of corrupt practices or another. During 1999-2003, the following cases of corrupt practices were levelled against the members of the supposed hallowed assembly: In 1999, the first Speaker of the House of Representatives, Salisu Ibrahim Buhari, was indicted for falsifying his academic qualification and age.²⁸ This forced him to resign and be arraigned before the court of law, though he was later given a presidential pardon. Almost immediately after Salisu's case, the senate president Evan(s) Enwerem was indicted by *TELL* and other newspapers²⁹ for age falsification, name and academic qualification. This led to his forceful resignation as senate president. In 2000, his successor Chuba Okadigbo, was also removed from office barely a year into his term for cases bordering on corruption. Among other things,³⁰ he was accused of financial impropriety after claiming to have spent the sum of ₦75 million to buy Sallah rams for some members of the senate. In that same year, his deputy, Haruna Abubakar, was removed from office for embezzling ₦16.9 million which he claimed to have been used for Christmas and gifts respectively. In 2002, some members of the House

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28. *Anti-corruption Reforms in Nigeria Since 1999: Issues, Challenges and the Way Forward* IFRA Special Research Issues Vol. 3, 2009:71.
29. *TELL* 9, August 1999:1-2; *The Punch*, 3 August, 1999:1-2; the senate president was accused of being ex-convict, having been jailed abroad for stealing, age and document falsification and discrepancies in his name which in some documents read "Evan" and in others "Evans".
30. *The Punch* 1, May 2000:1 and 6; 25 July, 2000:1 and 4; Okadigbo was also accused of inflating contracts and awarding contracts to his cronies.

of Representatives were accused of receiving money from the executive to impeach the speaker. Finally, in 2003, the Ibrahim Mantu-led screening committee of political nominees was accused by Nasir el-Rufai request the sum ₦54 million as condition for confirming his nomination. In all these case, the National Assembly failed to present herself in honourable light which it is expected to be. Rather, it has continued to present herself as an agent of the executive. So, the executive arm was able to arm-twist her to have her way, and most of the things that the electorate has benefited from them were complaints and litigations of one kind, or another.

It may be argued that the first National Assembly did not do much to transform the nation and deliver to the electorate the dividends of democracy because the nation was just emerging from a long military rule and was trying to grapple with the challenges of democratic practice, but what do we say of the second, third and fourth National Assembly. The case is the same. Some few cases will be presented. In the second National Assembly, Adolphus Wabara the Senate President was indicted for having connived with chairmen of the senate committee on education to receive a bribe of ₦55 million. Of course as usual this cost him his position as the senate president and Osuji the minister of Education was also relieved of his post. In the House of Representatives in 2006, some members were alleged to have received bribe from the Vice President to cover the truth about Petroleum Thrust Development Fund (PTDF) stolen fund.

In the Third National Assembly it was the same case. The Speaker of the House of Representative, Patricia Etteh, was indicted in 2007 for inflating contracts to the tune of ₦628 million. Iyabo Obasanjo, the daughter of President Obasanjo was indicted in 2008 for shady deals worth ₦3.5 billion Naira about power generation with an Australian firm, at the same period she was also alleged to have received a share of ₦10 million Naira of an unspent budget in the Federal Ministry of Health.

All these allegations made the electorate to lose confidence in the National Assembly as their true representatives. The actions of members of the two houses of Assembly seem to depict politics in a business

concern and their being in the house a way to recoup the money spent during their electioneering campaigns.

The Fourth National Assembly began in June 2011. It would have been expected that they had learnt their lessons from their past errors and inabilities. Also, in the past the military, sixteen years in the nation's, politics as often given as an excuse for non-performance or slow pace of activities, so most of these periods were used as a learning period's. Apart from the above reasons, it has also been advanced that the political party structure of the National Assembly in which the ruling party PDP formed the bulk³¹ of its membership contributed to hampering the effective function and independence of the National Assembly in the past.

Be that as it may, the electorate expected a new ball game in the Fourth National Assembly, because although, the PDP has majority members but unlike in the past where the opposition parties were represented by insignificant numbers, this time around the opposition parties are well represented in the House. One would have expected serious business in the House; however, it is still business as usual. This points to the fact that the corruption issue in Nigeria is not institutionally based, but on human tendencies to be corrupt. Moreover, the current bribery scandal in the House of Representative could be a pointer to this fact. Of the members of the oil subsidy ad hoc committee involved and proposed to be invited by the police over the scandal, there was an ACN member. Although investigation is still ongoing the CAN member in the committee James Faleke,³² representing Ikeja Federal Constituency of Lagos State should have made him cry out or dissociate himself from the scandal before it snowballed.

Of course, the House started on a good note, but the recent revelations seem to be pointing to the same pattern of activities in the past. There have been series of allegations of corruption on the House Committees.

31. Mojeed Olujinmi et al; *The legislature and Anti-corruption Crusade under the Fourth Republic of Nigeria: Constitutional imperatives and Practical Realities*. International Journal of Politics and Good Governance. Vol. 1, No 1-2 Quarter 11, 2010.

32. *The Punch*, Friday, 15 June, 2012, p. 1.

The committee on Nigeria Stock Exchange headed by Herman Hembe was accused of demanding the sum of ₦39 million for foreign trips from Miss Oteh, the suspended (now reinstated) Director General Security and Exchange Commission (SEC). The case is being probed by the EFCC. In January 2012 the federal government effected removal of petroleum subsidy. This caused a lot of uproar because of the level of corruption alleged to have been perpetrated through the petrol subsidy regime. The National Assembly waded into the crisis and constituted an adhoc committee to probe the matter as its oversight function. After submitting a report which was applauded in several quarters, it was discovered that the loquacious Farouk Lawan who not only was the chairman of the probe committee but was one of the oldest members of the House of Representatives received a bribe of \$620,000 from Femi Otedola one of the accused persons to pervert the course of justice. Although the case is being probed by the police, it is instructive and necessary to point out the fact that Farouk Lawan was the chairman of the 'Integrity Group' of the House of Representatives that ensured the removal of Olubunmi Etteh?

IMPLICATION OF LEGISLATIVE CORRUPTION ON THE PRINCIPLE OF CHECKS AND BALANCES

The 1999 constitution provides for three different organs of government which are independent in personality and functions. It equips the National Assembly with the powers not only to make laws for the good of the federation but also to ensure that the laws are well implemented by the executive arm and its agencies. The oversight function of the legislative arm of government empowers the institution with so much power and safeguards to investigate and expose corruption at any level irrespective of who is involved. In spite of all these covers provided for them in the constitution, the legislature has been burdened with the crisis of legitimacy. This is due to the way majority became legislators. Some of them emerged through the support the executive arm and others through other dubious means. The implication of this is that they cannot effectively make laws that will implicate the way they emerged in the office or provide adequate

checks against the executive or its agencies. Rather than the lawmakers providing checks on the executive, the reverse has always been the case since 1999.

All these do not only have implication on the doctrine of separation of powers but also on the sustainability of democracy in Nigeria. Rather than being the watchdog, the National Assembly has always been at the mercy of the executive as a toothless bulldog.

Consequently, the Nigerian electorate will continue to wallow in abject poverty because the National Assembly does not only define the extent of executive powers but also upholds the sanctity of the rule of law and good governance. And when the National Assembly fails in its functions the electorate suffers.

Furthermore, the strain between the executive arm and the legislative arm will continue so long the legislative arm continues to perpetuate acts of corruption. The implication of this could be failure of the democratic process and economic downturn. Finally, a corrupt legislature cannot gain people's confidence; it cannot make a healthy law and is most likely going to use most quality legislative time to settle cases of corruptions.

CONCLUSION

This chapter has examined the exercise of checks and balances in Nigerian democracy by looking at the National Assembly from 1999 to 2012. It revealed that the constitution did not only guarantee checks and balances as enshrined in the doctrine of separation powers but that the constitution vested enormous powers on the National Assembly not only to make law for the good of the federation but to also check and expose cases of corruption in the polity. The legislature since the inception of the Fourth Republic has tried to expose some cases of corruption in the polity. However, the chapter revealed that though the legislative arm has tried in exposing corruption but have failed in most cases to follow them up to a logical conclusion. The reason has been that the National Assembly which is expected to be a hallowed body has always been enmeshed in corruption. This has crippled all the powers vested in it by the constitution as it lacks credibility in checking the misdeed of other arm of government.

Although many³³ have argued that the National Assembly is still young to expect much from them given the long period of military rule in Nigeria, but the fact remains that a child could not continue to be a baby though none is perfect but should be working towards perfection each period. This is the Fourth National Assembly and thirteenth year of civil rule in Nigeria yet the National Assembly is still being caught in the web of things that those of 1999 era were also accused of.

Based on the foregoing, the paper submits that for checks and balances to be effective in the Nigerian democracy, Nigerians and the civil rights groups should wake up on the call for accountability, transparency and efficiency on the government and more importantly the legislature. The EFCC and ICPC should not be scrapped; rather they can be merged and strengthened to fight corruption. As it is currently, the EFCC and ICPC seem to be the puppets of the executive with which it hunts its perceived enemies. The National Assembly needs to be redirected towards the expectations of the electorate on it based on the powers vested in it by the constitution and to eschew corruption. Finally, there is the need to educate the electorate on the danger inherent in voting for people of questionable character.

33. Abdurashheed A. Muhammad; *Legislative corruption and the challenge of Democratic Sustenance in Nigeria, 1999-2007*, University of Ilorin. Oyewo; *Constitutionalism and the Oversight Functions of the Legislature in Nigeria*. Draft Paper Presented at African Network of Constitutional Law Conference on Fostering Constitutionalism in Africa. Nairobi, April 2007.



SECTION C

**EMPIRICAL ANALYSIS OF
SELECTED STATES**

. . . in addition to this, the Parliament has an office to be at once
the nation's Committee of Grievances, and its
Congresses of Opinions.
- *John Stuart Mill (1862)*

CHAPTER 11

The Legislature in Anambra State, 1999-2011

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INTRODUCTION

The history of Anambra state started with the existence and eventual division of the old Anambra state into three states; the present day Anambra and Enugu states and lately, Ebonyi state. The present Anambra state was created on 27 August, 1991 by the military administration of General. Ibrahim Badamosi Babangida. At the creation of the state, it became unavoidable that a new system of government has to be established. Understandably, and in line with the position of Lafenwa,¹ the legislature, being a strategic institution in any democratic governance all over the world, was established soon after at the inauguration of civilian administration at the state level in 1992.

At inception, the Enugwu-Ukwu Civic Centre provided the office accommodation and legislative chamber for the legislative activities. The House took-off with. Dominic Obiekie as the Speaker and with the full complement of a State Assembly; the House started and has existed and evolved through regimes till the present state of its existence.

1. Stephen Lefanwa, *The Legislature and Democratic Governance in South Western Nigeria, 1960-2003*, An unpublished PhD thesis submitted to the Department of Political Science, Faculty of Social Sciences, University of Ibadan, Nigeria, 2006.

Presumably, Anambra state legislature, like other legislatures, is expected to play very important roles in making authoritative classes of decisions, legitimising and more so in representation. In achieving this, as recorded by Stewart² using the British experience, Anambra state House of Assembly is expected to make laws; watch and criticise the government; hold debates, which will focus attention on politics and make clear to the people, the questions they will have to decide; and control the raising and spending of money.

This chapter is committed to assessing Anambra State House of Assembly (ASHA) from this background, with a view to understanding and explaining the functioning of government in Anambra state. This is crucially important because, an effective legislature contributes to effective governance by performing functions necessary to sustain democracy in complex and diverse societies.³ To arrive at a reasonable conclusion, and for coherence in presentation, we shall look at the ASHA at these stages: 1999-2003; 2003-2007; and 2007-2011.

ANAMBRA STATE HOUSE OF ASSEMBLY, 1999-2003

The pioneer Assembly in Anambra state under the Fourth Republic was inaugurated on 2 June, 1999 in a very controversial circumstance. The controversy arose as a result of the disagreement that ensued between the governor, Chinwoke Mbadinuju and the elected members of the House, even before the inauguration of the house.⁴ The crisis, which

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2. M. Stewart, *The British Approach to Politics*, London: George Allen & Unwin Ltd, 1955, p. 106.
 3. R. Johnson and T. Nakamura, "A Concept Paper on Legislature and Good Governance" Prepared for the United Nations Development Programme in Italy, 1992, p. 2. See also J. 'Shola Omotola, 'Politics of Impeachment and Democratization in Nigeria, 1999-2007: The Oyo State Experience', *International Journal of Social and Management Sciences*, Vol. 3(2), pp. 35-55.
 4. C. Jaja Nwanegbo, "Them Against Us: A Critical Appraisal of the Bourgeois/ State Sponsored Conflicts in Anambra State", paper presented at the NDA National Conference on *Crisis and Conflict Management in Nigeria Since 1980*, 15-17 June, 2005a.

later culminated into the political crisis in the state, characterised the state government and, indeed, the governance in the state in a four-year race of domination that made the state virtually ungovernable.

First, a section of the House under the influence and manipulation of the state governor threw up the House leadership, with K.C. Enemuo as Speaker. Eventually, and with the help of some leaders of the party in the state, that first leadership of the house was changed, bringing in Barth Onugbolu as the Speaker of the House.

With just three major parties in the country then, namely: People's Democratic Party (PDP); All People's Party (APP); and, Alliance for Democracy (AD), one would have expected that the distribution of the house membership along party line would provide a balanced picture. However, the skewed nature of the party equation in the state manifested clearly in the representation of political parties in the house. Of the 30 members of the house representing the number of state constituencies in the state, only two came from the APP. The remaining 28 members of the house were of the PDP. Indeed, with this and understandably too, the distribution of the house leadership position was skewed by over percent 99 in favour of the ruling PDP.

Incidentally, this dominance of the house by one party did not make much impact on the house performance of its responsibilities during the period. This was because the antagonism in the house and generally among the political class in the state was between groups in the same party. Notably, there were two of such groups, namely Anambra People's Forum (APF) and the other group of PDP members loyal to the governor. What again guided the actions of the house members were personal gains. They concentrated on collecting money from the governor and doing his wishes.

The implication of the nature of the operation of the house on the basic functions of the legislature cannot be overstated. First, in their oversight functions, the house had a charged relationship with the executive and that impacted on the level of control that it had on the executive operations. The dominance of PDP notwithstanding, the divided character of the house helped to keep the executive activities in check. Second, it

Table 1. Names of Legislators of ASHA, Constituencies Represented, Office and Political Party Affiliation of 1999–2003

S/N	Names	Constituencies Represented	Offices & Year	Political Party	Remarks
1	Barth Onugbolu	Anaocha I	Speaker 1999 – 2003	PDP	He replaced K.C. Enemuo who was appointed a Commissioner after a controversial short period as Speaker
2	M.C. Ugwa	Orumba South	Deputy Speaker	PDP	
3	Okenwa Odikpo	Ayamelum	Majority Leader	PDP	Died in the office
4	P.I. Egwuonwu	Oyi	Majority Leader	PDP	Succeeded the late Majority Leader
5	Ifeanyi Ibegbu	Onitsha North II	Minority Leader	APP	
6	Onyekachi Aghanya	Awka South II	Chief Whip 1999 – 2000	PDP	Was changes in the House
7	Chuba Oranusi	Idemili South	Chief Whip 2000 – 2003	PDP	Replaced the changes Chief Whip
8	S.I. Okonkwo	Onitsha South I	Deputy Chief Whip	PDP	
9	Eucharua Anazodo	Aguata I		PDP	
10	Robinson Ezeilo	Aguata II		PDP	
11	Mike Obiudu	Anambra East		PDP	
12	Emma Onyeka	Anambra West		PDP	
13	Kevin Ezeani	Anaocha II		PDP	
14	K.G. Enemuo	Awka North		PDP	
15	Dr. Chris Anagor	Awka North		PDP	
16	Keluo Molokwu	Awka South I		PDP	
17	Charles Obiorah	Ayamelum		PDP	Replaced the late Okenwa Odikpo in Ayamelum Constituency
18	P.C. Okeke	Dunukofia		PDP	

19	Vincent Atuegwu	Ekwusigo	PDP	
20	Alphonsus Uzoegwu	Idemili South	PDP	
21	Vitalis Okafor	Ihiala I	PDP	
22	Ifeanyi Nnabuife	Ihiala II	PDP	
23	Ifeanyi Okoye	Nnewi North	PDP	
24	Cyprian Urmejesi	Nnewi South I	PDP	
25	Egwuoyibo Okoye	Nnewi South II	PDP	
26	Frank Ekpe	Njikoka I	PDP	
27	George Okoye	Njikoka II	PDP	
28	K.C. Enemuo	Ogbaru I	PDP	Appointed Commissioner in Aug. 1999 Replaced K.C. Enemuo
29	Linus Ezenwamma	Ogbaru I	PDP	
30	Sunday Nwafili	Ogbaru II	PDP	
31	Goddy Ejiamike	Onitsha North I	PDP	
32	Val Elosiuba	Onitsha South II	APP	
33	Uche Onuogu	Orumba North	PDP	

also helped to determine the level of control exerted on the fight against corruption. Because the house itself was not free from corruption, it never allowed the executive a relaxed condition in all its activities. It rather made most of the executive demand opportunities to extort money as condition to approving the request. This act provided the APF good grounds to mobilise public outcry against the executive. An instance that stands out and readily comes to mind was when the APF had to block the entrance into the premises of the State House of Assembly to stop the house from passing supplementary appropriation bill on 30 December, 2002.⁵

5. Ibid.

Third, the House like its counterparts in several states of the federation,⁶ also exploited the threats of impeachment on the government of Mbadinuju to get him in line with their personal demands, knowing that the Governor was embattled. Cases of this were noticed in circumstances when the house members felt that they were not getting enough from the executive. Impeachment was, therefore, used as a bait to achieve personal gains as none of the threats was made strong beyond the governor's positive responses. In fact, they were not logically followed even beyond stage of collection of signatures members to indicate intention to join in the impeachment notice.

Fourth, in the real act of law-making, the period 1999 to 2003 provided the worst cases of performance in the state. For instance, there were only nine (9) bills passed and assented to from June 1999 to June 2003. The bills are as presented below.

Table 2. List of Bills Passed into Law by the Anambra State House of Assembly, 1999-2003

S/N	Bill Title
1	Anambra State Supplementary Appropriation Law, 2000
2	Anambra State Commerce and Industrial (Development Fee) Law 1999
3	Anambra State Educational Trust Fund Law, 1999
4	Anambra State Special Action on Poverty Alleviation Law, 1999
5	The Local Government Law, 1999
6	Anambra State House of Assembly (Self-Accounting) Law, 1999
7	Anambra State Joint Action on Development Law, 1999
8	National Union of Road Transport Workers (Prohibition) Law, 2000
9	Anambra State Supplementary Appropriation Law, 2001

6. For comparative insights across states, see J. Shola Omotola, 'Impeachment: Threats and Nigeria's Democracy' in Ojo, E.O. ed. *Challenges of Sustainable Democracy in Nigeria*. Ibadan: John Archers Publishers, pp. 185-208.

A look at the time of passage and assenting to these laws indicate that the actual activities of government, with harmony of both the executive and legislature, took place more around 1999. At the later date, the level of disharmony that came over the state affected the productivity of the house, especially with respect to law-making.

ANAMBRA STATE HOUSE OF ASSEMBLY, 2003-2007

One thing that was unique about the State House of Assembly of 2003-2007, which should be stated *ab initio*, was the fact that the house worked with three governors and different circumstances. The House started with Chris Ngige, through Peter Obi, and then to Virgie Etiaba.

This second assembly of the fourth republic was inaugurated in Anambra state on 27 June, 2003. At the time of the 2003 general election, the number of political parties that operated in the country and in the state had increased with an addition of the All Progressives Grand Alliance (APGA), a party that made a great appeal to the Igbo people. Consequently, it had a reflection in the make-up of the Anambra State House of Assembly. Below is the list of the house members and their party affiliations.

The performance and activities of the Anambra State House of Assembly from 2003 – 2007 was indeed the most eventful and challenging of the periods of ASHA since the return to full civilian administration in 1999. Their record, which explains the character of the House itself (as presented in table II above), is also predicated on the electoral process and its impact on the method of selecting the members. The process of electing the House members and, indeed, the entire electoral process in the state could be said to be faulty by every technical consideration (from the lower tribunal to the Appeal). First, as argued elsewhere, what happened in Anambra state went beyond rigging. It was a caricature of election. Put better, it was one of the most callous and brazen way of raping democratic processes. The process threw up Chris Ngige as governor, who was later removed by the tribunals in 2005.⁷

7. Ibid; see also J. 'Shola Omotola, 'Elections and Democratic Transitions in Nigeria under the Fourth Republic'. *African Affairs*, Vol. 109 (437). pp. 535-553.

Table 3. Names of Legislators of ASHA, Constituencies Represented, Office and Political Party Affiliation, 2003-2007

S/N	Names	Constituencies Represented	Offices and Year	Pol. Parties	Remarks
1	Eucharia Anazodo	Aguata I	Speaker 6/6/03 – 10/7/03	PDP	Impeached
2	Mike Balonwu	Onitsha North I	Speaker July, 2003 – June, 2007	PDP	Replaced the Impeached Speaker
3	Keluo Molokwu	Awka South I	Deputy Speaker July, 2003 – Dec. 2003	PDP	Impeached
4	Ozo Ughamadu	Awka South II	Deputy Speaker Dec, 2003 – June, 2007	PDP	Succeeded the former Deputy Speaker
5	Peter Onuorah	Ayamelum	Majority Leader June, 2003 – July, 2004	PDP	Removed from office
6	H.C. Nsofor	Ekwusigo	Majority Leader 2004- 2007	PDP	Succeeded the former
7	Njideka Ezeigwe	Ogbaru I	Minority Leader	PDP	
8	Sunday Nwafili	Ogbaru II	Chief Whip 2003 – 2007	PDP	Removed from office
9	Dr. Ben Obidigbo	Oyi	Chief Whip 2004 – 2007	PDP	Succeeded the former
10	Hon. Jude Aronu	Aguata II		PDP	
11	Osita Chinwuba	Anambra East		PDP	
12	Mike O. Offor	Anambra West		PDP	
13	Joe Dimobi	Anaocha I		PDP	
14	Sylvester Okeke	Anaocha II		PDP	
15	Louis Nkemdilim	Awka North		PDP	
16	P.C. Okeke	Dunukofia		PDP	
17	Alphonsus Uzoegwu	Idemili North		PDP	
18	Barr. Chuba Oranusi	Idemili South		PDP	
19	T.M. Nnorum	Ihiala I		PDP	
20	Sam Anyakora	Ihiala II	2003 – 2007	PDP	Removed by the Election Tribunal

21	Vitalis Okafor	Ihiala II	2004 – 2007	PDP	Replaced Sam Anyakora
22	Barr. Benson Nwosu	Nnewi North		PDP	
23	Joseph K. Uba	Nnewi South I		PDP	
24	Bar Nelson Achugbu	Nnewi South II		PDP	
25	Bridget Chukwuka	Njikoka I	2003 – 2005	PDP	Removed by the Election Tribunal
27	Frank Igboka	Njikoka II		PDP	Replaced Hon Chukwuka
28	Ifeatu Nwokeji	Onitsha North II		PDP	
29	A. Tabansi -Okoye	Onitsha South I		APGA	
30	Bona Oraekwe	Onitsha South		PDP	
31	Uchenna Okonkwo-Okom	Orumba North		PDP	
32	Echezona Okechi	Orumba South		PDP	

The 2003 general election, which produced Ngige, was such that hardly allowed the electorates the opportunity of choosing their leaders and representatives in almost all the constituencies. The picture of representation as shown in the Table 2 indicates that there was a complete sweeping of the electoral votes by the PDP. Yet, the election of Ngige was nullified by the tribunal declaring Obi as the winner. The crisis that generated later from the election over the embarrassing contention between the governor (Ngige) and one of his sponsors, Chris Uba, led to the conclusion that all was really wrong with the process that threw up the legislators. In the matter that arose, President Olusegun Obasanjo described it basically as contention on inadequate sharing of the state resources.⁸ He described it as “being like the case of two robbers that conspired to loot a house and after bringing out the loot, one decided to do the other in”.⁹

8. Quoted in C. Jaja Nwanegbo, op. cit.

9. See *The Guardian*, Lagos, 13 December, 2004.

As a result of the high level conflict it generated in the state and the need to consolidate the leadership of the party in the state, the estranged governor never had it easy with the House. The house was like an open market where the contending groups were struggling to buy from. It affected every minor thing done in the house. It not only strengthened the activities of the house, but equally made it less dependent on any individual or group. For instance, while approval of list of appointment generated enormous heat in the house, it never stopped the house from making functional laws that strengthened the government's hand of operation. In fact, it made the executive-legislature relationship during the PDP leadership in the state to be more professional than antagonistic, maintaining the independence of the house, yet getting them guided in their actions. Below is the extent of bills passed within the two years and nine months period of Chris Ngige by the ASHA.

Table 4. Bills Passed and Assented to from June 12, 2003 to March 2006

S/N	Bill Title
1	Anambra State Appropriation Law, 2003
2	Anambra State College of Health Technology Law, 2002
3	The Autonomous Communities (Recognition) Law, 2003
4	Contracts Evaluation, Depts, and Property Recovery Law, 2003
5	Anambra State Supplementary Appropriation Law, 3002
6	Anambra State Joint Local Government Account (Distribution Committee) (Amendment) Law, 2003
7	Anambra State Vigilante Group Law, 2004
8	Anambra State Rehabilitation Board Law, 2004
9	Anambra State Pseudonym Law, 2004
10	Anambra Appropriation Law, 2004
11	Anambra State Supplementary Appropriation Law, 2004
12	The Commercial Motorcyclist Law, 2004
13	Secret Cults and Similar Activities Prohibition Law, 2004
14	Anambra State of Nigeria Appropriation Law, 2005
15	Malpractices Against Widows and Widowers (Prohibition) Law, 2005
16	Electoral Materials and Building Materials Markets Laws, 2005
17	Women's Reproductive Right Law, 2005
18	Government Quarters (Owner-Occupier) Law, 2005

Incidentally, as soon as the tribunal removed the PDP leadership in the state and brought in the APGA government of Peter Obi, the disposition of the PDP populated house changed. The spate of antagonism that pervaded the executive/legislative relationship culminated in the wrongful impeachment of the APGA governor in 2006, making way for his deputy to become the Governor of the state for a short period. A look at the record of the bills passed by the house within that period also clearly shows that no reasonable governmental activities actually took place within that period. The state and the Legislative activities remained at that level until the 2007 election that brought in Andy Uba as the governor and a new team of house members took office.

ANAMBRA STATE HOUSE OF ASSEMBLY, 2007-20011

The events that culminated in the actions of the ASHA between 2007 and 2011 can be likened to the situation that generated the previous house. It presented yet again the picture of a house made of different elections and processes from that of the executive. The House was voted during the elections of 2007. That same election equally produced Andy Uba as governor. Seventeen days after, the judgment of the Supreme Court restored Peter Obi from the impeachment that removed him from office in 2006.¹⁰ Hence, he inherited the new house that was made by his political opponents, just like in the previous house. Indeed, by the record of the members, none of the members of the house came from Peter Obi's APGA. Table 5 are the composition of the house and the parties they represented in the state.

To survive under that circumstance was difficult and quite a number of funny situations happened. First, with all members of the state legislative house coming from PDP, there needed to be achievement of some imagined feat for some of them to have defected to APGA, thereby giving the executive some grounds to stand on. As part of the fall out of

10. Ikejiani, M.O. and C. Jaja Nwanegbo, "Impeachment and Misuse of Legislative Representations in Nigeria: An Analysis of Anambra State Impeachment, 2006", in *African Political Science Review*, Vol. 2, No. 1, 2010.

that, the state governor could not make major appointments, probably out of fear of anticipated problem that may arise in the house in approving such appointments. Hence, the governor retained the same set of commissioners he started with in 2005, even till date.

Table 5. Names of Legislators of ASHA, Constituencies Represented, Office and Political Party Affiliation, 2007-2011

S/N	Names	Constituencies Represented	Offices and Year	Political Parties	Remarks
1	Tim Egboka	Aguata I		PDP	
2	Ebere Ezechukwu	Aguata II		PDP	
3	Joe Isiagu	Anambra East		PDP	
4	Mike O Offor	Anambra West		PDP	
5	Sylvester Okeke	Anaocha I		PDP	Decamped to APGA
6	Joe Dimobi	Anaocha II		PDP	
7	Boniface Okonkwo	Awka North		PDP	
8	Anayo Nnebe	Awka South I	Speaker June, 2007 –2011	PDP	
9	Ozo Ughamadu	Awka South II		PDP	
10	Gab Onyenweife	Ayamelum		PDP	
11	Uche Umerie	Dunukofia		PDP	
12	D.B.A. Obi	Ekwusigo		PDP	
13	Ezechinwoye	Idemili North		PDP	
14	Anthony Ifeanyi Igwe	Idemili South		PDP	
15	Simeon Ohajianya	Ihiala I		PDP	
16	Simon Okpeleaku	Ihiala II		PDP	
17	Joseph Okeke	Nnewi North		PDP	
18	Nnamdi Ezike	Nnewi South I		PDP	
19	Egwuoyibo Okoye	Nnewi South II		PDP	
20	Bridget Chukwuka	Njikoka I		PDP	
21	Lilian Okosi	Njikoka II		PDP	
22	Benson C. Nwawulu	Ogbaru I		PDP	
23	Chinwe Nwaebili	Ogbaru II		PDP	
24	Ejiofor Egwuatu	Onitsha North I		PDP	

25	Idu G. Emeka	Onitsha North II	PDP
26	Chinedu Mokwue	Onitsha South I	PDP
27	Obiorah Chukwuka	Onitsha South II	PDP
28	Uche Ogbonna	Orumba North	PDP
29	Nkiru Ugochukwu	Orumba South	PDP
30	P.I. Obichukwu	Oyi	PDP

With respect to oversight functions, it is believed that the un-technical nature of the members of state legislature and the absence of both office facilities, committee rooms, poor overhead funding, etc. affected the legislative activities in that area. The same too applies to budgetary activities. This is without prejudice to the known acts of corruption that go on with approving budgets in Nigeria.

These and others led the house into performing routine functions, of meeting at plenary, and nothing more until the election of 2011 was held. At the point of leaving, they approved for the governor the appointment of Caretaker Committees at the local government level against all known laws that demands for election in line with s. 7 (1) of 1999 constitution that guaranteed elected local government system.

The 2011 election brought in a new set of legislators that were inaugurated in June, 2011. With a Governor of APGA extraction re-elected and seating during the election, the distribution of house members along party line changed. Perhaps it may be said that this is the best representative election of the state legislative assembly held in recent time. Table 6 is the structure of the house along party line and house leadership.

Up till now, a good assessment of the performance of the house would be a little difficult as they have not done much legislating so far. What provides basic challenge seems to be the quality of the house, arising from the quality of persons elected into the house. In addition, since 1999, the facilities in the house have being a major challenge to performance of legislative activities in the state. To be specific, the State

House of Assembly complex has no office spaces for the members, even the committee. It was just the Speaker, Deputy Speaker and Clerk of the house that had offices for themselves. There are no committee rooms for technical meetings to be held. The consequence is that it made members appearance in the house limited to only during plenary sessions. This, no doubt, reduces the functions of the house, because the bulk and the more important duties of the legislature are handled by effective committees.

Table 6. Names of Legislators of ASHA, Constituencies Represented, Office and Political Party Affiliation, 2011-Date

S/N	Names	Constituencies Represented	Offices and Year	Political Parties	Remarks
1	Ikechukwu J. Umeh	Aguata I	Chairman, House Committee on Commerce and Industry	APGA	
2	C.I. Ralph Uzozie	Aguata II	Chairman, House Committee on Environment	APGA	
3		Anambra East			
4	Victor Jidefor Okoye	Anambra West	Chairman, House Committee on Information and State Orientation	CAN	Decamped to APGA
5	Ebele Ejiofor	Anaocha I	Chairman, House Committee on House Service	APGA	
6	Anselem Dunu	Anaocha II	Chairman, House Committee on Political, L.G and Chieftaincy Matter.	APGA	
7		Awka North			
8	Chukwuemeka Kenekwaku	Awka South I	Chairman, House Committee on Tenders Board	CAN	
9	Hon. Oseke Ikechukwu	Awka South II	Chairman, House Committee on Election Matters	APGA	
10	Gab Onyenweife	Ayamelum	Chairman, House Committee on Public Account	PDP	

11		Dunukofia		
12		Ekwusigo		
13	Tony Muonagor	Idemili North	Chairman, House Committee on Science and Technology	CAN
14	Ebere Obi	Idemili South	Chairman, House Committee on Youths and Sports	CAN
15	Ohazulike Modestus	Ihiala I	Chairman, House Committee on Agriculture	PDP
16	Chukwuemeka R. Ahonu	Ihiala II	Chairman, House Committee on Housing	Labour
17	Chukwudi Eugene Orizu	Nnewi North	Deputy Speaker and Chairman, House Committee on Screening.	APGA
18	Kingsley Iruba	Nnewi South I	Chairman, House Committee on Transport	APGA
19	Hon. Bar Rita Maduagwu	Nnewi South II	Chairman, House Committee on Education	CAN
20	Valentine Ayika	Njikoka I	Chairman, House Committee on Internal Generated Revenue	PDP
21	Rosemary Onyebumuo	Njikoka II	Chairman, House Committee on Public Utilities	APGA
22	Benson C. Nwawulu	Ogbaru I	Chairman, House Committee on Lands	APGA
23	Chinwe Nwaebili	Ogbaru II	Speaker	APGA
24	Chugbo Enwezor	Onitsha North I	Chairman, House Committee on Judiciary	APGA
25	Idu G. Emeka	Onitsha North II	Chairman, House Committee on Works	Labour
26	Dr. Emeka Aniebonam	Onitsha South I	Chairman, House Committee on Health	CAN
27	Beverly Ikpeazu	Onitsha South II	Chairman, House Committee on MDG	APGA

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28	Obi Ugochukwu	Orumba North	Chairman, House Committee on Human Rights	APGA
29	Nkiru Ugochukwu	Orumba South	Chairman, House Committee on Finance and Appropriation	APGA
30		Oyi		NA

The only major assignment performed by this present house was organising ministerial and departmental budget defence at the committee levels, with the developing trend of seeing it as an opportunity for the ministries and parastatals to understand where the power really rests. In terms of derivable, no much input seems to have been made by the house in the documents submitted by the executive.

CONCLUSION AND RECOMMENDATION

Looking at the discussions we had on the functioning of the various houses, some salient problems were identified as challenges to legislative activities in the state. In dealing with them, the following recommendations are being made. First is the need for strengthening the electoral system that throws up the legislators. It has been severally argued that the present first-past-the-post system of electing our legislators creates unnecessary waist of the electorates vote.¹¹ Beyond this, it is a system that has affected the development and sustenance of viable opposition in the legislative houses. Sequel to this, we recommend the strengthening of the electoral system through the adoption of the proportional representation method for electing legislators.¹² Through this, the strength of opposition will be

11. C. Jaja Nwanegbo, "Poor Attitudinal Value and Democratic Disorder in Nigeria: A Critical Analysis of Nigerian Electoral System" in *Ogisi: A New Journal of African Studies*, Vol. 2, No. 2 January 2005b; and O.B.C. Nwankwo, "Electoral Systems and Electoral Processes" in O.B.C Nwankwo (ed.) *Fundamental Issues in Political Science*, Enugu: Quintagon Publishers, 2008.
12. See J. 'Shola Omotola, 'Electoral Reform and the Prospects of Democratic Consolidation in Nigeria', *Journal of African Elections*, Vol. 10 (1), 2011, pp. 187-207.

developed side by side with that of the support to the party during election. Competitive performance assessment would then become a major consideration for legislative representation. This has the capacity of driving a whole lot of other factor and solution.

Second, there is need to professionalise the legislature: Most of the constituencies have an understanding about method of rotating the representation in the state houses and even at the National Assembly. With it, the chance of having someone serving for a long time in the legislative house is limited. The consequence of this is that ideas and knowledge of the event at the state house fly in and out with any group that emerged. It is, therefore, suggested that we should begin to consider retaining our representatives in the house for a little longer time to reduce the impact of turnover on the performance of the house.

Third, need to provide adequate legislative facilities. As we have earlier mentioned, absence of the facilities affect the performance of legislative duties in Anambra State House Assembly. Office spaces, committee rooms, and even good quality of legislative aides. These will help the legislators in the performance of their duties.

Fourth, there is need for the political and administrative independence of the legislative louse. One of the principal demands of any legislature is independence from, more especially the executive branch. This has been described in all manners, especially as it concerns political independence. What seems to have affected the house mostly is the attachment of the house administratively to the executive. This is done through placing of the house staff under the Office of the Head of Service in the state. With the major administrative officers of the house linked to the Head of Service, independence of the legislative house is a mirage. In fact, the routine transfer of staff from the house to other ministries and other civil servant coming to the house has a very negative effect on the legislative activities; including serious setbacks on technical activities of the house occur.

CHAPTER 12

Bauchi State House of Assembly (Baha), 1999-2011

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INTRODUCTION

The return to civilian rule in May 1999 came with renewed hopes of good governance and sustainable democracy in Nigeria. Nigerians anticipated the recovery of the lost days of political participation and representation occasioned by military rule.¹ Although the people's expectations on the democratic rule were made unclear because of the history of uncertainty and attitudes of most elected representatives during the first and second republics, but they still have high hopes in this fourth republic.² Democracy assures the right and freedom

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1. E. Remi Aiyede, "Legislative-Executive Relations in Nigeria's Democracy" in Ojo, E.O. (ed.), *Challenges of Sustainable Democracy in Nigeria*, Ibadan, John Archers, 2006; Celestine O. Bassey, "Legislative Executive-Relations and the Future of Democracy in Nigeria", In Ojo, E.O. (ed.), *Challenges of Sustainable Democracy in Nigeria*, Ibadan, John Archers, 2006; H. Alapiki, *Nigerian Government and Politics*, Portharcourt, Amethyst Publishers, 2004; K.S. Fage, *Democracy and Nigeria's Fourth Republic: Myth, Realities Challenges and Prospects*, Kano, Triumph Publications, 2002; Fage, K.S. et al, *Political and Constitutional Development in Nigeria: From Pre-colonial to Post-Colonial Era*, Kano, Northern Printers Ltd, 2003.
 2. J. Isawa Elaigwu, *The Politics of Federalism in Nigeria*, Jos, Aha Publishers, 2005; J. 'Shola Omotola, "Impeachment Threats and Nigeria's Democracy" in Ojo, E.O. (ed.), *Challenges of Sustainable Democracy in Nigeria*, Ibadan: John Archers, 2006.

for people to fully participate in the political affairs of their states and gives them a sense of belonging and recognition as members. In other words, a democratic state is seen to be responsive to the demands and pressures from the citizenry since its right to rule is derived from popular support manifested in competitive elections.³ A democratic society is one that possesses a wide variety of institutions, which interact with one another to ensure efficient, responsive and accountable governance bounded by law.⁴ Democracy, therefore, approximates the rule of law, which means that power, should not be arbitrary; and that its exercise must be in contribution to a set of rules of law, with respect to its limits and mode of operation, thus constitutional separation of power and function.⁵

Modern democratic possesses require a wide variety of state and society institutions, bound by rule of law and separation of power to which Baron Montesquieu assumed in his theory of *Spirit of the Laws (Esprit de Lois)* in describing the checks, balance and division of powers between the executive, judiciary and the legislature. The legislature is one of the institutions of representative democratic branch that has to realise

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3. Claude Ake, *Democracy and Development in Africa*, Ibadan: Spectrum Books Limited, 2001; Arend Lijpart, *Democracy in Plural Societies: A Comparative Exploration*, London: New Haven Publishers, 1977.
 4. B. H. Gusau, "Nigeria's Fourth Republic Legislature and the Democratization Processes from 1999-2007" Text Paper Presented at the Annual Conference of Nigerian Political Science Association (NPSA) Benue State University, Makurdi, 16-18 November, 2008.
 5. Billy J. Dudley, *An Introduction to the Nigeria Government and Politics*, London: Macmillan, 1982; Richard A. Joseph, *Democracy and Prebendal Politics in Nigeria: the Rise and Fall of the Second Republic*, Ibadan: Spectrum Books Limited, 1991; A. O. Popoola, "Intergovernmental Relations, Federalism and the Balance of Power under the 1999 Constitution", in Jega A.M. et al (eds.), *Democracy and Democratization in Nigeria (1999-2001)*, Kano: CDRT Publishers, 2002; Eminue Okon, "Executive-Legislative Relations in Nigeria's Democracy" in Ojo, E.O. (ed.), *Challenges of Sustainable Democracy in Nigeria*, Ibadan, John Anchers, 2006; Mbah, P. (2007) "Executive-Legislative Relations in Nigeria: the Presidency and the National Assembly, 1999-2007" in *Nigerian Journal of Social Sciences*, Vol. 4, No. 1, 2007.

common goods and services of the people. Specifically, the legislative arm makes, amends or repeals laws. It should, therefore, be made clear at the onset that legitimate power or authority emanates from the people, who exercise it either directly through popular assemblies or by delegation through elected assemblies, elected executives or some other mode of representation such as the legislatures.⁶ The legislature is the pillar of representative democracy, but it has failed to honour constituents' demands and expectations, for government services and to efficiently and effectively make public policies meaningful, to the realisation of common goods and utilisation of resources. Democracy is based on political participation and representation; the legislature as the primary branch is armed with the role of ensuring that these roles are fully realised.⁷ Democratic idea legitimises power or authority that emanates from the people who exercise it either directly or through popular or delegated assemblies, or elected executives or some other modes of representation, thus, the legislature as the most important arm.⁸

This chapter assesses the functions of legislatures in democracy, with specific emphasis on the BAHA. It critical examines the membership of BAHA, based on names, constituency/units, gender, marital status, party affiliations, leadership in the house and number of bills passed. Through

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6. B.H. Gusau, "Nigeria's Fourth Republic Legislature and the Democratization Processes from 1999-2007" *National Workshop on the Legislature and the Sustenance of Democracy and Good Governance*, Bolingo Hotel, Abuja, under the auspices of Leadership Resource Consult and Research and Policy Analysis Centre, 26-31 August, 2007.
 7. Bradshaw, K. et al *Parliament and Congress*, London, Constable Press, 1972; R. A. Diamond, *Origin and Development of Congress*, Washington, Congressional Quarterly Inc, 1976; Silk, P. et al, *How Parliament Works 4th Ed.*, London, Longman Press, 1998; L. Clem, *Congress: Powers, Process and Politics*, Pacific Groove, California: Brooks/Cole Publication Company, 1989.
 8. T.I. Ojo, *The Nigerian Legislature: A Historical Survey Vol III: The Nigerian Legislature: Its Origin, Organisation, Processes, Procedures and Practices*, Lagos, ASCON; 2007; Schlesinger, A.M. et al, *Congress and the Presidency: Their Role in Modern Times*, Washington D.C., American Institute for Public Policy Research, (AIPPR) Publication, 1977.

tables and analysis, the case highlights the background, issues of lawmaking and other functions of BAHA. BAHA has made impact, to some extent, in providing laws meant to improve people's lives in the state. This is important because the BAHA, like its counterparts in other states of the federation, derives its powers from the 1999 constitution of Nigeria. To be sure, the jurisdiction of the state legislatures (SL) is contained in ss. 6 and 7 of this section, which mentioned that, "*The legislative powers of a State of the Federation shall be vested in the House of Assembly of a State,*" and that "*The House of Assembly of a State shall have the power to make laws for the peace, order and good government of the State or any part thereof . . .*" Part II, Second Schedule of the same constitution lists areas in which SHA's have policymaking jurisdiction, on areas like agriculture, education, tourism, transportation, etc. that clearly have direct bearing on the well-being of citizens.⁹ This constitutional role would also give them sight towards their other functions as peoples' representatives and to perform balancing roles.

ORIGIN, GROWTH, ORGANISATION AND PERFORMANCE OF BAHA

Bauchi state¹⁰ was created on 6th February, 1976 by the General Murtala Ramat Mohammed's administration. It was carved out from the former North-East region. The state comprises the Katagum, Gombe and Bauchi districts. Gombe state was created from the district of Bauchi state in 1996. The state now has the latitude of 9.3 and 12.3 North of the Equator and Longitude 8.5 and 11 East of the Greenwich Meridian, and it occupies a total of 549, 259.01 sq.km representing about 5.3 percent of the landmass of Nigeria. Currently, the state has 20 local government areas that include Alkaleri, Bauchi, Bogoro, Dass, Dambam, Darazo,

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9. Federal Republic of Nigeria, *1999 Constitution of the Federal Republic of Nigeria*. Abuja: Government Printers.
 10. D. T. A. Ohi, *Bauchi State: A Historical Perspective*, Abuja, Tim Communications Ltd, 2007; B. M. Nasiru, "Bauchi State: How far? How Much Further?", 2011; available at www.gamji.com-article5511.htm (accessed on 15 February, 2012).

Gamawa, Ganjuwa, Giade, Itas Gadau, Jama'are, Katagum, Kirfi, Misau, Ningi, Shira, Tafawa Balewa, Toro, Warji and Zaki. Like other states of the federation, Bauchi state also has three Senatorial Districts, namely Bauchi, Katagum and Misau; 12 federal constituencies; and 6 Emirate authorities comprising Dass, Jama'are, Misau, Katagum, Ningi and Bauchi. The projected population of the state, according to 1991 National Population head count, was 2.826.444 million, with 1.444.912 male and 1.4118.095 as female. The 2006 estimates, however, put Bauchi state as 4.676.465; it has 2.426.215 Male population while that of the female is 2.250.250. It is based on the state's formation, population and structure that the issues of democracy and political representations have come into play.

Table 1. Organisational Structure of BAHA

S/N	Departments
1	Legislative
2	Information and Publication
3	Legal Drafting
5	Planning, Research, Statistics and Library Services
6	Administration and Finance

Source: Researcher's fieldwork 2010

The State Assembly structure is based on (a) **division** comprises the office of the Clerk; Sergeant-at-Arms; Protocols; and Internal Audit (b) **department** comprises administration and finance; planning, research, statistics and library services; information and publication; legal services; and legislative. Thus, the categorisation indicated in the beginning that this research intends to present the identifiy areas of legislative roles and functions in the BAHA from 1999 to date. The table below indicates the number of honourable representatives, which keep changing, since the creation of the state, as was the case during the second, through the aborted third, to the current dispensation. These changes are, in some

cases, meant to ensure good, equal, fair and balance representation. In some other instances, however, changes were informed by political exigencies.

Table 2. Names of Members and their Constituencies, 1979-1983

S/No	Name	Constituency
1	Mal Jalinge Gurai	Kumo
2	Malam Gamboni Mohd	Akko West
3	Alh Yarima Baba Bogo	Akko East
4	Mal Dan-Kadai	Yamaltu West
5	Alh. Isa Umar Hina	Yamaltu East
6	Mal. Abdu Mohd Deba	Deba
7	Mal Baddiko Kashere	Pindiga
8	M. Idi Kuri	Deba
9	Alh. Yaya Garba	Alkaleri
10	M. Sule Duguri	Duguri
11	Alh. Ladan Mohd Kirfi	Kirfi
12	Alh. Shehu Mekaniki	Gwana
13	Alh Garba Mohd Noma	Bauchi
14	Mal Mohd Tirwun	Galambi
15	M Danladi Wuntin Dada	Zungur
16	M Sani Adamu	Darazo West
17	Alh Ahmadu Chiroma Darazo	Darazo East
18	M Maigari Yarima Papa	Sade
19	Alh Inuwa Daiye	Ganjuwa West
20	M Abdu Bakunawa	Ganjuwa East
21	Alh Jibrin Gane	Dass
22	Alh Adamu A. Dukku	Dukku South
23	Alh Ismail Mohd	Dukku North
24	M Kadiri A. Nafada	Nafada South
25	M Gimba T. K. Bajoga	Nafada North
26	M Buba Yarima	Gamawa
27	M Malami Mohd Udobo	Udubo
28	M Ibrahim Alabe	Sakwa
29	M Shehu Abubakar	Katagum
30	M Abubakar Lamido	Gombe
31	M Musa Gadam	Kwami West
32	M Mohd	Kwami East
33	Aliyu Mohd Gidado Muazu	Jama'are
34	Alh Yusuf Mohd Madshira	Azare

35	M Buba Mohd Tukur	Itas
36	Barau Shamaki	Gadau
37	Alh Bappariya Aliyu	Madara
38	Alh Babayo Chinade	Chinade
39	Alh Yamai Aliyu Misau	Misau
40	Alh Abdulkadir Aziri	Hardawa
41	Alh Suleiman B Danbam	Danbam
42	Alh Babayo Ahmad Dagauda	Dagauda /Jalam
43	Mr Yohanna Adamu	Ningi
44	M. Ibrahim Dan Mairo	Burra/Warji
45	M Sule Ibrahim Kirbori	Shira North
46	M Shehu Mohd Bukul	Shira South
47	Alh Bappa Haruna Disina	Disina
48	M Abdulmumuini Mohd	Giade
49	M Iliya Mailafiya	Lere North
50	M Bulus Foli	Lere South
51	M Jonah Tumbaibukar	Bogoro
52	Alh Adamu Bununu	Bula
53	M Waye Fatari	Tangale Waja Central
54	M Markus Wana	Tangale Waja North
55	M Kefas Dabadal	Tangale Waja South
56	M Keftin E Amugu	Tangale Waja West
57	M Tela Adamu	Tangale Waja East
58	M Umaru Turaki	Toro
59	Alh Garba Lame	Lame
60	M Abubakar Adamu	Jama'a

Source: Fieldwork, 2011

During this period, it can be argued that BAHHA had fair representation of wards and local areas in the state. This is obvious from the high numbers (60 Members) that were elected into it at one time or the other.

Table 3. Party Representation in the Second Republic

S/N	Political Party	Number (%)
1	NPN	46 (77%)
2	GNPP	12 (20%)
3	PRP	02 (03%)
4	OTHERS	-
	TOTAL	60 (100%)

Source: Researcher's Fieldwork, 2011

Table 3 indicates that the National Party of Nigeria (NPN) had more than half of the total membership of BAHA, with 46 (77%). The Greater Nigerian National Party (GNNP) had 12 (20%) members, while the Peoples Redemption Party (PRP) had only 02 (03%), leaving other parties with no representation.

Table 4. Leadership Positions in the Second Republic

S/N	Name	Constitutency	Position	Party
1	Alh Maigari Yarima Papa	Sade	Speaker	NPN
2	Alh Isa Umar Hina	Y. Deba	Deputy Speaker	NPN
3	Mohd Baba Ahmed	—	Clerk of The House	—
4	Umar Yerima Zambuk	—	Deputy Clerk	—
5	Abdulhamid Gidado	—	Sergeant In Arm	—
	Alh Bappa Haruna Disina	Disina	Chief Whip	NPN

Source: Researcher's Fieldwork, 2011

Political party representation and leadership distribution in the BAHA, as shown in table 4 above, reflected the domination of NPN, which had the Speaker and other key positions. Thus, formulation and passage of bills from the executive arm was largely easy, the same way it enhanced stable executive-legislative relations.

Table 5: BAHA Membership and Constituencies, 1999-2003

S/No	Name	Constituency
1	Baffah Haruna Disina	Disina
2	Abdulmalik M. Kundak	Duguri/Gwana
3	Sambo Y. Nassarawa	Ganjuwa East
4	Hamza M. Lanzai	Sade
5	Mohd I. Sadiq	Dass
6	Kabir Mohd Gidado	Pali

7	Abdullahi Shehu Yayu	Madara/Chinade
8	Abdul S. Gumau	Lame
9	Abubakar S. Ibrahim	Giade
10	Adamu Abdu Toro	Kirfi
11	Adamu S. Noma	Ganjuwa West
12	Ahmed I Tahir	Bauchi Central
13	Ahmed I Itas	Itas/Gadau
14	Auwal Madaki	Azare
15	Bilyaminu Usman	Burra
16	Dantata Hussaini	Toro/Jamaa
17	Garba Mohd Nasaye	Hardawa
18	Habba Sabo	Darazo
19	Idi Shehu Tiyin	Warji
20	Jibrin A Tafida	Lere/Bula
21	Lamara A Jajo	Shira
22	Mohd Mainagge	Udubo
23	Mohd Bunima	Sakwa
24	Mohd S Abubakar	Ningi
25	Musa S Shittu	Katagum
26	Salihu Ibrahim	Jamaare
27	Sani Mohd Golalo	Gamawa
28	Tanko Ibrahim Jalam	Dam/Dag/Jal
29	Tanko Y Dutse	Zungur/Galambi
30	Umar Baba	Chiroma
31	Yelmi Baraya	Bogoro

Source: Researcher's Fieldwork, 2011.

In the Fourth Republic, BAHA has 31 members, compared to 60 in the Second Republic before the 1996 creation of Gombe state.

Table 6. Leadership Positions of the BAHA, 1999-2003

S/N	Position	Name	Constituency	Party
1	Speaker	Baffa H Disina	Disina	PDP
2	Deputy Speaker	Abdulmalik M Kundak	Duguri/Gwana	PDP
3	Maj Leader	Sambo A Nasarawa	Ganjuwa East	PDP
4	Min Leader	Hamza A Lanzai	Sade	PDP
5	Maj Whip	Mohd A Sadiq	Dass	PDP
6	Min Whip	Kabir Mohd Gidado	Pali	PDP
7	Clerk	Ya'u Mohd Gital	—	—
8	Deputy Clerk	Yusuf Yerima	—	—

Source: Fieldwork, 2011

Table 5 also shows that the PDP has more members, compared to that of ANPP. This distribution also reflects in power functions and leadership of the house, as well as membership of committees and sub-committees. The combination in the house membership also reflects the same in the state executive council, thus it showed that PDP is the dominant party in the state, which helped stabilise, like in the second republic, legislative-executive relations.

Table 7. Bills Passed by BAHA, 1999-2003

S/N	Details	Year Passed
1	Poverty Alleviation Agency Law	1999
2	The Beast of Burden Reservation Law	1999
3	Local Government Establishment And Administration Law	1999
4	Bauchi State Appropriation Law	2000
5	District Courts Law	2001
6	Rent Control And Recovery Of Premises (Amendment) Law	2001
7	Independent Electoral Commission Law	2001
8	Shariah Criminal Procedure Code Law	2001
9	Shariah Penal Code Law	2001
10	Pension Board Establishment Law	2001
11	A Law To Repeal Liquor Law	2001
12	A Law To Amend Shariah Court Commission	2001
13	Bauchi State Polytechnic Law	2001
14	Division Of Local Government Areas Into Wards Law	2001
15	Advisory Council On Prerogative Of Mercy (Amendment Law)	2001
16	A Law To Amend Penal Code Law	2001
17	Bauchi State Appropriation Law	2001
18	A Law To Amend Remuneration Of Public And Political Office Holders Law	2001
19	Bauchi State Polytechnic (Amendment Law)	2001
20	Supplementary Appropriation Law	2001
21	Bauchi State Agricultural Development Authority Law	2002
22	Bauchi State Appropriation Law	2002
23	A Law To Abolish Illegal Erection of Filling Stations	2002
24	Supplementary Appropriation Law	2002
25	Local Government Electoral Ward Law	2002
26	A Law To Create Additional Ward	2002

Source: Researcher's Fieldwork, 2011

Between 1999 and 2003, 26 Bills were passed into law, covering areas such as appropriation, poverty, local governance, Shariah, rural development and electoral laws, etc.

Table 8. Membership and Constituencies of BAHA, 2003-2007

S/No	Name	Constituency
1	Adoji Abdu Disina	Disina
2	Idris Musa. Kunkur	Duguri/Gwana
3	Wada Mohammed	Ganjuwa East
4	Mohammed Yelwa Hamza	Sade
5	Mohd I Sadiq	Dass
6	Gambo Sule Pali	Pali
7	Abdullahi Shehu Yayu	Madara/Chinade
8	Lawal Yahaya Gumau	Lame
9	Adamu Ibrahim Zabi	Giade
10	Harsanu Yunusa Guyaba	Kirfi
11	Adamu S Noma Kariya	Ganjuwa West
12	Ahmed Ibrahim Marafa	Bauchi Central
13	Ahmed Adamu	Itas/Gadau
14	Auwal Madaki	Azare
15	Sani Mohammed Burra	Burra
16	Isa Babayo Tilde	Toro/Jamaa
17	Garba Mohd Nasaye	Hardawa
18	Habba Sabo Gabarin	Darazo
19	Bawa Alabura	Warji
20	Jibrin Aliyu Tafida	Lere/Bula
21	Ahmed Mohammed Tukur	Shira
22	Mohd Mai-Nagge	Udubo
23	Mohd Auwal Jatau	Sakwa
24	Abba Saleh Balma	Ningi
25	Mohd Danabba Shehu	Katagum
26	Shehu Abubakar	Jamaare
27	Ali Adamu Sabo	Gamawa
28	Tanko Ibrahim Jalam	Dambam/Dagauda/Jalam
29	Garba Bala Gwallameji	Zungur/Galambi
30	Baffa Aliyu Misau	Chiroma
31	Yelmi Baraya	Bogoro

Source: Researcher's Fieldwork, 2011

Table 8 reveals a high level of continuity in membership through the normal channel of constituencies.

Table 9: Leadership Positions, 2003-2007

S/N	Position	Name	Constituency
1	Speaker	Mohad A Jatau	Sakwa
2	Deputy Speaker	Gambo Sule Pali	Pali
3	Maj Leader	Adoji Abdu Disina	Disina
4	Chief Whip	Ahmed Lumana	Dass
5	Deputy Whip	Sani Mohd Burra	Burra

Source: Fieldwork, 2011

Table 9 shows the leadership of BAHA during its second legislative session under the fourth republic, also dominated by the ruling party, as was the case in the legislative session preceding it.

Table 10. Bills Passed By BAHA, 2003-2007

S/N	Details	Year Passed
1	Bauchi State House of Assembly Law	2003
2	Zakat and Endowment Fund Law	2003
3	Local Government Pension Fund (Amendment) Law	2003
4	Joint Local Government Account Law	2003
5	Local Government Creation Law	2003
6	Local Government Creation (Amendment) Law	2003
7	Local Government Estab. and Admin (Amendment) Law	2004
8	Shariah Court of Appeal (Amendment) Law	2004
9	Local Government Establishment Law	2004
10	Bauchi State Appropriation Law	2004
11	Tourism Development Board Law	2004
12	Emergency Management Agency Law	2004
13	Governor and Deputy Governor Pension Law	2004
14	Remuneration of Public and Political Office Holders (Amendment) Law	2004

15	A Law To Enable The Government of Bauchi Raises Funds From Capital Markets	2004
16	Shariah Court of Appeal (Amendment) Law	2004
17	High Court (Amendment) Law	2004
18	Establishment of Bauchi State Assembly Service Commission Law	2005
19	Bauchi State Appropriation Law	2005
20	Bauchi State Universal Basic Education Law	2005
21	Bauchi State Local Government Councils (Appointment) Of Caretakers Committees) Law	2005
22	Bauchi State Supplementary Appropriation Law	2005
23	Bauchi State Appropriation Law	2006
24	Bauchi State Supplementary Appropriation Law	2006
25	Bauchi State Privatisation Bureau Law	2006
26	Bauchi State Law To Provide Special Protection for Wildlife in Sumu Reserve	2006

Source: Researcher's Fieldwork, 2011

The passage of 26 bills into law by BAHA in its second session of the fourth republic can be regarded as the right step towards democratic good governance. It indicated that great efforts were been made by the BAHA to make laws that can meaningfully impact the welfare of the people of the state. Laws most especially on local government, UBE, Assembly Commission and appropriation are particularly of general interest to the populace.

As Table 11 shows, very few of the members have first degree, while the majority has one form of diploma or its equivalent. Indeed, some have only Grade II certificate, a development that can negatively impact the quality of representation and legislative outputs. Although many decamped to PDP from ANPP in some months after elections of April 2007, there was still some reasonable measure of harmony in executive-legislature relations because the executive also shifted alliance to the ANPP.

Table 11. Constituencies and Educational Qualification of BAHAMembers, 2007-2011

S/No	Name	Constituency	Party	Qualification
1	Adoji Abdu Disina	Disina	PDP	NCE
2	Mustapha Ibrahim Yalo	Duguri/Gwana	ANPP	G. II
3	Mohammed Mustapha Sallah	Ganjuwa East	ANPP	G. II
4	Abdulkadir Mohammed Wahu	Sade	ANPP	DIP. Comm. Health
5	Saleh Abubakar Dumba	Dass	ANPP	Diploma
6	Musa Mohd	Pali	ANPP	NCE
7	Abdullahi Shehu Yayu	Madara/Chinade	PDP	Diploma
8	Shuaibu A. Ismail	Lame	ANPP	LLB
9	Adamu Ibrahim Baffa	Giade	PDP	Diploma
10	Harsanu Yunusa Guyaba	Kirfi	ANPP	B.Sc. Acct.
11	Halliru D Jika	Ganjuwa West	ANPP	OND
12	Babayo Garba Dali	Bauchi Central	ANPP	B. A. Pol. Sc.
13	Adamu M Lele	Itas/Gadau	AC	SSCE
14	Ibrahim Adamu	Azare	ANPP	-----
15	Bilyaminu Usman	Burra	ANPP	SSCE
16	Abdulkadir A Zaranda	Toro/Jamaa	ANPP	G II
17	Garba Sarki Mohd Rabi Mohd Hardawa	Hardawa	ANPP	DIP. Acct. G II
18	Dayyabu Chiroma	Hardawa Darazo	PDP	HND
19	Bawa Alabura	Warji	ANPP	HND
20	Mohd Aminu Tukur	Lere/Bula	PDP	B. ED
21	Abubakar A Faggo	Shira	ANPP	NCE
22	Umar Babayo Kesa	Shira	ANPP	HND
23	Mohd Auwal Jatau	Udubo	ANPP	G. II
24	Abdulummini Hassan Ningi	Sakwa	PDP	Reg. Nurse
25	Mohd Danabba Shehu	Ningi	ANPP	Reg. Nurse
26	Mohd Danabba Shehu Adamu H Waziri	Katagum Jamaare	PDP	G. II
27	Ibrahim Garba Gamawa	Gamawa	ANPP	OND Agric Sc. DIPLOMA

28	Haladu Ayuba	Dambam/Dagauda/Jalam	PDP	G. II
29	Jibrin Adamu	Zungur/Galambi	ANPP	B. Tech Comp.
30	Baffa Aliyu Misau	Chiroma	ANPP	G. II
31	Rifkatu Samson	Bogoro	PDP	DIP Acct & Audit

Source: Fieldwork, 2011

Table 12. Leadership Positions of BAHA, 2007-2011

S/N	Position	Name	Constituency	Qualification	Party
1	Speaker	Halliru D Jika Halliru A Faggo	Ganjuwa West Shira	OND HND	ANPP PDP
2	Deputy Speaker	Shaibu A Ismail	Lame	LLB	PDP
	Deputy Speaker	Sale A Danba	Dass	DIPLOMA	PDP
5	Maj Leader	Babayo G Gamawa	Gamawa	DIPLOMA	ANPP
6	Min Leader	Mohd Auwal Jatau	Sakwa	NURSE	PDP
7	Chief Whip	Ibrahim Adamu	Azare	—	ANPP
8	Min Whip	Bawa Alabura	Warji	B.ED	PDP

Source: Fieldwork, 2011

Probably as a result of cross-carpeting and change of alliance earlier mentioned, the leadership of BAHA from 2007-2011 was shared almost evenly between the PDP and ANPP, unlike the past when it used to be monopolised by the party in power. While this could be said to be healthy for democratic development, especially in the area of providing vibrant opposition, it also has its other side, most notably in terms of intra-legislative conflicts that resulted in the change of leadership, the Speaker.

Table 13. Bills Passed By BAHA, 2007-2011

S/N	Details	Year Passed
1	Remuneration Of Public And Political Office Holders	2007
2	Local Government Establishment (Amendment) Law	2007
3	Fiscal Responsibility Law	2007
4	Bauchi State Shariah Commission Amendment Law	2007
5	A. D Rufai College of Legal An Islamic Studies (Amendment) Law	2007
6	Bricks and Other Clay/Products Development Council Law	2007
7	Bauchi State Supplementary Appropriation Law	2007
8	Bauchi State Shariah Commission (Amendment) Law	2007
9	Bauchi State Appropriation Law	2007
10	Bauchi State Appropriation Law	2007
11	Creation of Additional Districts and Villages Areas in Bauchi State	2007
12	Bauchi State Budget Monitoring, Price Intelligence and Public Procurement Law	2007
13	Bauchi State Appropriation Law	2008
14	Establishment of Local Government Areas	2008
15	Bauchi State Normadic Education Law	2008
16	Universal Basic Education (Amendment) Law	2008
17	Bauchi State Community and Social Development Agency Law	2008
18	Law to Amend Tatars Ali Polytechnic	2008
19	Law to Amend Special Schools Management Board	2008
20	Law to Establish Bauchi State Agency for the Control of Hiv/Aids, Turberculosis and Malaria (Bacatma)	2008
21	Bauchi State Christian Pilgrims Welfare Board (Amendment) Law	2008
22	Bauchi State Thugs and Thugery and Matters Related Thereto Law	2008
23	Bauchi State Pension Board (Amendment) Law	2008
24	Assembly Service Commission (Amendment) Law	2008
25	Bauchi State Budget Monitoring, Price Intelligence and Public Procurement Unit	2008
26	A Law to Provide for Prudent Management of Bauchi State Resources	2008
27	Establishment of Bauchi State Primary Health Care Development Agency Law	2008

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28	Establishment of Health Management Board's Law	2008
29	Establishment of Compositional Powers of Bauchi State Independent Electoral Commissions Law	2008
30	Bauchi Suppelementary Appropriation Law	2008
31	Bauchi State Appropriation Law	2009
32	Bauchi State Teachers Service (Amendment) Law	2009
33	Bauchi State Commission for Youth and Women Rehabilitation and Development Law	2009
34	Establishment of Bauchi State Debt Management Agency Law	2009
35	Bauchi State Rural Water And Sanitation Agency Law	2009
36	Bauchi State Fertilizer Distribution and Administration Agency Law	2009
37	Illegal Dealing In Fertilizer (Prohibition) Law	2009
38	Bauchi State Signage And Advertisement Management Law	2009
39	Bauchi State Anti-Corruption Unit Law	2009
40	Emergency Management Agency Amendment Law	2009
41	Bauchi State University Law	2009
42	Bauchi State Developmental Finance Law	2010
43	Bauchi State College of Health Technology Law	2010
44	Bauchi State Agency for person with Disability Law	2010
45	Bauchi State Information and Communication Technology Law	2010
46	Sustainable Livelihood, Biological Conservation and Outreach Fund Law	2010
47	Bauchi State Urban Planning And Development (Amendment) Law	2011
48	Bauchi State Supplementary Appropriation Law	2011
49	Bauchi State Appropriation Law	2011
50	Bauchi State Supplementary Appropriation Law	2011
51	Creation of Seyawa Chiefdom Law	2011
52	Creation of Additional Districts And Village Areas	2011

Source: Researcher's Fieldwork, 2011

In the third legislative session under the fourth republic, 2007-2011, the BAHA passed over 50 bills, addressing important developmental and democratic concerns such as anti-corruption law, appropriation bills, educational empowerment, health, technology, nomadic, UBE and Teachers Board. So also on health, water, agriculture, women, youth and rural development, traditional rulers and district matters, and so on.

Table 14. Gender Representation of BAHA, 1979-1983, 1999-2011

S/N	Gender	1979-1983	1999-2003	2003-2007	2007-2011
1	Male	60 (100%)	30 (97%)	30 (97%)	29 (94%)
2	Female	00 (00%)	01 (03%)	01 (03%)	02 (06%)
	Total	60 (100%)	31 (100%)	31 (100%)	31 (100%)

Source: Researcher's Fieldwork, 2011

Despite the fact that the number of females and male in Nigeria, according to the 2006 population census, the low number, may near total exclusion of women in BAHA, as shown in Table 14, shows how women are seriously being neglected in the politics and policy processes of the state, as in most countries of the world.¹¹ Male gender dominated the political culture and tradition in Bauchi state since the creation of the state. It has the highest representation of women from 2007-2011, 2(06%). This shows a high degree of gender insensitivity, or better still gender blindness, of BAHA. This may also be a reflection of the patriarchal nature of the political culture of the area, as well as the excessive masculinisation of politics. In the absence of number, it is impossible to talk about the quality and effectiveness of women representation.

Table 15. Marital Status BAHA Members, 1979-2011

S/N	Status	1979-1983	1999-2003	2003-2007	2007-2011
1	Married	60	31	30	29
2	Single	00	00	01	02
	TOTAL	60	31	31	31

Source: Fieldwork, 2011

11. See, for example, J. 'Shola Omotola 2007a. 'What is this Gender Talk All About After All? Gender, Power and Politics in Contemporary Nigeria', *African Study Monographs*, 28(1), 2007a, pp. 33- 46; J. 'Shola Omotola, 'Engendering the Legislature in Nigeria: Faltering Prospects and New Hopes', In Saliu, H.A. et al (eds.), *Nigeria Beyond 2007: Challenges and Prospects*. Ilorin: Faculty of Business and Social Sciences, University of Ilorin, 2008.

Apart from notable exceptions of 1 and 2 from 2003-2007 and 2007-2011 respectively, all the House Members are married, which may be an indication of maturity, stability and concern for the moral upgrading and status orientation of the BAHA.

Table 16. Educational Qualification, 2007-2011

S/N	Qualification	Frequency (%)
1	Post-Primary	10 (32%)
2	NCE/Diploma/Ad	13 (42%)
3	HND/Degree	07 (23%)
4	Postgraduate	00 (00%)
5	Other	01 (03%)
	TOTAL	31(100%)

Source: Researcher's Fieldwork, 2011

Table 16 reveals that the average number of members has at least NCE/DIPLOMA/OD: 13 (42%); followed by post-primary qualifications with 10 (32%). As the table also reveals, the level of educational underdevelopment in state, leading its categorisation as one of the educationally disadvantage states in Nigeria, may be valid, after all. This is exemplified by the fact that none of the members possessed postgraduate certificate. Worse still, only 7 (23%) has first degree. Low level of education of Members of Parliament (MPs) has been seen as one of the main reasons for the poor quality of representation and productivity in Africa.¹²

12. See J. 'Shola Omotola, 'The Legislature in Democratic Political Theory: Nigeria in Comparative Perspective', chapter one of this book. See also Laniyan N. et al, *Competency and Capacity Gaps: Assessments of Departments in the National Assembly*, Abuja, NAIR Report Series No 1, 2008; Humalai, K. *Legislative Capacity and Effective Representation in Nigeria: The Case Study of State Assemblies in the North East and North West Zones*. Abuja, Nigeria Journal of Legislative Affairs, Vol. 1 No 1, 2006.

Table 17. Representation by Local Government and Senatorial Zones

Zone	Senatorial Districts/LGs	Freq. (%)
Bauchi South	Bauchi, Kirfi, Alkaleri, Dass, Bogoro, Tafawa Balewa, Ganjuwa	07 (35%)
Bauchi Central	Misau, Dambam, Ningi, Darazo, Toro, Jamaare, Warji	07 (35%)
Bauchi North	Shira, Gamawa, Giade, Katagum, Zaki, Itas Gadau,	06 (30%)
	TOTAL	20 (100%)

Source: Researcher's Fieldwork, 2011

Table 17 shows that in terms of spatial distribution of representation, adequate attention was paid to fairness, equity and justice. The south and central zones each has 7 LGs (35%), while north has 6 (30%).

SUMMARY, RECOMMENDATIONS AND CONCLUSIONS

The role of BAHA since inception has always been to make, enact, change or dismiss laws, as well as to serve as checkers and balancers of the executive. Several tables in this chapter have defined, since its inception, the various names, constituencies, parties, gender, and bills passed within specific legislative sessions. The chapter observes, from the BAHA experience, that on many occasions, the legislature has been reduced to a mere bills passing machine at the instance of the executive, the state governors. This may not be unconnected to the generally low level of education of the MPs, as well as the phenomenon of one party dominance, nay monopoly, in the BAHA. This tends to limit the degree of responsiveness and accountability to the people in the discharge of their legislative duties. Nevertheless, some of these bills also address popular concerns of interest to the populace, including appropriation bills and other issues of state's importance for the provision of basic goods and services.

As an institution for articulating and aggregating the interests of their constituencies for good governance and development, MPs have to be

directly answerable, to their electorates, in law making for socio-economic development of the state. Once given the mandate, MPs need to develop the political will to do well in the name of the people; therefore they need to be disciplined and focused in performing their roles. They need to be more serious, in reviewing, assessing or debating and screening of bills submitted from the executive or its related agencies. In this regard, highly educated people should, as much as possible, be elected into Assembly. Thus, where the legislators are semi-literate with GII and Diploma certificates averagely; and not very much exposed in knowing their role and responsibilities, bills as a result can be wrongly passed into law in desperation or in accordance with executive's orders and wishes.

In addition, the roles of political élite are becoming a constraint to BAHA functions due to their interferences, which limit the capability of BAHA in delivering democratic dividends. The general public should be mobilised and articulated by the legislatures through media education in checking the excesses of the élite that are, at times, godfathers to most members. They should be fearless and committed towards ensuring that state resources are judiciously utilised and fill gaps in advocating fairness and rule of law through open dialogue. There should be checks and balances through accountability and transparency in the utilisation of public funds. The arm needs the support and intervention of agencies such as the Economic and Financial Crimes Commission (EFCC) and other similar agencies to fully expose and fight corruption in all its ramifications. BAHA should have its separate budgetary allocation in order to ensure its independency. Moreover, appointment of all workers in the BAHA should be by and from the Bauchi State Assembly Service Commission (BSASC) only. Cordial relationships should be established and consolidated between members from the opposition party and the party that control the government; and power separation to other branches should not be tight and strict, rather cooperative and constitutional for the development of the state and the nation at large.

These suggestions are predicated upon the finding by the chapter that BAHA is still a semi-independent body in playing its roles. With training and retraining, it is hoped that BAHA will definitely gain ground and be

firm in passing bills responsibly. All funds allocated to various ministries and departments in all arms have to be properly utilised and accounted judiciously under the supervision of various assembly committees, in order to avoid wastages and inefficiency. The legislators should always realise that they are representing their constituencies and the general public, so they have to always act in public interests.

CHAPTER 13

Borno State House of Assembly, 1999-2010

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INTRODUCTION

The legislative arm of government at the state level in Nigeria is named the House of Assembly. With the introduction of presidential system of government in 1979, it provided for a bicameral legislature at the Federal level (National Assembly) composed of Senate and House of Representatives. The former is the upper House while the latter, the lower House. State Assemblies are unicameral.

The Borno State House of Assembly, like any other legislature in Nigeria, has a role to play in a democratic dispensation. The legislature in most democratic societies or polities has its primary function of legislation. It is entrusted with the powers to make laws for peace, order and good governance. The members are elected representatives of the people, and it is through them that the people participate in the process of governance. Primarily, the major functions of the legislature, according to Sam Egwu,¹ are as follows: deliberate on matters of general interest; lawmaking, Financial powers, especially in relation to appropriation or

1. See, Sam Egwu, 'Committee Selection and functions', Being a paper presented at the induction course for legislative fellows, at Country Home Hotel, Jos, organised by The Institute of Social Sciences and Administration (TISSA), based in Ibadan 6-8 August (2000) pp. 2-3.

proposals for the use of public money; checkmating the excess of executives (largely oversight function including the power of impeachment), confirmation of key political appointment (for instance, commissioners and special advisers), providing political education to the public, as well as leadership selection.

The Borno State House of Assembly plays a role in this direction in order to attain the aforementioned functions. The history of legislative government and constitutionalism in Nigeria, as in most developing countries, has been a chequered one. The British government during colonial era has produced various constitutions such as the 1922, 1933, 1946, 1951, 1954, and 1960 constitutions through proclamation.² This chapter explores the history, role and performance of the Borno State House of Assembly under the fourth republic.

THEORETICAL PARADIGM

The élite theory is employed to have a grasp and better understanding of legislative and executive politics in Borno State. It should be noted that in any society, there are élite and the governed. Legislative members form one aspect of the ruling group as they represent their constituencies. Exponents of élite theory include Vilfredo Pareto, Gaetano Mosca and Robert Michels. The argument of this school³ of thought is that in any society two groups or classes of people are found. These are the governing class and the non-governing (the electorate) élite. They note that élite are further divided into two—the governing élite and the non-governing class. The governing class is the one that wields power for a particular

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2. See, Ayoade, Bosede Bolajoko, 'The Legislature: A Historical Background and Legislative Practice and Procedure', in *The Legislative and Governance Index 2001* (ed.), published by Centre for Democracy and Development, Abuja (2002), p. 12.
 3. Garuba, O.P.: An introduction to Political Theory, (ed.), Delhi: Macmillan Press, (2007), pp. 440 and 454: See also Johari, J.C.: Contemporary Political Theory, New Dimension, Basic Concepts and Major Trends. India: Sterling Publishers Private Ltd, (2009), p. 532.

time, while none governing élite constantly try to replace it by showing greater ability and excellence. To put it precisely, according to Michel's famous 'Iron law of oligarchy', it implies that every organisation – whatever its original aims, is eventually reduced to an oligarchy, which is the rule of the chosen few. The classic expression of this theory is contained in the works of Gaetano Mosca who seems to follow Marx in his argument that in all societies, two classes of people appear – a class that rule and a class that is ruled. That majority of human beings are apathetic, indolent and slavish, and they are incapable of self government. The élite show highest ability in their field of activities, whatever the nature might be, while the masses are characterised by lack of qualities of leadership and fear from responsibility. They feel safe in following the direction of the élite. In spite of inadequacies resulting from inability of either the legislature or the executive to meet the expected needs of the people, some people are contented with stipends or handout from members of the House or politicians in general.

The power tussle that frequently erupt in the House can better be understood within the prism of the élite theory of Michel's Iron law of oligarchy that only the chosen few that specialised in the craft of lawmaking are elected in the business of legislature. The impeachment and counter impeachment, exemplify the theory that one camp of elites strive to capture power from the other (speaker) justifying that they can do better than the other camp. The lethargic attitudes of the ordinary people (the electorate) justify this postulation and explain one of the reasons why no single bill emanated from the public but rather from executive and legislature in the state.

A HISTORICAL OVERVIEW OF BORNO STATE HOUSE OF ASSEMBLY

The 1979 constitution is a milestone in the historical development of the Borno State House of Assembly. The House was inaugurated in October 1979 and elected Ibrahim Damagum as the Speaker of the House with 70 Honorable members for the period of four (4) years, 1979 -1983. During this period, the Great Nigeria People's Party (GNPP) controlled the

House as the majority party, while the National Party of Nigeria (NPN) and the Unity Party of Nigeria (UPN) were opposition parties.⁴

The second republic was born out of the much awaited democratic dispensation of long periods of military regimes. One of the major significance of the change of the second republic was the introduction of presidential system of government as well as the creation of states. The above scenario provided a platform for a functional legislature where separation of powers and checks and balances thrived.⁵

During the 1983 General Elections of the second tenure, the second republic legislature was ushered in with the NPN as the majority party. The House elected Mele Bukar Masu from Masu constituency of Konduga Local government as Speaker and Bulama Jagamu Amshi from Bade Central (now in Yobe State) emerged as Deputy Speaker. The House was short lived as a result of military intervention, hence its demise prematurely on 31 December 1983 before the expiration of the four-year tenure.

The two-party system practised during the aborted third republic were the Social Democratic Party (SDP) and National Republican Convention (NRC). Out of the total forty two state constituencies of the Assembly, the SDP controlled the House as the majority party producing three speakers⁶ at different occasions, which included Alhaji Tijjani Bakomi (Yerwa), Bukar Kachalla (old Maiduguri) and Modu Aisami (Mobbar East) respectively. Although the House in the aborted republic was characterised by unstable legislative business, the period was not totally without credit to the House. On 17 November 1993, there was another military intervention in the Nigerian Polity which terminated the two-party system as well as the House. However, in 1997 there was yet another state Assembly, which could not see to its inauguration due to

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4. See A publication of the Borno State House of Assembly titled, Meet your Representatives, It contains the biographical facts of Members of Borno State House of Assembly, Sixth Republic Legislators (2010), p. 4.
 5. See Abdulsalam, B.A.: Legislators and Legislative Functions in Borno State, (1999-2006), published by The Borno State House of Assembly (2007), p. 24.
 6. Abdulsallam, *ibid*, p. 5.

the death of the former head of state, General Sani Abacha, who masterminded the transition.

Soon after the death of Abacha, General Abdulsalami Abubakar, who became the head of state produced a transition, which ushered in the Fourth⁷ Republic. The three (3) major political parties that steered the establishment of the fourth republic were People's Democratic Party (PDP), All People Party (APP) later became All Nigerian People's Party (ANPP) and Alliance for Democracy (AD).⁸ On 6th June 1999, twenty-eight (28) members from various state constituencies across the state were inaugurated. After the inauguration, in pursuance of s. 90 of the constitution and s. 103 (1) of the Borno state House of Assembly standing Order (Rules), they proceeded with legislative business and established six special committees and 13 standing committees. During the period, Bulama Fugu Ibrahim from Abadam and Hon. Musa Inuwa Kubo from Shani constituencies were elected Speaker and Deputy Speaker respectively. On 14 August, 2002 Honorable Balama Fugu Ibrahim was impeached and the House elected Musa Inuwa Kubo, then Deputy Speaker from Shani as Speaker while Ibrahim Lawan Umar Kareto from Mobbar constituency became Deputy Speaker until 2 June, 2003 which marked the end of the regime.

The second tenure of the fourth republic signaled the beginning of diffusion of opposition. Since the legislators were dominated by ANPP members with an overwhelming majority of 25 out of 28 legislators, the process of legislation was smooth and had little or no challenges. In October 2003, Asheik Hurso Bashir from Marte constituency was elected Speaker of the House.⁹ He resigned voluntarily as the Speaker of the House. Abba Ali Mangal from Monguno constituency served as a Speaker from June - October 2003. This ushered in Honorable Goni Ali Modu

7. *Ibid*, p. 39.

8. *Ibid*, p. 39.

9. See A publication of the Borno State House of Assembly titled, *Meet Your Representatives*, It contains the biographical facts of Members of Borno State House of Assembly, Sixth Republic Legislators (2010), p. 5.

who was elected unanimously on 29 October, 2003 as the 10th Speaker of the House.

Similarly, during the second tenure of Governor Ali Modu Sherriff and the sixth inauguration of the House, Goni Ali Modu was re-elected as the 11th Speaker of the House on 6 June 2007. For the first time in the history of Borno State a single party controls the entire House without single opposition member in the House. The House was divided into 28 Special and Standing Committees, each headed by a Chairman with at least two members.

Administratively, the House is made up of legislative processing, administration and supplies; finance and accounts; planning, research and statistics; legal drafting; information, printing and publication, as well as protocol.¹⁰ The foregoing explains the mutual and unequivocal relationship between the House and the executive, compared to the regime of former Mallah Kachalah's when opposition and threats of impediment were often staged and agitated. Executive-legislature relations under Governor Ali Modu Sherriff was cordial because it was one party House and perhaps as a major godfather, the executive governor did not face much challenge but instead obtained standing ovations at all times.

LEGISLATIVE POWERS AND FUNCTIONS

The imperative of legislature in any democratic setting cannot be over-emphasised. It is very central to the sustenance of democracy. It is perhaps where the real representation of the people is made manifest, in the sense that it is the arm of government where majority of the elected representatives of the people are concentrated. It is important also because it serves the critical function of checks and balances in a democracy.¹¹ In like manner, John Locke¹² regarded legislative power as the supreme power in every

10. Ibid, p. 6.

11. See Liman, Abdullahi: The Legislature as an arm of Government: Powers, Duties and Responsibilities of the Legislature in Legislating for Democracy, in book of proceedings titled The retreat of House of Representatives, held from 16-19, August, 2004, edited by Mato Kabir, (2004), p. 27.

12. Ibid, p. 30.

society and as the greater instrument that guarantees men the enjoyment of their property in peace and safety.

The legislative powers of the states of the federation are vested in the House of Assembly of a state. In line with the provisions of the 1999 Constitution of the Federal Republic of Nigeria, the state Houses of Assembly are unicameral in nature.

To substantiate the relevance of the legislature, the various Houses of Assembly are vested with the power to confirm the state governor's Commissioners Appointees through Section 192(2) of the 1999 constitution. The State Houses of Assembly also confirm the appointment of the Chief Judge of a state (s. 271(1), the Grand Khadi of the Sharia Court of Appeal of a State (s. 276 (1) and the President of the Customary Court of Appeal (Section 281(1). Therefore, s. 197 (1a, b, c) in light of s. 198, vested in the State House of Assembly powers to confirm the appointment of chairmen and members of state commissions, boards and agencies.

With regards to impeachment and judicial functions, the constitution contains formidable checks and balances on the executive arm through the legislature impeachment instrument. This was evident in Borno state House of Assembly in 2002 when the legislature threatened to impeach Governor Mallah Kachallah over the institutional appointment into the boards of state-owned companies.¹³

The Court of Appeal endorsed the judicial complexion of this power in Ababiribe's case where it was held: "*When the House of Assembly is exercising its constitutional power in a matter relating to proceeding on impeachment, the House is performing a judicial function*".¹⁴ Nigeria has witnessed worrisome application of the constitutional powers for instance, Kaduna State House of Assembly, removed Governor Balarabe

¹³ See *Daily Trust* (January, 2002), pp. 20, 29. The House complained against one of the nominee for chairman of a parastatal specifically, WaterBoard lacked qualification to manage same. This type of nomination was a clear case of politics of cronyism which is inimical for good governance.

¹⁴ See Anyaegbunam, Emmanuel, O. *Assembly Handbook: A Legislator's Companion* Published by Friedrich Ebert Stiftung, Frankad Publishers, Lagos (2003), p. 40.

Musa from office applying this power.¹⁵

Similarly, the constitution provides for approval of the deputy Governor of the state in a situation where the governor-elect die or unable to be sworn in by virtue of s. 181 (1) of the constitution by simple majority. Other powers conferred by the constitution includes powers to investigate public agencies and review the implementation of government policies, i.e. good governance and limit inefficiency; power to approve or reject important appointment;¹⁶ among other things. The primary function of the legislature as reflected in section 4 of the constitution includes:

- (i) Statute making: This involves the enactment repealing and revision of laws for the whole state.
- (ii) The legislature promotes the doctrine of separation of powers
- (iii) They provide for some oversight function.
- (iv) Providing link between government and the governed (people)
- (v) They are means of channelling demands from below and providing information from above.
- (vi) It provides relevant facts and fancies before the electorate which does sit in judgment seat upon governments.
- (vii) Investigation: The legislature performs investigative function
- (viii) Representation: The legislature is the very essence of reprehensive government.¹⁷

In what follows, the chapter proceeds to evaluate the performance of the Borno state house of Assembly during the study period, 1999-2011.

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15. For historical insights into politics of impeachment in Nigeria, including that of Balarabe Musa, Kaduna state, see J. 'Shola Omotola, "Impeachment Threats and Nigeria's Democracy", in Ojo, E.O. (ed.), *Challenge of Sustainable Democracy in Nigeria*, Ibadan: John Archers Publishers (2006), pp.183-208.
 16. This was evident in the case of Former Borno State Executive Governor Mallah Kachallah when the House rejected the list of nominees for the post of Commissioners on the ground that it omitted the geographical location of nominees. The House observed that it is gross violation of Section 14 sub-section 4 of the 1999 Constitution.
 17. Ball, Allan R. *Modern Politics and Government*, 2nd ed., London: The Macmillan Press Ltd (1979), pp. 150-151.

LAWMAKING PERFORMANCE, 1999-2011

Between 1999 and 2011, a total of eighty-four (84) Bills were passed into laws, together with about 300 Resolutions, which touched the lives of the people in the state. Notable among these are provision of relief materials for flood and fire disaster victims, provision of health related materials and services – snake bite, epidemics, cholera, evacuation of drainages and culverts. Others include renovation of primary, secondary and tertiary institutions, construction and rehabilitation of feeder roads, provision of portable drinking water, among other. Table 1 reflects the performance of the legislative organ for the past ten years.

Table 1. Bills Passed into Law, 1999-2011

S/No.	Title	Sponsor	Nature	Year of Assent
1	Borno State Rural water supply Agency	Executive	Water supply	1999
2	Appropriation Law	Executive	Fiscal	1999
3	Supplementary Appropriation Law	Executive	Fiscal	1999
4	Borno state Order of precedence Law, 1999	Executive	Administration	1999
5	Borno State Housing Corporation Law	Executive	Housing	2000
6	Implementation of Remuneration of Political and public office holders in the state and Local Governments (Executive, Legislative and Judiciary) as determined in the committees report	Executive	Fiscal Allocation	2000
7	Shariah Administration of Justice in Borno state	Executive	Religious Affairs	2000
8	Law of the prohibition of prostitution, Homosexuality, Lesbianism, Adultery, Fornication and operation of brothels	Executive	Religious Affairs	2000
9	Appropriation Law	Executive	Fiscal	2000
10	Supplementary Appropriation Law	Executive	Fiscal	2000
11	Teaching Service Board in Borno state	Executive	Education	2000

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12	Borno State Independent Electoral Commission (SIEC) Law 2000	Executive	Administration	2000
13	Borno state constituency Development Law, 2000	Executive	Administration	2000
14	Repealing and saving of some Borno state Laws, 2000	Executive	Administration	2000
15	Establishment of Borno state Zakkat and Endowment Fund Board Law, 2000	Executive	Religious Affairs	2000
16	Prohibition of Liquor Business and matters related therewith Law, 2000	Executive	Religious Affairs	2000
17	Shariah Penal Code Law, 2000	Executive	Judiciary	2000
18	Borno state Law reforms Commission Law, 2000	Executive	Administration	2000
19	Appropriation Law	Executive	Fiscal	2001
20	Urban and Regional Planning & Development Board	Executive	Urban Planning	2001
21	Amending the Shariah (Administration of Justice) Law 2000	Executive	Judiciary	2001
22	A law to amend certain provisions in the Borno state Rural Water supply Agency, 2001 and other related matters	Executive	Water	2001
23	Supplementary Appropriation Law 2001	Executive	Fiscal	2001
24	Quick disposal cases Law, 2001	Executive	Judiciary	2001
25	Appropriation Law	Executive	Fiscal	2002
26	Supplementary Appropriation Law	Executive	Fiscal	2002
27	Borno state Joint Local Government Account	Executive	Fiscal	2002
28	Number of Khadis of Shariah Court of Appeal in Borno state	Executive	Judiciary	2002
29	Appropriation Law	Executive	Fiscal Allocation	2003
30	Supplementary Appropriation Law	Executive	Fiscal Allocation	2003
31	A Law to amend a provision and local Government Law 2000 (Amendment) Law 2003	Executive	Local Government Administration	2003
32	Appropriation Law	Executive	Fiscal Allocation	2004
33	Supplementary Appropriation Law	Executive	Fiscal Allocation	2004
34	Appropriation Law	Executive	Fiscal Allocation	2005

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35	Supplementary Appropriation Law	Executive	Fiscal Allocation	2005
36	Borno State Revenue Board, Revenue Distraint Committee and Revenue Court Law 2002 (Amendment) Law 2005	Executive	Finance	2005
37	A law to provide for the establishment, and function of Borno State House of Assembly Service Commission composition, and other related matters connected therewith	Legislature	Legislative service Commission	28/09/2005
38	Borno state compulsory free Universal Basic Education (Amendment) Law	Executive	Education	2005
39	Borno State (Grant of pension to Governors and Deputy Governors) Law	Executive	Finance	2005
40	Borno State Environmental Protection Agency (Amendment) Law, 2005	Executive	Environment	29/11/2005
41	Borno Radio Television Corporation (Amendment) Law, 2005	Executive	Information	2005
42	Borno State Accelerated Development Programme Law, CAP, Cases of Borno state	Executive	Agric and Natural Resources	29/11/2005
43	Borno State Local Government Law, 2000 (Amended) Law, 2005	Executive	Local Government and Chieftaincy Affairs	2005
44	Borno State scholarship Board (Amendment) Law, 2005	Executive	Education	29/11/2005
45	Borno State Small-Scale Industries Credit Scheme Fund (Amendment) Law, 2005	Executive	Commerce and Industry	30/11/2005
46	Borno State Hotels and Tourism Board (Amendment) Law, 2005	Executive	Commerce and Industry	30/11/2005
47	Borno State Local Government Pension Fund (Amendment) Law, 2005	Executive	Local Government and Chieftaincy Affairs	30/11/2005
48	Borno State Education Endowment Fund (Amemndment) Law, 2005	Executive	Education	30/11/2005
49	Borno state Mass Literacy, (Amendment) Law, 2005	Executive	Education	30/11/2005

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50	Borno State Livestock Company (Amendment) Law, 2005	Executive	Agriculture	1/12/2005
51	Borno State College Of Education Business and Management Studies Konduga (Amendment) Law, 2005	Executive	Education	1/12/2005
52	Borno State Environmental Protection Agency (Amendment) Law, 2005	Executive	Environment	29/11/2005
53	Borno State Radio Television Corporation (Amendment)	Executive	Information	2005
54	Borno State Accelerated Development Area Programme Law, CAP. Cases of Borno state, 2005	Executive	Agriculture and Natural Resources	29/11/2005
55	Borno State Scholarship Board (Amendment) Law, 2005	Executive	Education	27/11/2005
56	Borno State Local Government Law, 2000 (Amendment) Law, 2005	Executive	Local Government and Chieftaincy Affairs	29/11/2005
57	Borno State Endowment Fund (Amendment) Law, 2005	Executive	Education	30/11/2005
58	Borno State Mass Literacy (Amendment) Law, 2005	Executive	Education	30/11/2005
59	Borno State Livestock Company (Amendment) Law, 2005	Executive	Agriculture and Natural Resources	1/12/2005
60	Appropriation Law	Executive	Fiscal Allocation	2006
61	Supplementary Appropriation Law	Executive	Fiscal Allocation	2006
62	A law to provide for the establishment of Borno state Radio Corporation (Amendment) 2006	Executive	Information	2006
63	A Law to provide for the establishment of Borno State Television Authority (Amendment) 2006	Executive	Information	2006
64	Appropriation Law 2007	Executive	Fiscal Allocation	2007
65	Supplementary Appropriation Law 2007	Executive	Fiscal Allocation	2007
66	Remuneration of political and public office holders in the Local Governments (Executive, Legislative and Judiciary) as determined in the committees' report (Amendment) Law 2007	Executive	Fiscal	2007

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67	Appropriation Law, 2008	Executive	Fiscal	14/01/ 2008
68	Supplementary Appropriation Law, 2008	Executive	Fiscal	01/09/ 2008
69	Maiduguri Trailer Park Law, 2008	Executive	Transport	17/03/ 2008
70	Borno State Local Government Law, 2000 (Amendment) Law 2008	Executive	Local Government Administration	2008
71	Borno State Bill-board control and prohibition 2008	Private	Environment	2008
72	Borno State Motor Vehicle Administration Law	Private	Transport	2008
73	Appropriation Law 2009	Executive	Fiscal	13/01/ 2009
74	Supplementary Appropriation Law 2009	Executive	Fiscal	2009
75	Borno State Agency for the control of HIV/AIDs and Malaria and other matters connected therewith Law, 2009	Executive	Health	05/06/ 2009
76	Borno State Road maintenance Agency Law, 2009	Executive	Transport	02/05/ 2009
77	Borno State Local Government, 2000 (Amendment) Law 2009	Executive	Local Government Administration	08/07/ 2009
78	Borno State (Grant of pension to Governors and Deputy Governors) Law 2005 (Amendment) Law 2009	Executive	Finance	2009
79	Appropriation Law 2010	Executive	Fiscal	2010
80	Supplementary Appropriation Law 2010	Executive	Fiscal	2010
81	Borno State Islamic Religious preaching Law, 1981 (Amendment) Law, 2010	Executive	Religious Affairs	2010
82	Local Government Law, 2000 (Amendment) Law 2010	Executive	Local Government Administration	2010
83	Appropriation Law 2011	Executive	Fiscal	2011
84	Borno State Housing Corporation Law 2001 (Amendment) Law 2011	Private	Housing	2011

Source: Borno State House of Assembly

EXECUTIVE-LEGISLATURE RELATIONS

James Madison, in the Federalist Papers No. 51, stated the imperative of checks and balance:

If men were Angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precaution.¹⁸

Perhaps there is no gainsaying the fact that humans are selfish and self-centred as put forward by the power school of thought, when each organ invariably demands for the overseeing of co-equal organ checking the excesses of the other. The right to check abuse of power, mismanagement among other things is a very important part of the legislative responsibility. The 1999 constitution provided for this in s. (6) (1), s. (5) (1) and s. (4) (1), to check the excesses of legislature in order to ensure peaceful coexistence. Executive-legislature relations cover diverse actors and actions. Second, players, supervision of executive behavior that is, oversight functions are prominent in this order.¹⁹

Scholarly, researches and attention have been paid to the clashes, rivalries and differences between the Executive and House of Assembly. But it is equally true when the two are accommodating and shares end enough to force a solution.²⁰ The executive-legislature relations in Borno

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18. See, Ahmadu, R.A. and Ajiboye, Niyi: A Handbook on Legislature, Practice and Procedure of the National Assembly, Abuja, National Secretariat of Nigerian Legislatures, National Assembly (2004), p. 24.
 19. See, Rockman, Bert A.: Legislative-Executive Relations and Legislative oversight in Loewenberg, Gehard, Pallerson, Samuel, C., Jewel Malcolm, E. Handbook of Legislative Research, (ed), Harvard University Press (1985) p. 519. See also *ThisDay*, 2002, 22 January, p. 15.
 20. See, Griffith, Ernest S. *Congress: Its Contemporary Role* (3rd ed), New York: New York University Press (1961), p. 38.

state generally have been cordial, although it has not been smooth all through.

GOVERNOR MALLAH KACHALLA'S REGIME (1999-2003)

From 1999 through 2003, executive-legislative relations were stunted by call for impeachment and imbroglio. This is not unconnected with the fact that the House during the period was divided, composed of ANPP and PDP, which though not of equal strength in terms of membership, was a bit short of the required two-thirds to effect crucial legislative businesses with constitutional ramifications. For instance, in 2000 there was a showdown between the executive and legislature over unapproved expenditure amounting to ₦1 billion in the state. This fuelled the protracted crisis between the executive and legislature. The legislature alleged "gross misconduct" based on gross violation of s. 126(3) and fundamental breaches of the Borno State Appropriation Law 2000, s. 120 (1-4) and 121 (4a and b).

Similarly in 2002 the plot to unseat the Governor thickens and for the fourth time Borno State legislature and the executive engaged in another major crisis suspected to have been masterminded by external forces.²¹ The composition of 1999 legislative members was very instrumental to the threat of impeachment. This can be deduced from *Appendix I* showing members of the House in the Fourth Republic according to their constituencies. A member of the legislature interviewed²² revealed that in the first legislative session of the fourth republic (1999-2003) there was serious competition and deliberation in process of law-making. For instance 4/5 percent of commissioners' list sent by executive for ratification were rejected.

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21. *Daily Trust*, 20th January, (2002), p 20; See also *ThisDay*, 22nd January (2002), p. 15.
 22. Excerpts from a unanimous Member of the Borno State House of Assembly in an interview revealed that Debates and Deliberations in the House were tensed in the fourth and fifth legislative sessions than the sixth, where all members were (are) from one party, the ANPP.

Table 2. Members of Borno State House of Assembly, 1999-2003.

S/No.	Name	Sex	Constituency	Party Affiliation	Post
1	Bulama Fugu Ibrahim	M	Abadam	ANPP	Speaker
2.	Musa Inuwa Kubo	M	Shani	ANPP	Deputy Speaker
3	Ibrahim Lawan Umar	M	Mobbar	ANPP	Member
4	Abdulrahman Abdulkarim	M	Ngala	ANPP	Member
5	Kolo Bukar	M	Kukawa	PDP	Minority Leader
6	Kaka Adam Mustapha	M	Mafa	ANPP	Chief Whip
7	Buba Audu Gwoza	M	Gwoza	ANPP	Member
8	Ullaram Medugu	M	Askira /Uba	ANPP	Member
9	Baba Malah Bukar	M	Bama Central	ANPP	Member
10	Bello Ayuba	M	Bayo	ANPP	Member
11	Usman Ali Dika	M	Biu	PDP	Member
12	Maina Yama	M	Chibok	PDP	Member
13	Alifa Bukar	M	Dikwa	ANPP	Member
14	Gaji Bulama	M	Gubio	ANPP	Member
15	Ali Mai Sangayama	M	Gulumbala/Woloji	ANPP	Majority Leader
16	Shehu Bukar Fandi	M	Guzamala	PDP	Member
17	Lawan Kolomi	M	Dambo	PDP	Minority Whip
18	Dr. Yusuf Gana Balami	M	Hawul	PDP	Member
19	Baba Gana Bukar	M	Jere	ANPP	Member
20	Abba Umar	M	Kaga	ANPP	Member
21	Zanna Musa Agid	M	Kala-Balge	ANPP	Member
22	Usman Umar Auno	M	Konduga	ANPP	Member
23	Isa Idris Wakirwa	M	Kwaya-Kusar	PDP	Member
24	Modu Fugumi	M	Magumeri	PDP	Member
25	Baba Kaumi Liman	M	Marte	PDP	Member
26	Wakil Bukar Mustapha	M	Monguno	PDP	Member
27	Mustapha Baba Shehuri	M	Maiduguri Metropolitan Council	ANPP	Member
28	Maina Bukar Gajiram	M	Nganzai	PDP	Member

Source: Borno State House of Assembly

THE ADMINISTRATION OF GOVERNOR ALI MODU (2003-2011)

Between 2003 and 2007, there were members in the House elected on the platform of AD, PDP and ANPP as the ruling party. There was some measure of opposition. Indeed, the legislature, certainly, was not rubber stamp assembly. Ten out of twenty-eight members were of opposition parties. The AD and PDP each had five members (initially, six PDP members before they lost one to ANPP). With share determination of the ANPP, the ten members that hitherto belonged to AD and PDP were swallowed by the majority party in the House. Some members that were able to get re-elected, such as a member representing Gwoza constituency Asabe Vilita Bashir decamped to the ruling ANPP.

The situation became worrisome, particularly in the 2007-2011 session, when members of the legislature were all ANPP representatives. This added advantage to the governor, Senator Ali Modu Sherriff, for example, strengthening his leverage to become godfather in Borno polity and financier to bankroll the activities of the ANPP in the state in his favour. The corollary was that some of the members came to the House through the support of the godfather.²³ Such patron-client relations affect the performance of the House. This is evident as composition of members of the House was all ANPP as can be seen in Tables 2 and 3. Consequently, oversight functions were compromised, with negative impact on good governance. This was unlike the tenure of Mallah Kachallah, during which the House was more vibrant because there existed opposition. Those members and ex-members interviewed, admitted that strong opposition assisted in the administration of good governance.

Table 3. Members of Borno State House of Assembly, 2003-2007

S/No.	Name	Sex	Constituency	Party Affiliation	Post
1	Goni Ali Modu	M	Abadam	ANPP	Speaker
2	Jibrin Satumari	M	Askira/Uba	AD	Member
3	Bello Ayuba	M	Bayo	ANPP	Deputy Speaker

23. Unanimous member, *ibid*

4	Baba Malla Bukar	M	Bama Central	ANPP	Member
5	Maina Yama Chibok	M	Chibok	ANPP	Member
6	Rawa Goni Bukar	M	Gulumba/Woloji	ANPP	Member
7	Asabe Vilita Bashir	F	Gwoza	PDP	Minority Leader
8	Ibrahim Sani	M	Kwaya-Kusar	AD	Member
9	Ibrahim Audu Miringa	M	Biu	ANPP	Member
10	Zanna Musa Ajid	M	Kala-Balge	ANPP	Member
11	Mustapha Baba Shehuri	M	Maiduguri Metropolitan Council	ANPP	Member
12	Ali Bulama Yajiwa	M	Konduga	ANPP	Member
13	Mohammed Zakariya	M	Dikwa	PDP	Member
14	Shehu Bukar Fandi	M	Guzamala	AD	Member
15	Ali Darni Abba Saleh	M	Kukawa	AD	Member
16	Abdulrahman Abdulkarim	M	Ngala	ANPP	Majority Leader
17	Abba Ali	M	Monguno	ANPP	Member
18	Umar Gujja Tom	M	Jere	ANPP	Member
19	Ayemu Lawan Gwasha	M	Dambo	PDP	Member
20	Hon. Mohammed Sanda	M	Kaga	ANPP	Member
21	Hon. Abdul Musa Msheliza	M	Hawul	ANPP	Member
22	Hon. Mohammed Bukar Kolo	M	Magumeri	PDP	Member
23	Hon. Wakil Bukar Lawan	M	Nganzai	PDP	Minority Whip
24	Hon. Musa Lawan Kubo	M	Shani	ANPP	Member
25	Gaji Bulama	M	Gubio	ANPP	Member
26	Hon. Hurso Bashir	M	Marte	ANPP	Member
27	Hon. Hassan Maibe	M	Mobbar	AD	Member
28	Hon. Kaka Adam Mustapha	M	Mafa	ANPP	Chief Whip

Source: Borno State House of Assembly

Table 4. Members of Borno State House of Assembly, 2007-2011

S No.	Name	Sex	Constituency	Party Affiliation	Post
1	Goni Ali Modu	M	Abadam	ANPP	Speaker
2	Bello Ayuba	M	Bayo	ANPP	Deputy Speaker
3	Rawa Goni Bukar	M	Gulumba/Woloji	ANPP	Member
4	Baba Ali Modu	M	Mafa	ANPP	Member
5	Eng. Abdulahi M. Askira	M	Askira/Uba	ANPP	Member
6	Umar Kaigama (Yerima)	M	Bama	ANPP	Member
7	Ahmadu Usman Jaha	M	Gwoza	ANPP	Member
8	Dala Muta	M	Chibok	ANPP	Member
9	Ayemu Lawan Gwasha	M	Dambo	ANPP	Deputy Leader
10	Mohammed A. Zakariya	M	Dikwa	ANPP	Member
11	Alhaji Fugu Bura	M	Gubio	ANPP	Member
12	Abdulkarim Adam	M	Guzamala	ANPP	Member
13	Ibrahim Audu Mirmga	M	Biu	ANPP	Member
14	(Pharm). Abdul Musa Mshela	M	Hawul	ANPP	Member
15	Mustapha Alhaji Ba'ale	M	Jere	ANPP	Whip
16	Mohammed A. Sanda	M	Kaga	ANPP	Member
17	Diege Mohammed	M	Kala -Balge	ANPP	Member
18	Ali Bulama Yajjiwa	M	Konduga	ANPP	Member
19	Ali Darm Abba Saleh	M	Kukawa	ANPP	Member
20	Bala Mohammed	M	Kwaya-Kusar	ANPP	Member
21	Mohammed Bukar Kolo	M	Magumeri	ANPP	Deputy Whip
22	(Eng). Mohammed Gamboni	M	Marte	ANPP	Member
23	Abatcha Umar Modu	M	Maiduguri Metropolitan Council	ANPP	Member
24	Mallam Bukar Gana	M	Mobbar	ANPP	Member
25	Iddrissa Jidda	M	Ngala	ANPP	Leader
26	Wakil Bukar Lawan	M	Nganzai	ANPP	Member
27	Abba Ali Mangal	M	Monguno	ANPP	Member
28	Inusa Gamandi Danlami	M	Shani	ANPP	Member

Source: Borno State House of Assembly

LEGISLATURE AND DEVELOPMENT

The legislative arm of government is crucial in the consolidation and sustenance of democracy in most parts of the world. More specifically our concern here is how the legislature affected the lives of citizens. How has the house facilitated the executive-legislative relations in mobilising support for government policies, and designing legislation aimed at bringing about socioeconomic changes? The desire for strong and vibrant legislature is a *sine qua non* for development.

Legislators do not have much effect on the major decisions regarding allocations, according to Mezey,²⁴ but can affect their distribution. When relatively free from party control and subject to popular election, members will spend a substantial amount of their time promoting rural development in their constituencies because it is in their interest to do so. It is also in the interest of the society that they do so because it creates linkages between the rural areas and the government. Rural development, therefore, is likely to proceed at faster rate because legislators recognise that such projects will mitigate some of the hardships under which the rural population lives and render same receptive at changing their condition.

In light of the preceding paragraph, significant achievements were recorded in the establishment of Bills signed into law, adoption of resolutions as well as sponsorship of motions which had direct consequences on developmental areas of the social sector comprising of education, water supply, health care delivery, and sanitation, disaster control and management and workers welfare.²⁵ Others include construction and rehabilitation of roads. Therefore, legislators are products of the political and social context within which they exist and hence their viability and durability depends upon cultural, historical and systematic variables. Thus, while legislators may be able to alter their own status,

24. Mezey, L. Michael, Functions of Legislature in the third World in Lowenberg. Geharld: Patterson, Samuel C. Jewell; Malcom, E. Handbook of Legislative Research (ed.), London: Harvard University Press, 1985, pp. 744 and 751.

25. Abdulsallam. op cit., pp. 24, 25 and 26.

they are more commonly affected by factors over which they can exercise very little influence.²⁶

The Borno House has, by implication, impacted on the living standard of the people in the state by passing resolutions and laws to meet up their expectations. But few cases of discontent by some members of the electorate whom they claimed have contributed to the success of these legislators during electoral campaigns in their respective constituencies. For instance, these voters meet them when legislators wake up in the morning or in some cases in the office and late in the evening when they arrive home to meet people sitting on mat waiting for them in their official residence. The high nostalgia that their problems should be taken away after winning election, the community feels not just communal ones but personal problems continue unabated. A member revealed that²⁷ a law maker controls no vote like a member of executive, but people assemble up in their private houses expecting their problems solved such as naming and marriage ceremonies, settle bills of sick relations, among other things.

In line with this tradition, a member, however, believed that sharing the little he has is the ultimate answer. As their representative he has to share the little he can. He added that if one chases them away they will also chase one away during electoral campaigns. Generally, most politicians in Borno state cherish such attitudes. This is because having groups of people loitering around them and waiting in sitting room early hours of the day signifies success, and to them, every politician works hard to attain such heights.

Most lawmakers tolerate this unpleasant attitudes not out of sheer altruism, but because they want to safeguard their political career.²⁸ The implication of this to Borno state government as a whole is that many resources need to be channeled toward job creation as most of those engaged in these practices had little to do or not at all to fend for themselves.

26. Mezey, op cit, p. 763.

27. *TELL*, 29 July (2002), p. 53.

28. *TELL*, ibid 53.

Enlightenment and provision of basic needs for the people need to be put in place. The educational sector from primary to tertiary institutions as well as to motivate staffers in this ministry need be accorded attention.

CHALLENGES AND PROSPECTS

Borno state legislative arm of government is by no means without challenges. Among other things that had bedevilled the House is politics of cronyism or godfatherism. Some members either directly or indirectly secured their post with little or due support of the ANPP chieftain in the state, namely Governor, Sherriff. Hence tension in the House will negates the mutual understanding of the former.

Fragile opposition in the House, with the exception of 1999-2003, negates the principle of checks and balances; hence no much debates and criticism on the floor of the House were observed. A case in point was the inability of the House to compel the Executive arm of government to allocate the 777 and 505 housing estates and distribution of thousands of motorcycles purchased by the governor to the general public, which lasted for years after completion (under Governor Sherriff).

The House also lacks autonomy, especially in financial terms. Financial autonomy²⁹ by the legislative arm of government ought to be granted. It is not healthy for a nascent democracy that the legislative arm goes to the executive for funding. Independence of the legislature should include financial autonomy in Borno state.

Public enlightenment about the activities of the House Assembly needs to be put in place. Between 1999 and 2011, no single Bill emanated from the public.³⁰ Overwhelming majority of the Bills, indeed, all but four of the 84 Bills passed so far emanated from the executive. Out of the other four, one was sponsored by the legislature itself and the other three were private member Bills.

29. See excerpts in an interview with the speaker of Borno State House of Assembly, in a National Daily Newspaper, 11 July, 2011.

30. See Table 1 above for more details of Private Executive and Legislative sponsorship of Bills.

CONCLUSION

The role of Borno state House of Assembly in sustenance of democracy since the inauguration of the House in 1999 has been an impressive one. In spite of the challenges of political cronyism and the teething stage, the House has been assiduous in discharge of their constitutional responsibility. Executive-legislative relations, however, has been callous at the beginning but turned out to so cordial to the extent that it undermined the principle of checks and balances. This was evident from 2003 to 2010 when the executive under the administration of Senator Ali Modu Sherriff was influential and decisive. He was so powerful that no competent opposition was ready to challenge the domination of the ANPP as a party. The result was that no opposition parties were found to face the wrath of the dread. Hence opposition party members shrouded and abandoned their political platforms only to cross-carpet, or better still, switch party to the ruling ANPP.

CHAPTER 14

Ekiti State House of Assembly, 1999-2011

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INTRODUCTION

Largely as a result of its late entry into the politics of Nigeria, and mediated by protracted military rule, democracy as well as its institutions have not gained a firm footing in the country. However, of all the three arms of government, i.e. the executive, judiciary and the legislature, the latter and the former appear to have occupied the backwaters of the institutions on which democracy thrives. The reason for this is not far-fetched. The judiciary has always operated under the jackboots and dictatorship of the military while military decrees replaced and stifled the growth and development of the legislature. This has not only negatively affected researches on legislature, but also the development of a legislative culture in the country.

Yet, the legislature is the worst hit of the three arms because it became an instrument in the hands of the executive to witch-hunt political opponents or the opposition, ostensibly because of the naivety of members of the parliament, lack of exposure and legislative experience of members of legislature, and the military style and psyche of the executive. The legislature thus becomes an organ that could be manipulated. This is evident in the several cases of impeachment of governors, deputy governors, and Senate Presidents, Speakers of the House of Representatives, Speakers of States Houses of Assembly and even

chairmen of local governments.¹ A few cases would suffice here. Iyorcha Ayu, Senate President during Babangida's diarchy was impeached by the Senate. His impeachment was allegedly orchestrated by the military president, Ibrahim Babangida. Balarabe Musa, Peoples Redemption Party (PRP) Governor of Kaduna State during the second republic was impeached by a National Party of Nigeria (NPN) dominated House of Assembly. The impeachment of Rasheed Ladoja of Oyo State, Diepriye Alamesiagha of Bayelsa State, Ayo Fayose of Ekiti State, Joshua Dariye of Plateau State, were allegedly engineered by President Olusegun Obasanjo. The impeachment of several Senate Presidents during this period smacked of the subjugation of the legislative arm of the government by the executive, probably a reflection of the effect of the militarisation of Nigerian politics.

This chapter situates the Ekiti State House of Assembly within the empirical scaffold highlighted above. Its primary objective is to critically examine the performance of the Ekiti House of Assembly in the discharge of its responsibilities during the study period.

A BRIEF HISTORICAL OVERVIEW OF EKITI STATE HOUSE OF ASSEMBLY

Ekiti State was created by the Abacha administration on 1 October, 1996. It is one of the youngest states in Nigeria. The state's first encounter with democracy was in 1999 when the country returned to civil rule under the democratic transition midwifed by the administration of General Abdulsalami Abubakar. Elections were conducted into the state's House

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1. For representative illustrations, see J. 'Shola Omotola, *Public Attitudes Towards Impeachment Threats in Nigeria's Fourth Republic*, Unpublished M.Sc. thesis, Department of Political Science, university of Ibadan, Ibadan, Nigeria, August 2003; J. 'Shola Omotola, 'Impeachment Threats and Nigeria's Democracy', in Emmanuel O. Ojo, ed. *Challenges of Sustainable Democracy*, pp. 185-208; J. 'Shola Omotola, 'Politics of Impeachment and Democratization in Nigeria, 1999-2007: The Oyo State Experience'. *International Journal of Social and Management Sciences*, Vol. 3(2), 2010b, pp. 35-55.

of Assembly. Twenty-six seats of the house were contested for among the various political parties in the state. Today, the state is one of the constituent units that make up the 36-state structure of the Nigerian federal polity and had been involved in the democratisation process.

The status of Ekiti State as one of the geo-political centre where elections would take place was established by Decree 24 of 5 May, 1999, otherwise known as the 1999 Constitution. The state was divided into 177 electoral wards, 16 local government areas, 26 State Constituencies, 6 Federal Constituencies and 3 Senatorial Districts (INEC, 1999).² The list is presented in Table 1.

EKITI STATE HOUSE OF ASSEMBLY, 1999-2003

As was the case across the federation, the House of Assembly and gubernatorial elections were held on 9 January, 1999 in Ekiti State. At the end of the elections, 23 out of 26 State House of Assembly seats were won by the Alliance for Democracy (AD), while its governorship candidate won the gubernatorial seat with about 61 percent of the total votes cast (INEC Election Results: 1999).³

The primary functions of the State Assembly, like its counterparts in the federation, are to enact, amend and repeal laws, while statutory and standing committees have the responsibility to oversee (oversight function) the various ministries, departments and agencies of government in the state.

The first Assembly of the House was formally inaugurated on 4 June 1999 with Adekola Adefemi of the Alliance for Democracy (AD) elected as the pioneer Speaker. To date, the Assembly has had four substantive speakers, two acting speakers and four deputy speakers. Ekiti State has 26 constituencies, each of which produces a member of the Assembly. To date, the state has had three Assemblies documented in Annexure III, IV and V respectively.

2. Personal interview with Mr. B.A. Fagboyegun, Clerk, Ekiti State House of Assembly, 26 March, 2011.

3. Ibid.

Table 1. List of Constituencies in Ekiti State

S/No	Constituency	Local Government
1.	Ado I	Ado Local Government
2.	Ado II	Ado Local Government
3.	Ekiti East I	Ekiti East Local Government
4.	Ekiti East II -	Ekiti East Local Government
5.	Ekiti South West I	Ekiti South West Local Government
6.	Ekiti South West II	Ekiti South West Local Government
7.	Ekiti West II	Ekiti West Local Government
8.	Ekiti West II	Ekiti West Local Government
9.	Efon	Efon Local Government
10.	Emure	Emure Local Government
11.	Gbonyin	Gbonyin Local Government
12.	Ido/Osi I	Ido/Osi Local Government
13.	Ido/Osi II	Ido/Osi Local Government
14.	Ijero	Ijero Local Government
15.	Ikere I	Ikere Local Government
16.	Ikere II	Ikere Local Government
17.	Ikole I	Ikole Local Government
18.	Ikole II	Ikole Local Government
19.	Ilejemeje	Ilejemeje Local Government
20.	Irepodun/Ifelodun I	Irepodun/Ifelodun Local Government
21.	Irepodun/Ifelodun II	Irepodun/Ifelodun Local Government
22.	Ise/Orun	Ise/Orun Local Government
23.	Moba I	Moba Local Government
24.	Moba II	Moba Local Government
25.	Oye I	Oye Local Government
26.	Oye II	Oye Local Government

In the first Assembly, i.e. 1999-2003, the AD had 21 members, the Peoples' Democratic Party (PDP) had three and All Peoples Party (APP), one. This shows that the AD had an absolute majority in the House. The distribution of House leadership also reflected this membership trend. The speaker of the House, Kola Adefemi was chosen from among the AD members of the House. The deputy speaker, Opeyemi Ajayi, was equally a member of AD. He was in office a few days, that is, 1 June 1999 to 7 July, 1999, before he was succeeded by Oladapo Karounwi, also of AD. The majority leader of the House, Akin Omole emerged

from the AD. He spent about three years in office to be replaced by Adesegun Oke (1 July, 2002-28 May 2003). Omole's replacement was occasioned by a face-off between him, the Speaker of the House and the governor of the state, Otunba Niyi Adebayo.

The PDP produced the Minority Leader, Lanre Fayemi. The Deputy Majority Leader, Kola Amire was chosen from AD. The Chief Whip of the House was Dapo Karounwi, 1 June 1999 to 7 July 1999, who later became the Deputy speaker of the House. The Deputy Chief Whip, Femi Robinson was also from AD.

Table 2: Leadership of Ekiti House of Assembly, 1999-2007

The Speaker		
First Assembly 1 June, 1999 – 28 May, 2003		
S/No	Name	Period
1.	Kola Adefemi	1 June 1999 – 28 May 2003
Second Assembly 29 June, 2003 – 5 June, 2007		
S/No	Name	Period
1.	Patrick Sola Ajigbolamu	2 June 2003 – 19 July 2006
2.	Friday Aderemi	21 July 2004 – 17 Oct 2006
3.	Adetope Ademiluyi	18 Oct 2006 – 18 Oct 2006
4.	Olusola Omolayo	3 May 2007 – 5 June 2007
Third Assembly 6 June, 2007 – Date		
S/No	Name	Period
1.	Olufemi Bamisile	6 June 2007 – 29 July 2008
2.	Olatunji Odeyemi	29 July 2008 – Date
Deputy Speakers		
First Assembly 1 June, 1999 – 28 May, 2003		
S/No	Name	Period
1.	Opeyemi Ajayi	1 June 1999 – 7 July 1999
2.	Karounwi Oladapo	7 July 1999 – 28 May, 2003

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Second Assembly 29 June, 2003 – 5 June, 2007

S/No	Name	Period
1.	Taiwo Olatunbosun	2 June 2003 – 18 Oct. 2006
2.	Olusola Omolayo	18 Oct. 2006 – 18 Oct 2006

Third Assembly 6 June, 2007 – Date

S/No	Name	Period
1.	Adebayo Morakinyo	6 July 2007 – 1 Aug. 2007
2.	Saliu Adeoti	1 Aug. 2007 – 27 Oct 2010 (late)
3.	Olabode Odeunmi	15 November till Date

Majority Leader

First Assembly 1 June, 1999 – 28 May, 2003

S/No	Name	Period
1.	Akinbowale Ayodele Omole	2 June 1999 – 30 June 2002
2.	Adesegun Oke	1 July 2002 – 28 May 2003

Second Assembly 29 June 2003 – 5 June 2007

S/No	Name	Period
1.	Sule Longe	2 June 2003 – 19 July 2006
2.	Kayode Babade	20 July 2004 – 17 Oct. 2006
3.	Muyiwa Abegunde	18 Oct 2006 – 5 June 2007

Third Assembly 6 June, 2007 – Date

S/No	Name	Period
1.	Olayiwola Oke – Leader Business	6 June 2007 – Date
2.	Funminiyi Afuye – AC Leader	1 Aug. 2007 – Date

Deputy Leaders of the House

S/No	Name	Period
1.	Peter Ajayi (PDP)	6 June 2007 – Date
2.	Gbenga Odebunmi (AC)	1 Aug. 2007 – Date

N.B. The two parties in the House i.e. PDP and AC have 13 members each which necessitates 2 leaders and NOT Majority Leader

Deputy Majority Leader
First Assembly 1 June 1999 – 28 May 2003

S/No	Name	Period
1.	Kola Amire-Kolade	1 June 1999-28 May 2003

Second Assembly 2 June 2003 – 5 June 2007

S/No	Name	Period
1.	Olatunji Akyele	2 June 2003 – 18 Oct. 2006
2.	Mayokun Edu	18 Oct. 2006-June 5 2007

Minority Leader
First Assembly 1 June, 1999 – 28 May, 2003

S/No	Name	Period
1.	Lanre Fayemi	1 June 1999 – 28 May 2003

Second Assembly 2 June, 2003 – 5 June, 2007

S/No	Name	Period
1.	Kola Fakiyesi	2 June 1999 – 28 May 2007

Chief Whip
First Assembly 1 June, 1999 – 28 May, 2003

S/No	Name	Period
1.	Karounwi Oladapo	1 June 1999 – 7 July, 1999
2.	Bakare Ajibade	7 July 1999 – 28 May 2003

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Second Assembly 29 June, 2003 – 5 June, 2007

S/No	Name	Period
1.	Sunday Eyeowa	3 June 2003 – 17 Oct. 2006
2.	Omoniyi Ajaja	18 Oct. 2006 – 5 Oct 2007

Third Assembly June 6th 2007 – Date

S/No	Name	Period
1.	Femi Adeleye	7 June 2007 – Date
2.	Churchill Adedipe (AC)	1 Aug. 2007 – Date

Deputy Chief Whip

S/No	Name	Period
1.	Femi Robinson	1st June 1999 – 28 May 2003

Second Assembly 2nd June 2003 – 5th June 2007

S/No	Name	Period
1.	Bunmi Olugbade	2nd June 2004 – 19 July 2004
2.	Muyiwa Abegunde	20 July 2004 – Nov. 2004
3.	Gbenga Falaye	Nov. 2004 – 18 Oct. 2006
4.	Bode Adewole	18 Oct. 2006 – 5 June 2007

Third Assembly 2nd June 2007 – Date

S/No	Name	Period
1.	Adeolu Aluko (PDP)	2nd June 2007 – Date
2.	Rotimi Ajidara (AC)	1st August 2007 – Date

From the foregoing, it is clear that the AD constituted the majority in the House between 1999 and 2003 and exploited its majority status to dominate the leadership position in the House. *Ipsa facto*, and in view of the fact that the Governor of the state was elected from the AD, there

was no problem in the House in approving the list of commissioners and budget proposals.

The governor presented budget proposals to the House, which were debated and scrutinised before the budgets were approved. Commissioners, permanent secretaries and their directors of finance and administration were invited by the House to defend their budgets. This also applied to chairmen of the 16 Local governments in the state.

Legislature-executive relations during this period can best be described as cordial and harmonious. There was no threat of impeachment of the executive and the speaker of the House, except the majority leader who was replaced because of a faceoff between him, the Speaker and the Governor. Throughout the life span of the House, 34 bills were passed.

Table 3. Bills Passed, 1999-2003

Bills Passed in 1999		
S/No	Title of the Bill	Date Passed
1.	1999 Supplementary Appropriation Bill	5th October 1999
2.	1999 Local Government Administration Bill	9th November 1999
3.	Change of names of certain Tertiary Institution Bill	2nd November 1999
4.	Welfare benefits of law officers Bill	1st December 1999
Bills Passed in 2000		
1.	A bill for a law establishing the Ekiti State Local Government Service Commission	27th March, 2000
2.	1999 Supplementary Appropriation Bill	21st March 2000
3.	A Law to provide for the establishment of Ekiti State Council of Traditional Rulers, functions and matters incidental thereto	4th April 2000
4.	2000 Appropriation Bill	23rd March, 2000
5.	Self Accounting Law 2000	27th April, 2000
6.	Ekiti State Christian Pilgrim Welfare Board Bill	6th September, 2000

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7.	A bill to provide for the Establishment of Waste Management Authority in Ekiti State of Nigeria	4th October, 2000
8.	A law to make provision for Ekiti State Community based poverty Reduction Agency and other matters incidental thereto	13th October, 2000
9.	2000 Supplementary Appropriation Bill	19th December, 2000

Bills Passed in 2001

1.	2001 Appropriation Bill	7th March 2001
2.	Government of Ekiti Registered Bond Bills, 2001	30th May 2001
3.	A Law to provide for the establishment of State Independent Electoral Commission	25th June 2001
4.	A bill for a Law provide for the conduct of elections into all the elective offices provided for in the Local Government Law and for other matters incidental thereto	27th June, 2001
5.	A Law establishing the Ekiti State Legislative Service Commission and other matter incidental hereto or connected therewith	25th June 2001
6.	Local Government Administration (Amendment) Bill 2001	24th October, 2001
7.	2001 Supplementary Appropriation Bill	15th October, 2001

Bills Passed in 2002

1.	2001 Appropriation Bill	6th May 2002
2.	A bill for a law to make provision for the establishment of Fountain Road Works Agency	22nd July 2002
3.	Ekiti State Independent Electoral Commission (Amendment) Bill 2002	11th April, 2002
4.	Local Government Administration (Amendment) Bill 2002	9th April, 2002
5.	A bill for a Law to make for the establishment and composition of transition council pending election to administer Local Council in Ekiti State	23rd May 2002

6.	A bill for a law to protect the right of widow in Ekiti State	27th May, 2002
7.	Bill for a law to prohibit female circumcision or genital mutilation in Ekiti State	24th June 2002
8.	A bill for a law to provide for the establishment of Local Government Joint Account and Allocation of Funds to Local Government in Ekiti State	16th July 2002

Bills Passed in 2003

1.	2002 Supplementary Appropriation Bill	28th January 2003
2.	2003 Appropriation Bill	30th July, 2003
3.	A bill for a law to establish the State Rural Roads Programme Implementation unit and for matters connected therewith	7th August, 2003
4.	A bill for a law to provide for the Coordinating Management of Roads in Ekiti State and for matters incidental thereto	18th August, 2008
5.	A bill establishment House of Assembly Service Commission and other matters incidental thereto or connected therewith	27th August, 2003
6.	2003 Supplementary Bill	30th July, 2003

Before candidates were presented for election into the House, political parties held primary elections that produced party flag bearers. There was no imposition of candidates during this period because the party was new in Ekiti State and all the contestants were co-joiners and co-owners of the party and they did things in common. This helped to mediate internal squabbles that could have weakened the party. The party, therefore, swept the polls during the elections.

However, the personality profile of members of the House during the period under discussion cannot be said to be that impressive because of the calibre of candidates that found themselves into the House. This was so, ostensibly, because politicians and candidates of repute did not trust the military transition programme, following their experience with earlier transition programmes that ended nowhere especially under the

Babangida administration. So they did not bother to contest. Therefore, the candidates that contested elections to the assembly, though, most of them educated, lacked the experience and requisite skill in law making. Many of them were job seekers and were not known to have any meaningful engagement before their elections. This phenomenon was not limited to the House alone, but to the executive. The judiciary fared better because of the educational and professional requirements to be fulfilled before one can become a member of the bar or bench.

EKITI STATE HOUSE OF ASSEMBLY, 2003-2007

The second Ekiti State House of Assembly, 2003-2007, was inaugurated on 3 June 2003. Election into the House was contested among three major political parties, namely PDP, AD and National Conscience Party (NCP). The PDP won 24 seats, AD one seat and NCP one seat. The NPC member of the House later deflected to PDP, thus making PDP control about 99 percent of the House. Most PDP members of the House during this dispensation were chosen and sponsored by Ayo Fayose, the then gubernatorial candidate of PDP. This was so because PDP was not strong in Ekiti and just a few people would have expected that the party could make any impact in the elections. Because he was the political fulcrum around which party activities within the PDP gravitate, it was possible for Ayo Fayose to impose his candidates and present them for election.

A cursory look at the profile of the members of the House at this period would reveal a paradox. It is a paradox in the sense that, a state that could boast of formidable human capital was represented in the House by political neophytes. Very few of the members of the House can be said to possess the clout, exposure and the requisites for such arduous task of law-making. The first speaker of the House during the period, Patrick Sola Ajigbolamu, was a fresh law graduate. He was a bachelor that is, he was not married before he became the speaker (2 June, 2003 - 19 July 2006). He was removed on the accounts of incompetence, inability to carry along members of the House and high

handedness.⁴ He was succeeded by Friday Aderemi (21 July, 2007 – 17 October, 2006).

The leadership positions in the House were monopolised by the PDP (see Annexure). But this is hardly surprising, giving its dominance in the House. Because of the role of Ayo Fayose in the election of PDP members of the House, it was easy for him to manipulate the House for the better part of his administration until the House was hijacked by the former head of state, Olusegun Obasanjo through the instrumentality of the Economic and Financial Crimes Commission (EFCC), a leading anti-corruption agency in Nigeria that came to be associated with undue politicisation, which forced the impeachment of Fayose by this same House. A brief historical exploration of the events that culminated in Fayose's impeachment would be both illuminating and instructive here. This would enable us understand the politics of intergovernmental relations between the Federal executive arm and its agencies, the state executive arm and the state legislature.

THE IMPEACHMENT OF GOVERNOR AYO FAYOSE

The most advertised activity of the legislature in Ekiti State during this era was the impeachment of Ayo Fayose and his deputy, Abiodun Olujimi, and the attendant struggle over who was the authentic Governor of the state and the controversial suspension of the Chief Justice, among others. On Tuesday, 26 September, 2006, the 26-man Ekiti State House of Assembly (ESHOA) passed a motion to serve a notice of impeachment on the Ekiti State Governor, Ayodele Fayose and his deputy Mrs. Abiodun Christine Olujimi, alleging gross misconduct against them. In all, there were five charges against Fayose and two against Olujimi. Twenty-four out of 26 of the ESHOA were in support of the motion. The House informed the world that it delivered the notice by express mail to the accused duo on Friday, 29 September (giving them 14 days to respond); although the governor indicated that he did not receive his own copy

4. *The 1999 Constitution of the Federal Republic of Nigeria*, Lagos: Government Printers, 1999.

until Tuesday, 3 October, 2006.

On that same day, Governor Fayose filed an *ex-parte* motion in an Ado-Ekiti court to stop the impeachment process, a hearing which had a drama of its own: two Ekiti State Judges-Wale Kowe and Cornelius Akintayo-in that order declined to take it. However, on Wednesday, 4 October, after Justice Femi Akeju finally agreed to hear the case, he promptly dismissed Fayose's objection as "alien in law". Satisfied with the response of the governor and his deputy, the ESHOA went ahead on Thursday, 5 October to instruct the Judge Kayode Bamisile to set up a seven-man panel to conduct the formal impeachment investigation of the governor and his deputy. Constitutionally, the Justice – who was barely 3 months in office (on Friday, 21 July, 2006, to be exact) had just been sworn in by Governor Fayose, had seven days to do so. On Monday, 9 October, Governor Fayose, in a pre-emptive move wrote to Justice Bamisile, denying all the charges.

On Tuesday, 10 October, 2006, the chief justice announced a 7 man panel headed by Remi Bamigboye, Alli Apanisile, Sesan Adesuyi, Segun Da-Silva, Olu Alade, Solomon Ajisafe and Mrs. Olufunmilayo Olukogbon. The panel was rejected because its membership was alleged to be partisan in favour of Fayose. The Bamisile panel went ahead to be formally inaugurated by the chief justice – even after the Speaker, Friday Aderemi forced his way into the venue to object to its composition.

For refusing to re-constitute the panel, as well as refusing to appear before the Assembly on Wednesday, 11 October to answer to a charge of official misconduct, the ESHOA promptly suspended Justice Bamisile that but careful not to "remove" him and hence not to violate s. 292 of the Constitution which stipulates who could "dismiss" a judicial officer of CJ rank. The House moved to fill the vacuum by appointing an Acting CJ, Justice Jide Aladejana, again not violating s. 271 (4) of the 199 constitution, which stated that the most senior judge should step in as Acting CJ (The other senior judge, Justice Fasanmi had earlier declined the offer).

On Thursday, 12 October, the Bamisile panel still went ahead to meet on the impeachment matter. The panel discharged the Governor

and his Deputy of all allegations, without taking any oral evidence for and against the accused persons. Also on the same day, Justice Bamisile filed a case before a High Court in Ado-Ekiti, challenging his suspension by the House of Assembly.

The Acting CJ, Justice Jide Aladejana went ahead to announce, on Friday 13 October, a new panel headed by Emmanuel Bamidele Omotosho as chairman, and Deacon Olajubu Solomon Obaleye, Ismail Olowolafe Daisi, Kayode Filani, Mrs Funmi Adeniyi, Rev. F.F. Ijasan and J.O. Odunsina and members. Later on that same day, a letter from the CJ of the federation, Bello Belgore cautioned Aladejana that his appointment as Acting CJ was in violation of s.271 of the 1999 Constitution of the Federal Republic of Nigeria. However, it was silent about the constitutionality of the dismissal of Chief Judge Bamisile himself. The letter was in response to Aladejana's own 12 October letter to Belgore notifying him of the development in the state.

At Ado-Ekiti on Monday, 16 October, at exactly 9:17am, after receiving the Aladejana panel report and calling for a vote, the House impeached Fayose and Olujimi. The House also approved the appointment of the Acting Judge, Justice Aladejana, who immediately proceeded to swear in the Acting Governor.

Later the same day (16 October), the Attorney-General of the Federation, Chief Bayo Ojo, opined that the State House of Assembly had no power to suspend the chief judge of a state. He warned that "Federal Government will not fold its arms and allow the breakdown of law and order in any part of the country" and that it would "take appropriate steps to fulfill its responsibility of maintaining law and order in Ekiti State and indeed in all parts of the Federation." The new national president of the NBA, Olisa Agbakoba, also supported the position of the attorney general.

Also, on 16 October, the deposed deputy governor, Olujimi, filed a suit at an Ado-Ekiti High Court challenging her removal from office. On that same day, ex-governor Fayose disappeared from the state. Mrs Olujimi, his deputy, claimed to be acting governor in the absence of the governor, whose whereabouts she claimed she did not know.

On Tuesday, 17 October, Fayose also spoke to a Lagos TV channel from his hideout insisting he was still the governor of the state, hence making a third claimant to the office (Friday Aderemi, Mrs Biodun Olujimi and Ayo Fayose). This confusion led to a state of emergency declared by President Olusegun Obasanjo on Thursday, 19 October. President Obasanjo announced the imposition of a former military officer, Tunji Olurin, as "Sole Administrator" on Ekiti State. With this development, the State House of Assembly was suspended.

Table 4. Bills Passed, 2004-2007

1.	2004 Appropriation Bill	17 March, 2004
2.	A bill for a law to amend the edict establishing the State Planning Commission in the State	17 November, 2004
3.	A bill for a law to provide for environment Health and sanitation and other matters incidental thereto in Ekiti State	3 August 2004
4.	A bill for a law to amend the Ekiti State Electoral Law No 5 of 2001	3 August, 2004
5.	A bill for a law to amend the Local Government Administration Law	28 July 2004
6.	Supplementary Appropriation Bill	24 November, 2004

Bills Passed in 2005

1.	Establishment of Petroleum Products Consumer Protection Agency (PPCPA)	5 May 2005
2.	2005 Appropriation Bill	10 February 2005
3.	A bill for a law to make provisions for the Establishment and management of the Ekiti State International School, Afao-Ekiti	6 April, 2005
4.	A bill for a law to make provisions for the establishment of Ekiti State Univerwsal Basic Education Board and for other matters incidental thereto or connected therein	25 May 2005
5.	A bill for a Law to amend the Ekiti State Joint Local Government account and allocation of Revenue Law	22 November, 2005
6.	A bill for a law to amend the local government administration law 1999	22 November, 2005
7.	2005 Supplementary Appropriation	8 December, 2005

Bills Passed in 2006

1.	2006 Appropriation Law	16 February, 2006
2.	A Law to provide for the grant of pension to the Governor and Deputy ancillary matters	16 May, 2006
3.	A law to provide a protect the rights of a child in Ekiti State and other related matters	30 May, 2006
4.	A bill for a Law to make provisions for the abolition and prohibition of secret cults and related activities in Ekiti State	26 July, 2006
5.	A bill for a law to make provision for the establishment of Ekiti Kete Maintenance Agency	30 August, 2006

Bills Passed in 2007

1.	2007 Supplementary Appropriation Law	5 Sept, 2007
2.	Ekiti State Enterprises Development Law	5 Sept, 2007
3.	Chiefs (Amendment) Law	10 Oct, 2007
4.	Remuneration of Executive, Legislative, Judicial and other public office holders at the state and local government level Law.	10 Sept, 2007
5.	Ekiti State structure for signage and advertisement Agency Law	21 Dec., 2007
6.	Ekiti State Micro Credit Law	21 Dec., 2007
7.	Ekiti State Scholarship Board Law	21 Dec., 2007
8.	Ekiti State Citizen Rights Centre Law	24 Dec., 2007
9.	University of Ado-Ekiti Teaching Hospital Board Law	24 Dec., 2007
10.	University of Education, Ikere-Ekiti Law	21 Dec., 2007
11.	Community watch group, Law	24 Dec., 2007

THE EKITI LEGISLATURE, 2007-2011

The third session of Ekiti House of Assembly was inaugurated on 5 of June 2007. The House was made up of 13 member of PDP and 13 members of the Action Congress of Nigeria (ACN). One interesting and noticeable feature that marked out this House was the equal strength of

the two parties. Also, one event that continues to generate debate in the legal circles was the hurried screening and approval of Governor Segun Oni's commissioner nominees by the outgoing House of Assembly. The House on Monday, 4 June, 2007 approved a list of nominees for the post of commissioners and confirmed the appointment of new local government council chairmen, made by the newly sworn-in Governor Segun Oni. By so doing, the outgoing legislators usurped the powers of the newly elected Ekiti House of Assembly in what appears to be a charade when the House directed the nominees to merely walk into their chamber and bow three times contrary to the required process of proper scrutiny and screening. Shortly after, this curious exercise, Governor Oni proclaimed the dissolution of the House and inaugurated the new Assembly. The use by Oni of the expiring House of Assembly whose tenure was about to come to an end, to push his nominees through was a way of avoiding a perceived opposition from the new House because of its 13-13 constitution. The PDP had a majority in the former house (Oyewo, 2007, 22).⁵

In addition to the above, the former House in a curious circumstance hurriedly amended the Standing Order of the House to make it mandatory for the new speaker to be appointed by the new House to be of the same party as the state governor. This was viewed in some quarters to be contrary to s. 92 (1) of the constitution, which stipulates that "There shall be a speaker and deputy speaker of a House of Assembly who shall be elected by the members of the House from among themselves".⁶

The ACN legislators rejected the order and vowed to make it unworkable. However, using this amendment as the basis of their action, the PDP members of the House on 6 June, 2007 held the inaugural sitting after the Clerk of the House advised they could proceed with the imagination. At the end of the brief meeting, Femi Bamisile representing (PDP Ekiti East) emerged Speaker and Adeyinka Morakinyo also of

5. For a graphic description of this, see J. 'Shola Omotola, 'Garrison' Democracy in Nigeria: The 2007 General Elections and the Prospects of Democratic Consolidation. *Commonwealth and Comparative Politics* Vol. 47 (2) 2009, pp. 195-221.

6. Falade, 2008, *The Tribune*, p. 45.

PDP (Ikole 1) was elected Deputy Speaker. This exercise was condemned and rejected by the ACN legislators, who threatened to take the state government to court for flouting the provisions of the constitution. This, they eventually did.⁷

Very prominent citizens, particularly Patricia Etteh, the speaker of the House of Representatives, made spirited attempts to resolve the logjam without success. The ACN legislators obtained an injunction before Justice A.A. Kowe of the state High Court that Femi Bamisile should stop parading himself as speaker pending the determination of the suit they filed. Several personal efforts embarked upon by the Governor, Segun Oni to resolve the crisis were rebuffed by the ACN legislators, who also stayed away from the House. This situation persisted until the ACN legislators beat a retreat, having realised the import and implication of their continued boycott of the House. Electoral Act 2002 stipulates that “members of the Assembly shall forfeit their seats if they refuse to take it 90 days after the inauguration of the House. This was in addition to the need to avoid being blackmailed and accused of slowing down the development of the state. However, the resolve to return to the House was not without the intervention of some natural rulers in the state.

Another misconduct worthy of mention here is the attempt by the PDP legislators to nominate the Deputy Speaker on behalf of the ACN legislators, while the latter insisted to do it by themselves. Eventually the ACN nominated Saliu Adeoti, while Morakinyo of the PDP resigned his position as the Deputy speaker to, according to him, allow peace to reign in the House.

The relationship between the ACN and PDP legislators for a long time could not be said to be harmonious. At best it was a mixture of crisis and unstable peace. They viewed each other with mutual suspicion. Despite the respite the House enjoyed for some time, there erupted another leadership crisis. The House was always enmeshed in one crisis or the other under the speakership of Hon. Bamisile. At a point the 13 AC legislators, in collaboration with five of the “heavily factionalised and

7. Ibid.

fractionalised PDP legislators”, which formed the Group of 18 (G18), demanded the removal of the speaker on the ground of alleged misconduct in the past, particularly when he was in the University of Ife, (now Obafemi Awolowo University). He eventually resigned from his position when it was obvious that he would be impeached.

Table 5. Bills Passed, 2007-2011

Bills Passed in 2008		
1.	Appropriation Law	19 Feb., 2008
2.	Job Creation and Employment Agency	20 Feb., 2008
3.	The Remuneration of Executive, Legislative, Judiciary and other office holder at the State and Local Government Levels (Amendment) Law 2008	18 Sept., 2008
4.	A law to Amend a law to provide for the conduct of elections into all elective officers provided for in the Local Government Law	18 Sept., 2008
5.	University of Ado-Ekiti Law	28 Nov., 2008
6.	A law to make provision for Fiscal Autonomy for the Legislative Arm of Government in Ekiti State Law	24 Nov., 2008
7.	A law to make provision for Fiscal Autonomy for the Judicial Arm of Government in Ekiti State Law	24 Nov., 2008
8.	2008 Revised Appropriation Law	24 Nov., 2008
Bills Passed in 2009		
1.	A Law to establishment the Ekiti State Community and Social Development Agency and other Matters Connected therewith	27 Feb., 2009
2.	2009 Appropriation Law	17 March, 2009
3.	Law to amend the Ekiti State House of Assembly Service Commission and other matters incidental thereto or connected therewith	2 September, 2009
4.	The Revised Appropriation Bill	27 October, 2009
5.	A law to regulate the operation of commercial motorcycles operators in Ekiti State and any other matter connected therewith	3 November, 2009

6.	A law to make provision for the control of Bush burning and to make further provision for other matter incidental thereto or connected therewith	3 November, 2009
7.	A law to make provision for the use of certificate of Birth, Death and Burial in Ekiti State and other matters incidental thereto	3 November, 2009
8.	A law to promote and protect the right of person with disabilities in Ekiti State and other related matters	3 November, 2009
9.	A Law to Establish the Ekiti State Emergency management agency to perform the functions of organising, providing and coordinating emergency relief operations for victims of natural or other disasters throughout the state and other matters incidental thereto	10 November, 2009
10.	A law to established the University of Science Technology, Ifaki Ekiti and other matter incidental thereto	11 November, 2009

Bills Passed in 2010

1.	2010 Appropriation Law	15 March, 2010
2.	Procurement law 2009	20 April, 2010
3.	Ekiti State College of Health Technology, Ijero	3 August, 2010
4.	Ekiti State Customary Court of Appeal Bill	3 August, 2010
5.	The Ekiti State Judicial Institute Bill 2009	3 August, 2010
6.	Fiscal Responsibility Bill 2010	11 August, 2010
7.	Ekiti State Contributory Pensions Bill, 2010	17 August, 2010
8.	First Edition (Laws of Ekiti State) Bill 2009	19 August, 2010
9.	Ekiti State Statistical Bill 2010	19 August 2010
10.	Ekiti State Aids Control Agency Bill, 2010	23 December, 2010
11.	Ekiti State Rural Water Supply Sanitation Agency Bill	23 December, 2010

The G18, under the leadership of Morakinyo, a PDP legislator, embarked on checking the excesses of the Segun Oni administration. For instance, it was the G18 that recommended the sack of the commissioners

and dissolve the caretaker committee at the local government level in the state, alleging, among others, that the members of the State Executive Council (SEC) were incompetent, lacked probity and accountability and that they had failed to account for their stewardship in the past one year, despite the directive to do so by the legislators.⁸ The G18 also insisted that the local government chairmen should be relieved of their positions on the ground that they had over stayed in office. The constitution allowed only six months for caretaker committees to occupy such office in acting capacity.

Table 6. Principal Officers of the House, 2007-2011

S/No	Name	Office
1.	Odeyemi Mathew Olatunji	Speaker (PDP)
2.	Oke Olayiwola	Leader of Business (PDP)
3.	Afuye Funminiyi Ebenezer	AC Leader
4.	Ajayi Peter	Deputy Leader (PDP)
5.	Odebunmi Gbenga Olabode	AC Deputy speaker
6.	Adeleye Femi	Chief Whip (PDP)
7.	Adedipe Churchill Olubunmi	AC Whip
8.	Aluko Adeolu	Deputy Whip (PDP)
9.	Ajidara Samuel Rotimi	AC Deputy Whip

Governor Segun Oni and his Deputy Tae Sikiru Lawal were not spared by the G18. The G18 plotted to impeach the governor and had them replaced by the incumbent speaker, Tunji Odeyemi and his Deputy, Saliu Adeoti respectively. The action of the lawmakers was, according to the state Chairman of PDP, Bola Olu Ojo, tantamount to passing a vote of no confidence on governor Oni, noting that was unfortunate and surprising that the major appointments made by the Governor could be jettisoned by the lawmakers without any justifiable reasons.

8. Personal interview with Bola Olu Ojo, Chairman of PDP, Ekiti State, 15 February, 2011.

Apart from the isolated cases mentioned above, the House, since the inception of the Kayode Fayemi administration, has been peaceful. In performing its oversight functions, the third Ekiti House of Assembly had caused to suspend about 2 local government chairmen, namely chairmen of Oye and Emure local governments on the allegation of corruption.

In April 2010, the House of Assembly summoned local government chairmen to the House and commenced investigation into their activities. The House, after initially allowing coverage of the proceedings, later barred reporters from covering the investigation into financial activities of the chairmen. Meanwhile, reporters had earlier been allowed into the Assembly during the testimony of the chairman of Moba local government, Akinwale Alebiosu. Alebiosu had told the lawmakers that the council spent N3.6m to buy rams during the Eid-el Kabir celebration. This startling revelation may have forced the lawmakers to bar newsmen from covering the proceedings. Nothing was, however, heard of the outcome of the investigation. It was suggested in some quarters that the chairmen may have bribed the lawmakers because none of the chairmen was indicted for any financial misdemeanor. This was despite obvious under-hand dealings at the various local governments.

CONCLUSION

Ekiti State House of Assembly has passed through different stages in its 12 years of existence. The first House (1999-2003) was AD dominated, which made legislature-executive relations during this period to be harmonious and rancor free. This, ostensibly, was aided by the fact that the Governor of the State, Niyi Adebayo, was elected on the platform of AD. The second House during Governor Ayo Fayose's administration (2003-2007) was PDP-studded. The legislators were loyal to the Governor because the candidacy and election of majority of the lawmakers were sponsored by the governor, who consequently had a good grip on the house until his face off with the erstwhile Head of State, President Olusegun Obasanjo, who engineered his removal using the House of Assembly. Membership of the third House of Assembly (2007-2011)

were split equally between the two prominent political parties, the ACN (13) and PDP (13).

The performance of these Houses has been discussed extensively in this chapter. Like some other states created about the same time without any democratic experience or other states that had been under uninterrupted 16 years of military dictatorship, Ekiti State experienced some teething challenges. It is not in doubt that the first set of House of Assembly was peopled by inexperienced politicians, who had capitalised on the circumstances of that political environment to emerge as party candidates. This also had some debilitating effects on their level of efficiency and effectiveness in terms of lawmaking – their primary responsibility. This partly explains the number of training they had to attend within the first year of assumption of office. Though this was to equip them with the necessary skills and strategies of making law, how this actually translated into robust debates and qualitative bills/laws remained a fundamental question.

The situation is aggravated by the general trend of high legislator's turnover in successive elections. It was such that about 90 percent of the lawmakers in each of the legislative sessions have always been new comers, thereby precipitating the need for training workshops at colossal costs. None of the members of the Assembly in Ekiti State has returned to the house for a second or third term throughout the life span of the three Assemblies. This is so because the party has the final say about who eventually becomes the candidate. More so, candidates are chosen on rotational basis among the communities that constitute each of the 26 constituencies in the state. To this extent, it is impossible for a candidate to be picked for more than once from the same community.

Similar trend that is observable is that the House has always been dominated by members of the ruling party in the state, particularly between 1999 and 2007. It became worrisome when the only member elected on the platform of NCP in the 2003 elections – Benson – defected to the PDP less than 2 years into the legislative tenure.

The scenario, however, changed in 2007 when the House was divided equally between the two dominant political parties in the state, the ACN

and PDP, each having 13 members. This, according to informed observers, has a veritable variable that could engender competitiveness and result oriented debates in a representative democracy. Expectedly and as variously attested to by the leadership of the House, many bills were passed into law that, in a comparative assessment, put them on a fast lane ahead of other states.

CHAPTER 15

The Legislature in Enugu State, 1999-2011

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INTRODUCTION

Enugu state is one of the five states in the South-East geo-political zone of Nigeria. The state was created on 27 August, 1991 during the military government of General Ibrahim Babangida. The name of the state "Enugu" was derived from the Udi Hills, meaning top of the hill (Enu-Ugwu). However, Enugu is a corrupted name (Enu-Ugwu) created by the British colonial government. The geographical significance of the state is traceable to the discovery of coal in 1909 by a team of British geologists. This influenced the development of the city and construction of a rail line to link Enugu coal mine with the sea port in Port-Harcourt for the export of the mineral and other produce.¹

On 29 May, 1999, Nigeria completed its transition programme that enthroned democracy after 16 years of uninterrupted military rule. The presidential system was retained. In Enugu state both the executive arm and the House Assembly are dominated by politicians from the governor's

1. Available at: www.enugustate.gov.ng (accessed on 17 December, 2011).

party, Peoples Democratic Party (PDP). However, the relationship between the two branches of government has been noted more for intrigues and personality clashes, than conflicts over principles and programmes. Expectedly, the principal mode of managing such conflicts has been the public mode. The relationship between the executive and the legislature in the first phase of the Fourth Republic (1999-2003) was fraught with series of crisis.

The establishment of representative legislature at the state levels of government by the Nigerian 1999 constitution, after a long period of military rule, epitomised a fresh attempt at constitutionalism in Nigeria. The 1999 constitution employed the principles of separation of powers for separate agencies to exercise governmental power and to ensure effective and efficient discharge of governmental functions. Separation of powers has, therefore, become the cardinal feature for the operation of constitutional democracy in Nigeria under the Fourth Republic.

However, the operation of the constitution has been characterised by conflicts, confrontations, feuds and deadlocks between the executive and the legislative branches of government, particularly at the federal level. This tendency raises important questions about the existence, scope and efficacy of the legislature, especially in terms of its independence and performance of oversight function in the constitutional scheme.² In the first phase of the life of Enugu state legislature, these questions can be engaged partly in terms of the number of bills passed and ability to hold the executive accountable for its actions and/or inactions. The connection between the independence and performance of oversight functions of the state legislature is, evidently, understandable against the background of the absence of effective institutional checks and limitations on the exercise of executive powers under the preceding military administration and the “carry over” of military personnel into the executive branch, since during the military era, the executive arm remained intact, while the legislature was sent into oblivion.

2. Oyewo, O., *Constitutions and the Oversight Functions of the Legislature in Nigeria*, A Paper Presented of African NETWORK of Constituted law Conference on Foisting Constitutionism in African, Nairobi, Kenya, 2007, p. 1.

To study one branch of government in isolation from the other is usually an exercise in make-believe. Very few operations of the legislature and the executive are genuinely independent and autonomous. This is because an initiative by one organ sets in motion a series of compensatory actions by the other organ – sometimes of a cooperative nature, sometimes antagonistic. The branches trigger complementary vibrations and reverberations.³ This is expected to be the case in Nigeria, with a constitutional democracy that not only specifies horizontal and vertical division of powers, but also stipulates the limits and scope of their powers.

The legislature is the distinctive mark of a country's democracy, the index of its status as a state and the source of much of the powers exercised by the executive in the administration of government. The sovereign power of the state is, therefore, identified in the organ that has power to make laws and the issue commands in the form of legislation binding on the community.⁴ In spite of its strategic importance, however, the legislature in general, and State Houses of Assembly in particular, have been the 'least developed, least appreciated and least studied' in Nigeria.⁵ While the return to democracy has brought about some improvement with respect to the federal legislature, the situation at state levels remains pathetic. The long detour of the status of the state legislature has made this study imperative, with emphasis on the Enugu state House of Assembly. The objective is to X-ray the status and role of the state legislature from 1999 to 2011, with particular reference to the date of inauguration, distribution of members and leadership along party lines under each dispensation. We also explore the implication of such distributions for oversight functions such as approval of list of commissioners and impeachment threats on the chief executive, among others.

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3. L. Fisher, *The Politics of Shared Power*, Texas: Texas University Press, 1998.
 4. Quoted in I. Sagay. The States and Role of The Legislature in a Democratic society <http://arize198.Worelpress.com/2010/08/16/status-and-role-of-The-Legislature-in-a-Democracy>, 2010.
 5. See J. 'Shola Omotola, "Impeachment Threats and Nigeria's Democracy", in Ojo, E.O. (ed.), *Challenges of Sustainable Democracy in Nigeria*, Ibadan: John Archers Publishers, pp. 183-208.

ENUGU HOUSE OF ASSEMBLY, 1999-2003

As earlier mentioned, Nigeria returned to democracy on 29 May, 1999, after 16 years of military rule. The presidential system was retained with bicameral legislature at the national level and unicameral legislature at the state level. Section 4, ss. 6 and 7 of the 1999 constitutions stipulates the legislative powers of the state. It states “the legislative powers of a state of the federation shall be vested in the House of Assembly of the state. The House of Assembly of a state shall have power to make laws for the peace, order and good government of the state”.⁶ The phrase peace, order and good government does not delimit the purpose for which the power is granted, in the sense that a law must be for peace, order and good governance in order to be valid. It is, simply as the judicial committee of the Privy Council has held, a legal formula for expressing the widest plentitude of legislative power exercisable by a sovereign legislature, subject to limitations arising from the division of powers between central and regional governments in a federal system such as Nigeria.⁷ As a result, the legislative power of the National Assembly in Nigeria is not a power to make law for “peace, order and good government” with respect only to matters specified in the constitution. The formula, “peace, order and good government which is also used by the constitution to define the legislative power of the state Houses of Assembly, confers no inherent power on the National Assembly to legislate outside the matters so specified as being within its legislative competence.

The performance of the legislative Assembly in Enugu state can be classified based on certain criteria. For example, the first legislative session of the Enugu state House of Assembly in the Fourth Republic may be regarded as the radical phase. This is because the period witnessed democracy in the form of actions, in debates, and consideration of motions, resolutions and bills. This tendency manifests in the nature and character of executive-legislature relations during this period, as discussed below.

6. Federal Republic of Nigeria, *The 1999 Constitution of the Federal Republic of Nigeria*. Lagos: Government Printers, 1999.

7. Ben Nwabueze, cited in Sagay, 2010. op. cit., p. 6.

EXECUTIVE-LEGISLATIVE RELATIONS IN
ENUGU STATE, 1999-2003

Partisanship is an accepted and expected practice in politics. Confrontation between branches of government can also occur but generally only when one political party controls the chief executive office and the other political party controls the legislature, what is generally regarded in the literature as divided government. The Enugu state House of Assembly was dominated by politicians from the governors party, the PDP. Indeed, all members of the House were from PDP. While the state could be said to have a governor with strong views, a penchant for the straight talk and impatience to get on with the job of a governor; yet, inter-branch conflict was rife and prominent, even though electoral results of 1999 did not divide the executive and the state House of Assembly. But conflicts between the executive and the legislature were noted more for intrigues of interest and personality clashes, than conflicts of principles and programmes. Consequently, the relationship between Governor Chimaroke Nnamani and the State House of Assembly was fraught with series of crisis between 1999 and 2003. The table below shows membership of the House: gender, constituency, position and party.

Table 1

S/No	Name	Gender	Constituency	Position	Party
1	Abel Chukwu	M	Anirniri	Speaker	PDP
2	Cletus Anebe	M	Awgu North	Speaker	PDP
3	Okpara Chukwuma	M	Awgu North	Member	PDP
4	Uche Nome	M	Enugu East I	Member	PDP
5	Uche Ekete	M	Enugu East II	Deputy Chief Whip	PDP
6	Oguejiofor Ndu	M	Enugu North	Leader	PDP
7	Agwu Francis	M	Enugu South (rural)	Member	PDP
8	Igwesi U.S.A	M	Enugu South (urban)	Member	PDP
9	Uzo Festus	M	Ezeagu	Chief whip	PDP
10	Aroh Chijioke	M	Igbo-Etiti East	Member	PDP
11	Nsude Hyacinth	M	Igbo-Etiti West	Member	PDP

12	Ali Linus	M	Igbo-Eze North I	Member	PDP
13	Atigwe David	M	Igbo-Eze II	Member	PDP
14	Ezema Fidelis	M	Igbo-Eze South	Member	PDP
15	Ebenyi Kingsley	M	Isi-Uzo	Member	PDP
16	Nnamani Calistus	M	Nkanu East	Member	PDP
17	Ugwu Nwabueze	M	Nkanu East	Member	PDP
18	Ogbonna Asogwa	M	Nsukka East	Deputy Speaker	PDP
19	Ethelbert Obayi	M	Nsukka West	Member	PDP
20	Uche Anya	M	Oji River	Member	PDP
21	Eze Emmanuel	M	Udenu	Member	PDP
22	Ogbozor Veneth	M	Udi North	Member	PDP
23	Agu Foster	M	Udi South	Member	PDP
24	Chukwuma Jonathan	M	Uzo Uwani	Member	PDP

Source: Enugu state House of Assembly

The composition was all male affair and without any other party membership. It was 100 percent PDP. The above composition of the House will simply suggest compromise. However, the conflicts between the House and the Governor came to the open in 2000. Both the Governor Chimaroke Nnamani and the members of the House came to power through Jim Nwobodo, their godfather or the political machine. Unexpectedly, immediately after being sworn in as the governor of the state, Chimaroke broke camp with Jim Nwobodo, the godfather.

This new situation created two political structures in the state. These two separate and parallel structures secured membership from the House of Assembly. One structure belonged to the governor and the other to Jim Nwobodo. Both of these structures had in 2000 mounted counter views to each other and postured like the proverbial "cat and mouse". The cat and mouse relationship developed immediately Governor Nnamani claimed that he bought his governorship and as such had paid for it.⁸

8. P. Mbah, 'Appraising Executive Legislative Relations in Nigeria: the Case of Enugu State, 1999-2003', in G. Onu, C. Umezurike M. Nnabugwu and O.B.C. Nwankwo (eds.), *Issues in Politics and Governance in Nigeria*. Enugu: Quintagon, 2009.

Nwobodo had argued on the contrary that the governorship of Enugu States was not for sale and even if it were, Nnamani would not have been the highest bidder since he (Nwobodo) sponsored his campaigns to the tune of ₦20 million. As a result, Nwobodo claimed he single handedly made Nnamani the governor of Enugu state. It was on the basis of this line of argument and disagreement that the two parallel political structures emerged and developed to cater for the interest of the two individuals within the state. Nnamani stated he need not be encumbered by the antics of self-serving individual, who operated as a settlement-seeking godfather, who would swallow an incumbent on account of renegeing on sole proprietor/client deals. In literal terms, the two structures are called "Oganiru" and "Ebeano". While Oganiru was made up of the so-called progressives (Nwobodo's structure), the Ebeano enjoy the power of incumbency (Governor Nnamani's structure). Governor Nnamani under the aegis of the Ebeano political machinery set a phenomenal political mobilisation process.

The Oganiru structure was in hock with majority members of the state House of Assembly, while Ebeano through the Governor unleash terror on the House. In space of two years, Enugu House of Assembly had impeached three Speakers; ostensibly under the prodding of the state Governor, thus explaining the confrontation and conflict between the two branches of government. Personal interests and personality clashes no doubt played key roles in the executive-legislature conflicts during the period under study. One important area where the relationship became rancorous was in the move to impeach Governor Chimaroke Nnamani in 2002.

THE IMPEACHMENT SAGA OF 2002

One area that generated serious crisis between the executives and the legislature was the motion of impeachment moved against Governor Chimaroke Nnamani in 2002. Before then, there were gossips from some members of the house loyal to the governor that Jim Nwobodo had given money, amounting to some millions of Naira, to bribe the members of the state Assembly to begin the process of impeachment against the

governor, when the democratic government was just a few weeks old. It could be remembered that since there had been strained relationship between the governor and Nwobodo, every statement or gossip meant a threat to the position of Nnamani's governorship. So the executive and some members of the House loyal to the governor thrived on gossips and sycophancy. Such persons had benefited a lot from that naïve political instrument.

However, the real move for impeachment of the governor started in 2002 when 14 out of 24 members of the House tabled a petition to impeach Governor Nnamani. The uproar from the governor and his group in the House created rancorous relationship between the House and the governor. Nwobodo was alleged to have been privy to the move. It was widely reported that it was Nwobodo, who planned the impeachment because the governor did not accept his terms of agreement at the beginning of the Nnamani administration. In fact, the crisis started on 18 July, 2002, when 14 out of 24 legislators decided to suspend their Speaker, Abel Chukwu and other principal officers, who were collaborators with the executive arm. Governor Nnamani was then accused by the members of the legislature of interfering in their legislative autonomy and colluding with their principal officers to suppress their independence, thereby exercising unnecessary influence on their constitutional legislative mandate. As the House convened for its seating on 18 July, 2002, members of the 14 legislators were prevented from gaining entrance into the chambers by thugs who were allegedly hired by the executive arm. The conspicuous presence of the secretary to the State Government (SSG), Ike Ekwerendu, political adviser, Sam Ejiofor and chief of Staff, Frank Nweke, Jr. were pointers to executive assault on the House. Some of the legislators from the 14, however, found their way into the chambers where Fraben Agwu had already started reading the suspension motion which was seconded by Ethelbert Obayi of Nsukka West. At this juncture, U.S.A. Igwesi came and snatched the paper from F. Agwu and a spontaneous fight erupted on the floor of the House.

During this time, the 200 hired thugs by the executive, however, overpowered the police at the House entrance into the chambers and inflicted both gun and machete wounds on the 14 legislators. Though the

suspension of Chukwu succeeded as it was read on the floor of the House and seconded with signatories of 14 members, as a result, it became obvious that the lives of the 14 members were in danger. However, the embattled Hon. Nwabueze Ugwu's protracted suspension was also lifted, bringing their number to 15 legislators. Subsequently, Ogbo Asogwa was elected the new speaker. The House was then adjourned till Tuesday, 23 July, 2002.

The sitting could not hold on the 23 July because of alleged insecurity of lives of the legislators, who had taken refuge in Abuja. Sitting was rescheduled for Thursday, 25 July. On arrival from Abuja, the 14 legislators were not initially allowed entrance into the chambers as armed thugs fired into the air sporadically. Normalcy, however, returned to the environment when the Commissioner of Police Dan Ayogu came to the venue with an instruction from the Inspector-General of Police that the House should be allowed to seat. Yet, the police refused to open the gate to the assembly complex and the legislators decided to conduct their sitting in front of the gate. The legislators after deliberating on the use of thugs by one of the members, U.S.A Igwesi, decided to suspend him (Igwesi) indefinitely from the House and re-affirmed their earlier suspension of Abel Chukwu. The House adjourned till Thursday, 1 August, 2002 and the legislators left for Abuja for their safety. It was gathered that Sam Ejiofor equally traveled to Abuja to negotiate on behalf of the governor. Each one of the 14 legislators was to receive a ransom of five million naira to enable the legislators drop impeachment procedure on Governor Nnamani. As a result, some legislators defected from the 14 members to the other 10.

The impeachment threat expressed personal interest and vengeance, following Nwobodo's allegation that the governor had wanted to make him irrelevant in politics of Enugu state and therefore excluded him from the riches accruing thereof. His allegation was based on the conviction that the governor's hand was in the removal of many commissioners and political associates from Nnamani's cabinet. This really shows how power and position can be a lead way to pursue self-interest when conflict became inevitable. The impeachment finally fizzled out at least with a price.

RETRENCHMENT AND RECALL OF SACKED WORKERS

Another area of faceoff between the governor and the House of Assembly was the issue of retrenchment of workers and the intended recall of workers previously retrenched by the military administration preceding the civilian administration in 1999. In 2001, about 14,000 workers of Enugu state civil service were retrenched in what seemed to be a swift action in down-sizing the civil service in the face of rising unemployment in the state. The governor said the state did not have enough money to pay civil servants and for that he needed to retrench some of the workers. He told the people of the state on the floor of the House of Assembly that he had to retrench for shortage of funds. Days after, the Secretary to State Government (SSG), Onyemuche Nnamani, came out to announce that civil servants that have been retrenched by the military government a year before Chimaroke Nnamani came into government, were being recalled. And so, members of the House could not understand the contradiction of retrenching and recalling.

The House of Assembly summoned the SSG to the floor of the House. Nwabueze Ugwu took the floor and asked the SSG questions that infuriated the governor. Other members also raised a number of issues and questions pertaining to the contradiction raised in the retrenching and recalling of workers. The governor felt the questions tallied with some gossips from certain quarters of the government, especially from the state House that Nwobodo had given money, some millions of Naira to bribe the members of the House to begin a process of impeaching the governor. Nwobodo was alleged to have picked two legislators to mobilise others who were sponsored by him to impeach Nnamani, a month after the governor appointed his cabinet. The legislators were Nwabueze Ugwu and Callistus Nnamani. Ugwu and Nnamani, as alleged, failed to carry out the impeachment. Nwabueze then moved a motion on the floor of the House of Assembly supported by Calistus Nnamani to summon the SSG, to explain the failure of the state government to pay workers of Enugu state their ₦7,500 as minimum wage. As the crisis continued, Cletus Enebe from Awgu North constituency was impeached as the Speaker. This compounded the frosty relationship between the executive and the legislature.

Based on the foregoing, the House of Assembly became factionalised between the Governor and Nwobodo, with the latter having majority of the members on his side. The State House of Assembly became agents of gossip. It was alleged that Governor Nnamani sent assassins after Nwabueze Ugwu, which culminated in the gruesome murder of Nwabueze's younger brother, Sunday Ugwu. The state then became the hobbesian state of nature, for gruesome murdering and abduction of perceived political opponents, with accusing fingers pointed at the governor. This disruptive behaviour tied to irreconcilable disagreement over contentious issues such as the contradiction of sacking one set of and recalling another set, caused rancorous relationship between the executive and the legislature. At the heart of it all, however, was the preoccupation of main political actors with the use of state powers for primitive accumulation of wealth.

CRISIS OVER APPOINTMENT OF COMMISSIONERS

One area that also generated conflict between the executive and the legislature in Enugu State was the appointment of commissioners made by Governor Nnamani in 1999. It was from the appointment of commissioners that the first personality clash and personal interest between Nnamani and Nwobodo came to the limelight and made the two gladiators in Enugu irreconcilable. The problem started when Nnamani was forming his government in 1999. Nwobodo, who campaigned and sponsored Nnamani, was reported to have forwarded a list of people he wanted considered for appointment as commissioners to Nnamani. Having played key roles in the acceptance of Nnamani as flagbearer of the PDP for the election, as well as leading his campaigns, Nwobodo expected that his words would be law. The list he submitted was, therefore, not to be tampered with. To Nwobodo's surprise, Nnamani did not accept his list in full. Nnamani's counter argument was that "Nwobodo campaigned for him, but he brought raw dollars to pay party members who nominated him and voted during primaries and ensured that victory was defended at the local levels". In the ensuing post-election crisis, Nnamani dangled political offices as carrot to a number of people other than those submitted

by Nwobodo. It was alleged that the governor reserved juicy positions only for the Nnamani's family and friends. It was based on this that some members of the House who were also sponsored by Nwobodo ganged up to undo the governor and engage in battles in order to remove him. It was also for the same that the governor fought back to crush all oppositions, including legislative oversight. Having done this, Nnamani leisurely started feasting on public funds at the expense of the masses, acting as vampire and looting the public treasury. In fact, the Economic and Financial Crimes Commission (EFCC) stated that Nnamani looted over ₦50 billion Naira during his administration in the state.

The consequence of the foregoing for executive-legislative relations was the several conflicts between Nnamani and the House of Assembly. These issues mentioned above set the tone for the bullfight between the branches of government. Insofar as political parties essentially became expressions of the ideological, political and economic crisis of the ruling classes, instead of channels for popular representation, the legislature is invariably weakened and the executive power is accentuated.

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The second tenure of the Nnamani's administration saw the hand-picking of would be members of the House of Assembly during the PDP primaries preceding the 2003 general elections. The hand-picking and imposition of candidates, which made nonsense of internal party democracy, ensured that the so called radical members of old Assembly did not return to the House. Sycophants and praise-singers, as well as illiterates, became a common feature in the membership of the state Assembly. Since they were handpicked, their loyalty to the governor was not in doubt. The following members were elected or appointed (members of House of Assembly in the second session of the assembly).

The state legislature ever since 1999 has been dominated by one party, the PDP. The number of parties in the legislature offers basic information on the composition of the party configuration. However, as we can witness in the Enugu state legislature in the past few years, the legislature is dominated by PDP since 1999. But that does not suggest

Table 2. Assembly Members, 2003-2007

S/N	Name	Gender	Constituency	Position	Party
1	Abel Chukwu	M	Aniriri	-	PDP
2	Cletus Anebe	M	Awgu North	Speaker	PDP
3	Maduabu Emmanuel	M	Awgu North	Member	PDP
4	Ugwu Christopher	M	Enugu East (rural)	Member	PDP
5	Agbo Denies	M	Enugu East (urban)	Member	PDP
6	Onah Joseph	M	Enugu North	Member	PDP
7	Ani Donatus	M	Enugu South (rural)	Member	PDP
8	Chukwuegbo Offor	M	Enugu South (urban)	-	PDP
9	Anikwe Paul	M	Ezeagu	Deputy leader	PDP
10	Odo Eugene	M	Igbo-Etiti East	Chief Whip	PDP
11	Amadi Alfred	M	Igbo-Etiti West	Member	PDP
12	Onyeze Michael	M	Igbo-Eze North I	Member	PDP
13	Atigwe David	M	Igbo-Eze II	Member	PDP
14 (A)	Ezema Fidelis	M	Igbo-Eze South	Member	PDP
14 (B)	Ezugwu Elizabeth	M	Igbo-Eze South	Member	PDP
15 (A)	Ebenyi Kinglsey	M	Isi-Uzo	Member	PDP
15 (B)	Nnamani Edith	F	Isi-uzo	Member	PDP
16	Anichukwu John	M	Nkanu East	Member	PDP
17 (B)	Chukwu Lucky	M	Nkanu West	Member	PDP
17 (B)	Nnamani Chukwu	M	Nkanu West	Member	PDP
18	Amu Felix	M	Nsukka East	Member	PDP
19	Onah Fabian	M	Nsukka West	Member	PDP
20	Obidinma Johnny	M	Orji River	Member	PDP
21 (A)	Eze Emmanuel	M	Udenu	Member	PDP
21 (B)	Ogbu Eugenia	F	Udenu	Member	PDP
22	Njeze Marcel	M	Udi North	Member	PDP
23	Eneh Chika	M	Udi South	Member	PDP
24	Chigbo Anthony	M	Uzo-Uwani	Member	PDP

Out of 24 members of the House, only 4 members were female.

Table 3. Members of the Enugu State Assembly 2007- 2011

S/N	Name	Gender	Constituency	Position	Party
1	Eugene Odo	M	Igbo-Etiti West	Hon speaker	PDP
2	Dennis Agbo	M	Enugu East	Deputy speaker	PDP
3	Jonny Obidinma	M	Oji River	Leader of the House	PDP
4	Micheal Onyeze	M	Igbo Eze North	Deputy Leader	PDP
5	Mrs. Theresa Egbo	F	Enugu East I	Chief Whip	PDP
6	Chief Paul Anikwe	M	Ezeagu	Deputy chief whip	PDP
7	Abel Chukwu	M	Aninri	Former speaker	PDP
8	Cletus Enebe	M	Awgu North	Former speaker (Chairman, House Committee on Local Government inter- parliamentary and ENSIEC matters)	PDP
9	Emma Maduabu	M	Awgu North	Chairman, House Committee on House Services	PDP
10	Okechukwu Nwoke	M	Igbo-Etiti East	Chairman, House committee on agricultural and natural, resources	PDP
11	Anichukwu John	M	Nkanu East	Chairman, House Committee on Finance and Appropriation	PDP
12	David Atigwe	M	Igbo-Eze North I II	Chairman, House Committee on Health	PDP
13	Chief (Mrs.) Edith Ify Nnamani	F	Izi uzo	Chairman, House Committee on commerce and industry	PDP
14	Chief Anthony Chigbo	M	Uzo Uwani	Chairman, House Committee on accounts and anti-corruption	PDP
15	Chief Felix Anu	M	Enugu East (urban)	Chairman, House Committee on chieftaincy, tourism resources	PDP
16	Christopher Ugwu	M	Enugu East (rural)	Chairman, House Committee on petroleum resources	
17	Chukwuma Nnamani	M	Nkanu West	Chairman, House Committee on public utilities	

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18	Mrs. Chika Ene	F	Udi South	Chairman, House Committee on Women Affairs
19	Princess Eugenia Ogbu	F	Udenu	Chairman, House Committee and labour matters
20	Mrs. Elizabeth Ezugwu	F	Igbo-Eze South	Chairman, House Committee on Economic Development. poverty reduction
21	Barr. Emeka Nnamani	M	Enugu North	Chairman, House Committee on millennium development goals and urban renewal
22	Fabian Onah	M	Nsukka West	Chairman, House Committee on Water resources
23	Paul Ogbe	M	Enugu South Urban	Chairman, House Committee on Youths and sports
24	Marcel Njeze	M	Udi North	Chairman, House committee on information

that the party system in Nigeria as it exists is institutionalising at the national level of politics. It perhaps explains de-institutionalisation and fluid party system that is still in flux, configuration and/or change. The explanation can be found in the structure of rigging the process of election to maintain a one-party legislature for easy manipulation by the executive for the achievement of personal and sectional interests. The major thinking in Nigeria is that two or more parties in the legislature indicate lack of stability. Contrary to this view the number of new parties in the legislature is an additional indicator of stability. Essentially the legislature passes bills that are strongly debated on its merits.

CHAPTER 16

Gombe State House of Assembly, 1999-2011

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INTRODUCTION

The world has witnessed increased clamour for democratic institutions for good governance. Consequently, political institutions now strive to appropriate democratic government in order to acquire legitimacy. There are two types of democratic governance in the contemporary world - the parliamentary system of government, in which the chief executive is the prime minister and the presidential system, in which the chief executive is the president. Nigeria practices the latter. Once elected according to the constitution, the president holds the office for a fixed term as well as state executive, legislature and judiciary.

The presidential system entails complete separation of powers between the executive, legislature and judiciary, with the electorate rather than legislature ensuring checks and balances between the three arms of government. However, political stability, development and sustainable presidential democracy depends largely on the legislature, the constitution in operations and how the executive and the legislature adhere to the guiding principles of the society, thus making the constitution the most vital document by which the roles of executive and the legislature are clearly spilt out and inter related in the process of decision-making. In

this vein, Ray¹ notes that the institutional design of legislature and executive in policymaking represents a conspicuous diversity, maintaining that the legislature primarily expresses government policy; the extent to which it does it; ensures strong government, and any diversion from it manifests the weakness of government.

The birth of Nigeria's second republic in 1979 was the result of a new constitution which gave Nigeria a new political arrangement of a federal republic. Sections 5 (iv) and 5 (2) (a) of the constitution vested the executive powers of the federation and the state on the president and governors respectively.² Section 4(6) vested legislature power of the federation and state in the national assembly and state house of assembly respectively.³ Based on their arrangement there is need for the existence of a solid relationship between the executive, the legislature and the judiciary in both federal and state levels in order to ensure effective distributive capacity of the system and excellent performance of the entire system.

Carved out of Bauchi state, Gombe state came into existence on 1 October 1996. It is located in North Eastern Nigeria and shares boundaries with Borno Taraba Adamawa and Bauchi states. It covers a landmass of 20265km² with a population of about 2353000 million people (2006 est.).⁴ It is a multi-ethnic state with Gombe as its capital. It has 11 local governments namely, Akko, Balanga, Billiri, Dukku, Funakaye, Gombe, Kaltungo, Kwami, Nafada, Shongom, ad Yamalt-Debba, and 24 constituencies.

GOMBE STATE HOUSE OF ASSEMBLY, 1999-2003

The State House of Assembly was established on 1 October, 1996 under

1. Ray S.N. (1999). *Modern Corporative Politics Approaches Methods and Issues*. New Delhi: Prentice-Hall, p. 231.
2. The Constitution of the Federal Republic of Nigeria 1999: Federal Government Press, Mobile Road, Apaga, Lagos, p. 2.
3. *Ibid*, p. 2.
4. United Nations (2007). *State, Population and Development Programmes Nigeria*. Unfpa. Org Retrieved 2007-05-09 Accessed s4/1/11 Other.

the administrative leadership of Hajara Ibrahim Salmi as Clerk and Alhaji Babayo Gidado as Deputy Clerk. The house of assembly was inaugurated on 2 June 1999 by the Hashidu Abubakar led government, with A M Kwadon and Adamu Usman as speaker and deputy speaker respectively. They resigned later, and Bayero Nafada and A M Kunwal became speaker and deputy speaker. The state house of assembly had 24 members with party membership cutting across three political parties – All Peoples’ Party (APP) Peoples’ Democratic Party (PDP), Alliance for Democracy (AD) ALL National People’s Party (ANPP).

Table 1. First Assembly Hounorable Members 1999-2003

1	Usman Bayero	APP	Speaker	Nafada-North
2	A.M. Kunuwal	APP	Deputy Speaker	Deba
3	M.M. Doho	APP	Maj. Leader	Kwami East
4	J.L. Yoriyo	PDP	Min. Leader	Balanga North
5	J.L. Faruk	PDP	Deputy /Min. Leader	Billiri East
6	Maryam Mona	APP	Deputy /Maj. Leader	Balanaga South
7	Silas Paris	APP	Chief Whip	Kaltungo-West
8	U. Mijinyawa	APP	Deputy /Whip	Gombe South
9	Hassan .M.D.	PDP	Win. Whip	Yamaltu East
10	Dabo Gowon	PDP	Member	Kaltungo East
11	Ismaila Hassan	PDP	Member	Akko West
12	M. U.Abubakar	AD	Member	Akko Central
13	Bello Sulaiman	APP	Member	Akko North
14	J.B Kwalam	PDP	Member	Billiri West
15	N.H.H. Gwandum	APP	Member	Pero Shonge
16	M Gwadabe	PDP	Member	Gombe-North
17	U.M. Ribadu	APP	Member	Fky South
18	Usman Bapparu	PDP	Member	Fky North
19	Bawa Bungum	APP	Member	Ducky South
20	Kawu Dukku P.	PDP	Member	
21	Danladi Garba	AD	Member	Pero-Shongom
22	A.A Yunus	ANPP	Member	Yamaltu-West
23	M. Ibrahim Biri	App	Member	Nafada South
24	A. Kalshingi	App	Member	Akko North

Source: Gombe State House of Assembly, 2010

Table 2 was collected from former members of the house of assembly from 1999 to 2003. A total of 20 questionnaires were distributed, 10 were returned, 5 had direct answers to research questions to which they had to answer Yes, No, Very Good, Good, Average, Poor, Very Poor.

Interpretation

All, representing 15 respondents indicated they were male. 66.7 percent were ages 25-35 representing 10 respondents, 33.3 percent of 5 respondents were ages 36-45, no respondent fall below age 25 and none above age 45. The educational background of respondents show that a bulk of 13 constituting 86.7 percent has post-secondary education while the remaining 13.3 percent of 2 respondents have first school leaving certificate. All 15 respondents representing 100 percent concurred that the house had 24 members with four political parties namely, All Nigeria People Party (ANPP) Alliance for Democracy (AD), Peoples' Democratic Party (PDP) and All Peoples' Party (APP) 100 percent representing 15 respondents concur that the election process of members into the house in 1999 was very good, implying that it was free and fair. Sixty percent representing 9 respondents agree that political appointments in the state as well as the approval of state commissioners were base on party interest, a process which is scored average while 40 percent of 6 respondents believe it is poor. Sixty percent respondents agree that the selection of house leader is based on party line and party interest so it is average while 40 percent of 6 respondents say it is poor. Sixty percent express that the legislature role in budgetary approval is good while 40 percent believe it is poor. The same rating goes for its role in policy issues. About sixty-eight percent representing 10 respondents score the legislature as having performed averagely well, while the remaining 33.3 percent representing 5 respondents think its performance is poor.

FINDINGS AND DISCUSSION

The assessment of the Gombe state house of assembly from 1999-2003 is based on data collected using questionnaires and interview. With regards

Table 2. Data Responses to Research Question

S/N	Question	Yes	No	Very Good	Good	Average	Poor	Very Poor	Total	Very Good	Good	Poor	Total
1	How would you describe the election process of members?		15	100%					100%				100%
2	How would you describe the selection process of house leader?				9	60%	6	40%	100%				100%
3	How would you describe the relationship between the legislature and executive in the state?				15	100%			100%				100%
4	How would you assess the legislature role in policy making?				9	60%	6	40%	100%				100%
5	How would you assess the legislature role in approval of state political appointments?				9	60%	7	40%	100%				100%
6	How would you assess the legislature role in budgetary approval?				9	60%	6	40%	100%				100%
7	Any attempt of impeachment on the executive?		15	100%					100%				100%
8	How would you assess the legislature aim in promoting development in the state?				10	66.7%	5	33.3%	100%	10	70	70	100%

to data analysis, the simple percentage method is applied. The interview schedule was constructed for the purpose of generating in-depth data for the study.

Section 4(6) of the Nigerian constitution vested the legislative power of the state on the state house of assembly. 100 percent of respondents expressed the opinion that the state legislature possesses constitutional powers to make laws and adequately execute its mandate. That separation of functions between the three arms of government in the state is upheld. The study found out that, the elections of members into house in 1999 was free and fair. That this laid the foundation for a competitive environment in the house, separation of functions in the governance of the state and dedication to works of public interests. Thus, the legislature function of making laws was upheld which impacted positively on the lives of people of Gombe state.

The study further found out that the selection of house leader in 1999 was done using the zoning formula which is meant to ensure all three zones (Gombe North, Central, and South) are represented in the state leadership after the Governor and his deputy. Party members of the chosen zone select a viable and reliable leader and present to the house for election. It is logical that the leader comes from the majority party in the house. It is worthy of note also that the political games are actually done outside the house at party levels. However, during the first assembly external influence on the selection of house leader was minimised, a process which 60 percent of the respondents score good.

Despite the disagreement between the various political parties on issues of state appointments, the relationship between the legislature and executive in the state remained cordial. This is anchored on the need for cooperation to realise programmes and projects for the development of the state. In view of this, the role of the legislature in policy making and implementation is considered average. The same rating goes for the legislature role in budgetary approval. The differences in ideology in the house slowed down the activities of the house, a situation which delayed the execution of programs and projects and left development on a low scale.

The study also found out that the house had four political parties. This situation saw the expression of different political ideologies, policy articulation, etc. It breathes grounds for suspicion, bitterness and rancor. These differences in political affiliation and ideology actually nurtured the spirit of poor cooperation amongst members. This manifested in the process of approval of state political appointees and state commissioners, where each political party had its interest to protect in such appointments. This process was characterised by serious disagreement which always left the house divided. Though no official documents of such cases were available in time of data collection, respondents attested to the fact that disagreement always ensue at such times. This no doubt slows down the decision making process and consequently affecting the effective execution of the development programmes by the state executive. However, amidst this disagreement, there was no attempt of impeachment on the executive and the house successfully passed 26 bills.

STATE HOUSE OF ASSEMBLY, 2003-2007

The second assembly was inaugurated on 3 June, 2003 by the Danjuma Goje administration with Kawu Peto Dukku as speaker and Shuaibu Umar Galadima as deputy speaker. The house had 24 members with party representation of 2 two political parties namely the Peoples' Democratic Party and All Nigeria Peoples' Party. The PDP had majority members in the house with 22 out of 24 members. The house passed a total of 49 bills.

STATE HOUSE OF ASSEMBLY 2007-2011

The third Assembly was inaugurated by the Danjuma Goje administration on 3rd June 2007 with Manga Musa Bojude as speaker and Inuwa Garba as deputy speaker. The house had 24 members with two political parties namely Peoples' Democratic Party and Action Congress. The PDP had majority of members with 23 out of 24. It is worthy of note the only opposition member of the Action Congress had de-camped to the People's Democratic Party. As of the time of data collection, all members are of the PDP party. The house passed a total of 26 bills.

Table 3. Second Assembly Members List, 2003-2007

S/N	Name	Party	Poition	Constituency	Remark
1	K.P. Dukku	PDP	Speaker	Dukku North	
2	S.U. Galadima	PDP	D/Speaker	Deba	
3	Barr. Y L Yunana	PDP	Maj. Leader	Billiri-East	
4	Umar Barambu	PDP	D/Maj. Leader	Akko Central	
5	Zubairu Ayala	PDP	Min. Leader	Shongom	
6	Shehu A. Durbi	PDP	Chief Whip	Gombe North	
7	Zainab A. Alman	PDP	D/Chief Whip	Kaltungo-East	
8	Usman Ribadu	PDP	Min. Whip	Funakaye-South	
9	Reuben Dadiya	PDP	Member	Balanga North	
10	Ghandi J. Yaro	PDP	Member	Balanga-North	
11	Adamu S. Lily	PDP	Member	Kaltungo-North	
12	Ruben Dadiya.	PDP	Member	Balanga South	
13	Inuwa Garba	PDP	Member	Yamaltu-West	
14	Daluku Shinga	PDP	Member	Yamaltu- East	
15	Yakubu Adamu	PDP	Member	Akko-North	
16	Abubakar M.A.	PDP	Member	Gombe South	
17	Y. I. Malleri	PDP	Member	Kwami South	
18	M.M. Bojude	PDP	Member	Kwami West	
19	Abdon Lakobbo	PDP	Member	Billiri East	
20	Bawa Bungum	ANPP	Member	Funakaye North	
21	Hamza Dadum	PDP	Member	Nafada North	
22	Magaji Biri	ANPP	Member	Nafada South	
23	Adamu Malala	PDP	Member	Dukku South	
24	Mamman Alkali	PDP	Member	Pero-Shonge	

Source: Gombe State House of Assembly Office of the Clerk, January 2011

Table 4. Third Assembly Honourable Members List, 2007-2010

S/N	Name	Party	Position	Constituency	Remark
1	M.M. Bojude	PDP	Speaker	Kwami West	
2	Inuwa Garba	PDP	D/Speaker	Yamaltu West	
3	Mamman Alkali	PDP	Maj/Leader	Pero Shongo	
4	Mohd D. Adamu	PDP	D/Maj. Leader	Akko West	
5	Usman M. Ribadu	PDP	Chief Whip	Fky South	
6	Zainab A. Alman	PDP	D/C Whip	Kaltungo East	
7	Tukur Y. Bage	PDP	Member	Fky North	
8	Usman S. Dauda	AC	Min. Member	Kaltungo West	
9	Zabairu Ayala	PDP	Member	Shongom	
10	Ruben Umar D.	PDP	Member	Balanga South	
11	Mohd Sanda	PDP	Member	Balanga North	
12	Daluku Shinga		Member	Yamaltu East	
13		PDP	Member		
14	Yaya I. Malleri	PDP	Member	Kwami East	
15	Dadum Hamza	PDP	Member	Nafada North	
16	Kawu Musa Biri	PDP	Member	Nafada North	
17	Saidu K. Malala	PDP	Member	Dukku North	
18	Umaru Barambu	PDP	Member	Akko Central	
19	Hammah Kumo	PDP	Member	Gombe South	
20	Babayo B. Idaya	PDP	Member	Gombe North	
21	Nasiru Nono	PDP	Member	Deba	
22	Adamu D. Burga	PDP	Member	Billiri East	
23	Rosemary M.	PDP	Member	Billiri West	
24	Sani Adamu D.	PDP	Member	Dukku South	

Source: Gombe State House of Assembly Office of the Clerk, January 2011.

Table 5 presents the responses collected through interviews and questionnaires administered to honorable members of Gombe State House of Assembly, members of executive are of Government in Gombe State. This data was collected for both the 2003-07 and 2007-2011 assemblies.

This is based on the fact that membership of the house witnessed very slight changes for reasons which will be reflected in text, also the election process of members changed too, but political ideologies and all necessary apparatuses for success remained the same and PDP still remained the majority party in the house. Some questions raised in the interview were specially meant to provide in-depth explanation of the research questions.

Table 5. Data Responses to Research Question

S/N	Question	Yes	No	Very Good	Good	Average	Poor	Very Poor	Total	Very Good	Good	Poor	Total
1	How would you describe the election process of member?				7 32%		18 68%		100%				100%
2	How would you describe the selection of the house leader?				7 32%		18 68%		100%		100%		
3	How would you describe the relationship between the Legislature and Executive				25 100%				100%				
4	How would you assess the legislature in policy making and implementation?				21 80%		4 20%		100%				100%
5	How would you assess the legislature role in budgetary approval?				21 80%		4 20%		100%				100%
6	How would you assess the legislature role in political appointments and approval of commissioners				21 80%		4 20%						100%
7	Any attempt on impeaching the executive?		25 100%						100%	10	70		100%
8	What is your assessment of the legislature in Owerri state?				23 92%		2 18%		100%	70	10		100%

Interpretation

A total of 40 questionnaires were distributed as indicated above, out of which 20 were returned and 5 respondents were directly interviewed making a total of 25. 20 questionnaires were not returned.

In terms of age distribution, ages 26-35 constituted 40 percent representing 10 respondents, ages 36-45 had 12 respondents constituting 48 percent, ages 46-55 had 3 respondents constituting 12 percent and no respondent fall between ages 55 and above, and ages 25 and below. The educational background of the respondents show that a bulk of 20 representing 80 percent has post secondary education while 20 percent representing 5 respondents have university education and above.

Furthermore, 25 respondents representing 100 percent indicated they are of male gender. 60 percent of 15 respondents, believe that the selection of the house leader is adequate or good and are comfortable with it while 40% of 10 respondents believe otherwise. Meanwhile 100 percent of 25 respondents believe that the constitution of different political parties in the house would affect the relationship of members in the house and their responses to policy issues in the state. Also 80 percent of 21 respondents maintain that the state legislature and executive are not separated in their functions while 20 percent of 4 respondents believe they are.

Further, 100 percent of 25 respondents stated that the relationship between the legislature and executive has been cordial and on good footing since 2003. As they specifically stated it is the reason for the current development in the state. Whereas, 80 percent of 21 respondents score on interview and questionnaires the role of the legislature in policymaking and implementation as average, specially expressing that little or no input is made on bills submitted to the house by the executive based on this approval is swift while 20 percent of 4 respondents believe their performance is good. Same rating goes for the legislature role in budgetary approval. 80 percent of 21 respondents concur that the role of the legislature in political appointments is poor and expressed dissatisfaction with the role of the legislature, whereas 20 percent of 4 respondents believe their role is adequate.

All 25 respondents concur that the legislature and executive sometimes

do disagree but noted with emphasis that such disagreements are not based on public issues or issues that concern the people and the state.

All 25 respondents ascertain that Gombe state house of assembly since inception has not had any incident of impeachment of the executive specifically, expressing that matters of the state do not degenerate to such levels especially given the composition of membership of the house.

Ninety-two percent of 23 respondents scored the legislature performance very good. Specifically, expressing that its role has affected positively the socio-economic life of the people of the state, though it plays a subservient role to the executive. That, this limited unnecessary tension between legislature and executive and breathed grounds for meaningful developmental projects to be executed by the executive.

FINDINGS AND DISCUSSION

From the foregoing, the study found out that the Gombe State House of Assembly has since inception enjoyed a stable membership of 24 members with each assembly constituting of at least two political parties. The 2nd and 3rd Assemblies have enjoyed the dominance of the same political party the Peoples Democracy Party. The 2nd Assembly witnessed the de-camping of members of other political parties to the ruling PDP party. Meanwhile the 3rd Assembly is conspicuously constituted of PDP party members only. In 2003 election of members was free and fair and the people were taken into consideration. This was attributed to the fact; the power of incumbency was limited given the multitudes of political parties in the house. The ruling ANPP had lost its popularity due to the incomplete development programmes and projects scattered in the state, and the almost unending squabbles amongst house members. A situation, which left the state far below on the development scale. More so, the second largest party in the house the PDP needed to topple the ANPP over the leadership of the state. At this crossroads, the electorates were allowed to freely select their leaders. Thus the most popular candidates of each political party in a constituency were given all necessary support by his party to win. Party interest is seriously protected.

In 2007, the election process became quite unhealthy for a democratic

set. The level of executive interference was alarming. As indicated above, party interest is paramount in times of elections and as found during the interview, a former member (name withheld) maintain that “the party is most powerful . . . success cannot be achieved without the support of the party, that Membership is determine at grassroots along party lines”.⁵ The chief executive of the state is the chairman of the party at state level. Together with the power of incumbency, he determines who emerges as the House member. A former member explains:

the chief executive is too powerful, he chooses his candidates even if they are not the people’s choices and give them all the financial and material support they need to succeed.

He further laments that:

I did not win in the 2007 elections not because I was not popular but because I was not the ruling government candidate though we are from the same political party, because the person who succeeded me is not as popular as I am.⁶

The ruling government made sure that any member who tried to do things the way it does not approve of which is not necessarily wrong cannot be reckoned with in terms of manipulation. Here, the politics of incumbency is displayed. All other aspirants from different political parties are terrorised, while those from the ruling party are out rightly asked to leave the race, if they are not the chosen candidate.

A contestant, after purchasing her form to run as PDP candidate from Balanga Contingency in 2007 was threatened by “Kalare” boys to step down.

Kalare came to my house in Gombe town, four of them were armed with matches, and they asked me to withdraw my candidacy or face the consequences. They knocked at the door, I opened, they pushed me inside they said I am not the governor’s candidate.⁷

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5. Interview Granted to Former Members of House of Assembly Gombe State. Names withheld on 25 January, 2011.
 6. Ibid.
 7. Human Right Watch (2007) Interview, Gombe Town, 24 April, 2007.

The aspirant eventually dropped her candidacy after several accompanying threatening phone calls. This situation is exacerbated by the criminal activities perpetuated in the state by the same group of boys, a situation which is described thus:

we are ruled by gangsters; the major source of criminal activities in Gombe State is the politicians and their militias. The militias also known as "Kalare boys" constitute young men who have little or no opportunity for legitimate socio-economic advancement, there men are mobilised, given some money, alcohol, drugs and weapons in exchange of engaging in acts of intimidations and assault during political campaigns and elections. They indulge in steeling, struggling ballot boxes, chasing away voters and intimidating INEC officials all to ensure victory of chosen candidates.⁸

On the selection of the house leadership, it is generally perceived that it is done on a level playing ground where the zoning formula is used in order to carry everybody along. A situation which ends the legislature average rating for this process. Members nominate a member and he is voted for. It is worthy of note that the leader of the house usually comes from the ruling and majority party in the house. However, based on data collected from interviews, the study found out that no free hand is given to members on the selection of the leader. In this situation, party is most powerful and its interest is protected maximally. After the elections of members, at the party level, positions of principal officers like the leader is chosen and what is done in the house is mere formality, i.e. the process of nomination, etc. This is done in order to avoid having a stormy house or an environment that would make it difficult for the executive to effectively implement development programmes and projects and uphold the image of the party. Based on this, the state house of assembly leaders are not actually elected as reflected but selected and it is along party lines.

Meanwhile, the composition of the house members and their role in policymaking and implementation and budgetary approval is an indication

8. Human Rights Watch (2000) Criminal Politics 11 October. 2007 Accessed 2011. www.hrw.org/en/node/10660/section/1

that their selection as members is determined at the grassroots by the executive. Moreso, the state legislature is accused of playing the surrogate to the chief executive and that separation of powers amongst the arms of government in the state is completely negated by the executive. The most important role of the legislature is to make laws and also to serve as watch dog on the executive. This particular function of the legislature is undermined. Considering the fact membership is determined at grassroots by the party and godfathers, the tenure of membership in the house is also determined by the same godfathers as well as its activities.

The state legislature is the only institution that represents the people and their constituencies with their monopoly to make laws and create new commissions and agencies; they enact public policy and determine public expenditure. This gives them the power and opportunities to translate the people's aspirations and needs into public policies. When they own their seats to God fathers as the case is presently, rather than the vote of the people, it is evident that they would remain diverted in their focus. This however accounts for the reason why the state legislature is regarded as a rubber stamp to the state chief executive. This is true of the Gombe State House of where all members belong to the ruling party.

It is worthy of note that there is need to provide a mixture of individuals in the house from different political parties, ideologies, background and experiences. This will go a long way in ensuring an independent and effective legislature. Moreso, the skills, efficiency, and resourcefulness of the state legislature in discharging their constitutional functions will be sustained. A situation which, if well exploited, will generally ensure grassroots participation and advance development in the state.

The perpetuation of this type of political culture in the Gombe State House of Assembly leaves much to be desired. It has consistently eliminated any form of opposition or challenges to bills, programmes and projects presented to them by the executive. The bills represented are approved almost immediately. Be it on budgetary issues, approval of state commissioners or projects that were executed without the initial approval of the legislature. To this effect, political appointments in the

state since 2003 are party oriented. The approval of state commissioners since 2003 has hardly met any challenges on the floor of the legislature, of which if it did they were eventually approved. Considering the fact that party is supreme and all party resources are controlled by the chief executive of the state, the executive uses the party platform to influence and manipulate the actions and decisions of the state legislators. Thus approval of state commissioners and other appointments are smoothly concluded.

The same goes for budgetary approval, the study found out is influenced by partisan and group interest, etc. The state legislature has the power to effect changes on drafted budget submitted to the house by the executive. Ideally, the house committee on appropriation and members of state ministries scrutinise the budget before it is presented for approval which is eventually approved. It's relevant considered and whether the state budget can support it. However, the study found out that in the course of scrutinising the proposed budget of ministries, a lot of issues come into play, which involve lobbying, pleading and bribing or monetary commitments in order to get their budgets approved. Further, after the approval, the commissioners of various ministry take welfare packages, also known as "kola" to house committee members on jobs well done but no specific amount was stated because the executive decides on what to give. Meanwhile most respondents maintained that the state budget is drafted by the executive so a successful presentation of it leaves the legislator no choice but to approve.

Against this practice, it is worthy of noted that corruption is among the most devastating factors that affect a society's political culture. In this regard, the most important institutions such as the legislature and executive should discourage moral decay, rather they involved themselves in these practices due to their closeness to public funds. Yet some respondents argued that corruption is not an issue in Gombe State but if it does exist it is minimal. I wonder what the act of taking bribe and approving budgets that some would be used as kola is called. Anyway this situation is sustained among the lawmakers probably because no official case of corruption has been recorded in the state. Meanwhile no effort is being

made to fight against these acts of corruption by the law makers themselves, some respondents noted. The relationship between the executive and legislature which has actually been cordial is an indication of compliances in all acts of governance in the state. As such there has not been any attempt to impeach the executive since 2003 till date and the legislature does not constitute a strategic institutional focus of decision-making in the state because of the predominance of power in the executive. The legislature arm exhibits a subservient role in the state in policy making and implementation as it cannot oppose or criticise executive actions which are not of public interest like the “welfare packages” after budgetary approval and other acts of corruption to which they are a part. Their inability to make meaningful contributions to policymaking is blamed on their educational background, the politics of “God fatherism”, the concentration of power on the executive and bureaucracy. This no doubt, ensures inadequate performance of the legislature, and reduces them to mere rubber stamp to the executive. According to a former member (name withheld) “during the 2003-2007 assembly only 5 of us had university degree, the rest had secondary school certificate”. A situation, which members of the public perceive as poor. This no doubt renders the law-making body weak and hampers effective decision-making process. A respondent said:

if you do not understand the principles of a phenomenon, then you cannot even make any contribution to that phenomenon.⁹

This he maintains accounts for the inability of members to make effective contributions to policy issues in the state. Further the few members who had university degrees and above provided some form of challenges to such statuesque so they are ousted out of the race after one tenure as opposition against the executive would tantamount to sabotage and jeopardy of party interest and development of the state.

Meanwhile on disagreement amongst members or between the

9. Interview Granted to former Member of the State House of Assembly in January 2011.

legislature and the executive a former member confirmed that disagreements occur usually on welfare issues like packages to run one's office apart from monthly salary, not on issue of public interest. That the executive single-handedly determines this welfare package and it may be less than what is expected, but issues like this are discussed off the house floor. Party interest is taken into consideration first in order to avoid opponents take advantage of the situation. This gives the executive the apparatus to influence the activities of the legislators. The same conditions that account for the chief executive to give out projects without legislative approval and present to the house for approval as supplementary budget. This shows how much powers and resources the executive has. As a result, the legislature feel financial independence will create effective performance of the legislature.

This subservient role played by the legislature has placed the relationship between the legislature and the executive on a good footing. A cordial relationship, borne from partisan politics. All members are of the same political parties, speak in one voice and defend one interest as a group. In this vein, the Gombe State House of Assembly has not experience any impeachment threat on the executive since its inauguration in 1999 till date. The house has passed a total of 101 bills since its inauguration in 1999.¹⁰

However, it is worthy of note that the relationship between the executive, the legislature and the judiciary has been very cordial since its inauguration in 1999. This cordial relationship, as it is believed, has been the bedrock of the many development projects being executed in Gombe State which has touched the lives of all people in the state. This ranges from socio-economic developments in terms of providing healthcare facilities building healthcare centers in the local governments and rehabilitation of state specialist hospitals, etc. educational facilities – building of schools and the establishment of the state university, roads construction and rehabilitation like the Kwadon and Deba roads and general

10. Data collected from the office of the Clerk. Gombe State House of Assembly January, 2011.

restructuring of the state capital. In this vein Nwabueze¹¹ argues that the more cordial the relationship between the executive and legislature, the more vibrant the organs of government, and that there is bound to be harmony, progress and stability in such society.

Table 6. The data below was collected using questionnaires from the Public in Gombe State. Total of 100 questionnaires were distributed, 80 were returned

S/N	Question	No of Political Parties	Mijonty Party	Good	Average	Poor	Very Poor	Total	Very Good	Good	Poor	Total
1	How many political parties are in the State house of assembly?	80 100%						100%				
2	How would you describe the relationship between the Legislature and Executive			55 81.25%	25 18.75%			100%				
3	How would you assess the legislature in policy making and implementation?			50 62.5%	30 37.75%			100%				100%
4	Which party have majority of members in the house?	80 100%						100%				100%
5	What is your assessment of the legislature in Gombe state?			80 100%				100%	70	10		100%

11. Nwabueze, Ben 2004: Presidentialism in Common Wealth Africa. Spectrum House, Ibadan Nigeria.

Interpretation

About 57.5 percent representing 45 respondents are male while the remaining 43.75 percent representing 35 respondents are female. 37.5 percent representing 30 respondents are of ages 25-35, 43.75 percent representing 35 are ages 36-45, 18.75 representing 15 respondents are ages 46- 55. No respondent fall below 25 and above 55. 81.25 percent representing 65 respondents have post secondary certificate while the remaining 18.75 percent representing 15 respondents have Diploma Certificate and University degree and above. All respondents know how many political parties are in the state house of assemble and which party has the majority of members. About 83 Percent representing 55 respondents express the opinion that the relationship between the legislature and executive has been good while the remaining 18.75 think otherwise. About 63 percent representing 50 respondents score the performance of the legislature in policymaking and implementation average, while the remaining 37.75 representing 30 respondents think they have perform poorly so far. All respondents concur that the role played by the legislature has positively affected the socio-economic and political lives of people in the state.

DISCUSSION

From the above data, the study found that the legislature, in its bid to make laws, has, to a large extent, brought about socio-economic and political development in the state. This is obvious in the areas of improved healthcare services in the state, provision of educational facilities like state-owned university, good water supply, construction of good roads in the state, hospitals and low cost of treatment, etc. The majority of people in the state expressed satisfaction with the development projects going on or completed in the state. While a few maintain that despite its surrogate role it positively contributed to the state development.

CONCLUSION

Based on the available data, it is worthy of note that the legislature has

contributed in bringing about socio-economic development in the state. This is seen in the areas of improved standard of living of people in the state, provision of water supply, low cost of treatment in state hospitals, etc.

Though the legislature is scored poor by some respondents according to them because of the subservient role they play to the executive they still acknowledge that this role has eliminated or minimise conflict amongst politicians and enable the executive to execute meaningful development projects.

In the course of the study, it was noted that some of the factors militating against effective involvement in policymaking and implementation include corruption, inefficiency, indolence, bureaucracy, poor educational background, egocentrism, arrogance, lack of unity and cooperation amongst politician and intolerance especially amongst politician of different political parties, the overlapping of functions between the executive and the legislature. The non-adherence to the principles of separation of powers ensures suspicious, rancor bitterness and ulceration of powers between the arms of government. It is widely believed in the state that the executive arm moves in uninvited too often into the activities of the legislature arm of government in the state. As such it is conceived that the principle of separation of powers only exist in theory in Gombe State. A situation which depicts that the executive arm seems to be too strong, that the state assembly appears to be a decorative organ. In this regard, the need for need for commitment, harmony and cooperation and strict adherence to the principle of separation of power between the arms of government in the state cannot be over-emphasised.

CHAPTER 17

Jigawa State House of Assembly

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INTRODUCTION

Over the years, democracy is by and large considered as the best form of governance in many parts of the world, Nigeria inclusive. On this note, Igbuzor opines that modern democracy inevitably requires the effective functioning of the three organs of government. Of these three organs, the legislature is greatly considered as the most strategic and a cardinal institution of governance in democratic societies, because of its representative nature and can serve as a veritable medium for promoting dialogue, citizen participation, accountable governance and also provide for the mediation of differences in ideas, perceptions or interests of political issues among people.¹

This essentiality of the legislature led to the establishment of the Jigawa State House of Assembly on 27 August, 1991 along side when the state was carved out of Kano state in August 1991 by President Babangida.² Since its inception, the Assembly has been playing a vital role as provided by the constitution, ranging from overseeing the functions of the executive in any way particularly on financial projects, making of

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1. Otiye, I. (ND) *Leadership and the Legislatures*, National Daily Newspaper, Retrieved March 7th, 2011 from, <http://localhost/E:/Leadership%20.mht>.
 2. Anyanwu, N. C. (1999) *The Law Makers, Federal Republic of Nigeria (1999-2003)*, Korea: Start Craft International.

laws for the well-being of the citizens, moving motions to call on the executive to perform duties for the citizens, division of members into committees to supervise the activities of ministries, departments and parastatals under the executives.³

THE HOUSE IN 1999-2003 DEMOCRATIC DISPENSATION

After several years of military rule in Nigeria, the 1999 constitution eventually paved the way for the transition to democracy, which is a form of government with popular expectations of bringing people together to make rules capable of transforming the political system to provide growth, fairness, equity and other goals between various ethnic and social groups.⁴

Membership into the Jigawa State House of Assembly is usually through direct election as provided by the constitution. In this dispensation, the house began functioning following the provision of a proclamation letter to the clerk by the governor on 10 June, 1999. In the same vein the clerk sworn in members of the house on the said date.

However, the distribution of members along party lines was 'mainly between two major political parties that is Peoples Democratic Party [PDP] and all Nigerians Peoples Party (ANPP), with ANPP having the majority of 18 members while PDP being the opposition party had 12 members. The house leadership has been equitable cutting across all members irrespective of their political parties. This was possible through the existence of 30 committees in the house and each member either of the leading or opposition party heads a committee each. It is worthy to note that these distributions did not in any time have any adverse effect

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3. Interview responses with Abdullahi Mohammed Gumel, Acting Director Legislative Matters, Jigawa state House of Assembly.
 4. Yusif. M.M. (2009) *Democracy Development in Nigeria: The Role of Legislature*, being a paper presented in a training workshop organised by Society for Youth Awareness and Health Development (SYAHD) on Sustainable Democratic Governance in Nigeria held on Sunday 10th May at Mambayya House kano Retrieved on 7 March, 2011 from, mhtml:file://E:\m_m_yusif Democracy Development in Nigeria the Role.

on budget approvals, selection or nomination of executive council members, with no threats of impeachment of the governor or exco members recorded.

In the same vein, quite a number of bills were passed in this dispensation, this is depicted in the table below:

Table 1. Activities of Jigawa State House of Assembly (1999-2003)

S/N	Year/Session	Number of Sittings	Number of Bills Passed	Number of Bills Pending
1.	1999	67	7	---
2.	2000	120	13	---
3.	2001	182	12	---
4.	2002	182	11	---

Source:⁵

It could be analysed that a total of 43 bills were passed in this dispensation while the house also had a total number of 551 sittings without any pending bill. However, it should be noted that record of bills passed in this dispensation excluded that of 2003 but moved it over to the next dispensation for the purpose of accuracy on the total number of bills passed in each dispensation as provided by the source.

The passage of bills signifies the law-making power of the legislature. These bills emanate from various sources. Some originate from executive, others from standing or special committees of the assembly, interest groups, trade unions, ethnic associations or even private citizens as long as they follow prescribed processes can be evolved in the lawmaking process because they all provide ideas for legislation which prompts their representative legislators to initiate the bills.⁶

5. This was deduced from a form provided by Abdullahi Mohammed Gumel, the acting Director Legislative Matters Jigawa State House of Assembly during the Interview.

6. Anyanwu, N.C. (1999) *The Lawmakers Federal Republic of Nigeria (1999-2003)*, Start Craft International Korea, p. 41.

ACTIVITIES OF THE HOUSE (2003-2007)
DEMOCRATIC DISPENSATION

Similar to the last dispensation, the house began functioning on the 31 May 2003 with members distributed along ANPP and PDP political parties. The former had 29 members while the latter had only one member. The standing committees of the house marked a watershed for the distribution of leadership responsibilities to all members as the rule necessitated the heading of each committee by a member of the assembly irrespective of political party. In the same vein, there were no records of threats of actual impeachment of any executive or exco member all through the dispensation.

Several bills were passed in this dispensation, below is a list of the number of bills passed.

Table 2. Number of Sittings and Bills Passed in 2003-2007

S/N	Year/Session	Number of Sittings	Number of Bills Passed	Number of Bills Pending.
1.	2003	181	9	—
2.	2004	191	12	—
3.	2005	181	10	—
4.	2006	205	6	—

Source: Same as that of 1999-2003

In this case, a total of thirty-seven (37) bills were passed with a total of 658 sittings held by the house, without any pending bill. Also the same thing applies here the records for 2007 were moved to the next dispensation for accuracy.

THE HOUSE IN 2007-2010 DEMOCRATIC ERA

For the period under study, effort was made to study events only from 2007-2010. In this regards, the house began functioning on the 16 June, 2007 following due protocol as in previous dispensations.

However, this period marked a tremendous change in the membership of the house as compared to other periods. This was because something credible happened, painting a new picture of Jigawa politics. The opposition party in the previous dispensations (PDP) went into an acrimonious exercise which paved way for it to gain 28 seats while ANPP because the new opposition party gaining only 2 members. Presently one of the ANPP members has also decamped to PDP leaving only one member for ANPP and making PDP 29. In the same vein, this dispensation witnessed the impeachment of the Kaugama local government chairman Ibrahim Mohammad Abega in 2007.

The reason attached to this impeachment is failure to perform his function as a security officer to the local government. A riot erupted which claimed lives but he was no where to intervene instead, he assigned his deputy to handle the matter. This signified a negligence of his duty and responsibility which necessitated his impeachment.

In the same vein, quite a number of bills were passed which is also depicted in the table below.

Table 3. Number of Sittings and Bills Passed in 2007-2010

S/N	Year/Session	Number of Sittings	Number of Bills Passed	Number of Bills Pending
1.	2007	193	6	—
2.	2008	185	29	—
3.	2009	183	9	1
4.	2010	184	12	2

Source: Same as the previous.

Here, 56 bills were passed, with 745 sittings held and a total of 3 bills pending. A summary of all the tables provided from 1999-2010 reveals that a total of 136 public bills were passed, with 1,954 sittings held in the assembly and only 3 bills found pending.

For a bill to become a law, first, there must be a notification for its presentation given by the publications of its provisions in an issue of the

gazette, with a copy being forwarded to every member if it is a government bill, while on the other hand, a private member's bill is introduced by a motion, with a notification by sending a copy of the proposed provision to the clerk of the house, to have them published in three successive issues of the gazette and will send a copy of the first of these issues to every member. The clerk will also put on the order paper a notice of the motion for permission to present the bill on a day convenient to the member in whose name the motion stands. A government bill is not introduced by a motion, the member in charge of the bill merely instructs the clerk to place on the order paper a notice of its presentation. Whether the bill is presented with or without a motion, it must be handed to the clerk at the table by the member who is in charge of it. When the clerk reads aloud the short title of the bill it is deemed to have been read a first time. The bill is then printed and copies are forwarded to all members, it under goes other protocols before it is read for the second and third time after which it is passed as a law.⁷

Cutting across all the dispensations under study, it was observed that on the issue of fighting corruption within and outside the assembly. There is a committee on "Due Process", headed by the speaker, with the clerk of the house as secretary, together with a member of the opposition party as part of the committee. A law was enacted on "Due Process" in order to fight corruption together with a department known as Due Process Department, its function is to oversee that whatever contract the government is awarding the correct amount of money is being stated. This is known as "Bill of Quantity". It is all about assessing the amount of money stated for the contract is adequate to ensure that it is not under or over-funded.

Similarly, in terms of budget approvals, the legislators have played a crucial role by bating every budget proposal forwarded to the house by

7. Ema, O.A. (1964). *Federal Government in Nigeria*, University of California Press, Berkeley, Los Angeles, p.139. It was also supplemented with the interview conducted at the house with the acting Director Legislative Matters, Abdullahi Muhammed Gumel.

the Governor. In this case, all the heads of government ministries and parastatals are invited for discussions whenever a budget is to be approved and the legislators endeavour to over see areas requiring possible adjustments before it is approved. This is to say that the distribution of the house along party lines rarely have any adverse implication on budget approval rather things are done the way they ought to be done.

In relation to the nature of relationship between the executive and the legislature, it has been very cordial without much or any conflict on any matter. The selection/nomination process of the executive council members has been satisfactory as most are selected on the basis of hard work, experience, sacrifice and competence. In the case of legislatures and the various communities they are representing, the relationship remains the same as some members have been in the house since 1999 playing the roles of transformative leaders and living by democratic ideals. Some legislators are so much involved and concerned with the activities of their constituencies and respond in a number of ways to improve the well-being of their people. Such was the case of a member from Taura Local Government Area who at a time of a communal clash, tried to bring his people closer to him by actively engaging in mediation of the conflict to bring peace, provided medication freely to those who sustained injuries as well as provision of building materials to those whose houses were affected in the course. Thus, it is worthy to note that legislators as leaders are meant to live by example not sit back in office and exempt themselves from the societal events of those who elected them as representatives, for legislators who are democratic and act in accordance with democratic ideals, perform their functions efficiently and effectively, they would be easily re-elected in any electoral contest anytime, anywhere because of their good reputation.

CONCLUSION

The roles of the legislature in terms of law making, representation, oversight and appropriation are crucial to consolidating and reaping the dividends of democracy. The legislatures are the most powerful institutions in any democratic government because of their powers which enables

them to create other powers, make laws through which new commissions and agencies are created. This is to say that the powers of the legislature are at most important, if not even more important than powers of the executives. Thus this essentiality of the legislature require the continuous modeling and capacity building of it so as to perpetually function effectively and efficiently to meet up with the objective of democracy.

RECOMMENDATIONS

The Nigerian society is circumscribed by high level of corruption, monetised politics cum other challenges to development which combine to make difficult the effective functioning of the legislature. As a way forward, first is the need for capacity building of legislatures as soon as they are elected into office, this should be in form of training and seminars so as to equip them with skills, innovations and train them as leaders to enable them perform their roles and meet up with modern challenges.

Similarly, since democracy is greatly about bargaining, lawmakers should improve their bargaining skills and abilities to enable them push their interests, while also raising higher the level of lobbying.

In the same vein, the community should be allowed to select the persons who will represent them at any level rather than rigging the electoral process to illegitimately assume offices for representation.

Finally, the legislatures should function as role models for imitation by bringing the voice of constituents into policy formulation, inspiring shared vision, enabling others to act through the constituency offices and by governing through public hearing and town meetings to enable popular participation. Thus, legislators should be patriotic, ethical and courageous.

CHAPTER 18

Executive-Legislature Relations in Katsina State, 1999-2011

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INTRODUCTION

In its bid to revert to democratisation, Nigeria from 1998 to 1999 embarked on a short transition which gave birth to the Fourth Republic where the president and the National Assembly worked at the centre and the governor worked with members of the State House of Assembly at the state level. The State House of Assembly as provided for by the constitution shared governance with the governor to provide responsible government for the people.

For the most part of the period, there was a love-hate relationship between the legislative and the executive arms of government. This is surprising, given that the two arms should work in synergy to provide effective and responsive government. Democratisation locates the power of making laws to the people, who in turn hand over their mandate to their elected representatives. This simple act is, however, bedevilled by political intrigues and strategies to such an extent that people keep wondering what is happening: Are the legislature and the executive arm one and the same? Where are the checks and balances? This may be explained by the a series of democratic experiments interspersed with intermittent military dictatorship as well as the unique characteristic of the multi-religious, multi-ethnic Nigerian federal state.

In Katsina State, the same political party, namely the Peoples Democratic Party (PDP) was in power throughout the study period. Before examining the relationship between the executive and the legislature in Katsina State, it is necessary to understand the territory within which they interject. Katsina State is predominantly agricultural, producing groundnuts, hides, cotton, wheat, millet, rice, guinea-corn and vegetables. Crops are grown all year round. It is known to be a centre of intellectual learning and trade. In fact between the 17th and the 18th centuries it was a vibrant commercial centre of reckoning. One of the seven Hausa city-states, Hausa and Fulani languages and culture permeates the socio-cultural milieu of Katsina, "however, a large concentration of other ethnic groups could be found in some urban areas in the State, notably Funtua, Bakori and Dandume where the proverbial Yarabawan Funtua are settled and integrated."¹ It was created as a Federating unit on 23 September 1987 by the administration of General Ibrahim Badamasi Babangida out of the defunct Kaduna State. Katsina is one of the states that made up the North-West geo-political zone, territorially bounded by Kano and Jigawa in the east, Sokoto and Zamfara in the west, Kaduna in the south and the Niger Republic in the north. Islam is the predominant religion of Katsina people although there are some Christians and a negligible number of animists known as the Maguzawa. The population of Katsina State, according to the 2006 Census is 5,801,584 with 2,948,279 males and 2,853,305 females. Hence, the men outnumber the women by only 94,974. The Local Governments with the highest population include Katsina (318,132), Kankara (243,259), Funtua (225,156) and Daura (224,884) while Kusada has the lowest population of less than a hundred thousand (98,348).

LEGISLATURE IN KATSINA STATE: AN OVERVIEW

Katsina State House of Assembly was first established in January 1992 after the creation of the state and the subsequent transition which led to

1. *Profile on Katsina State House of Assembly, 1999-2003*, p. 3.

the election of Alhaji Saidu Barda of the National Republican Convention (NRC) party against Alhaji Umaru Musa Yar'Adua of the Social Democratic Party (SDP). The first Assembly comprised of 52 members of the House then as there were two or more members from each constituency. The predominant party of the House was the Peoples Democratic Party (PDP). The Speaker was Umar Bala. The tenure however was cut short by the annulment of the 1993 Presidential elections which reversed the transition and returned the country to military rule. Full-scale politicking was resumed with the lifting of the ban on politics during the Abdulsalami Abubakar administration in 1998. The composition of the House membership as well as some of the guidelines guiding the proceedings of the House were changed or amended. For instance, the 1999 Constitution which enabled resumption of democratic activities provides that:

subject to the provisions of this Constitution, a House of Assembly of a State shall consist of three or four times the number of seats which that State has in the House of Representatives divided in a way to reflect, as far as possible, nearly equal population; Provided that a House of Assembly of a State shall consist of not less than twenty-four and not more than forty members.²

Hence, from 1999 to date, the Katsina State House of Assembly has 34 members each representing a Local Government Constituency.

As a result of its ability to impeach the executive, the legislature can be said to be more powerful, it can also be called the watchdog of the people. Hence, it is therefore vulnerable to abuse and manipulation. Government executives have their ways of relating with the legislature, by capturing and manipulating the legislature, their role of checking and balancing is eroded. No law, no policy, no budgeted expenditure can become legal and above board unless it is approved by the legislature. Therefore, if the executive has a good working relationship it is able to get its policies, laws and regulations passed without delay, otherwise

2. Section 91 of the 1999 Constitution of the Federal Republic of Nigeria.

laudable policies which are necessary for the development of the state may not see the light of day. There is a cordial relationship between the executive and the legislature in the Katsina State Assembly, although the opposition members are not very strong or effective in resisting policies. Thus, ten opposition parties under the Coalition for New Nigeria (CNN) criticised the Katsina State government over its allocation of ₦3.5 billion for the completion of the new Government House Complex, which was submitted by the Ministry of Works to the State House of Assembly. Ibrahim Garba Mai Dabino, the Protem Chairman of the CNN and the State Chairman of Action Congress of Nigeria (ACN) remarked that "With the level of poverty, unemployment and inadequate water supply in the state, it will be foolish for the government to contemplate spending huge amounts on office accommodation rather than channeling same resources to ventures that would be meaningful to the common man".³

It is evident as noted by Aiyede that "the tone of legislature-executive relations will depend on the quality of leadership, perception of executive and legislative actors of governance and its purpose, the power game in the larger society, historical legacies and political culture".⁴ In terms of the confirmation of the appointees by the governor it manifests the principles of check and balance. The governor makes appointments to the executive council and other offices subject to the confirmation of the House of Assembly. In Katsina, this has been smooth sailing as no political appointees were ever rejected especially given the overriding majority of PDP members in the House, which is also the party of the executive governor. In most cases, the appointees were selected on the basis of merit and professionalism as well as personal relations with the chief executive.

The passages of bills have been easy such that 97 bills have been approved from 1999 to date. Thus, the circumstance of other states

3. *Daily Trust*, Monday 31 January, 2011

4. Aiyede, E. R. (2008) "Legislature-Executive Relations in Nigeria's Democracy". in Ojo, E.O (ed.), *Challenges of Sustainable Democracy in Nigeria*. Ibadan: John Archers (Publishers) Ltd., 2008. p 143.

where the Governor may need to use his veto power if the House refuses his request or for the members to use their two-thirds majority to override the Governor's veto power has never happened. In terms of the initiation of bills, in most cases they emanate from the executive branch that includes: ministries, departments and agencies. The bills are routed through executive to the House. Sometimes the bills are from within the House. When deliberated and passed by the House, the bill is then returned for assent by the chief executive which makes it a law. Sometimes issues may arise which require the legislature to hasten its processes. In such circumstances, the executive has to make an express declaration enabling the bill to be processed within 40 days beyond which the executive may formulate it as a decree. However, in Katsina State, any bill sent by the Executive Governor is given accelerated speed, hence, such need has not arisen.

THE STRUCTURE OF KATSINA STATE HOUSE OF ASSEMBLY

Katsina State House of Assembly as provided for in the 1999 Constitution as amended is led by the Speaker and his deputy "who shall be elected by the members of the House from among themselves".⁵ Other House leaders elected by the parties represented include the Chief Whip, Majority and Minority leaders and their deputies. When necessary, party members have the right to change their leaders in so far as majority of the members are agreeable. The Clerk of the House, who is appointed by the Governor, is the secretary of the House as well as the head of the non-legislative administrative staff.⁶ The Sergeant-at-Arms is another important pillar of the assembly who attended the sittings and maintained order subject to the instructions of the Speaker/Chairman; he is thus the Chief Security Officer of the House. Most members of the Katsina State House of Assembly are elected on the basis of their local government constituencies, although some members are co-opted on the basis of senatorial zones.

5. Section 92 of 1999 Amended Constitution of the Federal Republic of Nigeria.

6. Section 93 of 1999 Amended Constitution of the Federal Republic of Nigeria.

Members are constitutionally permitted to set down their House rules known as the Standing Orders on regulations of the procedure of the House, number of committees and terms of office, quorum, adjournment, recess as well as vacancy vis-a-vis the validity of its proceedings.⁷

Being a single chamber assembly, the Katsina State House of Assembly comprises of two types of committees, that is, the Regular and Complementary Committees. The Regular Committees are sub-divided into three: the Standing/General Committees under which are the All Ministry-related issues and Committee of the Whole House; the Financial Committees which is further sub-divided into the Appropriation, Public Accounts, Finance, and Anti-Corruption committees; and finally Institutional/Machinery Committees comprising of Selection, Rules/Business, Privileges/Ethics, Public Relations, House Service and Principal Officers Committee. Complementary Committee are also known as ad-hoc, Special or Sub-Committees which are dissolved after the completion of their assignment. Most decisions are first deliberated at committee levels and finally presented to the general house for approval while others like the budget is first presented directly to the general house before being deliberated at the committee for the second reading before the final reading and approval by the whole house. The 34 members are divided into committees to enable a quick response to the requests sent to the House for deliberation, ratification, confirmation and so on. Committees according to Heywood (2007), "are the power houses of the assembly, the very hub of the legislative process; whereas parliamentary chambers are for talking, committees are for working".⁸ According to Woodrow Wilson (1885) (1961) "Congregational government in session is congress in public exhibition. Congress in its committee room is congress at work".⁹ The strength of an assembly can be judged by the strength of its committee. Committees may be ad-hoc or regular. The Regular committee in Katsina State House of Assembly is those that monitor

7. Constitution of the Federal Republic of Nigeria.

8. Heywood, A. (2007). *Politics*. Basingtoke: Palgrave, p. 346.

9. *Ibid*.

government and oversee the exercise of governance, in most cases ad-hoc committees are set up when issues of social concern warrants it. For instance, in terms of crises or emergencies or when there is governance gridlock amongst the various arms or sectors of government necessitating intervention and resolution. Katsina State House of Assembly being within a Federal unit adopting the Presidential system of government, the committees have some measure of independence, in that they can summon the Governor, Commissioners, Heads of parastatals, public officers, certain records or documents before them or require explanation for the occurrence or non-occurrence of certain events. Nevertheless committees do not have the mandate to take decisions on behalf of the House; it can only make recommendations which are debated upon before approval. Katsina State House of Assembly and in fact most of the House of Assemblies in Nigeria are not policy making assemblies but rather executive dominated assemblies that merely approve executive decisions. Most polices and legislations are initiated by the executive as stated earlier. They sometimes make effort to respond to their executive initiatives by determining/influencing policy. This is a marginal step from rubber-stamping the executive initiatives. This situation is mostly informed by the domination of the PDP in the state controlling both the executive and the legislature, hence entrenching party loyalty rather than objectivity.

THE SECOND ASSEMBLY, 1999-2003

Alhaji Umaru Musa Yar'Adua became the successful Governor of Katsina in 1999 elections under the banner of the People's Democratic Party (PDP). The Second Assembly – 1999-2003 was inaugurated by the proclamation of the Governor on Wednesday, 2 June 1999. The members were elected to represent the 34 Local Governments in the State. On the same day the Speaker of the House Sani Saidu representing Sandamu Local Government and the Deputy Speaker; Rabi'u Abdulkadir representing Kurfi Local Government Area were elected unopposed. Honorable Rashid (Paskari Local Government Area) and Abdulrazak Ado (Dutsi Local Government Area) were nominated by the Peoples Democratic Party (PDP) as the majority leader and majority whip

respectively. The All Peoples Party (APP) which is now renamed as All Nigeria People Party (ANPP) nominated Usman Mani Adamu (Malumfashi Local Government Area) and Muhammed Suleiman (Danmusa Local Government Area) as the Majority Leader and Minority Whip respectively. A member from each of the 3 senatorial zones was co-opted as members of the selection committee in addition to the principal officers. They were Abdulrazak Lawal (Musawa Local Government Area) representing Funtua Senatorial Zone, Mikadadu A.D Saude (Katsina LGA) representing Katsina Senatorial zone and Hon. Usman Ahmad Danlami (Ingawa LGA) representing Daura senatorial zone. The Clerk-designate served as the secretary. The Selection committee served as an ad-hoc special committee which considers special issues before the House; hence the committee also represents the House at conferences, the National Assembly and other state assemblies when requested. Table 1 provides distribution of members by parties.

Table 1. Distribution of Members by Party 1999-2003

Party	Distribution
APP	5
PDP	29
TOTAL	34

Source: Katsina State House of Assembly February 2011.

Membership of the Second Assembly was predominantly from the Peoples Democratic Party (PDP) with 29 members, while the All Peoples Party (APP) had only 5 members. Hence, People Democratic Party (PDP) had a comfortable two-thirds majority, therefore, enabling it to make proposals without fear of strong resistance or opposition. Thus, the situation in the First Assembly where the executive and the legislature were from different parties did not exist.

Table 2. Distribution of House Leadership Along Party Lines

Party	Distribution
APP	2
PDP	4
TOTAL	6

Source: Katsina State House of Assembly February 2011.

In terms of leadership of parties apart from the four leaders of the PDP, 3 more members representing the 3 senatorial zones were co-opted to the selection committee thereby increasing the strength of the dominant party in selection of members to various committees as well as the main representations of the House who attend to special issues.

There are 20 Committees during the 1999/2003 tenure 4 out of which were the special committees while the remaining 16 committees were the standing committees. It is interesting to note that one of the most important committees is the House Appropriation Committee which happens to be chaired by an opposing APP member Ibrahim Adamu (Kankia Constituency). The selection of the committee members was done by the selection committee which is predominantly PDP and the distribution of house leadership along party lines. From the records examined, this Assembly did not have an Anti-Corruption Committee nor was there any impeachment process.

Table 3. Number of Bills Passed, 1999-2003

Year	1999	2000	2001	2002	2003
Numbers of Bills Passed	4	9	6	8	4

Source: Katsina State House of Assembly February 2011.

There were fewer bills in 1999 because members and the INEC were trying to find their feet. There were more bills in 2000 followed by 2002 being the year of campaign. Out of the 4 bills passed in 1999, 3 were repealed Laws while the fourth is supplementary appropriation Law. In 2000, out of the 9 bills passed, 3 were concerned with the Shari'ah given the demand for the Shari'a at the time in question. The assenting of the Islamic Sharia Courts which repeals the secular Area Courts makes the State to be the fifth Sharia compliant state in Nigeria. Non-Muslims as in other states regarded such an act as a violation of their Fundamental Human Rights as enshrined in the 1999 Constitution. Other bills include the appropriation and supplementary appropriation, Local Government Unified Expenditure Formula Law, Salary and Allowances Laws while the Pilgrims Welfare Board Law was amended. In 2001 the Sharia Penal Law, Liquor Law and House of Assembly state Law were passed while the Environmental Protection Agency and Electoral Commission Laws were amended in addition to the appropriation Law. The highlights of the 2002 bills were the Appropriation and Local Government Council's Electoral Law. The others were amendments of Laws which needed some additions and subtractions such as The Joint Local Government Account Allocation Committee (Amendment) Law, Salaries and Allowances (Statutory Office Holders and Special Officers) (Amendment) Law; Katsina Local Government (Amendment) Law, Katsina State Stock Routes (Control of Livestock Movement and Prevention of Farmers/Herdsman Clashes) (Amendment) Law; Katsina State Agricultural and Rural Development (Amendment) Law and finally, the Sharia Court of Appeal (Amendment) Law. The assenting and amendment of the Sharia Penal Law enabled the sentencing of Amina Lawal, an un-wed pregnant woman, to death by stoning for adultery. The sentence drew the attention of women and human rights groups at the national and international arena, Amnesty International inclusive.

Although 2003 was the election year in which campaigning, election and inauguration of the government took place between January and 29 May of the year, 4 bills were passed which included the Katsina State (Creation of Additional Local Governments Areas) Law, in addition to

the Supplementary Appropriations and Appropriations Laws. The Katsina State Local Governments Amendment Law Number 2 was also passed. According to the records examined, all bills that were presented from 1999-2003 were assented to by Governor Yar'Adua.

THE THIRD ASSEMBLY, 2003-2007

Members of the Third Assembly elected during the 2003 General Election took their Oath of Allegiance in June 2003. The name of the opposition Party All Peoples Party (APP) was modified to the All Nigerian Peoples Party (ANPP). The Speaker was Kabiru Ahmed Kofa representing Kusada constituency, while the Deputy Speaker was Hassan Suleiman Rawayau representing Kurfi constituency. Surjo Umar D. Sabua constituency and Hon. Sani Yunusa Jibia (Jibia constituency) were the Majority Leader and Whip respectively. The respective Minority Leader and Whip from the ANPP were Kabir Ado Daura (Daura Constituency) and Kabiru U. Tandama (Dan'ja constituency). From 2003 to 2007, there were 22 successive Clerks to the House, i.e. Hamza Dalhatu and Bello Iro Dabai. Miqdad A. Saude representing (Katsina Constituency) died in office hence a by-election was conducted to bring in Zubairu A. Gafai.

Table 4. Distribution Along Party Lines 2003-2007

Party	Membership
ANPP	11
PDP	22
AD	01
TOTAL	34

Source: Katsina State House of Assembly February 2011.

The Third Assembly was also dominated by the People's Democratic Party (PDP), even though, there were more members (almost 50%) of the ANPP in this Assembly than in the previous. The Alliance for

Democracy Party (AD) member later decamped to PDP. This indicates that the PDP does not have a two-third majority despite the decamping of the AD member as such its power and dominance was expected to be limited. However, the pattern of Assembly affairs and approvals of executive bills, appointees, budget, and so on did not differ significantly from the Second Assembly (1999-2003).

Table 5. Distribution of House Leadership Along Party

Party	Membership
ANPP	2
PDP	4
TOTAL	6

Source: Katsina State House of Assembly February 2011

The distribution of House leadership remained the same as in 1999-2003 Assembly. It is, however, interesting to note that none of the members from the opposition party ANPP were chairing the special committees, despite the over 50 per cent increase in their number. Apart from the Minority Leader and the Whip, the other party members chaired the following committees: Works and Housing; Higher Education Sub-committee; Rural Electrification Sub-committee; Commerce; Transport Sub-committee; Social and Rural Sub-committee; P.H.C.A Sub-committee; Anti-Corruption; and Science and Technology Sub-committee. Therefore, 4 out of the 11 ANPP members were heading main committees, 5 were heading sub-committees, while 2 formed part of the house leadership. The AD member chaired the Rural Water Supply and Sanitation Agency (RUWASSA) Sub-committee. The remaining 18 committees were chaired by the PDP members of whom only 1 is a Sub-committee, FASCOKT Sub-committee chaired by Abdu Abdullahi representing Baure constituency. Thus, the ANPP did not utilise the strength gained from the additional seats.

Table 6. Number of Bills Passed, 2003-2007

Year	2003	2004	2005	2006	2007
Numbers of Bills Passed	9	10	6	8	3

Source: Katsina State House of Assembly February 2011.

After inauguration of the new tenure, as many as 9 bills were passed into law within 2003. The laws were the Katsina State Central Market Board Law, Katsina State Teachers Services Board Law. and later their amendments; the Katsina State Local Government (Amendment) (No.3) Law and the Katsina State Polytechnic amendment Law, the State High-Court amendment Law, the Katsina State Radio and Television Service (Amendment) Law, and the Katsina State Rural Water Supply and Sanitation Agency Law.

The highlight of the 2004 laws included; Katsina State Appropriation Law; Katsina Primary Health-care Development Agency Law; College of Legal and General Studies Daura Law; and the Supplementary Appropriation Law. There were amendments in the Local Government Law No.4; Prerogative of Mercy Advisory Council Law; Salary and Allowances (Statutory Office Holder and Special Officers) Law No.2; Local Governments Law No. 5 & 6; and Finally, Katsina State (Creation of Additional Local Government Areas) Law. The Governor did not assent the Salary and Allowances (Statutory Office Holder and Special Officers) (Amendment) No.3 Law. Efforts to find out the reason proved abortive. However, the bills that have not been assented to by the Executive Governor after 30 days signify that either they are not too important or they have become irrelevant to the community if not. the legislature would be constitutionally bound to invoke section 100(5) of the Amended 2011 Constitution of the Federal Republic of Nigeria which provides that "Where the Governor withholds assent and the bill is again passed by the House of Assembly by two-thirds majority, the bill shall become law and

the assent of the Governor shall not be required".¹⁰

For 2005, a total of 6 laws were approved. The 4 new laws included the Katsina State Appropriation Law; Katsina State Scholarship Trust Fund Law; Katsina State Universal Education Board Law; and the Katsina State Ecological Fund Law. The Joint Local Government Account Allocation Committee No.2 and the Katsina State Primary Health Care Development Agency Laws were amended.

In 2006, there were 6 new laws and 2 amendments even though, the Local Government (Amendment) Law No. 7 was not assented by the Governor. Apart from the Appropriation and Supplementary Laws, other new laws included the Salaries and Allowances (Statutory Office Holder and Special Officers) Law; Katsina State College of Health and Sciences Law; and Katsina State University Law. The amendments affected the Katsina State Universal Basic Education (Amendment) Law and the College of Legal and General Studies, Daura (Amendment) Law.

Before election and handing over, the Appropriation and the Governor and Deputy Governor Pension Law were passed; while the Katsina State Primary Health Development Agency Law No. 2; and Salary and Allowances (Statutory Office Holder and Special Officers) Law No.4 were amended. It is not worthy that the Governor did not assent 4 of the Bills passed by the House. These includes: Allowances for Magistrate, Sharia Court Judges, Member of the Sharia Court and other Laws Officer, Law; Katsina State Pension Reform Law; Katsina State Secondary schools Education Board Law; and Psychiatric Patient Law.

THE FOURTH ASSEMBLY, 2007-2011

The Proclamation Notice for the commencement of the First Session of the Fourth Assembly was served by the Governor of the State, Ibrahim Shehu Shema on 5 June, 2007. The nominated Speaker was Umar Ya'u Gojo-Gojo representing Mai-Adua Constituency while his Deputy was Bilyaminu Mohammed Rimi of Rimi constituency. The House Leadership

10. Section 100(5) of the Amended 2011 Constitution of the Federal Republic of Nigeria.

was expanded by the creation of the post of a Deputy for all the Principal positions, thereby expanding the Principal Officers Committee. The House Clerk was Barr. Ahmad Abdu. The representative of Safana (Hon. A. Dayyabu) and Batsari on (Bature Iliasu were deceased leading to the conduct of a Bye-election. The newly elected representatives were Hons. Aminu Yakubu (Safana) and Aliyu I.A. Ruma (Batsari).

Table 7. Distribution Along Party Lines, 2007-2011

Party	Membership
AC	1
ANPP	5
PDP	28
TOTAL	34

Source: Katsina State House of Assembly February 2011.

Contrary to the increase in 2003-2007 where the opposition had up to 11 members, their number dropped back to 5 again in the Fourth Assembly. The Action Congress Party also secured a seat represented by Muazu Usman Abba. Their number and the position they hold in the House was not capable of affecting the Governor's appointment of members of the Executive Council.

The oversight functions of the House were mainly carried out by the members of the PDP that is PDP scrutinising PDP as there were only 6 out of the 34 members that are in other parties not the PDP. Of course the issue of fighting corruption or impeachment did not arise. The budget approved during the 2007-2011 regimes were balanced budgets and due to the cordial executive-legislature relationship were approved without any problem.

Table 8. Distribution of House Leadership Along Party Lines, 2007-2011

Party	Leadership
AC	1
ANPP	3
PDP	6
TOTAL	10

Source: Katsina State House of Assembly February 2011.

During the 2007-2011 tenure, offices of the Deputy for the Majority/Minority leader and Deputy/Chief Minority leader whip were added. This explains the addition in the number of party leaders. However, the single Action Congress (AC) member was given the position of deputy minority whip therefore reducing the strength of the opposition and increasing the strength of the dominant party PDP. This was not done during the 2003-2007 tenure even before B. Abubakar Kafin-Soli decamped to PDP. The other 2 ANPP members apart from the party's leaders chaired the committee and Sub-committee on Science and Technology. Thus, their role of oversight to check and balance the executive will not be effective. Among the Principal Officers Committee, it is only the Speaker/Chair and Minority Whip who hold single position; all the others chair one committee or the other. For instance, the Minority Leader also doubles as the Chairman of the Anti-Corruption Committee, probably the effort to institute the check and balance principles.

Table 9. Number of Bills Passed, 2007-2011

Year	2007	2008	2009	2010	2011
Number of Bills Passed	1	9	7	6	1

Source: Katsina State House of Assembly February 2011.

From the records examined a total of 26 bills passed during this tenure, even though, the Speaker stated that a total of 30 bills were passed. The only recorded bill passed in 2007 was the Supplementary Appropriation law. In 2008, there were 6 new Laws which included the Appropriation, Supplementary Appropriation and Second Supplementary Appropriation Law. Others were Katsina State Roads Maintenance Agency Law, Sanitation Monitoring Committee Law and the Katsina State House of Assembly Service Commission Law. The Amended Laws were the Education Law and Katsina State Local Government Law No. 8.

Most of the bills deliberated upon in 2009 were amendments with the exception of the Appropriation Law and the Katsina State Community and Social Development Agency Law, the Amendment of which was sent later in the year. The Katsina State University Amendment Law was passed. However, no record of assent was indicated for the Salaries and Allowances Statutory Office Holders and Special Officers Amendment Law No. 5: Katsina State Forestry Amendment Law and Katsina State Environmental Protection Agency Amendment Law No. 2.

In 2010, the Katsina State Appropriation and Supplementary Appropriation Laws No. 5 were passed in addition to the Katsina State Micro-Finance Institutions Law No. 4 and the Katsina State HIV/AIDS Law No. 6. The Katsina state Local Government Law No.9 and the Katsina State Shariah Commission Law No.3 were amended.

According to the records released by the Legal Drafting Department of the Assembly¹¹ only the appropriation Law No. 1 of 2011 was passed. The Government planned to spend 99.9 billion Naira in the 2011 Fiscal Year which is tagged a Budget of Fulfilment. The budget is aimed at completing all 2010 earmarked projects.

CONCLUSION AND RECOMMENDATIONS

The Katsina State parliament made efforts to ensure that public orientated

11. All information regarding the bills that were passed into law by the Katsina State House of Assembly was provided by the Legal Drafting Department. 24 February, 2011.

policy were formulated as well as brought to their constituency. However, the issue of corruption, settlement and money politics has played a significant part in the nature of legislature-executive relations.

Rather than waiting for the executive to initiate legislation or policies, members should be proactive by conducting research to find out areas where such policies are required and complexity of people's needs to enable them initiate the necessary process of policy formulation, scrutiny and oversight monitoring. This is does not automatically become synonymous with having an antagonistic relationship with executive arm. This will strengthen the House of Assembly; enhance the respect and confidence as well as the credibility of the Assembly, party dominance notwithstanding. In other words, whether a single party dominates the Assembly or not, it should aim to ensure responsible, representative and effective government.

In Katsina State House of Assembly, committees are hampered by the lack of sufficient funds as well as availability of resources required for initiating and formally processing and making effective decision on policy as well as scrutiny. Members should also have access to experts in Law, administration as well as other sectors they may so require to enable them make informed decisions based on facts and evidence.

The complexity of people's needs required complex policies, scrutiny and oversight however many of the members of the Katsina state House of Assembly does not have the necessity expertise in policy analysis and administration.

People should be sensitised to their power of recall and that they should be patient and tenacious following the procedure. However, for them to be able to exercise their power of recall they have to be community conscious and not selfish or else they will be bought by the members. So far, there has been no single recall of any of the representatives in Katsina State.

The House of Assembly should be a repository of records being the legal location of the state sovereignty. The record keeping efforts of the Katsina State House of Assembly need to be improved. However, the Second and the Fourth Assembly may be commended for facilitating the

publications of the Profile and Activities of members. The publications by the Fourth Assembly under Gojo-Gojo attempted to bridge the gap by providing information for the past assemblies from 1992 to-date.¹² Nonetheless, both are still short of vital information needed to enable analysis from various dimensions. For instance, none carried the educational qualification or former occupation of members.

Finally, more rigorous executive-legislature relations should ensue rather than the rubber-stamping of executive's demands. The public's confidence in the legislature needs to be revived.

12. See *The Profile of Activities of Honourable Members Katsina State House of Assembly, 2007-2010*.

CHAPTER 19

Kwara State Legislature: A Docile Parliament?

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INTRODUCTION

The centrality of the legislature to the deepening of democracy is a fact that has been consistently acknowledged by scholars. Indeed, scholars have explored this institution both in its organisation, form and character and, in specific contexts. This endeavour has also led to an attempt to classify the parliament based on its relative strength to other institutions, most especially the executive arm as well as its internal capacity.¹ Nigeria returned to democratic practice in 1999 with all democratic institutions formally established, at least the formal structures. Thus, the legislative arm, which we may describe as *primus inter pares* in the tripartite division of governmental powers between the three basic arms of government was established both at the national and state levels. In Kwara state, which is the focus of this chapter, the existence of the legislative arm predates the current democratic experience, which began in 1999. It dates back to the beginning of the Second Republic (1979) when Nigeria

1. See J.K. Johnson and R.T. Nakamura, A Concept Paper on Legislatures and Good Governance, 1999. Available online: www.undp.org (Accessed 17/01/2007).

formally embraced the presidential system of government.² Thus, following the truncation of the Republic in 1983 through a military coup, the state also experienced the complete eclipse of the legislative institution only to reappear in 1999.

In a general context, it must be pointed out that the nature and context of politics in Kwara state cannot be completely dissociated from the general context of politics in the country, especially in relation to patronage politics and personality influence. The state, which was created in 1967, by the Gowon administration, had its political allegiance tied to the Northern Peoples' Congress (NPC) though with some form of resistance/internal political opposition from the Action Group (AG) and its supporters. Similar to Martin Dent's³ description of Nigeria as a Biological cell that is capable of sub-dividing and reproducing its own kind, Kwara state which initially was known as Ilorin province (comprising Ilorin and Kabba Provinces) has also transformed and sub-divided through series administrative exercises to its present form. For instance, by 1976, Ankpa, Dekina and Igala areas were excised from the state to form Plateau state along with some other areas. Similarly by 1991, the Babangida administration also excised Borgu local government from the state to merge with Niger state.⁴ However, one remarkable thing about these processes is that in all, the state has always maintained its political affiliation with the core northern region, a situation which persisted through the Second Republic when it first had the opportunity of having its own democratic institutions different from that of the northern region as a whole. As with all other states and indeed, the federation, the reign of

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2. At independence in 1960, Nigeria emerged as a Parliamentary democracy but due to a combination of factors that culminated in the truncation of the First Republic via coup d'état in 1966, the country upon return to democratic rule in 1979, adopted the presidential model which has remain in place till date.
 3. Martin Dent, 'Ethnicity and Territorial Politics in Nigeria' in Smith, G. (ed.), *Federalism: The multiethnic Challenge*. (Longman, New York), 1995, p. 128.
 4. E.E. Lawal, "Elitism and Party Politics in Kwara State", Unpublished Ph.D thesis, Ahmadu Bello University, Zaria 2005 pp. 194-195.

military administration had great negative impacts on development of the legislative institution in the state.

As already noted, the development of the legislative institution in Kwara state can be traced back to October 1979 when the Second Nigerian Republic formally began. The First Assembly with 42 lawmakers was inaugurated by governor of the state, Alhaji Adamu Attah with the following principal officers. Sheu Usman as Speaker, Israel Moronfoye as Deputy speaker, Saliu Abdullahi as Majority leader, Salami Ali Omeiza as Chief Whip and Elias Ekundayo as Minority leader.⁵ With the exception of the minority leader, who is from the UPN, all other principal officers belong to the NPN which formed majority in the Assembly as well as being in control of the executive arm. To a large extent, this also reflects the traditional political affiliation of the state which has always been to the north.⁶ It must also be stated that, although the NPN was in majority, it was apparently not the only party in the house. Indeed, three out of the then five political parties had representations in the Assembly in the following format: NPN – 25 members (59.5%), UPN 15 members (35.7%) and GNPP – 2 members (4.8%).⁷

One apparent implication of this is that votes and debates are clearly along the lines of party divisions with the UNP and GNPP (owing to an understanding between them) always toeing the same lines. According to Professor J.A.A. Ayoade,⁸ this made relationship between parties in the Assembly to be very tense with a nearly formalised sitting position depicting the majority and those in opposition. In terms of relation between the legislature and the executive, in spite of few gridlocks experienced at

5. Ibid. p. 186.

6. The NPN was known to be a northern party and largely, a reincarnation of the former NPC. For this argument see, Abdulhamid Ujo, *Understanding Political Parties in Nigeria* and E. E. Osaghae, *Crippled Giant: Nigeria since Independence* (C. Hurst and Company, London), 1998.

7. Rotimi Ayoade, 'Kwara, Niger and Sokoto States', in Oyeleye Oyediran ed. *Nigerian Legislative Houses: Which Way?* (University of Ibadan Consultancy Services Unit, Ibadan), 1980, p. 64.

8. Ibid. p. 66

inception, relations between the arms seem to remain cordial throughout the tenure of the administration, a situation which can be attributed to moderation provided by the ruling NPN and influence of the political patron. By 1983, there was a slight change in political configuration of the state. To the amazement of many, the governorship race was won by a candidate of the UPN, Chief Cornelius Adebayo, although majority of the Assembly seats were won by candidates of the NPN. A major explanation that has been advanced for this trend was the intra-party feud between Dr. Olusola Saraki, main political patron and party leader in the state and the incumbent governor Adamu Attah. Although the point of disagreement between them remained murky but centres on appropriation of political benefits, it could not be resolved until the general elections prompting Dr Saraki to direct his followers to make a protest vote in favour of the Unity Party of Nigeria (UPN) during the governorship elections. Unfortunately, the Assembly could not live long to enable a reasonable assessment of inter organ relations as well as impact on good governance as it was sacked by the military incursion of December 1983.

The emergence of a third Assembly in Kwara state came within the context of what has been described as "transition without end".⁹ This is because, the then transition to civilian rule midwife by President Babangida military regime was characterised lots of irregularities and goalpost shifting with attendant implications for the political process.¹⁰ Thus, within a cloud of uncertainty and like in other states, the Kwara state Third Assembly emerged in October 1992 following its inauguration by the state governor, Alhaji Shaba Lafiagi. Members of the Assembly were from the two governments imposed parties of the era. That is, the Social democratic Party (SDP) and the National Republican Convention (NRC)

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9. Larry Diamond, A. H. M. Kirk-Greene and Oyeleye Oyediran eds. *Transition Without End: State and Civil Society in Nigeria Under Babangida* Vantage Publishers, Ibadan), 1997.
 10. For insightful comments on the Babangida transition programme see Ibid., E.O. Ojo. "The Military and Democratic Transition in Nigeria: A Case Study of General Babangida Regime": A.A. Muhammad, "The Babangida Transition Programme in Retrospect". *Lapai Sociological Review*, Vol. 1, No. 2.

with the SDP having majority in the house. The SDP also control the executive arm. However, following the political impasse resulting from General Babangida's annulment of the 12 June, 1993 presidential election, his consequent stepping aside after installing an Interim National Government headed by Earnest Shonekan and the consequent sacking of the Interim National Government (ING) in a palace coup d'état by General Sani Abacha, the entire democratic structures in the country were dismantled, thus marking the end of a yet to be fully consummated Third Nigerian Republic. It must be observed, however, that, like previous situations, electoral processes leading to the moribund Third Republic was largely dominated by personality influence which not only have implications for governance and the entire political process but as well, is a major factor in the emergence of the legislative arm as a 'rubber stamp' for executive bills and proposals. It is within this connection between the influence of political patronage (personality factor) and the electoral process including issues of intra-party democracy that this chapter examines the performance of the legislative institution in Kwara state with a view to determining how this situation impacts on inter-organ relations and most importantly, the deepening of democracy in Nigeria. It must also be noted that, legislative powers of both the National and state assemblies derives from the constitution of the federation.¹¹ In the case of the states, the constitution vests legislative powers "of a state in the state house of Assembly". Though enormous, the powers of the legislative arm as spelt out in the constitution, no doubt, strictly falls within the ambit of the generic functions peculiar to all parliaments in a democracy. These are, rule making, Oversight of the executive and, representation. How then does Kwara Assembly rank within this purview?

THE LEGISLATIVE ARM, 1999-2003

The Kwara state House of Assembly (Fourth Assembly) was inaugurated by the then governor of the state, Alhaji Muhammed Alabi Lawal, on 6

11. See Section 4 sub sections 1-

June, 1999 barely a week after the current Fourth Nigerian Republic took off. Essentially, the political configurations which produced the Fourth Assembly was not in any way different from previous experiences. This is because, the personality of Dr Olusola Saraki was such that even party structure comes next to him in terms of electoral strength. Consequently, because of his sweeping charisma (rightly or wrongly), wherever he belongs in terms of party affiliation is where electoral victory in the state tilts. Little surprise therefore, that his All Peoples Party (APP)¹² not only won the gubernatorial position but also commanded majority seats in the 24 member State House of Assembly. The distribution of seats indicates that the APP had majority with 16 seats followed by the Alliance for Democracy with 5 seats while the PDP had only 3 seats. Expectedly, except for the Minority leader, Saka Agbola Raji and the Minority Chief Whip, Abdulkareem O. Ayinde, who are both from the AD, all other principal officers of the House are from the ruling APP. They include, Benjamin Ezekiel, Speaker; Engineer C.T. Ayeni (who was later appointed commissioner under the Civilian administration), Deputy Speaker; Laaro Bolaji, Majority Leader; and Barrister Iyiola Oyedepo. The implication of this state of affairs is that the state had and operated a unified government between 1999 and 2003. Without doubt, this has implications for legislative business.

Table 1. Party Distribution in the House. 1999-2003

S/N	Name of Party	No. of Seats
1	Alliance for Democracy (AD)	5
2	All People's Party (APP)	15
3	Peoples' Democratic Party (PDP)	4

Source: Assembly Bulletin¹³

12. The APP later changed name to All Nigerian Peoples Party (ANPP) shortly before the 2003 General elections.
13. *Assembly Bulletin. A Quarterly Publication of the Kwara State House of Assembly*, Ilorin, Vol. 1, No. 5, December, 2008, p. 22.

In terms legislative activities, the Kwara Assembly within the period under consideration here was able to pass a total of 27 bills, including appropriation bills. While this may be a small number, it also shows the infancy of the institution given the fact that it was just coming up after a prolonged break of about 16 years. To a large extent as well, it could be asserted that the institution then was either, yet to fully wake up to the realisation of its enormous task or was yet to develop an appreciable level of capacity to meet the challenges of legislating for democracy. More so, there was no private member bills as all the bills mentioned above were initiated by the executive. Another observed trend in the period is that no bill was actually vetoed by the legislative arm much as the process of passing a bill was not as complex or cumbersome as one would have expected. Similarly, in terms of approval of executive appointments, there seem not to be any serious challenge from members of the parliament. Although this feat may be attributed to perhaps, presence of effective liaison between the two arms, but beyond this, it may as well due to the overbearing influence of a common denominator for the executive and legislative institutions. Even where there are objections from minority/opposition members in the House, they absolutely lack the numerical strength to challenge the ruling party. Thus the Assembly then was more or less a 'rubber-stamp' of the executive arm.

In terms of legislative oversight of the executive arm, no significant development took place. While there were standing committees¹⁴ to facilitate the business of legislation and oversight, no remarkable experience was observed in form of impeachment or threat of impeachment against the executive arm or its agencies. Neither was there any major attempt made at probing activities of executive agencies to ensure compliance with regulations. Although impeachment is a major instrument of control

14. In all, 14 committees were formed and interestingly, before the end of the Assembly's tenure, the number increased to 24. The reason for this was not connected with engendering good governance or to enhance legislative activity. Rather, as confirmed by Muhammed Aboki, a member of the House then, in an interview with him, it was to ensure that chairmanship of Committees go round all members.

in the hand of the legislature but which it must sparingly use except in matter of last resort,¹⁵ however, grave silence of the Assembly over executive actions even in the face of open criticisms by the people suggests docility on the part of the Assembly.¹⁶ Given this scenario, it is axiomatic to note that the Assembly has failed in the business of representation. In the first place, all the bills debated were all government sponsored bills. None came from private members. This need not be surprising considering the process of nomination into the house. It is a common knowledge that political office holders in the state, including House members did not pass through any democratic process of nomination. Rather, who becomes what is cogent on the whims and caprices of the reigning political godfather. Therefore, the idea of a legislative house being a people oriented arena as envisaged by representation theorists is a ruse in this context. This was the situation from 1999 up to 2003 when the Fourth Assembly formally dissolved at the expiration of its tenure and a new one inaugurated to serve for another four years.

THE FIFTH ASSEMBLY, 2003-2007: AN EMERGING LEGISLATURE?

Johnson and Nakamura have noted that an emerging legislature is one that is in the process of change from one type to another. Such legislatures, initially, may be lacking in internal structure and capacity but eventually tries to develop more of the things necessary to play a larger role in governing a society.¹⁷ They are, however, quick to add that because of

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15. J. 'Shefa omotola, 'Impeachment Threats and Nigeria's Democracy' in E. O. Ojo (ed.), *Challenges of Sustainable Democracy in Nigeria*. Ibadan: John Archers (Publishers) Limited, 2006.
 16. A case in point was when the government began dualisation of some major roads within Ilorin City. This generated resentment from the people on the grounds that the roads being dualised are too narrow for such exercise. But in spite of open protests, neither the executive nor the Assembly was willing to listen. It eventually culminated in the people, sarcastically, naming the partition on such roads "Sare [jaba", meaning governments grave
 17. Johnson and Nakamura, *op. cit.*

its emergent nature, such legislatures are transient as they have the potential of evolving into transformative legislature or some other forms.¹⁸ In other words, such assemblies are either in the process of advancement or regression. This assertion perhaps underscores the trend of happenings in the fifth Assembly in Kwara state. The Assembly emerged following the conduct of a general election in April 2003. As a prelude to the elections, however, there were some developments in the state that are worth highlighting because of their political significance in the democratisation process. The incumbent Governor Muhammaed Lawal had fall apart with his political godfather thus leading to struggle for the control of the state by both.¹⁹ The situation degenerated into serious crises manifesting in the series of political violence and attacks, outpouring of diatribe by both parties, arson and other forms of violence. However, although Dr. Saraki, the godfather was able to corner peoples sympathy to himself through weeping of what can be described as 'community sentiment', the governor was also able to seize control of the House of Assembly from him, even though he (the godfather) financed the campaign expenses of all members.²⁰ Indeed, lawmakers loyal to Dr. Saraki eventually became minorities in the House.²¹ Little surprise, therefore, that the House could not contemplate an impeachment or any form of investigation against the executive arm even in the face of glaring misconduct by the governor. Thus, the 2003 election was a fierce battle between the incumbent governor, who had already seized control of the party machineries (ANPP), and Dr. Saraki who had also been forced to decamp along with his supporters to the Peoples' Democratic Party (PDP)

18. *Ibid.*

19. The basis of their falling apart borders on alleged issue of disloyalty and refusal by the incumbent to satisfy the economic interests of the godfather through state purse. In any case, this does not suggest that the incumbent administration was corruption free as unfolding events in the state later revealed.

20. E. O. Ojo, 'Political succession: The Kwara State experience'.

21. Perhaps as a form of reward for their loyalty, these lawmakers were the only ones re elected to the house, though under a different party, the PDP.

which was the ruling party at the national level.²² Interestingly as well, the state became deeply polarised along political lines as the level of insecurity sore high. Therefore, the April elections represent an attempt to uproot an entrenched order (personality influence) by the incumbent. As the outcome of the elections shows, the entrenched order could not be uprooted as the ANPP lost out in the election to the new PDP. Apart from the executive arm which was controlled by the PDP, the party also had majority in the House with 22 lawmakers while the ANPP and UNPP had 1 representative each. In other words, although the controlling party differs, it was still the case of a unified government in the state. Moreover, victory of the new party cannot be separated from the personality influence of Dr. Saraki, the godfather, who despite resistance to his joining the PDP in the state by the then PDP state executive was able to maneuver and obtain recognition of the PDP national secretariat.

Following inauguration of the state Assembly by the executive governor in June 2003, and perhaps by the Assembly's recognition of the need to be more active in legislative business and improve its capacity to legislate for good governance, the House took off on a higher pedestal compared to its predecessor, the Fourth Assembly. First, in line with constitutional provisions²³ which allow it to establish committees for purposes it deem fit and relating to enhancing its legislative capacity, it established 16 standing committees to assist legislative business. The number of committee later increased to 18, with the establishment of Land and Housing, as well as Industry, as separate committees. Second, the House embarked on holding of seminars and training programmes to improve the capacity of legislators at least with an interval of 2 to 3 months as well as forging synergy and partnership with other

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22. Simbine has described this tendency as political vagrancy. For other manifestations of this trend see, Anthony Okoosi-Simbine, 'Political Vagrancy and Democratic Consolidation in Nigeria' in Abubakar Momoh and Godwin Onu (eds.) *Elections and Democratic Consolidation in Nigeria*. (Nigerian Political Science Association, Nigeria), 2005.
 23. See, s.103 of the Nigerian Constitution, 1999.

parliamentary bodies.²⁴ For instance, the Fifth Assembly rolled back financial indebtedness of the previous Assembly to bodies such as Commonwealth Parliamentary Association and African Parliamentary Union in order to be re admitted. Following this development, members of the Assembly have attended conferences of the bodies in places like Bangladesh, Canada, Zambia and Tanzania, among others.²⁵ In terms of information gathering and dissemination, the Fifth Assembly also procured communication and information gadgets to improve the House's information capacity. These were a significant departure from what obtains in the Fourth Assembly and in consonance with the attempt to transform from a 'rubber stamp' to an emerging Assembly as noted by Johnson and Nakamura.²⁶ Also, the Assembly strengthened its dormant Directorate of information which not only produce its Assembly Bulletin but also in conjunction with the State Radio Corporation, run a weekly programme, "Assembly Watch" meant to garner information from the public as well as intimate it with its own programmes and activities. To a large extent, this endeavour underscores the role of cybernetics in policymaking much as it strengthens the argument that 'access to quality information equips the decision-maker with informed alternatives pertaining to a particular subject'.²⁷

Expectedly and owing to improved capacity, the House received and passed a total of 51 bills, about 88.9 per cent increase over that of the Fourth Assembly. Similarly, about 41.17 per cent of the total bills passed were private member bills. In like manner, Fashagba observes that, during the life of the Fifth Assembly:

committees handled one hundred and one (101) activities that relate to legislative and oversight functions. Sixty-three percent (63%) of the reports

24. Kayode Abdulwahab Omotose, Member Representing Ilorin North-West constituency, *Interview* on Friday, 25 March, 2011 at Adewole Estate, Ilorin, Kwara State.

25. *Ibid.*

26. Johnson and Nakamura, *op. cit.*

27. Serema Coroma, *Information and Institutions: The Relationship between the Executive and the Legislature in Botswana*, 2000. Online: http://www.caia-accsi.ca/proceedings/2000/serema_2000.pdf (Assessed February 24, 2008).

were investigations into various expressed grievances by the citizens of the state . . . the report of the investigations often made recommendations on appropriate compensation to the aggrieved person(s).²⁸

From the above it can be argued that, there is an improvement in the activities of the Assembly as evidenced in the number of bills passed and the distribution between private and government bills. Even appropriation laws are passed after a clause by clause examination which in most cases takes no less than two months. Also, with the exception of the state governor and his deputy, there is no political office holder that was not invited by the Assembly to answer questions or make clarifications.²⁹ It was with this evolving tempo that the Assembly rounded up its work before giving way to Sixth legislative Assembly in 2007.

SIXTH ASSEMBLY, 2007-2011

It is important to remark at the outset that the Sixth Assembly in Kwara state, inaugurated in June 2007 by the State Governor, was a 100 percent PDP Assembly.

Table 2. Members of Sixth Legislative Assembly

S/N	Name	Constituency	Position	Political Party
1	Isa Bio Ibrahim	Okuta/Yashikira	Speaker	PDP
2	Babatunde Mohammed	Omupo	Deputy Speaker	PDP
3	Ishola Balogun Fulani	Ilorin South	Majority Leader	PDP
4	Raufu Lambe	Oke-Ogun	Chief Whip	PDP

28. J. Y. Fashagba, 'The Committee System and Legislative Efficiency: The Case of Kwara State House of Assembly' *Nigerian Journal of Legislative Affairs* Vol. 3 Nos. 1 and 2, March, 2010, p. 36.
29. For this and other oversight activities of the Fifth Assembly see, *Assembly Watch*, Vol.1, No. 4.

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5	Abubakar Sukababa	Gwanabe/Adena/ Gweria/Bani	Deputy Majority Leader	PDP
6	Umar O. Babatunde	Ilorin East	Deputy Chief Whip	PDP
7	Isiaka S. Mogaji	Afon	Member	PDP
8	Ramat Adesina Abaya	Owode/Onire	Member	PDP
9	Audu Liman Saidu	Edu	Member	PDP
10	Cecilia B. Ore	Ekiti	Member	PDP
11	Raliat B. Adifa	Lanwa/Ejidongari	Member	PDP
12	Usman O. Lawal	Oke-Ero	Member	PDP
13	Suleiman S. Idris	Ilesha/Gwanara	Member	PDP
14	Alhassan Bagidi	Kaiama/Share	Member	PDP
15	Abdulkareem Abdulganiyu	Oke Ode	Member	PDP
16	Sheu Suleman Wara	Ilorin Central	Member	PDP
17	M. D. Lata Tauheed	Patigi	Member	PDP
18	Yemi Afolayan	Irepodun	Member	PDP
19	Bisi Oloruntoba	Isisn	Member	PDP
20	Iliyasu Ibrahim	Oloru/Malete/ Ipaye	Member	PDP
21	R. O. A. Taiwo	Odo-Ogun	Member	PDP
22	Kayode Abdulwahab Omotose	Ilorin North-west	Member	PDP
23	Kola Bukoye	Balogun/Ojomu	Member	PDP
24	Ayantola Niyi Muraina	Shawo/Esa	Member	PDP

Source: Assembly Bulletin, Vol. 1, No. 5, December 2008

The implication of this is that composition of government in the state for the period was a unified one, *par excellence*. Although one may want to insinuate under this scenario that it was going to be a completely rubber stamp assembly, but this was not absolutely the case. Indeed, it has been proved that in presidential systems, the existence of a unified government does not automatically suggest executive-legislature connivance on policy matters. This is because, the direct election of the legislative

and executive arms in separate elections gives each branch a competing claim to democratic legitimacy, which has the potential of aggravating executive-legislature conflict.³⁰ Thus, the above scenario does not provide enough leverage to suggest a weak parliament in the state. Moreover, the House seems not to relent in its efforts at building capacity of the legislators for a robust legislative assignment. Among many others, the Assembly continued to synergise with various parliamentary bodies within and outside the country. For instance, it had paid visits to parliamentary institutions in South Africa, United Kingdom and the United States, among others.³¹ Also, members of the House were in Zaranda Hotel, Bauchi, in 2007 for a capacity building workshop, at another in Iloko-Ijesa, Osun state and at Nigeria Institute for Policy and Strategic Studies (NIPPS), Jos, in 2009 for the same purpose. According to Omotose, training and capacity building programmes for members between 2007 and 2011 often takes place within two to three months interval.³² In addition, the House is currently connected to the internet and runs a specialised information unit headed by a career senior civil servant. All these are meant to engender constructive legislative activity in the house. Except for few changes in the composition of the leadership of the House and number of Standing Committees³³ pruned down from 18 in the previous Assembly to 17,³⁴ the House maintained its character and pattern of activities. Although there was a decline in number of bills passed by the sixth Assembly compared to what obtains in the previous one, oversight activities for the period continued with intensity.³⁵ For instance, the Assembly through its Committee on public petitions, corruption and ethics,

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30. Juan J. Linz, 'The Virtues of Presidentialism' *Journal of Democracy*, vol. 1 No. 4, 2000.
31. Interview with Abdulwahab Kayode Omotose, *op. cit.*
32. *Ibid.*
33. There was also renaming and a reorganisation of membership of the committees
34. For list of the standing Committees and their composition see, *Assembly Bulletin*, Vol. 1, No. 4, pp. 18-22 and Vol. 1, No. 8, June 2010, pp. 34-35.
35. For a graphic account of this see *Assembly Bulletin*, Vol. 1, No. 8, June 2010, pp. 4-11.

headed by Mogaji, was able to retrieve the sum of 4.2 million Naira for a citizen whose Land was forcefully taken over by the police force without due compensation.³⁶ To a large extent, this is in furtherance of the quasin judicial function of parliaments in a democracy. Other instances where the Assembly, through its committees have been active include, constitution of a lobby group to facilitate the construction of Ilorin-Baruten road and to address issue of poor telecommunication system in Kwara state. Both issues recorded success as they were eventually addressed by concerned bodies.³⁷

KWARA ASSEMBLY, INTER-ORGAN RELATIONS AND GOOD GOVERNANCE

It is a truism that the legislature is an important partner in the tripartite division of governmental powers in all presidential systems. The Kwara state Assembly is not an exception in this regard. Indeed, central to the practice of the presidential system, which is currently in place both at national state levels in Nigeria, is the dispersion of governmental powers between the three branches of government. While the legislature makes laws, the executive implement such laws while the judiciary adjudicates in case there is a dispute. This according to proponents of the doctrine is to avoid tyranny and arbitrary rule. As Montesquieu who popularised this idea notes,

Political liberty is to be found only when there is no abuse of power. But constant experience shows us that every man invested with power is liable to abuse it, and to carry his authority as far as it will go . . .³⁸

However, in order to avoid stalemate in governance, proponents of separation of power have not advocated a watertight separation but a situation where power will be used to check power. This suggests inevitability of

36. Confirmed By Hon Omotose, Interview op cit

37. Omotose, op. cit.

38. Cf. F.C. Okoli, and E. Okoli, *Foundations of Government and Politics* (Enugu, Fourth Dimension Publishers), 1990, p. 115.

relation between the three arms which ultimately is expected to engender good governance. In the Kwara State circumstance, the predominant pattern has been relationship between the executive and the legislature. The judiciary seems to have been relegated to the background in the tripartite arrangement. It must also be acknowledged that this situation is not exclusive to Kwara State as it is more of the norm in virtually all presidential systems. An observed trend in the state is that the Assembly has limited interaction with the judicial arm except on confirmation of appointment of Judges as nominated by the executive arm neither have there been any case of Judiciary overturning any legislative enactment. As mentioned earlier, this is peculiar to all political systems operating the presidential system, the why and how of which, may be subject of a different research.

In its relation to the executive, the relationship between the two arms seems to be cordial. While it may be noted that in the First Assembly of the current democratic practice (Fourth Assembly), the legislature exhibited more signs of a 'rubber stamp' than an independent Assembly. This may not be absolutely true of subsequent ones (Fifth and Sixth Assemblies). This is because; subsequent Assemblies in the state are to have made concrete efforts at building capacity of the institution to play its proper role in the democratic process. But it must also be admitted that while this is the case, the effect of a proper legislative role has been pronounced on good governance and citizens' welfare. In other words, some considerable progress may have been made but at a very low and obscure pace. As will be highlighted later, some factors serve to explain this. Also, there has not been any major confrontation or disagreement between the executive and legislative arm in the state. While this is not a misnomer, such would have helped reveal further, the extent of assertiveness of the legislature against the executive in the face of a policy gridlock. In other words, given the efforts of the Assembly at developing its capacity, manifestations of an assertive parliament and good governance engendering legislature still remain obscure.

A plausible explanation for the observed trend in the state lies in faulty electoral process marked as it were, by personality influence and

patronage politics. It should be noted that personality influence and patronage politics in Nigerian politics generally has long been identified by scholars.³⁹ Contemporary writings have also delve on the issue in a somewhat restricted form as godfatherism.⁴⁰ This practice while it lasts, remain a major cog in the development of democratic institutions as the Kwara State example reveals. Given the domineering strategies of the main political patron in the state, Dr. Saraki, it may be difficult to achieve a breakthrough in institutional development. These strategies include, financing the campaign expenses of contestants from the point of procurement of nomination forms to the point of actual election. According to Ibrahim,⁴¹ this strategy has always ensured two things for the political patron. First, it enables him to monitor activities of elected officers since ever who pays the piper dictates the tune and second, it allows last minute manipulation of contestants. Other strategies include using economic resources (which at times comes from the state purse) to consolidate his political grasp by doling out monetary inducements to most especially women and the aged. Through this, the government is portrayed as unimportant while he is portrayed as the harbinger of good governance and whatever the people desire. In any case, even the chief executive is usually unable to help the situation as he is also a beneficiary of his 'philanthropy gesture' thereby owing allegiance to him. In other words, Dr. Saraki is seen by many as alternative government' and beehive of all. Thus, election period is seen as payback time for his 'philanthropic gestures' as many would vote en bloc in favour of whatever direction he wishes. It should also be asserted that attempt by any political office holder to deviate from this norm usually meets with fierce opposition and decline of political fortune. This accounts for why some elected officers are usually not returned for a second term in office. This also explain

39. See, Richard Joseph, *Prebendal Politics in Nigeria: The Rise and Fall of the Second Republic*.

40. E. E. Lawal, 'Godfatherism and Politics in Kwara State' in HA Saliu (ed.), *Nigeria Under Democratic Rule, 1999-2003* Vol. 2 (Ibadan, University Press Ltd.), 2005.

41. Mallam Ibrahim, PDP Chieftain in Kwara State.

why Governor Lawal, who ruled the state from 1999–2003, through ‘the grace’ of Dr. Saraki could not secure a second term in office.⁴² Also arising from the strategies above is that both the executive and legislative arms are hoodwinked into submission. House members are, therefore, not expected to go against the chief executive, who perhaps, in Dr. Saraki’s reckoning, is the first and boss to the legislators. Even when there is disagreement amongst members, especially of the same party, the political godfather usually plays a crucial role rather than recourse to institutional provisions.⁴³ It must also be admitted that although Dr. Saraki’s influence in Kwara politics is very profound, some of his actions can be seen in positive light. For instance, at the inception of the Fifth Assembly, he (noted) a monograph to the Assembly titled ‘Committee System of the Congress’. This was intended to serve as guide for the House towards constituting its own standing Committees.⁴⁴ Nonetheless, his influence in the party and the electoral process that produced the Assembly cannot be wished away.

But beyond the personality factor and patron-client issue, we may also note the wellness of opposition parties as a factor militating against

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42. Prelude to the 2003 election and owing to disagreement between the godfather and his godson, Dr. Saraki evoked a sentiment that Governor Lawal was trying to bring into disrepute, “*Ile Alimi*” (Alimi’s House) as the reason why he was against Governor Lawal. Alimi’s House is the paramount Traditional stool Ilorin and a symbol of the peoples’ culture and tradition which is not only revered but jealously guarded by the people. An attack on it is considered a direct attack on the people. Thus, Dr Saraki was able to whip this sentiment against Dr. Lawal knowing, full well that this is a sentiment many people would share. This sentiment worked as a political weapon given the fact the figures by the Independent Electoral commission reveal that Kwara Central Constituency (majorly Ilorin townships) hold 51 per cent of total voters’ strength in the state. Therefore, having political control of Ilorin implies having control of majority in the state.
43. A case in point is the crises which ultimately led to change of the majority leader in 2004. Both the executive governor and Dr. Saraki played crucial roles in resolving the dispute. According to Omotose in an interview conducted with this researcher, this trend is not new and instances abound in countries such as UK, India, etc. where personality influence is pronounced in legislative activities.
44. Omotose, *Interview op cit.*

sustained positive transformation of the Assembly in Kwara state. Generally speaking, opposition parties in Nigeria are active during electioneering processes. After this, they fade away while members of opposition parties in parliament see themselves as orphans that needs to tread with care in order for them to enjoy the luxury and comfort of their offices just as their majority counterpart. Although the establishment of the offices of Minority Whip and Minority Leader may be seen as an attempt to institutionalise opposition in parliament. However, these offices are merely symbolic in the Nigerian context especially at the states were they lack any political strength. Thus, at the slightest toss of the 'coin', opposition members will be willing to abdicate principles in order to amass as much perquisites of office as their majority counterpart. This explains why opposition voices are seldom heard in the Kwara state House of Assembly in spite of the fact that the house has never been a one party House.

Equally important is the fact that, although legislators and indeed the legislative institution in Kwara state seem to be having improved capacity to legislate both in terms of educational qualification of members⁴⁵ and infrastructure, the high turnout of legislators remain a big challenge. For instance, among legislators of the Fourth Assembly in the state, only 4 returned to the Fifth Assembly. Similarly, only ten out of the 24 member Fifth Assembly returned to the Sixth Assembly. Rather than seeing this as an expression of the people's preferences, it is due more to some of the reasons earlier mentioned. But it must be stated that this has implication for legislative institutionalisation and effective discharge of legislative business as deep-rooted experience in legislative business becomes lacking. In other words, no matter the arsenal of qualification and infrastructure

45. It is observed that between 1999 and 2003, most members either process graduate qualifications or are in the process of acquiring one in diverse disciplines ranging from law, Humanities and Education. Between 2003 and 2007, the profile of members increased while those in the House between 2007 and 2011 (with the exception of one member, with an intermediate certificate), process multiple graduate and post-graduate degrees. For full profile of the 2007 to 2011 lawmakers *see*, Assembly Bulletin, Special Edition on Profile of Lawmakers, 2010.

that is amassed, the dearth of cognate experience can only made the Assembly to run as fast as it can, only to remain where it is. This is a major dilemma for the Kwara parliament. Perhaps related to this is the issue of administrative and support staff for the Assembly. As presently constituted, the state has no separate or independent State Assembly Service Commission as it is at the National level. Most of the administrative staff, especially senior staff, is drawn from career civil servants who by virtue of this are members of the executive arm. This crop of staff, indirectly exercise influence on law-making and legislative process as their inputs will be more executive-oriented. The implication of this is that legislative opinion is diluted by bureaucratic inputs which ultimately affect legislative output.

CONCLUSION

The legislative institution is an important arm in any democratic society by virtue of its three generic function of rule making, oversight of the executive arm and representation. The impact of this institution is more felt where it operates at a level more direct and closer to the people. this chapter has examined the legislative institution at the sub national level in Nigeria, focusing on Kwara state. Like the National Assembly, State Assemblies also derive their powers and functions from the Nigerian constitution. What is observed is that, politics in the state is marked by profound personality influence. This in a way affects legislative business and legislative development. Also, weakness or near-absence of opposition politics, high legislative turn over and lack of independent management and support staff different from that of the executive arm are seen as factors impeding the development of the institution. While the Fourth Assembly (1999-2003) from what is observed can be described as being docile, same account cannot be rendered of the Fifth and Sixth Assemblies. This is due to transformative changes that occurred in the composition and organisation of these Assemblies. However, the impact which is expected to proceed from this premise has remained largely obscure owing to factors mentioned above. In order for the institution to be more alive and relevant in democratic governance process beyond symbolic

level, it is suggested that there is need for attitudinal reform on the part of legislators and other political actors. This is necessary in order to eschew over-bearing influence of personality factor in electioneering, and indeed, the entire political process. Second, the legislators need to be more involved in community works, identify more with their constituencies through information dissemination and feeling the pulse to engender more participation. This is perhaps the only way to bring to bare the Assembly's role in political representation. Third, financial autonomy of the legislative arm is essential for it to be assertive. An assertive Assembly will be able to project the people's preferences, maintain an independent view and provide the necessary checks and balances expected of it in a presidential democracy. But for this to occur, it must remain financially autonomous as this would also help it to maintain an independent work force that would remain perpetually loyal to it. This way too, the Assembly will have enough leverage to invest in research and engage the services of professional think-tank that would further strengthen its capacity.

CHAPTER 20

An Appraisal of Kano State House of Assembly, 1999-2011

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INTRODUCTION

Kano State was created in 1967 out of Kano Province. It lies between latitude 13° N in the North and 11°N in the South and longitude 8°W in the West and 10°E in the East. The total land area of Kano State is 20,760 sq km. The population of Kano State based on the 2006 census is 9,401,288 cutting across 44 Local Government Areas.¹

Kano is one of the oldest indigenous cities in Nigeria. The history of the Kano State House of Assembly is incomplete without mentioning the Constitutional provision as contained in the Amended Constitution of the Federal Republic of Nigeria, s. 88, which states that “There shall be a House of Assembly for each of the States of the Federation”.² Hence, the Kano State House of Assembly was inaugurated on October 2nd, 1979 though its first sitting was in 1981 with 138 members elected from the different constituencies in the state (then Jigawa and Kano States). The elected members emerged from only three out of the five political

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1. Final Report of the 2006 Census in the Federal Gazette Notice No.2, Vol. 96, 2 February, 2009.
 2. Section 88, Gazetted Amended Constitution of the Federal Republic of Nigeria, 2011.

parties in that period. They were Peoples Redemption Party (PRP), National Party of Nigeria (NPN) and Unity Party of Nigeria (UPN). The legislators were the first of their kind in the history of the state that the *Kanawa* (Kano people) elected their representatives.

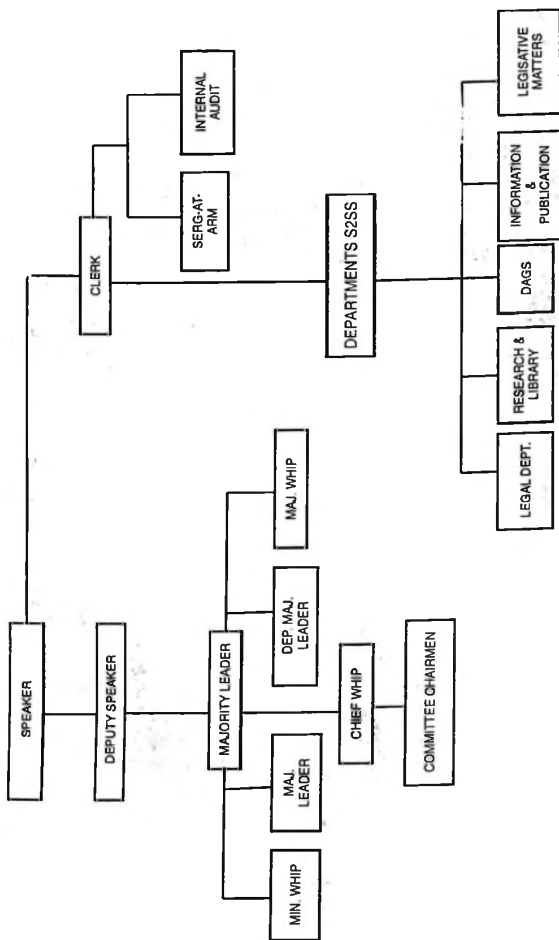
The 1983 elections ushered in a new civilian dispensation in which legislators were elected. However, the administration was short-lived (3-4 months) as a result of the military coup of 31 December, 1983. The Babangida administration set another transition to civil rule time table, which led to the election of another set of legislators in 1991, inaugurated on 14 January, 1992. During this epoch, 68 members were elected from each of the thirty four Local Government Councils to represent the people from two parties, Social Democratic Party (SDP) and National Republican Convention (NRC). This chapter highlights the internal and external structures of the Kano State House of Assembly from 1999 to 2011, which were not fundamentally different across the three regimes covered in this chapter. Therefore, there is no need discussing them tenure by tenure.

THE INTERNAL AND EXTERNAL STRUCTURES OF THE KANO STATE HOUSE OF ASSEMBLY

The figure below depicts the internal organisational structure of the Kano State House of Assembly.

From the figure, the Speaker of the House is the highest ranking member of the House. Next is the Deputy Speaker, followed by the Majority leader. Under him are the Minority Whip, Minority leader, Deputy majority leader and Majority whip. Apart from the Minority leader and Minority Whip that belong to the minority party, all the other officers mentioned above belong to the dominant/ruling party in the House. The Chief Whip is also directly under the Majority leader. The Committee Chairmen are next to the Chief Whip in rank. The remaining parliamentarians in the House are referred to as members of the House.

The administrative staff serves as supporting staff to the legislators for the smooth running of their legislative responsibilities. In this category is the clerk of the house, whose position in order of rank is at par with



The Organogram of the Kano State House of Assembly

Source: Kano State: The Lawmakers - 2003/2007, p. 9.

that of the Deputy speaker. Under him are the Sergeant-at-Arm, the Internal Auditor as well as the Heads of other functional departments. Such departments include Legal Department, Research and Library, Department of Administration and General Services, Information and Publications as well as the Legislative Matters.

The appointment of the speaker is based on zoning among the three senatorial districts in the state. For instance, if the Governor and his deputy come from the Kano North and Kano South Districts, the speaker's position is automatically zoned to the Central district, and vice versa. This arrangement was initiated by the Shekarau government. The majority leader, minority leader and chief whip are appointed by their parties. Thereafter, formal letters are sent to the House by the parties. The various deputies are selected within the chamber. The Clerk of the House is appointed by the state government.

The external structure of the Kano State House of Assembly can be examined from two angles, which are locally within the state and externally outside the state. Locally, unicameral assemblies like that of Kano state relates with the two other arms of government, namely the executive and the judiciary. Through the Executive, Executive bills and information are sent to the state assembly for legislative approval. The judiciary communicates with the House of Assembly through judicial issues like passage of bills by sending a bill in lieu formally to the Assembly. In addition, it relates with the public. Private issues from the general public are presented for public hearing while information gets the public through radio and live coverage of events.

Externally outside the state, the Kano State House of Assembly derives information from the National Assembly, other states' assemblies as well as other bodies like LEGIS. For instance, seminars, training and workshops are organised periodically by the National Assembly. Externally, sister Parliaments meet under the aegis of the Commonwealth Parliamentary Associations (CPA), which host annual events in a slated country in which the Clerks and Speakers of the National and States' Houses of Assemblies are invited. Events like training/ workshops, conferences are organised. This promotes relationships with other countries'

parliamentarians. Journals like *The Parliamentarian* are sent periodically to the Kano state House of Assembly. Among the countries which the Kano legislators have visited for these events are Brazil, Belgium, Holland, Netherlands, Brussels Ghana and Niger Republic, among others. During the tenure of Governor Rabi'u Musa Kwankwaso, in preparation for the Shari'ah legal system implementation in the state, some of the legislators visited Saudi Arabia, Egypt and Kuwait to share from their wealth of experience.

THE RELATIONSHIP OF THE KANO STATE HOUSE OF ASSEMBLY WITH OTHER HOUSES OF ASSEMBLY AND GENERAL COMMUNITY

There is cordial relationship between the Kano State House of Assembly and the National Assembly and with the Assemblies of other states. This relationship is maintained through regular correspondences with the other Assemblies. There is an Association of all Clerks of the Houses of Assembly which meets twice every year. This fosters amiable relationships among them. In addition, the National Assembly that is the Senate hosts seminars periodically in which all the states' Assembly members are invited. This exposes them to know more of the public expectations from them. The above forum enhances friendly relationships among all the legislators in Nigeria irrespective of their state. This relationships cuts across the all the periods covered in this chapter.

On the relationships with the general public, the Kano State House of Assembly interacts with the general public through their representatives. This is made possible through the complaints it gets from the individual constituency which comes in either of three forms: In form of a motion, urgent matters of public interest and in form of a bill. For instance, any issue affecting the interest of the public are presented in form of a motion. After much deliberation, a decision is taken. Also, any issue of urgent matters of public interest are immediately deliberated without following the normal procedure of passing a bill. Such issues like fire outbreak, cholera outbreak are taken immediately to the House and deliberated upon. The bills sent are passed immediately. On his part, the Governor

assent the bill for implementation. These relationships cut across the three administrations discussed in this chapter.

THIRD ASSEMBLY AND GOVERNANCE, 1999-2003

The third legislative arrangement in the state was ushered in on June 2, 1999 after the April, 1999 elections. His Excellency, Dr. Rabi'u Musa Kwankwaso emerged as the Executive Governor of Kano State. In his executive capacity, he worked with the 40 Honourable members elected to the House of Assembly to represent the people in the 44 Local Government Areas in the State. An additional ten Local Government Councils were created in Kano State during the tenure of General Ibrahim Badamasi Babangida as the Head of States and Commander-in-Chief of the Armed Forces, Federal Republic of Nigeria. There were only 40 members representing 44 Local Government Councils because 8 local government councils which were considered too small in geographical size and population were combined and made into 4 constituencies. Hence, one member represented two of such councils. They are Bagwai/Shanono, Tsanyawa/Kunchi, Kura/ Garun Mallam and Rimin Gado/Tofa. Another reason could be the 2009 Constitutional provision in Part 11, S. 91, which states that:

Subject to the provisions of this Constitution, a House of Assembly of a State shall consist of three or four times the number of seats that State has in the House of Representatives divided in a way to reflect, as far as possible, nearly equal population: Provided that a House of Assembly of a State shall consist of not less than twenty-four and not more than forty members.³

The ruling party, People's Democratic Party (PDP) had 35 members in the House, while the All People's Party (APP) had the remaining 5 members.

3. Part 11 Section 91, Gazetted Amended Constitution of the Federal Republic of Nigeria 2009.

EDUCATIONAL QUALIFICATIONS OF MEMBERS, 1999-2003

The educational qualification of Honorable members of the Kano state House of Assembly during this period is in compliance with s.106 provision of the Amended Constitution of the Federal Republic of Nigeria 2009, which states that "... a person shall be qualified for election as a member of a House of Assembly if... (b) he has attained the age of thirty years: (c) he has been educated up to at least the School Certificate level or its equivalent . . ."⁴ From the constitutional provisions above, all the members of the states Houses of Assembly must have a minimum of secondary school certificate and were thirty years and above. The data on the specific qualifications of the legislators in the Kano State House of Assembly from 1999 to 2003 is not provided due to the fact that fire outbreak burnt the Assembly complex in 2009 in which vital documents were engulfed. However, all of them met the constitutional provision of a minimum of School Certificate level or its equivalent.

On the distribution of House Committee leadership along Party lines in the period 1999 to 2003, the data is not available due to the reason earlier given above (loss of vital data due to outbreak of fire in the Assembly building in 2009). However, the next section highlights the bills passed during the period.

NUMBER OF BILLS PASSED FROM 1999 TO 2003

Section 100 sub-section 1 of the Amended Constitution of the Federal Republic of Nigeria 2011 provides that "The power of a House of Assembly to make laws shall be exercised by bills passed by the House of Assembly and, except as otherwise provided by this section, assented to by the Governor"⁵ In line with the above, the total number of bills passed by the Kano State House of Assembly from 1999 to 2003 was forty. The spread of the bills passed are presented in Table 1.

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4. Section 106, *Gazetted Amended Constitution of the Federal Republic of Nigeria, 2011.*
 5. Section 100(1) *Gazetted Amended Constitution of the Federal Republic of Nigeria, 2011.*

Table 1. Number of Bills Passed, 1999-2003

Year	1999	2000	2001	2002	2003	Total
No of Bills Passed	10	5	8	9	8	40

Source: Records from Kano State House of Assembly, Office of the Director, Legislative Matters Department.

From Table 1 above, using the numerical strength of the bills passed, the least number of bills passed during the first tenure of Dr. Rabiu Musa Kwankwaso was in 2000 with only five (5) bills. This is followed by years 2001 and 2003 in which eight (8) bills were passed each. In year 2002, nine bills were passed. The year 1999 witnessed the highest number of bills with ten (10) bills passed. Both public and private bills were passed. An examination of the type and quality of bills passed by the legislators shows that the bills passed bore the socio-economic and religious interest of the *Kanawa* (Kano people) in mind. This is in agreement with Chris (1999)'s view that: "the lawmakers are what their people are. Every society therefore sees itself in its law-making body. When it stops being a reflection of the people, it ceases to be for the people".⁶ It is against this backdrop that both public and private laws passed in the period 1999 to 2003 can be said to be aimed at satisfying the socio-economic and other needs of the Kano people. Among the public bills passed during Kwankwaso's first tenure are: Supplementary Appropriation Bill 1999, Shariah Bill 1999, Judicial Service Commission Amendment Bill, Appropriation Bill 2000, Islamic Education Social Affairs Bill, Prostitution and other Immoral Acts(Prohibition) Law 2000, Kano State Local Government Law 2000, Kano State College of Health Science Law 2000, Kano State University of Technology Law 2000, Kano State Criminal Procedure Code Cap 37 Amendment Bill 2000, Supplementary

6. Chris, N.D. A. (1999) *The Lawmakers: Federal Republic of Nigeria (1999-2003)* Korea; Startcraft International, p. 50.

Appropriation Bill 2000, Kano State Shari'ah and Islamic Administration of Justice and Reform Bill, Kano State Appropriation Amendment Law 2001, Kano State School Land Encroachment and Trespass Law 2001, Kano State Local Government Law 2001. Equally, one of the private bills passed during this period.⁷

On the number of sittings during this period, the records are not available due to the inferno that engulfed the Assembly complex in 2009 in which very important documents were lost.

LEGISLATURE-EXECUTIVE CONFLICTS, 1999-2003

The relationship between the Executive and the House of Assembly was cordial during this period. However, there was a clash between the two arms of government over the passage of a private law on *Shari'ah* in the House. The skirmishes affected the then Speaker of the House, Abdullahi Gwarmai, as he was impeached and replaced with a new speaker, namely Alhaji Abdullahi Dan Shina. The reason for the impeachment of the former speaker was the controversy over the private bill on Shari'ah legal system which a group of *Ulama* (Islamic Scholars) took to the House. The speaker accepted the bill and promised them that the House would deliberate and send it to the Executive for assent. Although the Executive made corrections and passed the bill in 2000, a strain relationship was created between the Executive and some members of the house that expedited action on the bill. The general believe is that there was an arrangement for his impeachment. The opportunity came when he was in attendance during the swearing in ceremony of the Chief Judge of the State. The legislators called for a meeting in which he was impeached. The reasons given for his impeachment were misconduct, bleaching his face and curling his hair like a woman.

7. Federal Republic of Nigeria, Kano State House of Assembly: Rules of Kano State House of Assembly, 2009. Ordered to be Printed on 5 August, 2009 (14th Sh'aban, 1430 AH).

FOURTH ASSEMBLY AND GOVERNANCE, 2003-2007

Like any other democratic arrangement anywhere in the world, the positions of the chief executive and legislators are occupied after a contested election. Hence, the fourth legislative experiment was on 2 June, 2003 after one of such elections on 19 April 2003. Mallam Ibrahim Shekarau (ANPP) was declared Governor of Kano State in the 2003 election. The Kano State House of Assembly maintained its numerical composition of 40 members representing the 44 Local Government Councils in the state. However, there was a change of party handling the mandate of leadership in Kano state as ANPP took over from PDP. Hence, the contour and dimension of the house also changed. This was because the ruling and dominant party in the Kano state House of Assembly became ANPP, which had 26 members while the opposition party PDP had 14 members. The Speaker of the House was Balarabe Sa'id Gani.

Educational Qualifications of Members

The steady transformation of the state and its people was reflected in the caliber of the lawmakers in terms of their educational profile. Presented on Table 2.

Table 2. Educational Distribution of Members, 2003-2007

Secondary School Certificate	NCE/OND	Degree/HND	Postgraduate Qualification	Total
-	4	33	3	40

Source: Records from Kano State House of Assembly, Office of the Director, Legislative Matters Department.

The assembly was unprecedented in its quality as many of the legislators were well educated and experienced administrators. From Table 2, none of the legislators had only secondary school qualification. The least qualification of members was the National Certificate of Education

(NCE) or or Ordinary National Diploma (OND) which attracted four members. There were 33 members with first degree or its equivalent (Higher National Diploma). The highest qualifications of members are those with the postgraduate qualification like postgraduate diploma and Master's degree (3). This is remarkable as their educational attainments enhanced the quality of their contributions in debates before the passage of any bill in the house. This was the trend in the period under study as Governor Mallam Ibrahim Shekarau, was not left out. With his wealth of experience as an administrator for many years, he holds a degree in Mathematics. His deputy, Magaji Abdullahi is also a seasoned administrator who is an engineer by profession. The speaker of the House, Alhaji Balarabe Sa'idu Gani is an accountant by profession.

Committee Membership and Party Affiliation

From 2003 to 2007, there were 32 Standing Committees of the House Kano State of Assembly. The work of the members of the House, essential for the success of the democracy was carried out mostly in the activities of the committees. The membership of the committees was from 5 to 7 in number and it cuts across the two parties in the house.

Table 3. Distribution of House Committee Chairmen along Party Lines, 2003-2007

ANPP	23
PDP	9
Total	32

Source: Records from Kano State House of Assembly, Office of the Director, Legislative Matters Department.

From Table 3, out of the 32 Standing Committees in the House from 2003 to 2007, there were 9 PDP chairmen and 23 ANPP chairmen. The distribution of leadership position shows a fair representation from the

opposition parties because chairmen were appointed irrespective of their party affiliation. The provision of ORDER VIII, S. C(3a) of the ,Rules of Kano State House of Assembly which states that: Members of the Committees shall be nominated by the various political parties in accordance with their strength as presented in the House, (b) No member shall belong to more than four(4) Committees''. Also, S. C (4) ''The Standing Committee Chairman shall be appointed by the Committee members to the approval of the House'' (ORDER VIII, S. C(3a) and C(4) Federal Republic of Nigeria, Kano State House of Assembly: Rules of Kano State House of Assembly, 2009. Ordered to be Printed on 5 August, 2009 (14th Sh'aban, 1430 AH)).

For instance, the 32 Standing Committees are Rules and Business, House Service, Public Petition, Public Accounts, Agriculture and Natural Resources, Appropriation, Commerce, Education, Emergency Relief,, Information, Public Service, Rural, Security, Environment, Finance and Housing. Others are Guidance and Counselling, Transport, Hajj, Health, Women Affairs, Works, Religious Affairs, Water Resources, Land and Planning, Local Government, Judiciary, Youth Sports and Culture, Primary Education, Inter Parliamentary, Labor and Ethnics and Privilege committees. A close observation shows that this arrangement is in compliance with s.103(1) of the Amended Constitution of the Federal Republic of Nigeria which states that:

A house of Assembly may appoint a committee of its members for any special or general purpose as in its opinion would be better regulated and managed by means on such a committee, and may by resolution, regulation or otherwise as it thinks fit delegate any functions exercisable by it to any such committee.⁸

In addition to the 32 Standing Committees, the Rules of Kano State House of Assembly ORDER VIII, Section 1(Ai) also made provision for Special Committees thus: There shall be a Committee to be known as the

8. Section 103(1) Gazetted Amended Constitution of the Federal Republic of Nigeria, 2011.

Committee of Selection appointed at the commencement of every session to perform the functions allocated to it by these Rules, and for such other matters as the House may from time refer to it.

Number of Bills passed, 1999-2007

Based on the Amended Constitutional provision of the Federal Republic of Nigeria, 2011 which empowers the State Assemblies to pass bills, the total number of bills passed from 2003 to 2007 in the Kano State House of Assembly was 47. Table 4 shows the spread of the bills passed.

Table 4. Number of Bills Passed, 2003-2007

Year	2003	2004	2005	2006	2007	Total
Number of Bills Passed	8	10	11	7	11	47

Source: Records from Kano State House of Assembly, Office of the Director, Legislative Matters Department.

The above table shows the number of bills passed from 2003 to 2007. From the table, 11 bills were passed in 2005 and 2007. This was followed by the 10 bills passed in 2004. Other bills passed in order of the number passed are 8, and 7 in 2003 and 2006 respectively. The bills passed cut across the public and the privately sponsored ones.

Among the public bills passed were Kano State Hisbah Board Law 2003, Kano State Supplementary Appropriation Law 2003, Kano State Appropriation Law 2003, Emirate Special Fund Bill 2004, Kano State Local Government Electoral Amendment Law 2004, Kano State Traffic (Amendment) Law 2005, Kano State Universal Basic Education Law 2005, Audu Bako College of Agriculture Dambatta Law 2005, Aminu Kano College of Islamic and Legal Studies Law 2005, Kano State Pension and Gratuity Law 2006 and Kano State Senior Secondary Schools Management Board Law 2006 and so on. The Ramadan/Ram Bonus Law 2005 was one of the private bills initiated by the public that was

passed during this period. The bill is peculiar to Kano State alone. Since its passage, 50 percent of every Civil Servant's salary is paid as bonus during the month of Ramadan (fasting) and during the Sallah to assist them to buy rams. The bills passed by the legislators were in their various sittings as presented in Table 5.

Table 5. Number of Sittings from 2003-2007

Year	2003	2004	2005	2006	2007	Total
Number of Sittings	106	189	183	180	116	774

Source: Records from Kano State House of Assembly, Office of the Director, Legislative Matters Department.

From the table, starting with the highest number of sittings, the legislators sat for 189 times in 2004. This is followed by 2005 in which the Honorable members sat for 183 times. The number of sittings declined to 180, 116 and 106 in years 2006, 2007 and 2003 respectively. It is worth noting that Section 104 of the Amended Constitution of the Federal Republic of Nigeria, 2011 provides that: "A House of Assembly shall sit for a period of not less than one hundred and eighty one days in a year."⁹ It suffices to note that the various sittings were in compliance with the specific days of the week for sittings as contained in Section 8(a) of the Rules of Kano State House of Assembly 2009 which states that: "On Mondays, Tuesdays, Wednesdays and Thursdays, the House shall sit at 10:00 a.m. and unless previously adjourned shall sit until 6:00 p.m. . . . the Speaker shall adjourn the House without question being put". Also, S. 8(b) "On Fridays, the House shall meet at 9:00 a.m. and if not previously adjourned shall sit until noon".¹⁰

9. Section 104, Gazetted Amended Constitution of the Federal Republic of Nigeria, 2011
10. Sections 8(a) and 8(b) Federal Republic of Nigeria, Kano State House of Assembly. Rules of Kano State House of Assembly 2009, Ordered to be Printed on 5th August, 2009 (14th Sha'aban, 1430 AH)

RELATIONSHIP BETWEEN THE EXECUTIVE AND THE LEGISLATIVE ARM OF KANO STATE GOVERNMENT

This period was Mallam Ibrahim Shekarau's first term in office as Governor of Kano state. The relationship among the three arms of government was very cordial. The speaker of the House, Balarabe Sa'idu Gani attributed the cordial relationship thus:

We have a very cordial relationship. Fortunately, the Governor (Mallam Ibrahim Shekarau) is a seasoned administrator who is open minded. If there is anything of great significance, he normally summons all the members of the House irrespective of party affiliation and briefed us.¹¹

The cordial and mutual respect that existed between the Executive Governor and the House of Assembly members led to smooth passage of bills in the state. The harmonious relationship made many development projects to be executed during this period.

Constituency Projects 2003-2007

Another initiative of the Shekarau's administration is the introduction of constituency projects in Kano State House of Assembly in 2003. This has made the assembly to play a leading role in initiating programs in Nigeria. For instance, from June 2003 to December 2005, Constituency Projects were introduced in all the 44 Local Government Areas of the State. Specific amount of money were allocated on equal amount for the execution of projects selected by the Honorable member representing the area in consultation with members of the benefitting communities. In 2003, 2004 and 2005, projects worth ₦5 million, ₦10 million and ₦30 million respectively were executed in each Local Government Area under the scheme. The successive increase in the amount allocated for the projects over the years is because of the importance attached to the development of rural areas by the state government and the positive impacts of the projects on the benefitting communities.

11. Kano State: The Lawmakers, 2003-2007:5.

Table 6. Types and number of Constituency Projects per Senatorial Districts for the year 2005

Type of Project	Kano Central District	Kano North Senatorial District	Kano South Senatorial District	Total
Juma'at Mosque	3	13	21	37
Daily Prayer Mosque	5	16	4	25
Class Room Block	20	24	28	72
Health Clinics	3	3	2	8
Dispensary	-	-	7	7
Laboratory Library Computer Room	1	-	1	2
Land/ House Acquisition	4	-	2	6
Others	14	10	6	30
Total	50	66	71	187

Source: Action Speaks Pictorial Documentation of The Achievements of Ministry of Works and Housing From June 2003-December 2005: 22.

From the table, Kano state has been zoned into three senatorial districts which are the Kano Central, Kano North and Kano South. In Kano Central District, the numbers of projects executed in 2005 were 50. This is followed by the Kano North Senatorial District that executed 66 projects. In the same year, the Kano South Senatorial District implemented 71 projects. Therefore, the total number of projects in that year alone was 187.

As indicated on the table, the projects under the scheme include Construction/ Rehabilitation of Mosques, Islamiyya Schools, Classroom Blocks, Roads, Laboratories Cottage Hospitals, Dispensaries and so on. Apart from year 2005, the statistics of the projects executed since the

commencement of the 2003 to 2007 are not available. It worth mentioning that since its commencement, the constituency project program in Kano State has been waxing stronger. This is informed by the fact that the amount allocated to each member which started with ₦10m per member in 2003 has progressively been upgraded to ₦20m, ₦30m up to 2007 when each member receives ₦50m per annum irrespective of party affiliation. The Shekarau administration's emphasis is to empower, expose and familiarise every member with his community so that they can be part of development of their people.

In the same vein, another laudable initiative of the Shekarau's administration is the introduction of humanitarian assistance in which every legislator is given a specific amount to assist community members from their constituency with financial problems such as marriage, naming ceremonies, illnesses and other similar problems.

Executive-Legislature Conflicts, 2006

In 2006, there was conflict between the Government and the State House of Assembly on purchase of fertiliser by the Commissioner for Local Government, Alhaji Abdullahi Sani Rogo. He purchased the fertiliser without the approval of the State legislators; as a result, he was summoned. His explanation was that he was authorised by the Governor. Instead of remitting the money to the Ministry of Agriculture, he purchased and distributed the fertiliser. This made him to be relieved of his position.

FIFTH ASSEMBLY, 2007-2011

June 2 to date witnessed the fifth composition of the Kano State House of Assembly. It is interesting to note that there is continuity in the executive arm of the state as Mallam Ibrahim Shekarau was elected for the second term in office as the Governor of Kano State. The House maintained 40 members representing 44 Local Government Councils in the state with ANPP (ruling party) having an overwhelming majority of 26 members and the opposition party, PDP having 14 members. That is to say that the initial distribution of the party did not change from the 2000-2007 House

composition of ANPP 26 members and PDP 14 members. The Speaker of the House is Abdulkarim Garba Gafasa. There was a bye election in Rogo Local Government Council to replace Muntari Liman (ANPP) who died. He was replaced by Ibrahim Abdullahi (ANPP). However, 6 members of the ruling party later decamped from the party. While 3 of them decamped to PDP, the remaining 3 joined ACN. Thus, the ANPP members were 20, while PDP members were 17 and ACN which was hitherto not represented in the House attracted 3 members.

The data on the educational qualifications of members of the Kano State House of Assembly from 2007 to 2011 are not available. Although the most recent civilian administration in the state, all attempts to obtain the data on the educational portfolio of the legislators were not successful. Mallam Lawan Badamasi, the Director, Legal Department through whom all the data used in this chapter were obtained said it is at the end of the current dispensation (2007-2011) that they will compile the information in a book for public access. He however observed that the quality of the debate in the House has improved as the House has attracted more professionals like lawyers, accountants, bankers, lecturers and so on (Interview, 12 February, 2011).

Number of Bills Passed from 2007-2011

The number of bills passed during Mal. Ibrahim Shekarau's second term in office was 44. Their spread is presented on Table 7.

Table 7. Number of Bills Passed, 2007-2011

Year	2007	2008	2009	2010	2011	Total
No of Bills Passed	11	10	7	14	2	44

Source: Records from Kano State House of Assembly, Office of the Director, Legislative Matters Department

From Table 8, the highest number of bills passed during Mal Ibrahim Shkarau's second term in office was in 2010 in which 14 bills were passed. This was followed by year 2007 in which 11 bills were passed. In years 2008, 2009 and 2011, the bills passed declined to 10, 7 and 2 respectively. The few number of bills passed in 2011 is understandable bearing in mind that the research only covered four months out of 2011 (January to April). Some of the bills passed during the period in question are: Kano State Local Government (Amendment) (No. 2) Law 2007; Kano State Hisbah Board (Amendment) (No. 3) Law 2007; Kano State Zakkah and Hubusi Commission Amendment (Amendment) (No. 70) Law 2007, Kano State Shari'a Commission (Amendment) Law 2007, Kano State Appropriation Law 2008, Kano State Pension and Gratuity Law (No. 1) 2008, Kano State Emergency Relief and Rehabilitation for the Disabled Board law 2008. As expected of an Islamic State, most of the bills passed enhanced the practice of Islam in the state. Like in all democratic dispensations, the above bills were passed in the various sittings of the Legislators presented on Table 8.

Table 8. Number of Sittings from 2007-2011

Year	2007	2008	2009	2010	2011	Total
Number of Sittings	116	137	187	154	90	684

Source: Records from Kano State House of Assembly, Office of the Director, Legislative Matters Department.

Table 8 above presents the number of sittings by Kano State parliamentarians from 2007 to 2011. From the table, the year 2009 witnessed the highest number 187 sittings by the legislators. This is followed by 2010 in which the lawmakers sat 154 times. Other years in order of the number of sittings are 2008, 2007 and 2011 in which the House of Assembly members sat 137, 116 and 90 times respectively. It will be recalled earlier in our discussion that the minimum number of

sittings per year is 181 times. The number of sittings in 2011 can be explained since the chapter covers only one-third of the year (January to April). Apart from 2009 in which the minimum required sittings are met, in the other years, the minimum requirements were not met.

THE HOUSE AND GOVERNANCE, 2007-2011

During their various sittings, the Kano State House of Assembly, like all "Assemblies play an important representative role in providing a link between government and the people".¹² Thus, the interests of the 44 Local Government Councils in the State are represented by the 40 honourable members in the Assembly representing the people's interest. The major functions which are similar and uniform with those performed by the other Assemblies are making/initiating laws by themselves, amend laws from the executive and amend law from the general public, that is, the private laws. In addition, oversight functions like overseeing the activities of various government activities on Millennium Development Goals (MDGS), ministries and parastatals were performed by the legislators. The House scrutinises and criticises if possible for government's programmes. For instance, budgetary approval, ratification of Executive appointments like commissioners and heads of institutions and directorates owned by Kano State from 1999 to 2011. It is worthy of note that in all appointments of either state commissioners or heads of institutions presented to the House for legislative approval, from 1999 to 2011 there has not been any official record of a rejected case. The reason could be the dominance of the governing party in the House, which facilitates Executive domination. Also, many of the legislators are party loyalists and loyalty to party means loyalty to the government of the day.

As earlier mentioned, one of the functions of the parliamentarians in Kano State House of Assembly is the ratification of the budgets sent by the Executive. For instance, Based on the available record, the 2004

12. Heywood, A. (2007). *Politics*. Third Edition, New York Palgrave Macmillan, p. 341.

budget, which Governor Shekarau described as “Foundation Budget” was ₦38.7b was inherited as it prepared by the Governor Kwankwaso administration. It was presented on March 19, 2004 for legislative approval. The total size of the 2008 budget which was tagged as The Budget of Sustainable Economic Growth and Development was ₦71,483,152,246.00. The budget was made up of a recurrent expenditure of component of ₦32,534,894,061.00 and capital expenditure component of ₦38,948,258,185.00. The 2009 budget was a budget of continuity and a balanced budget. It was named “Budget of Sustainable Economic Growth and Development”.¹³ According to the Governor, it was the second phase of a Development Roadmap and the 4-Year Rolling plan launched in 2008. The budget was ₦108,731,536,152.00 made up of a recurrent expenditure of component of ₦40,442,000,940.00 and capital expenditure component of ₦68,289,535,212.00.¹³ From the limited data available, the passage of the budgets has not encountered any hitches in Kano State House of Assembly. This fact was attested to by Governor Shekarau on Wednesday, 23 February, 2011 when signing the 2011 budget into law. The approved 2011 Appropriation Bill of ₦122,690,620,611 was 20 per cent increase from the ₦109,472,231,434 proposed by the State Government. The Governor commended the Kano House of Assembly thus:

He said the budget process through these years has been peaceful as no difficulty or area of disagreement between the executive and the legislative arm as it happens in other states and at the federal level occurred.¹⁴

EXECUTIVE-LEGISLATURE CONFLICT, 2007-2011

The harmonious relationship that existed from 2003 to 2007 continued during Mallam Ibrahim Shekarau’s second term in office. The Governor

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13. An Extract from Address by His Excellency, the Governor of Kano State, Mallam Ibrahim Shekarau to the Kano House of Assembly on the proposed 2008 and 2009 Budgets, 3 and 31 December 2007 and 2008 respectively).
 14. Hassan Musa K/Mata, Kano Government signs 2011 appropriation bill into law” *Daily Triumph*, Thursday, 24 February, 2011, p. 2.

attested to this fact when he said: "my relationship with this Honourable House has been cordial, largely because of our collective resolve and determination to uphold our Islamic ideals and to build a better Kano State for the future".¹⁵ However, towards the end of the second tenure of Shekarau, series of conflicts between the executive and the legislative arm of government were witnessed which soared relations between them. Among them was over the Local Government Audit Report. Division arose over a report by the Committee on Public Accounts which recommended that they should write-off irrecoverable ₦2.4 billion, which was in personal advances paid to officials of the local councils. The Minority Leader, Gambo Sallau and the member representing Takai, Abdulwahab Garba disagreed with the committee's recommendations on the ground that the advances and the stabilisation funds were public funds and should be accounted for. On the contrary, the chairman of the committee responded by saying that "the constitution states that the public accounts committee would only use what the auditor general present to the House. He said some of the advances dated back to the second republic and the military era" (Hisham Habib, "Kano Lawmakers Disagree over Local Government Audit Report" in *Daily Trust*, Tuesday, 1 March, 2011: 9).

Another major conflict arose over the appointment of Sole Administrators. Instead of the position of Caretakers or Sole Administrators, the Governor appointed Interim Management Officers (Sole Administrators) to replace the local Government Chairmen as the care taker committee. The legislators called an emergency meeting and wrote a resolution to his Excellency in 8 December, 2010 denouncing his action. They insisted that the Interim Management Officers shall not be sworn in due to observed violation of S. 4(6) and (7) a, b and c of the Kano State House of Assembly Law which state ". . . that public interest requires that the House should meet on an earlier or a later date or time

15. An Extract from Address by His Excellency, the Governor of Kano State, Mallam Ibrahim Shekarau to the Kano House of Assembly on the proposed 2009 Budget, 31 December, 2008.

than that on which it stands adjourned, the Speaker may give notice accordingly, and the House shall meet on the date and at the time stated in the notice".¹⁶ The Attorney General was therefore asked to appear before the House being the legal Adviser to the state as provided by Cap 1 sub 13, s.58 of the Kano State Law.

Similar major conflict arose over the candidate to succeed the Governor. Alhaji Salihu Takai was nominated by the Governor. This was contrary to the expectation of the Deputy Governor Alhaji Abdullahi Tijjani Muhammad Gwarzo who defied the so-called Governor's candidate. He contested the primaries with Salihu Sagir Takai (the Governor's candidate). When he lost in the primaries, he decamped to ACN with some of his 'supporters'. Other legislators that decamped to PDP equally failed the primaries in their constituencies. They decamped to PDP or CAN where they were given automatic ticket to contest the position whose ticket they lost in ANPP.

There was a conflict in the Kano House of Assembly between the Executive and the legislators in 2010 over the appointment of Local Government Caretaker Committee members. The controversy was initially between the state local government chairmen who insisted that the expiry date of their tenure is Friday 3 December, 2010. As such, the chairman of Rimin Gado local government council, Alhaji Muhyi Magaji filed a case before the state High Court, asking it to prevail on Governor Ibrahim Shekarau, Kano state House of Assembly and others not to dissolve the current council chairmen. The court had fixed December 2, 2010 for judgment on the case.¹⁷ Due to this court case, Interim Management Officers were appointed and later, the case was won by the state government.

There was impeachment threat on the Governor by the Legislators

16. Federal Republic of Nigeria, Kano State House of Assembly: Rules of Kano State House of Assembly 2009, ordered to be printed on 5 August, 2009 (14 Sha'aban, 1430 AH).

17. Usman Gwadabe, "KNHA delays confirmation of LGs' caretaker committees" *Daily Triumph*, Thursday, 2 December, 2010, pp. 1-2.

especially after the defecation from the ANPP to other parties made the opposition party to have equal members (17) like the ANPP (17) which was formerly the majority party. Hisham Habib reported that "Opposition parties" members in the Kano State House of Assembly yesterday handed to Governor Ibrahim Shekarau a 48-hour ultimatum to abandon his presidential campaign and return to the state or else they would exercise their constitutional rights on his government".¹⁸ The members, led by the minority leader Gambo Sallau said the call became very important as the state was in disorder as the students of tertiary institutions were sitting at home while the state civil service was agitating for salary increase. Yet, the Governor was busy campaigning across the country for his election as the ANPP presidential candidate come 16 April, 2011 election.

Table 9: Distribution of House Committee Chairmen along Party Lines, 2007-2011

Party	Frequency
ANPP	22
PDP	12
TOTAL	34

Source: Records from Kano State House of Assembly, Office of the Director, Legislative Matters Department

From the table, the standing committees from 2007 to 2011 were 34 as against 32 in the period 2003 to 2007. This is because two additional committees were created. They are the Higher Education and Technology committees. The ANPP Legislators who were Committee chairmen were 22 while the PDP committee chairmen were 12 in number. As earlier pointed out, the appointment of Committee Chairmen does not consider

18. Hisham Habib, "Come back to Kano, Kano MPS order Shekarau", *Daily Trust*, Tuesday, 18 March, 2011, p. 1.

party affiliation. The members of the Committee use their discretion to nominate their leaders based on the provision of the Rules of the Kano State House of Assembly earlier discussed above. Therefore, the composition of the leadership in Table 9 above was a fair representation considering the numerical composition of House membership on party lines. However, some of the leaders of some Committees who were earlier in ANPP decamped to other parties in the last few months of the administration. They are the Chairmen of Appropriation Committee, (Muhammed B. Idris Ayiye from ANPP to ACN); Committee on Housing (Sa'idu Yusuf Goda, from ANPP to ACN); Committee on Hajj (Ibrahim Abba Garko from ANPP to PDP); Committee on Health (Tafida Tijjani, from ANPP to PDP); Committee on Primary Education (Yunusa Haruna Kayyu from ANPP to ACN); Committee on Rules and Business (Hussaini Isha Zakirai from ANPP to PDP).

CONCLUDING REMARKS

From the foregoing, no doubt, the Kano State House of Assembly is the envy of its contemporary in terms of the quality of bills passed during the period under discussion. This is made possible because of the available rules and regulations which serve as the guiding principles to the lawmakers. It is also on record that some publications of the House of Assembly and the Ministry of Works document some of the activities of the Assembly. However, these are very few and do not cover all the period. This has created gap in the data required for this research. It is, therefore, recommended that an up to date data be kept for future references. The information should be made available on the Internet for online access.

The period examined shows that all the members of the Kano state House of Assembly are all males thereby indicating an inadequate representation of women. The reason for the all-male composition is not far-fetched. Religious and cultural reasons prohibit women from actively participating in politics especially in Muslim dominated state like Kano. However, as a result of the non-representation by women, even the so-called Committee on Women Affairs in the three epochs examined is

chaired by men while all its members are also men. When have the men started appreciating the problem of the women better than the women folk? The author therefore recommends that women should be encouraged to participate in politics insofar as they present themselves within the confines of Islamic religion.

The governing party's domination of the Assembly in the three periods covered by this chapter has led to weak, executive-dominated assembly. This is because far from checking the executive, they serve as its willing accomplices. Even the minority parties in the House, most of the times do not serve as opposition party. The explanation could be the equal treatment meted to legislators irrespective of party affiliation by the executive.

The study discovered that there is a limitation on the issue of private bills sponsorship in Kano State House of Assembly. This because the private bills initiated from the people are very few in Kano State. This could be due to lack of awareness that the private individuals can initiate bills even when they are not members of the House of Assembly. Also, the fate that befell the Speaker of the House of Assembly when the Shari'ah private bill was passed in 2000 could be another reason. Public awareness should be created so that more bills can be initiated by the public

Another issue of concern is the rate at which lawmakers decamp from one party to another. As earlier pointed out, 6 Honorable members of the Kano House of Assembly defected to other parties (ACN and PDP). This is in addition to the Deputy Governor Alhaji Ibrahim Abdullahi Gwarzo who decamped to ACN. He says "it was destiny that made him to dump his former political party to ACN".¹⁹ He claimed that the move has not in any way affected the good working relationship between him, Governor Ibrahim Shekarau and the ANPP administration in the state. We all know that harmonious working relationship as claimed by him is not practicable since they earlier belonged to the same party. It may not

19. Salisu Marafa and Hassan Muhammad, "My Decamping to ACN a destiny" *Daily Triumph*, Tuesday, 22 February, 2011, p. 2.

be incorrect to say that ANPP lost to PDP as a result of decamping of its members to other parties. However, on closer examination, the Nigerian politicians do not have political ideology and party commitment which would have served as guiding principle. As a result, they remain in a political party for selfish and personal reasons for as long as the condition is favorable to them. However, when things are not working in their favor, it has become the norm, to defect to other parties. Therefore, the Kano state legislators are not alone as this is the common practice even at the national level. To ensure more commitments to one's party therefore, this study recommends that s.109 (1g) of the Amended Constitution which states that:

A member of a House of Assembly shall vacate his seat in the House if (g) Being a person whose election to the House of Assembly was sponsored by a political party, he becomes a member of another political party before the expiration of the period for which that House was elected.²⁰

Such a member should be made to relinquish his position based on the constitutional provision.

Another election was held on 26 April, 2011 in which Rab'iu Musa Kwankwaso (PDP) who was the Governor of Kano State from 1999 to 2003 emerged once again as the winner. He will work with a House of Assembly dominated by 30 PDP members and 10 ANPP members that emerged the winners in their various constituencies. It is the candid hope of the author that the recommendations of this chapter will be implemented in the state legislature in order to attain sustainable democracy through good governance and sustainable economic development of Kano State.

20. Section 109 (1g) Amended Constitution of the Federal Republic of Nigeria 2011.

CHAPTER 21

Lagos State Legislature: A House of Excellence?

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INTRODUCTION

The Lagos State House of Assembly is usually called *The House of Excellence*. This is not unconnected with the popular reference to Lagos State as the *Centre of Excellence* always blazing the trail in development affairs. It is however also more than that. At least, from the perspective of the house itself, the house can be considered as one of the best from the country if not the best relative to its legislative performance. Like other houses in the country, activities and the achievement of the Lagos House of Assembly are poorly represented in the country making objective appreciation of the legislative affairs and outputs of the state covered in obscurity. This problem is traceable to two main problems. First, governance in Nigeria is often very concentrated at the level of the executive. Much power is concentrated at the executive level and all attentions, especially media, are deployed by the executive arm as a veritable ideological state apparatus to mobilise state information and aggressive propaganda.

Activities of the state in terms of achievements and performances are thus arrogated to the executive, thus keeping the legislative performance in darkness. This is very more so in the case of Lagos state where every achievement and transformation is accorded and arrogated to Governor

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Babatunde Raji Fashola regardless of the fact that those achievements are codified in laws made by the house to be effective. Second, aside coverage of activities, there is the problem of documentation and dissemination of legislative activities, there is gap in record keeping and availability of events and achievements of the houses in Nigeria and Lagos in particular. Literatures are weak and there is paucity of data on legislative activities and achievements in Nigeria and Lagos state is not an exception. In fact, this chapter confronts the problem of particularistic data non-availability. There are very few intellectually useful work published on the Lagos Assembly in recent time. The only authoritative work published in contemporary time and found useful on the house is the maiden edition of *The Lagos Assembly* (the official bulletin of the house). In fact, this chapter had to rely heavily on primary data. It is to fill this gap and contribute to development that this chapter becomes relevant and timely against the background of democratic institutional strengthening in the country and the state for sustainable development.

HISTORICAL BACKGROUND OF THE LAGOS HOUSE OF ASSEMBLY

The establishment Lagos House dates back to 1979. That is, the very first body to be regarded as a legislature in Lagos state was formalised by Governor Lateef Jakande who is still known today as the Father of Modern Lagos, given his landmark achievement in the state especially even in the light of executive-legislature relations. The first Speaker was Oladosu Oshinowo of the Ikorodu Urban Constituency II while the Clerk of the house was Alhaji Bala Kotun. Barrister Oladosu was elected speaker. A major event in the election of Barrister Oladosu is the matured way he emerged devoid of popular and dangerous wrangling and political shenanigans that usually greet such emergence in contemporary terms.

Although a maiden house coming from excessively militarised political system, with little or no precedence to leverage, the house was still able to conduct its affairs relatively well, at least in this regard. A notable factor in the house was its composition. This represented the political mix and permutations dominant in the state. All the legislators in all – 36

– were members of the Unity Party of Nigeria demonstrating the hold of the party in the state that has successfully warded off the onslaught and relevance of the National Party of Nigeria (NPN) in the state. Between 1979 and 1980, the legislative house was located at 1-2 Oduduwa Street, Ikeja GRA. In 1980, the operating base of the house was moved to the state secretariat.

On 2 October, 1983, a new House of Assembly was inaugurated to mark the commencement of the third republic. The house, popularly known as the second house, was inaugurated by Governor Alhaji Lateef Jakande who was re-elected as the executive governor of the state. The speaker of the House however changed from Barrister Oshinowo to Mr. Oladimeji Longe, also a lawyer, of Ikate Constituency. The clerk of the House did not change as Alhaji Bala Kotun remained the clerk. Just as it was in the case of the first house, all the 36 members were members of the same party – The Unity Party of Nigeria still showing strength of the party in the state. This remains a feat that has not been easy to repeat in contemporary terms. It is today very difficult for parties to maintain total control of their domains for so long consistently without being infiltrated by another regardless of the margin of democratic incursion.

This is largely traceable to performance indicators relative to peoples' democratic and legislative expectations. In other words, peoples' democratic expectations and political cum legislative performances are usually in disharmony usually making the electorate shift political allegiance, to some extent, to opposing parties as could be seen in recent terms. This however was not the case in the light of the first house and the second house as the whole seats were retained by the UPN showing legislative efficacy satisfactory to the people of Lagos then. The house was only able to perform its constitutional roles for only three months before the military struck through a coup d'état in 1983 marking the end of that legislative era in the state and the nation as a whole.

The Third, Fourth, Fifth and Sixth Houses followed in smooth succession as state legislative duties must be guaranteed. In 1992, the third assembly was inaugurated and Mr. Shakirudeen Abayomi Kinyomi of Ojo Constituency emerged as the speaker through a democratic process.

Alhaji Bala Kotun remained the clerk once again. Unlike the first and the second assembly however, the distribution of the house was somewhat competitive. The membership of the house was shared by the two parties that were dominant in the state. These parties were Social Democratic Party (SDP) and National Republican Convention (NRC). Of the 30 members of the house, 26 were members of the SDP while the remaining four were members of the NRC, summarily showing the strength of the parties in the state. Unfortunately, the legislative activities of the house were, once again, cut short by the coup d'état of 17 November, 1993.

In 1999 political activities resumed in the nation as a whole following the successful conduct of elections by the head of state, General Abdulsalami Abubakar. Consequent upon this, a new house was constituted in Lagos state. This House is commonly known as the fourth assembly. Mr. Adeleke Olorunnimbe Mamora of Kosofe Constituency emerged the speaker of the House through a democratic process. Unlike the previous speakers who were lawyers, the new speaker was a medical doctor. The clerk of the also changed from Alhaji Bala Kotun to L.A. Gbadamosi only to be replaced by Mr. R.O. Jaiyesimi in February 2001. The membership of the fourth House increase to 40, and 37 of them were members of the Alliance for Democracy (AD) while the remaining three were members of the All Nigeria Peoples Party (ANPP). Alhaji R.B. Tinubu also had a taste of the clerkship of the House in the fourth house.

For the first time in the legislative history of Lagos, a speaker was impeached. Upon inauguration on 2 June, 2003, Mr. Jokotola Pelumi of Epe Constituency 1 was elected as the speaker through a dangerously competitive house election. The politicking was polarised between the old members of the house and the new one. Eventually the new ones had their ways leading to the emergence of Mr. Jokotola Pelumi as against Mamora who was the immediate past speaker. The internal wrangling that followed the emergence of Mr. Pelumi never totally subsided and this somewhat affected legislative duties of a house that was extremely polarised. It is thus not surprising when on 29 December, 2005 the speaker was impeached and replaced by Mr. Adeyemi Ikuforiji. On 4

June, 2007 the sixth and the current house was inaugurated with Mr. Adeyemi Ikuforiji remaining the speaker. There are still 40 members in the house and the clerk of the house is Mr. Adewale Taiwo Olatunji.

COMPOSITION AND LEGISLATURE/EXECUTIVE RELATIONS OF THE LAGOS HOUSE OF ASSEMBLY

As already stated above; the legislature (2007-2011) is commonly regarded as the sixth house in the state. The numerical trailing and reference is for easy episodic, analytical and performance categorisation. While other assemblies before the sixth house had their unique composition, it may be important to consider the composition of the current house in some details. The Lagos State House of Assembly (LSHA) 2007-2011 (The Sixth Legislative Assembly) had 41 members representing the constituencies in the state. Of the 41, only 5 were women. This summarily shows the poor representation of women in governance in the state as a prototype and miniature of the country. This becomes worrisome against the background that the Lagos Assembly is heavily populated by the Action Congress,¹ a party that considers itself as a gender sensitive party with affinity for women participation and against the Gender Affirmative Action.

The house was made up of professionals who have successfully distinguished themselves in their chosen careers. While the intellectual and professional backgrounds of members are wide and varied, it is noteworthy that at least seven are lawyers, three are medical doctors and many others are media experts while the speaker is an ICI expert. This has affected the manner in which the house conducts its operations and handles inter-organ relations. A point to note is that while many houses in Nigeria have been systematically caged and made weak extension and annex of the executive,² the relationship of the house in Lagos and the

-
1. The sixth assembly has 37 members from Action Congress of Nigeria (CAN) and 3 from Peoples Democratic Party (PDP). Of the 3 from PDP one has decamped to the ruling party in the state – ACN.
 2. This could be seen in the case of Ogun State House of Assembly where the house has remained moribund and an exercise field of the executive fiat and manipulations.

executive has being on largely equal terms. This is mostly due to the autonomy law secured by the house during the fifth house but now being implemented by the sixth house. The house now budget its own expenses and legislate on them while the money is released to the house directly.

The running costs of the Lagos House of Assembly today stand at about ₦500 million. This money is legislated upon and is not sourced caps in hand from the executive. Although the running cost is comparatively huge, the house has built its sustainable operations into it in such that it will not be at the mercy of the executive as was the case during Bola Ahmed Tinubu era.³ This point is important and must be made because most legislature and executive wrangling in Nigeria are traceable to fund. This can be seen in Ogun state and across the nation. Legislatures *cooperate* and compromise with the executive because of the fear of being sapped of fund, but the Lagos house has been able to ward off this threat through the autonomy instituted. The house now functions as co-equal with the executive. The legislative and executive clashes in the state are not too many and not very fundamental. Such wranglings are basically few and were based on principles of demand for accountability from the executive by the legislature.

That is the period when the legislature asked for more transparency in project and budgetary handlings from the executive. Relative to budgets, details of figures and costs were demanded from the executive arm who the legislature accused of not being totally transparent in budgeting and project finance. These were made media sensations through the *True Face of Lagos Saga* and that of the *Democrats for Checks and Balances*. This resulted in the threat of impeachment in the sixth assembly. At this time, the legislature threatened Governor Babatunde Raji Fashola with impeachment on accusation of corruption and lack of accountability. Many of the commissioners were actually called upon to explain their

3. Governor Bola Tinubu however operated in that manner for exigencies since the available resources in the state was little compared to the present dispensation.

roles in some particular financial dealings. Unlike in other legislative jurisdictions however, these threats were few and isolated cases and the legislature/executive wrangling were not prolonged just as they did not disrupt legislative processes as the house was able to establish the point and the executive responded positively.

The other of such cases was when the legislature asks for more openness and better distribution of infrastructural development in the state in manners that will cover every nook and crannies of the state. That is development should be total and not limited to the city center. This request became very important after law makers returned from the state wide *Town Hall Meeting*. This is initiative was to familiarise the law makers with their constituencies and their needs first hand. Legislative sessions were organised at the town hall of the grassroots communities' democratic inputs and request taken from the communities. These inputs were fed into the governance process and this led to legislature/executive relation strain. This was however well managed again. The point therefore is that though there have been cases of misunderstanding between the two organs of government, such strains have not been many, not radical and not extremely fundamental as to stifle development and responsive as well as responsible governance in the state as has been the case in other parts of the country. The legislature in Lagos is largely independent and vibrant making radical and fundamental laws for executive positive policy initiatives in the state. No development in the state without law and this is why Lagos state as a whole is witnessing radical development because policies of government are enshrined in laws that are timely.

PUBLIC BILLS IN THE HOUSE, 2007-2010

Inter-generational data that considers status and numbers of public bills from the house since inception in 1979 was not readily available to say the least. The most coordinated and reliable figure was only available from 4 June, 2007 to 28 June, 2010. This is, however, useful in showing the capacity and performance of the house. Compared with the National Assembly and other Houses of Assembly in the country, it is possible to conclude that the Lagos State of Assembly has done creditably well and

Matrix 1: Membership Distributions of the Lagos State Sixth Legislative Assembly

S/N	Names	Constituency	Sex
1	Adeyemi Ikuforiji (Speaker of the House)	Epe 1	Male
2	Adewumi O. Adelabu	Alimoso 1	Male
3	Olamilekan S. Adeola	Alimoso 2	Male
4	Mudasiru A. Obase	Agege 1	Male
5	Babatunde S. Adejare	Agege 2	Male
6	Oludayo F. Saka	Ifako/Ijaye 1	Male
7	poola A. Omisore	Ifako/Ijaye 2	Male
8	Bola Badmus-Olujobi	Amuwo-Odofin 2	Female
9	Musibau K. Taiwo	Ajeromi-Ifelodun 1	Male
10	Hazeez B. Akinloye	Eti-Osa 1	Male
11	Kolapo K. Osunsanya	Eti-Osa 2	Male
12	Olanrewaju I. Layode	Badagry 1	Male
13	Hodewu S. Avoseh	Badagry 2	Male
14	Adefunmilayo Tejuoso	Mushin 1	Female
15	Bolaji Y. Ayinla	Mushin 2	Male
16	Rotimi E. Olowu	Somolu 1	Male
17	Adeniyi T. Adedoyin	Ibeju-Lekki 1	Male
18	Abdul-Razak Balogun	Surulere 2	Male
19	Rotimi L. Abiru	Somolu 2	Male
20	Mufutau E. Egberongbe	Apapa 1	Male
21	Babtunde J. Adewale	Apapa 2	Male
22	Adekunle Ademoye	Lagos Mainland 1	Male
23	Moshood Oshun	Lagos Mainland 2	Male
24	Saheed T. Adio	Ojo 1	Male
25	Sadiq A. Yisa	Ojo 2	Male
26	Ajibayo Adeyeye	Kosofe 2	Male
27	Lola F. Akande	Ikeja 2	Female
28	S anai. O. Agunbiade	Ikorodu 1	Male
29	Olasiji R. Sotomiwa	Ikorodu 2	Male
30	Lawrence B. Ayeni	Oshodi-Isolo 1	Male
31	Omowunmi Olatunji Edet	Oshodi/Isolo 2	Female
32	Wahab Alawiye-King	Lagos Island 1	Male
33	Ayoola S. Ahmed	Lagos Island 2	Male
34	Sakiru Adebanjo	Epe 2	Male
35	Ajoke A. Adegeye	Amuwo Odofin 1	Female
36	Adesina J. Ogunkoya	Ajeromi/Ifelodun 2	Male
37	Musiliu A. Alogba	Ibeju-Lekki 2	Male
38	Olajide K. Lawal	Surulere 1	Male
39	Sikiru A. Osinowo	Kosofe 1	Male
40	Babatunde Ogala	Ikeja 1	Male
41	Adewale T. Olatunji	Permanent Secretary/Clerk of the House	Male

Source: Compiled by the author

has excelled⁴ measured against their commitment, nature and numbers of bills passed within this short period of time. It is noteworthy that these bills/laws provide the framework and basis for the transformation and evolution of Lagos State as a Mega-City and foremost state in the country. Below is a synopsis of the bills and their status

BILLS PASSED INTO LAW

First Session (4 June, 2007-2 June, 2008)

- (1) Supplementary Appropriation Law 2007
- (2) Lagos State Security Trust Law, 2007
- (3) Supplementary Appropriation Law (Local Government) 2007
- (4) Community Development Association Law 2008
- (5) Lagos State Office of Public Defender Law 2008
- (6) Public Road Setback (Social and Religious Function Prohibition) Removal of Obstruction Law 2008
- (7) Lagos State Micro-Financial Institutions Law 2008
- (8) Appropriation Law 2008.
- (9) Lagos State Traffic Management Authority (Amendment) Law 2008
- (10) National Inland Waterways Acts (Repeal) Law 2008
- (11) National Inland Waterways Acts (Repeal) Law 2008
- (12) Lagos State Independent Electoral Commission Law 2008
- (13) Supplementary Appropriation (Amendment) Local Government Law 2008

Second Session (23 June, 2008 – 28 May, 2009)

- (1) Lagos State Land Registry Electronics Document Management System Law 2008
- (2) Lagos State Lotteries (Amendment) Law 2008

4. See Akanle, O. 2009. An assessment of legislative inputs in governance in Nigeria (1999-2008), in Ogundiya, I.A., Olutayo, O.A., and Amzat, J. (eds.), *A Decade of Redemocratisation in Nigeria (1999-2009)*. Nigeria: Usmanu Dan Fodiyyo University, Sokoto, pp. 81-94. See also *The Lagos Assembly* 2010. Vol. 1, No. 1, June-August.

- (3) Lagos State Emergency Management Agency Law 2008
- (4) Lagos State Waterways authority Law 2008
- (5) Bills of Sale (Amendment) Law 2008
- (6) Lagos State Bonds, Notes and other Securities Issuance Law 2008
- (7) Lagos State Debt Management Office (Establishment etc) Law 2008
- (8) Local Government Election Tribunal (Amendment) Law 2008
- (9) Appropriation (Amendment) Law 2008
- (10) Supplementary Appropriation Law 2008
- (11) Lagos State Waterfront Infrastructural Development Law 2008
- (12) Appropriation Law 2009
- (13) Wharf Landing Fee Law 2009
- (14) Partnership (Amendment) Law 2009
- (15) Lagos Court of Arbitration Law 2009
- (16) Lagos State Arbitration Law 2009
- (17) Lagos State Model City Development Authority Law 2009
- (18) Lagos State Road Traffic (Amendment) Law 2009

Third Session (2 June, 2009 – 31 May, 2010)

- (1) Hotel Occupancy and Restaurant Consumption Tax Law 2009
- (2) Lagos State Boundary Committee Law 2009
- (3) Lagos State Technical and Vocational Education Board Law 2009
- (4) Magistrates' Court Law 2009
- (5) Appropriation (Amendment) Law 2009
- (6) Lagos State House of Assembly Legislative Service Commission Law 2009
- (7) Appropriation Law 2010

Fourth Session (1 June, 2010 – Present)

- (1) Urban and Regional Planning Development Law 2010
- (2) Seal of Lagos State Government Bill 2010
- (3) Lagos State Special Peoples Bill 2010
- (4) Local Government Levies (Approved list for collection) Bill 2010

(5) Mortgage and Property Bill 2010

APPROVED REGULATIONS

Second Session (23 June, 2008- 28 May, 2009)

- (1) Special Offences Court (Amendment) Regulations 2008
- (2) Casino and Gaming Regulations 2008
- (3) Education Law Cap E1 (Vesting of Certain Institutions) Order 2007
- (4) Trustees' Rules 2009
- (5) Lagos State Lotteries License Fee Regulations 2009

Bills Awaiting Governor's Assent

None

Highlights of Bills at Various Lawmaking Stages

- (A) Awaiting Third Reading = 1
- (B) Awaiting Presentation of Report = 5
- (C) Awaiting Laying of Report = Nil
- (D) Committed To Committees = 7
- (E) Awaiting Second Reading = 3
- (F) Bills Awaiting First Reading = Nil

Bill Awaiting Executive Briefing = 3

Regulations Awaiting Approval = 7

Regulations Awaiting Executive Briefing = 5

Resolutions Passed from 4 June 2007 - Present = 122

Motions Deferred = 3

Motions Generated = 125

Motions Negated = Nil

CONCLUSION

Development is the essence of all government institutions and activities. If not total in practice, this should largely be the case. In practical terms,

this is the guiding principle of the operations of the Lagos State House of Assembly. It is in fact against this background that the Lagos House operated since 1979 and still operates. It is, therefore, not surprising that the Lagos House and the state have achieved landmark progress and they have become institutions of reference positively across the nation. Many things are controversial in Nigeria, but not the fact that there is development in Lagos State at least infrastructural. As already pointed out above, this state of development witnessed and being witnessed in the state are due, partly, to the responsiveness and the proactive nature of the house. Even against the mere perusal of the laws and bills listed in the section above, it is obvious that the house is hard working and responsive as they legislated on nearly anything and everything in timely manner. If this is compared with other legislatures in other domains, for instance Ogun State and Oyo State Houses of Assembly, it is possible to conclude that the Lagos State House of Assembly is a House of Excellence truly going by national standard at least.

This is not however to say that the house is perfect. The house must not rest on its oars and must never be complacent. It should improve its documentations and build an archive in manners that will link the past with the present and make information on the house easily retrievable. The relationships with the executive should also be improved and be based on objective checks and balances for the purpose of development and protection of the common good rather than vendetta and response to media sensationalism. At this pace and with improvements based on these recommendations, the prospects of the house becoming, competitively, one of the best in the world are high and positive.

CHAPTER 22

Under the Weight of the Executive: The Legislature in Nasarawa State, 1999-2009

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INTRODUCTION

Of the challenges confronting Nigeria's democratisation, the one that stood out is the paucity and poverty of institutions. One of such institutions is the legislature. In the last one decade of this governance model, the legislature has remained the weeping child of the executive in its inability to fulfill its function nationally and locally. This is especially the case in Nasarawa state where the executive has ridden roughshod over the legislature in the last twelve years. The reason for this is not altogether far-fetched. The enabling environment for the growth of the legislature has been lacking largely due to the emasculation of governance by the military. This first occurred six years after independence and continued on and off until circumstances compelled the enthronement of today's representative government in 1999. Military rule's first casualty was always the legislative arm of government while enhancing the executive arm. Thus, the learning environment and experience are completely lacking.

As a result of the absence of a legislative learning enabling environment, the caliber of person elected into the legislatures in the federation came with disposition that mirrored the executive environment common in the period. In the over one decade of representative government in the state, the quality of legislation and oversight function is directly related to the capacity of the legislators. This chapter examines the legislature in

Nasarawa state against the backdrop of these constraints. It argued, in the light of evidence derived from review of selected budgets, interviews and survey, that legislators were, in most instances unaware of their role and driven by motives other than law-making, reviewing existing laws and holding the executive accountable through amongst others oversight function and thus unwilling to learn. They have neither the mental and intellectual training to accomplish the task before them.¹ This has affected the quality of governance especially legislation and oversight responsibility, while enhancing the profile of the executive in affairs.²

HISTORICAL PERSPECTIVE OF EXECUTIVE- LEGISLATURE RELATIONS

The antecedence of the present subordination of the legislature by the executive laid deep in the history of Nigeria. In reality it goes back to the pre-colonial period prior to the contact with Arabs across the Sahara desert and European through the Atlantic Ocean. The development can even be traced and located in the evolution of the family unit as the earliest form of political organisation where a clear-cut demarcation between the executive and legislative function was lacking. The executive, in this instance, the head of the household combined the three functions together. Whether in the more prominent centralised states such as Hausa, Kanem Bornu, Yoruba states or the decentralised states of the Igbo and what is now known as the Nigerian middle belt area, the executive and legislative functions were fused together.

Scholars have classified African political systems into two broad groups: societies that have centralised authority and those that are

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1. This is the outcome of the survey conducted among 400 level students who were asked to assess the capacity of their representatives in the House from 2003 to 2011. Interview: Innocent Lagi, Wamba constituency, 16/04/2011.
 2. Ibid.

segmentary.³ The first group was characterised by the centralisation of authority, administrative machinery and judicial institutions. The second group was characterised by the lack of centralised authority, administrative machinery and constituted judicial institutions. The colonial authority in Nigeria applied these concepts of centralised and decentralised.

Of the three institutions of government – legislature, executive and judiciary – the executive and judiciary appeared distinct and formalised in these pre-colonial arrangements than the legislature. According to an analyst, for a long time the institution of the legislature has not been in place. There are three components of democracy, which include the executive, legislature and judiciary. While the executive and the judiciary have been in place even before colonialism in various places, at varying degrees, there was never a disconnection, though the focus may have changed as to who were the custodians of the executive powers. This was the case in the Sokoto, Oyo Empire, Benin kingdom, stateless societies of Igboland and the central Nigerian areas.

In Kanem Bornu, the ruler called the Mai combined both the executive and legislative powers as he was a divine king who was worshipped by his people and regarded as the giver of life and death.⁴ In Hausaland before the jihad⁵ in the 19th century, where the Sarki or king ruled and was assisted by a number of ministers' in charge of different areas such as market, city gates and defense,⁶ no mention was made of the legislature. In fact even after the Jihad, what prevailed was further centralisation with the emirs possessing executive and legislative functions.⁷ The case of Oyo Empire produced a government with delicate balance of power

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3. Y. Turaki, *The British Colonial Legacy in Northern Nigeria: A Social Ethical Analysis of the Colonial and Post Colonial Society and Politics of Nigeria* (Jos: Yusuf Turaki, 1993), p. 26.
 4. M. Crowder, *The Story of Nigeria* (London: Faber and Faber, 1962), p. 27.
 5. S. Abubakar, 'The Establishment of Sokoto Caliphate: Sokoto, the Emirates and their Neighbours', In O. Ikime (ed.) *Groundwork of Nigerian History*, 1980)
 6. M. Crowder, *The Story of Nigeria*, p. 31.
 7. S. Abubakar, 'The Establishment of Sokoto Caliphate: Sokoto, the Emirates and their Neighbours', In O. Ikime op. cit.

between the *Alafin* and his palace administration – representing the executive – on the one hand and the Oyo Mesi and the more representative Ogboni society on the other.⁸ The Oyo Mesi functioned as a check on the power of the *Alafin* whose members selected and deposed him. They were responsible for conveying the wishes of the people to him on whether he still enjoyed their confidence or not. It would be recalled that it was the breach of this constitutional balance that plunged Oyo into crises resulting in the collapse of the empire.⁹ The Igbo were administered by a complex chain of institutions and values that gave priority to age, wisdom, equality and wealth, in a quasi democratic and egalitarian system where the executive and the legislature functioned without distinction.¹⁰

When the British finally commenced operation in what later became Nigeria in 1861 after repeated prevarications, the lack of distinction between the executive and legislature became even sharper. British colonial parsimony had compelled them to look for avenue to govern the areas they conquered with minimum expenditure. This was what prompted Lord Lugard to adopt the system of indirect rule. In describing the basic feature of the system which, basically co-opted the pre colonial system of administration established in the northern emirates following the Jihad, Lugard argued thus:

the system of Native Administration in the separate Government of Northern Nigeria had been based on the authority of the Native Chiefs. The policy of the Government was that these chiefs should govern their people, not as independent but as dependent rulers. The Orders of Government are not conveyed to the people through them, but emanate from them in accordance, where necessary, with instructions received through the Resident. While they themselves are controlled by Government in matters of policy and of importance their people are controlled in accordance with that policy by themselves . . . The courts administer

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8. G.T. Stride and C. Ifeka, *Peoples and Empires of West Africa* (Lagos: Nelson, 1971), pp. 298-299
9. I.A. Akinjogbin and E.A. Ayandele, 'Yorubaland up to 1800', in O. Ikime, op. cit.
10. A.E. Afigbo, 'Igboland before 1800', in O. Ikime, op. cit.

native law and are presided over by Native Judges...and the courts...are under the close supervision of the District staff . . . the taxes are raised in the name of the native ruler and by his agents . . .¹¹

In the preceding argument the primary institutions evident were the Native Chiefs representing the executive and the Native Court representing the judiciary. The Native Administration envisaged by Lord Lugard did not include the legislature. Indeed, the Native Administration was made up of three components – the native authority, the native courts and the native treasury. This was what Lugard inherited from the caliphate system, the basis of his Indirect Rule system, and largely retained it in total with little modification except in the supervisory roles to be exercised by British agents. Accordingly it was a procedure that was in tandem with the pre-colonial situation and all along the judiciary and executive powers have remained in existence.¹²

With the declaration of Lagos as a crown colony in 1861, a legislative council made up of a chief justice, colonial secretary and a senior military officer in command of British forces within the colony was established in October 1862. A few indigenous rulers made their appearance – a precursor to what would prevail subsequently – when the short-lived Nigerian Council as it was then called was created in 1914. Otherwise African membership of the legislative council from 1872 to 1922 was wholly made up of repatriates. The Nigerian Council was purely an advisory one as it had no legislative power nor had any control over finance. It was clearly stated that no resolution passed by the Council shall have any legislative or executive authority and the Governor shall not be required to give effect to any such resolution unless he thinks fit and is authorised to do so.¹³

This injunction contained an ouster clause and reflected the functioning of all the constitutions from 1914 to 1960. In this case, the Governor, as

11. M. Crowder, *op. cit.*, p. 199.

12. *The Sun*, 2004: 22.

13. G. O. Olusanya, 'Constitutional Developments 1861-1960', in O Ikime *op. cit.*, p. 520.

the head of the executive, the only recognised institution of government, was the ultimate power in both law-making and implementation. The legislature, as it existed then, was a window dressing. Or it performed the function of generating public opinion as one of the latter governors put it. The Clifford constitution of 1922, which allowed for election, lasted for 25 years with minor change except with the appointment of two Africans and one European in the council in 1942. Like its predecessor, it was the Governor who had the final say.

With the adoption of the Richards constitution in 1946, the new legislative council was not only enlarged both in membership and in scope, its jurisdiction was to cover the whole country but above all the councils, including the regional councils, were to “possess no legislative powers and only limited financial powers”. The same provision dogged the central legislature or House of Representatives that was formed with one hundred and forty eight members under the 1951 constitution. The House had limited powers as it had no powers over bills relating to public revenue and public service. These were subjected to the Governor’s reserved powers in addition to the wide reserved powers he possessed. For instance, section 186 of the Order-in-Council empowered the Governor to use his reserved powers to pass into law any bill he might consider to be in the interest of public order and good government even if the House of Representatives failed to pass such a bill. All bills passed by the House and the regional equivalents were subject to the approval of the Governor who could object to such bill under certain provision.¹⁴

The net effect was that by the period Nigeria attained her independence, the legislature did not learn anything of value from the process of ‘extending civilisation’ by the British. Instead, they had come to appreciate the awesome power of the executive while the executive that took over from the British imbibed this tradition of arbitrariness and usurpation of power unconstitutionally. This was the mindset that inaugurated post independence indigenous government.

14. *Ibid*, p. 533.

Although political independence brought some change to the composition of the state managers, the character of the state remained much as it was in the colonial era. The colonial politics had left a legacy of opposing forces driven by the calculus of power as for everyone in this political arena, security lay only in the accumulation of power. The postcolonial political situation had a narrow base and relied for compliance on coercion rather than authority. The tendency to reproduce the past was reinforced by the dispositions of the dominant social forces in the postcolonial era. None of them apparently had any serious interest in the transformation and all of them were only too aware that they could not afford to broaden the social base of state power.¹⁵ The unity the members of the coalition mustered to displace the colonial powers was punctured as they worried about the enormous power they were trying to wrestle from them, power they could not entrust to any one of them or even share in a way that could reduce political anxiety. At independence in 1960, the centrifugal tendencies had grown strong enough in the country to threaten not only the transition to independence but more important, the political viability of the new government. Accordingly the country came to independence with such complex constitutions that systemic breakdown was inevitable.

Indeed, the country broke down in its first six years of nationhood as the period was aptly described as a decade of troubles.¹⁶ Among these was the competition for power between the coalitions on the one hand and between the coalition and the opposition on the other. Political competition now assumed the character of warfare and paved the way for the ascendancy of the specialists of violence, the military.¹⁷ The coup(s) that came later essentially formalised a reality that was already firmly established, thus prompting the observation that it was the character of politics that engendered military rule by degenerating into warfare, inevitably propelling the specialists of warfare to the lead role.

15. C. Ake, *Democracy and Development in Africa* (Ibadan: Spectrum, 1996), pp. 2-3.

16. M. Crowder, *op. cit.*

17. C. Ake, *op. cit.*

The entry of the military into politics in 1966 and their continuation for 29 years, almost continuously, in the 39 years of Nigeria's independence before the present experiment in representative government began in 1999, sealed the fate of the legislature. This was because by their very nature, the military operated with absolute control and concentration of power and, at the stage Nigeria was overruled by them the country was lawless. The first act of the military on taking over control in 1966 was to suspend the constitution and to promulgate decree number 34 which abolished the regions and centralised power in tandem with military orientation.¹⁸ All institutions of representative government were banned and while the legislature went into prolonged cooler and with it the little experience it had garnered as military rule continued, the executive became prominent and the judiciary still continued in its role in spite of interference. The same condition replicated itself in all the military regimes in Nigeria.¹⁹

The nature of the government under the military reflected the character of the service as it derived from the organisational characteristics of centralised command, hierarchy, internal discipline, efficient means of inter-communication and esprit de corps.²⁰ This organisational characteristic of the military has been acknowledged and it was argued that it was easier for the military to accumulate power than to govern as a ruling group. These same organisational traits, in the fractured political terrain of Nigeria post 1960, became a disadvantage, in the process of political development. The features of authority and centralisation do not allow for full participation and mobilisation and the emphasis on command was distinct than on governance in general.

The military unified governance under the Supreme Military Council (SMC), which alongside the Federal Executive Council took over the

18. M. Crowder, *op. cit.*

19. O. Omoruyi, *The Tale of June 12: The Betrayal of the Democratic Rights of Nigerians* (London: Alliance Press, 1999), pp. 4-16.

20. O. Odetola, *Military Regimes and Development: A Comparative Analysis in African Societies*, (London: George Allen and Unwin, 1982), p. 140.

function of government from the central legislature and executive. The SMC, as the law making body, was entirely dominated by the military top brass, which issued decrees replacing bills that were the vogue under democratic system. This was the pattern the institutions of government took with slight modifications as a result of the experience encountered.²¹

As the military's dominance in politics became entrenched, a political re-engineering process was instituted in the attempt to re-establish civil democratic rule. The General Yakubu Gowon administration had announced a transition to civil rule programme in 1970, which slated 1974 as the terminal date. This did not materialise and alongside corruption, it was one of the reasons that justified the coup that removed his government in 1975. The first attempt to create a new political class loyal to the new military power group had already begun with the appointment of new individuals into ministerial and advisory positions, a situation that would continue throughout military regimes in the country. However, on a conscious note, the first major institutional attempt at creating a new political class, the beginning of a process that would alter the political landscape in Nigeria, was instituted by the Generals Murtala and Obasanjo administrations between 1975 and 1979²¹. While the period in question was a transition between the dominance of the First Republic politicians – those the military blamed for the problem of Nigeria – it was a gestation period for the crop of politicians that would mature in the present dispensation. The constituent assembly that wrote the 1979 constitution was the platform used by this political class in the making.

General Babangida was credited with altering, in a fundamental way, the political terrain of the country with the institution of social, economic and political reforms on a scale not known in recent times.²² The administration had let it be known that it was on a mission of creating “new breed” politicians untainted with the political past and in the course

21. T. Falola, A. Mahadi, M. Uhomobhi, U. Anyanwu, *History of Nigeria 3: Nigeria in the Nineteenth Century*, (Nigeria: Longman, 1991), pp. 146-157

22. T. Mkandawire and A. Olukoshi, *Between Liberalization and Oppression: The Politics of Structural Adjustment in Africa* (Dakar: CODESRIA, 1995).

of this, many politicians that fall into the category of "old breed" were banned. Many individuals benefited from this legacy as serving public officials, board members and those who took advantage of the reform in the economic sector to empower themselves. Above all the cultivation of new breed politicians created the pool from where the political class of today emerged. It is within these groups that we find loyalist of the former military ruler.

Even after General Babangida boxed himself into a corner because of the annulment in 1993, a network of friends across all spectrum of society had been created in his long reign in power. This network of benefactors naturally looks up to him with the new political situation that made former military men the dominant figures. The Abacha military junta, which came after General Babangida's interim arrangement collapsed also, provided a platform for the political class in its transition to civil rule programme.²³

When the domestic and international circumstances compelled the military in uniform to quit the stage and open up the political space, it was to their former colleagues they entrusted power. The political class, the clone and creation of the different military juntas, could not do much but to concede the centre stage to them and prepare to play the second fiddle role they have been conditioned to occupy.

THE LEGACY OF MILITARY RULE ON THE LEGISLATURE ARM

The struggle for democracy in Nigeria is largely a struggle against the military²⁴. But it was a struggle that the military, using its control of state

23. A. Agbaje, 'The National Constitutional Conference, 1994-1995', In O. Oyediran and A. Agbaje, *Nigeria: Politics of Transition and Governance 1986-1996*, (Dakar: CODESRIA, 1999), p. 197.

24. C. Ake, *op. cit.*

and economic resources and its manipulation of the transition programme²⁵ converted to its advantage in order to safeguard its corporate interests. This was accomplished through the transfer power to retired military men²⁶ and their civilian clone.

One of the major challenges considered in democratic transition, which is replete in Nigeria, is the outcome of military incursion into political life, which worsened the problem generated by authoritarianism. The military have impacted on society in its anti-social and anti-political value.²⁷ They have permeated civil society with their values – both the formal military values of over centralisation and resolution of conflicts through repression and the informal lumpen values associated with the ‘barrack culture’ and the brutality derived from the colonial army. The military have been trained to believe that power could be wielded and conserved on the basis of the force that resides within the military institution itself, and even those elements that have had access to higher education have remained at the mental level of ‘barracks boys’. We have seen the traits repeatedly demonstrated in the settlement of social upheavals, minor altercations, in the relationship between the executive dominated by ex-

25. A. Momoh and S. Adejumobi, *The Nigerian Military and the Crises of Democratic Transition* (Lagos: CLO, 1999), pp.2-36; O.O. Okpoh Jr, *Dimensions and Implications of Military Transition Programmes in Nigeria, 1975-1999* (Makurdi: Aboki Publishers, 2005); B. Onuoha and M. M. Fadakinte, *Transition Politics in Nigeria*, Lagos: Malthouse, 2002); I. Sagay, *Nigeria in Transition: Twisting and Turning* (Ibadan: Dokun, 2002); A. Jinadu and S. Oyovbaire, *Transition to Democracy in Nigeria (1985-1993)* (Ibadan: Safari and Spectrum 1993); S. Oyovbaire and T. Olagunju, (eds.), *Crises of Democratisation in Nigeria: Selected Speeches of IBB Volume III* (Lagos: Malthouse, 1996); O. Omoruyi, D. Berg-Schlosser, A. Sambo, A. Okwuosa, *Democratisation in Africa: African Perspectives, Volume One* (Abuja: CDS, 1994).

26. C. Ake, op. cit., p. 52.

27. J. Ibrahim, ‘Democratic Transition in Africa: The Challenge of a New Agenda-Concluding Remarks’, in E. Chole and J Ibrahim, *Democratization Processes in Africa: Problems and Prospects* (Dakar: CODESRIA, 1995), p. 122; O. Ojo, ‘Military Language and Democratization in Nigeria’, in D. Olowu, K. Soremeku, A. Williams, *Governance and Democratization in West Africa* (Dakar: CODESRIA, 1999), pp. 193-215.

military men and the legislature and in the relations between civil society and the state. The character of politics has since been militarised in the spate of assassination, murder and violence that permeate the polity in preparation for general elections in 2007. The retired military men have remained committed, impervious or even insensitive to the erosion of civil relations, democratic norms and the banalisation of the culture of violence out of corporate self-interest and greed.

In view of the preceding analysis, does the character of the military, in uniform and out of uniform, in the Nigerian genre, make it the most ideal institution in terms of respect for and adherence to the institutions and working of democratic governance? The very conception, training, organisation and deployment of the military and its persistence in politics for so long a time abhorred the notion of separation of powers, independence of institutions and coordination for the attainment of good governance. In its quest for total control will this not compromise the essence of democracy as it unfolds in Nigeria?

The essence of the theory of separation of power was part of the formative stage of the development of constitutional liberalism whose primary objective was to delineate government's goals as opposed to procedures for selecting government. Constitutional liberalism refers to the tradition that seeks to protect an individual's autonomy and dignity against coercion from whatever source.²⁸ It emphasised checks on the powers of each branch of government and equality under the law amongst others. While the separation of powers calls for the independence of each branch – legislature, executive and judiciary – the action of each unit can be checked by the other and it encouraged coordination for the overall benefit of the people.

Constitutional liberalism and democracy disagree over the scope of governmental authority. Constitutional liberalism is about the limitations

²⁸ F. Zakaria, 'The Rise of Illiberal Democracy', in P. O'meara, H.D. Mehlinger, M. Krain (eds.), *Globalization and the Challenges of a New Century: A Reader* (Bloomington and Indianapolis: Indiana Press, 2000), p. 183.

of power while democracy is about its accumulation and use.²⁹ The tendency of democratic government to believe it has absolute sovereignty can result in the centralisation of authority and this temptation becomes extreme in the variant of democracy underway in Nigeria, where the retired military steeped in their tradition and orientation, interpret its mandate as a blank check for power accumulation. The emasculation of other institution in this quest for total control manifests itself horizontally and vertically. Horizontal usurpation of power occurs from other branches of the national government as glaringly demonstrated in Nigeria since 1999 and, vertical usurpations occur from the regional and local authorities. Both phenomenon have been overwhelming at the national and state levels in the period in the course of the over one decade of representative government. It is on the basis of this that the very nature of the military institution that produced the present dispensation made it unsuitable to respect the notion of separation of powers and above all made the development and growth of the legislature well nigh difficult over the past one decade.

THE LEGISLATURE IN NASARAWA STATE SINCE 1999

The history of Nasarawa state can be traced to the Nasarawa, Benue and Plateau provinces of the colonial period. The process metamorphosed from these to the Benue-Plateau, Plateau and Nasarawa state. The state was created in 1996 by the military administration of General Sani Abacha as part of the attempt to shower his support base following the political crisis that brought him to power. The state had two military administrators from its inception in 1996 until 1999 when the first executive governor of the state, Alhaji Abdullahi Adamu was elected.

The state inherited the assets and liabilities of its forbears including the overbearance of the executive in governance. Seven months after taking the oath of office as the first governor of the state, Alhaji Abdullahi Adamu addressed the first session of the state house of assembly when

29. Ibid, p. 186.

he presented the 2000 budget plan to the house. The budget was christened the "budget of rebirth" (Budget 2000).³⁰ In spite of the awareness of the huge expectation of the people from the administration when they were voted into office, eight years after, the unanimous conclusion was that both the executive and the legislature did not deliver. The legislature failed in its responsibility of checking the excesses of the executive.³¹

A number of reasons explained the inability of the executive and the legislature to deliver. First, the transition that produced the 1999 government was too surreal especially judging from the experience of Nigerians that many did not believe it would last. Thus a lot of people adopted a wait and see posture. Second, those elected into the legislature did not know what they were expected to do and were driven by their personal needs than the need to serve their people. In fact the representative and the people themselves were unaware of the function of the legislature in a democracy. Third, the executive took advantage of the collective ignorance of the people and the legislators and used it to its benefit. In Nasarawa state, the budgets as the statement of intent of the executive were replete with so many inaccuracies, multiple entries and votes and nonexistent projects. The legislature was responsible for ensuring that the budgets were implemented. An examination of the budgets would reveal that the legislature did not do its work.

The capital expenditure for the budget of rebirth represented an increase of 67 percent above that of last year and included areas such as transport, manufacturing, agriculture and rural development, rural electrification, tourism and hotel, water supply, social development including women, housing, town and country planning (L&S), town and country planning (NUDB), community development, Nasarawa Transport Service, education, health, relevant technology, sports, information,

30. Government of Nasarawa State of Nigeria: Approved Budget, Recurrent and Capital Estimates of the Government of Nasarawa State of Nigeria, 2000.

31. Member, House of Assembly, 1999-2003.

livestock and veterinary, forestry and wildlife among other priority areas. These areas consistently reflected the so called priority areas of the first eight years of the administration and were consistently budgeted for the period.

In the 2001 appropriation bill tagged budget of sustenance which the governor described as “handsome by the standards of our state” in terms of allocation, resources were allocated for the supply of water from Doma to Lafia town, the establishment and upgrading of primary health centres at Loko, Umaisha, Rukubi and the construction of new women and child hospital in Keffi. These projects were never carried out. For instance, there are no Women and Child Hospital in existence in Keffi and Lafia town is still confronted with enormous water shortage as is Keffi town. Projects executed by the administration such as the Nasarawa Packaging Plant, Fertilizer Blending Plant, Beef Processing Plant, Technology Business Incubation Centre, Karu International Market, the ultra modern city in Karu or the Abuja Gateway City, the Lapidary Plant at Nasarawa did not see the light of the day as most of them only functioned the day they were commissioned.³²

In 2002, the government announced an increase budget of over eleven billion Naira which was tagged budget of acceleration and consolidation. In the opinion of the government, it was a demonstration of the determined effort to remain steadfast and further accelerate its development programmes to meet the expectation of the people in the knowledge that “every race, the beginning and the finishing are most important and every good athlete knows that without accelerated and superb finishing his initial efforts will be jeopardised”.³³

The House was therefore a clearing house of “yes men” that did not scrutinised the papers submitted to it by the executive and who neither

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32. It was the butt of joke when the former President Olusegun Obasanjo came on a state visit and discovered the subterfuge that was most of the projects he commissioned and chided his host over his style.
 33. Government of Nasarawa State of Nigeria: Approved Budget, Recurrent and Capital Estimates of the Government of Nasarawa State of Nigeria, 2002.

undertake the necessary oversight activities that would ensure that government was held accountable. Reacting to the disposition of the House in the first period of elected government, a former legislator in the house was of the view that much like it happened at the national level where they legislators were busy with their welfare; it was not different in the state.³⁴ The input of the members in the budget making was minimal to say the least as they were never consulted. In fact the members were not aware that they were supposed to contribute to budget making, he contended.³⁵ The issue of members' welfare can be seen in the rise in the budgetary allocation to the house in each of the budget proposals. When the budget of rebirth was announced in year 2000, the allocation for the house was over seventy eight million naira and by the end of the first tenure of the administration, it was over 170 million Naira.

In the presentation of the budget of 2002 to the House which by this time was over 14 billion Naira, the executive claimed the budget brought to fruition the fulfillment of the major promises made to the people at the polls in 1999.³⁶ It was the view of the executive that in three years, the administration had laid the foundation for the take off of the state in all key social sectors. When asked to comment on the claim of the executive, a member of the legislature in that first term attributed the success to the imagination of the executive. The so called key social sectors claimed by the executive remained what the State still desperately yearn for years after its creation as a look around would demonstrate "wasted resources and efforts", he argued. The state lacked key infrastructures such as roads in all nooks and crannies. The only nylon tarred road in the state was the stretched that passed through the capital which was constructed by the federal government. In the eight years of the administration, what it was noted for was taking over old structures, refurbishing and rebranding them. It was a development that unraveled even before the administration left office in 2007. The inexperience of the legislature, their poverty and

34. Member, House of Assembly, 1999-2003

35. *Ibid.*

36. *Ibid.*

the government's manipulation of information outlet were factors that aided its so-called success, he argued.³⁷

One source stated that the best guide to the duplicity of the administration of 1999 to 2007 can be found in the budgets. He was of the view that a comparative assessment of the budget from year to year and from department to department indicated that nothing was accomplished. This was most glaring in the area of road construction, agriculture and in the construction of dams. The novelty was in the amount committed to executing them.³⁸ In some instances project said to have been completed found their way into the next budget. On the promise to complete all projects before it hand over at the end of its term in 2007 as contained in its 2006 budget address, the source was of the view that you cannot hold someone responsible for not completing a project or projects that was never started in the first place".

The failure of the government was a collective responsibility of the people, executive and legislature.³⁹ The ability of the executive to get away with this was because of the absence of scrutiny of the budgets and oversight function by the legislature. Some of the agencies⁴⁰ created by the executive existed as conduit to siphon resource as they did not have any impact on the lives of the people.⁴¹

The 2007 legislature was not significantly different from the previous ones. Most of those who served in the first two terms were either dropped, their qualities further diluted or new members with not too dissimilar qualities were elected. Indeed the House retained its character as lacking mission and vision for dispensing good governance for the people. If the former executive of the state was rated low in governance, the succeeding

37. Ibid.

38. Interview, Nasarawa History Project, 2006.

39. Ibid.

40. There are many of these agencies such as the urban development board, farm mechanisation agency, directorate of integrated and rural development. There was the purported construction of a workshop for the state transport corporation worth over 500 million Naira.

41. Survey, Nasarawa State History Project, 2006.

one, considering the manner of its enthronement, was never expected to deliver any good. In the last four years, even the pretence of providing for the people was dispensed with.⁴² According to a serving member of the House, the quality of representation can be judged from members who became speakers and who were unaware of their responsibilities to their constituencies as well as the rest of the state. The speakers were part of the executive as their mien clearly demonstrated. It was the same with members as well.

The place is clearing house for all manners of people who still have the traditional mindset; there is a lack of awareness of the powers and functions of the legislature on the part of the legislators' themselves – making laws, reviewing laws, providing oversight function and ensuring that laws are implemented through follow ups – all these were lacking. Even the vehicle of communication was lacking – imagine legislators communicating in Hausa, folding legislative papers into armpits as soon as it is given to them and hankering for money only.⁴³

The outgoing administration lacked initiative and would rather maintain the status quo. Most of the functionaries of the previous regime kept their position for a time until they were removed and replaced by characters who would not threaten the hold of the administration. The legislators merely permitted them to take a bow and leave. It did not scrutinise their documents or ask questions on what they intended to do in office. The attempt by one proactive legislator to carry out this function earned him the wrath of the traditional power élite. The member was compelled to seek protection from the police authority.⁴⁴ The executive was far more comfortable in its reliance on the traditional authority to supply functionaries for its administration.

42. As at the time of writing this paper, the governor lost his seat in an overwhelming clamour for change by the people.

43. Innocent Lagi, Wamba Constituency, 16/04/11.

44. Innocent Lagi representing Wamba constituency on the platform of the Labour Party had his life threatened for daring to question.

CONCLUSION

The history of the legislature in Nigeria is a tortuous one. Nigerians have not benefited from representative government because of the absence of coordination on the part of the arms of government. The legislature has had the least experience and yet it is saddled with the task of making law for good governance even as it lacked the initiative and experience. It has consequently been pummelled into submission by the executive at all levels. Growing the legislature is, therefore, an urgent task for legislators and the electorate. The process of picking the pieces is a difficult one whether nationally or locally. In Nasarawa state, the legislature was lacking in the fulfilment of its role of law-making and checking the executive through oversight function. This was the situation in the over one decade of their existence. According to a media analyst, their inactivity created the enabling environment for the excess of the executive in the State.⁴⁵

45. Interview, Musa U. Abdullahi, 10/05/11.

CHAPTER 23

The Legislature and its Developmental Roles in Oyo State, 1999-2007

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INTRODUCTION

All over the world the legislature is one of the strategic institutions in a democracy, because it represents the people, makes law and participates in policy-making as well as acts as a check particularly on the executive arm of government. In fact, it is described as an engine of democratic governance.¹ This is not unrelated to the fact that effective legislatures contributes to effective governance by performing important functions necessary to sustain democracy in complex and diverse societies.² The paper with its focus on state assemblies attempts to comparatively examine the role performance of the legislature in propelling and guaranteeing sustainable development.

In Nigeria, before the re-inauguration of civilian administration in May 1999, long years of military rule has caused serious crisis of development, which the present civilian regime inherited and is striving

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1. Lafenwa, S.A. "The Legislature and Democratic Governance in Southwestern Nigeria, 1960- 2003." An unpublished Ph.D thesis submitted to Faculty of Social Sciences, University of Ibadan, Ibadan, Nigeria, 2006.
 2. Johnson, K. and T. Nakamura, "A Concept Paper on Legislature and Good Governance" Prepared for United Nations Development Programme in July 1999, p. 2.

to resolve. According to USAID Report of 2003:

Despite a political transition to democracy in 1999, Nigeria continues to face enormous challenges. Two-thirds of the country citizens live in poverty; corruption is endemic, with Nigeria perceived as the third most corrupt country of 102 assessed by Transparency International; unemployment is growing, with up to 40% of urban youth jobless; half of the adult population is illiterate; close to four million Nigerians are HIV-positive; and 20 per cent of children die before the age of five.³

It should be stated that these challenges have not been significantly resolved in spite of different public reforms and series of elections to change leadership composition at both state and federal levels.

Enhancing the capacity of democratic institutions to solve the above problems in less-developed nations has been the focus of most development assistance since government alone cannot resolve them at a time. It is not surprising that USAID's programme in Nigeria for year 2002 was to strengthen democracy and promote good governance by strengthening selected government institutions, for example the National Assembly and State Assemblies. The paper is based on the assumption that if the legislature (at all levels of government) is helped to develop capacity to become more representative, more effective at making laws, and more capable of oversight, there is high tendency for it to promote and engineer development. More over, it is assumed constitutionally that state governments are very close to the citizens and as such the state Houses of Assembly have leverage in initiating, formulating, enforcing and controlling policies aimed at promoting development. In Nigeria, for example, the 1999 Constitution stipulates in Section 7:

The system of local government by democratically elected local government councils is under this Constitution guaranteed; and accordingly, the government of every State shall subject to section 8 of this Constitution,

3. USAID REPORT (2003), Democracy and Development in Nigeria.

ensure their existence under a Law which provides for the establishment, structure, composition, finance and functions of such councils.⁴

It is not surprising that in the political transition to democracy in Africa, particularly at the close of 20th century no phenomenon has more vividly captured the attention of democratic scholars, activists and observers than the legislature as a result of serious neglect suffered by it in terms of development. The underdevelopment of the legislature could be traced to the inconsistency of the institution in African politics due to one-party and authoritarian regimes that littered African continent in the post independence era, the overbearing nature of most executives and the ineffectiveness to enforce the "separation of power" rule as well as the absence of a specialised sub-discipline in Political Science focusing on the legislature in Africa as we have Public Administration taking care of the executive and the judiciary to some extent.⁵

The chapter grapples with the questions as to whether state legislatures have any significant constitutional roles to play in democratic governance in Nigeria since most legislative studies focusing on the central or national parliaments and assemblies have found that the role of the legislature is declining,⁶ whether there is any correlation between role performance of state legislatures and sustainable democracy and development, especially in Nigeria where local governments that are established to promote development and participatory democracy at the grassroots level are

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4. Federal Republic of Nigeria, *1999 Constitution of the Federal Republic of Nigeria*, Lagos: Government Press.
 5. Lafenwa, S. A. (2006), op. cit.
 6. Agi, S.P.I. (1984), "Nigerian Legislature: In Theory and Practice" in Ugochukwu B. Uba (ed.), *Democracy and National Development: 1983 and Beyond*. Proceedings of the Tenth Annual Conference of the Nigerian Political Science Association held at 1-4 June 1983, Nsukka: NPSA. Shively W-Philips (1997) 5th ed., *Power and Choice: An Introduction to Political Science*, New York: The McGraw-Hill Companies Inc. Jewell E. Malcolm (1997). "Legislature" in the *Encyclopedia Americana* (International ed.) volume 17, Connecticut: Grolier. Solt Frederick, (2004). "Electoral Competition, Legislative Pluralism, and Institutional Development", *Latin American Research Review*, Vol.39, No. 1, February 2004.

under the control of state governments courtesy of s.7 of 1999 constitution of Federal Republic of Nigeria, whether those factors identified as determinants of legislative behaviour and performance of national or central legislatures are *mutatis mutandis* peculiar to state assemblies, particularly in Oyo state, Nigeria. Answers to these pertinent questions constitute the major tasks of this piece. These questions are necessary in order to evolve a theory capable of explaining state legislative practices in federal polities. Besides, answers to those questions will give insights to scholars and stakeholders in democratic transition in Africa to determine what kind of reforms are needed to enhance the capacity of the legislature in general to become more effective at making laws, more representative and more capable of oversight. It has to be stated that the performance of these functions has serious consequences for national development. In essence, this paper is a discussion on state legislative institutions in federal polities with cases drawn from Oyo state as an Assembly with relative presence of minority members since inception.

THE DEVELOPMENTAL ROLES OF LEGISLATURES

It is incontrovertible to adduce that apart from policy making, legislatures could represent the views of the people to non-legislative Elite in the executive and the bureaucracy and those legislatures could oversee the activities of the bureaucracy. Moreover, legislatures in most cases are considered to be effective instrument for nation building and national integration and that legislatures could mobilise public support for a regime and thereby legitimising the political system.⁷ These functions categorised by Mezey⁸ as non-decisional role, according to him include representational and developmental activities of the legislature. And these functions

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7. Silk W. and Walter Rhodri, (1996), *How Parliament Works*, London and New York: Longman.
 8. Mezey, L. (1985). "The Functions of legislature in the Third World" in Loewenberg G. et. al. (ed.) *Handbook on Legislative Research*, United States of America: CCR Center, pp. 748-766.

according to Hopkins⁹ include identifying and training political leaders, facilitating communication between government and populace, articulating constituent and special interest demands and interpreting governmental responses, and legitimising allocative decisions that are made outside the legislature.

Loewenberg drawing from the experience in both and the new democracies indicates that Parliaments perform indispensable developmental functions in modern political systems. According to him:

They attract public attention to politics; they recruit and train political leaders. They provide governments with crucial information about what the public wants and what it will accept, and this affects the formulation of public policies and budgets. Finally, a parliament helps define a nation.¹⁰

Specifically, in Nigeria, the state legislature or House of Assembly apart from being established to make laws for the peace, order and good government of the State (1999 Constitution, Section [4] [7]), its other constitutional powers include; powers and control of public funds (S. 120-127), power to conduct investigation (s. 128) and power as to matters of evidence (s. 129).

In addition, the Constitution of the Federal Republic of Nigeria 1999 empowers the state legislature to give approval to the Governor's appointments and removal (as the case may be) of his Commissioner, Chairmen and members of state commissions including judicial commission and some other public officers via legislative confirmation; fix the number of Governor's Special Advisers and their remuneration and allowances and ultimately, through constitutional procedures to remove the Governor and Deputy Governor from office. Although there is no constitutional provision that specifically empowers the state legislature to play developmental role, by playing its law making, representational and

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9. Hopkins, R. (1977). "The Role of the M.P. in Tanzania", *American Political Science Review* No. 64.
 10. Loewenberg, G. (1995). "Legislatures and Parliaments" in Seymour Martin Lipset, (ed.) *The Encyclopedia of Democracy*, Volume III, London: Routledge, p. 745.

oversight roles (which are constitutionally recognised) effectively, it is assumed that such state assembly is by implication directly or indirectly involves itself in developmental process in its area of coverage. To buttress this, Johnson and Nakamura stress:

. . . capable representative institutions connect people to their government by giving them a place where their needs can be articulated, by giving them a say in shaping the rules that govern them with recourse if governmental power is abused, and by contributing to the procedures and values that sustain a democratic culture.¹¹

These developmental roles refer to the supposed responsibilities of any legislature as elected representatives of the people to earn public support and legitimacy for the government of the day. As identified by Structural Functionalists the developmental role of any legislature includes recruitment of the political élite, facilitation of political integration, mobilisation of support for government policies in legitimising political regimes, and in designing legislation aimed at bringing about socio-economic change.¹² The significance of this role, most especially in a democracy lies in its effective performance which may prevent public resentment and political instability; since it serves as the consequence of roles of the legislature earlier discussed. Public resentment and political instability, by implication tend to discourage public support for liberal democracy and this, points to the fact that the existence or establishment of democratic institutions is not an indication of public support for liberal democracy. These institutions are put in place as a matter of necessity; to bring about democratic order by promoting democratic values.

HISTORICAL AND POLITICAL DEVELOPMENT OF OYO STATE

Historically, Oyo state, which bears the sobriquet, "The Pacesetter State", came into existence consequent upon states' creation exercises embarked upon since Nigeria's independence in 1960. The origin of the present

11. Johnson, K. and Nakamura T. (1999). *op. cit.* p. 3.

12. Mezey, L. (1985). *op. cit.*, p. 744.

Oyo state started with the creation of Western Region along with Eastern and Northern regions by a Macpherson Constitution of 1954. This constitution introduced a high level of regional autonomy. Western region which was led Obafemi Awolowo as the first Head of Government and later Premier, became self-governing in 1957 as a prelude to political independence of the country in 1960.

In 1963, the Mid- Western region (which later became Bendel State) consisting of the present Delta and Edo states was excised from the Western Region. There was another political restructuring that led to the creation of states in 1967 in Nigeria. As a result of this restructuring, Western Region was renamed Western State. Also, during the 1976 states' creation exercise, both Ondo and Ogun states were carved out of the Western state and what remained of the state was renamed Oyo state. Fifteen years after, Osun state was excised from the old Oyo state. It has to be alluded that right from the Western Region days, Ibadan, reputed to be the largest indigenous city in Africa, south of the Sahara, has been the political capital and centre of administration. In fact, the Western Parliamentary House located in Ibadan is regarded as the first legislative house in Nigeria.

The present Oyo state now covers a total of 27, 249 sq. km of landmass; bounded in the south by Ogun state and in the north by Kwara state, to the west partly by Ogun state and partly by the Republic of Benin, while in the east; it is bounded by Osun state.¹³ According to the 2006 census figures, the population of the state stood at 5,591,589 people comprising 2,809,840 males and 2,781,749 females.

As at present, the state has 33 local governments comprising; Afijio, Akinyele, Atiba, Atisbo, Egbeda, Ibadan North, Ibadan North- East, Ibadan North-West, Ibadan South East, Ibadan South-West, Ibarapa Central, Ibarapa East, Ibarapa North, Ido, Irepo, Iseyin, Itesiwaju, Iwajowa, Kajola, Lagelu, Ogbomosho North, Ogbomosho South, Ogo-Oluwa, Oluyole, Ona-Ara, Oorelope, Oriire, Olorunsogo, Oyo East,

13. *Oyo State Government, 2010 Diary*, Ibadan: Government Printer.

Oyo West, Saki East, Saki West and Surulere. Also, Oyo state has three senatorial districts namely; Oyo Central comprising 11 local governments, Oyo North with 13 local governments and Oyo South comprising 9 local governments. In addition, the state is represented at the Federal House of Representatives by elected representatives from 14 federal constituencies. The State House of Assembly is comprised of elected members from 32 state constituencies.

On 29 May, 2007, the current executive Governor, Otunba Christopher Adebayo Alao-Akala was sworn in to serve a 4-year term. He is the third elected Governor of Oyo state after the democratic transition in 1999. Moshood Olawale Atilola from OyoWest/Oyo East state constituency was elected as the Speaker of Oyo state House of Assembly from June 2007 to June 2011. Moreover, under the present administration, the Honorable Justice Badejoko Olateju Adeniji was appointed as the Chief Judge of the state. Prior to 2007, Kehinde Ayoola and Niran Asimiyu Alarape presided over the House of Assembly.

The present House of Assembly (not unlike the previous Assemblies from 1999) is dominated by members from People Democratic Party (PDP) with less than one-third members from opposition parties. For effective administration of the State Assembly, Jelili Adeleke from Akinyele I was elected as the Deputy Speaker, Samuel Adejumobi representing Atisbo/Saki East constituency is the Majority Leader and Ademola Olateju representing Ogbomoso South state constituency is the Deputy Majority leader. Other Assembly officers for the current legislative session include: Ajekigbe from Saki West as the Minority leader, Ganiyu from Oluyole as the Chief Whip, Inakaju, Ibadan South East I as Chairman, Parliamentary Council and Hon. Baale representing Ibadan North East II is Deputy Chief Whip.

OYO STATE HOUSE OF ASSEMBLY AND ITS DEVELOPMENTAL ROLES SINCE 1999

The analysis in this section is carried out on the basis of the above outlined developmental roles expected of a state legislature, namely: recruitment and socialisation of political élite, integration, mobilisation,

legitimizing of public policy and effecting socio-economic changes. Before delving into the analysis of developmental roles of the Oyo Assembly under the present democratic dispensation, it is important to note that Nigeria returned back to civilian rule on 29 May, 1999 and adopted presidential system of government at all levels.

Regarding recruitment and socialisation of political élite, it is widely believed that in some systems, legislatures are the training ground for future members of executive élite. This implies that, the study of legislators' characteristics is also indirect study of the characteristics of future holders of more influential positions. The high turnover rate of members witnessed by the Assembly after the 2003 and subsequent election polls and changes in the party composition of the executive and legislative elective posts show the relative insignificant role played along this line by the Oyo state legislature. Also, the change reveals the role of party politics in the Southwest in general and Oyo state in particular. The PDP won virtually all the legislative seats in five out of six State Assemblies in the West. It was only in Lagos that AD won all the 40 legislative seats. The recruitment aspect of the developmental role of state legislature was left for the so called 'godfathers' and party machineries to play. The composition was relatively altered after the state Assemblies election in 2007, as opposition candidates from Action Congress of Nigeria (ACN), All Nigerian People Party (ANPP) and Labour Party (LP) were elected into the House.

Unlike the Western Parliament in the First Republic, the state legislature is not empowered to select member of the Senate, as the people were constitutionally empowered to elect their representatives to the Senate. Although, the present crop of the executive and the legislative élite is not new in the system as some of them had served as Local Government Chairman and Councillors, some as state party executive members and some as Special Advisers to Governor, most of the immediate past legislators are less visible in decision-making area in the second tenure of Nigeria's democratic governance. Some of them have gone back to their formal vocation while some are still actively engaged in Nigerian politics without occupying any important political offices.

On integration, the lack of consensus on major issues by legislators

and presence of various fractions and factions in Oyo Assembly, especially during the first four sessions of the present democratic dispensation prevented legislators from playing active role in integrating already polarised society. There were a lot of impeachment moves and threats within Oyo state legislative House. While some of them led to internal wrangling, it hindered the effort of these Houses to penetrate effectively to various primary, occupational and geographical cleavages in the state. Adequate representation of the needs and identities of diverse groups of people was absent as legislators were more particular about personal needs and party interests. This is evidenced in most of the motions adopted at the floor of the House of Assembly.¹⁴

To most Structural functionalists there is a nexus between conflict management and political integration. As earlier pointed out, if legislatures successfully manage conflict, they would contribute to the integration of the political system. Even dominant political parties in the state that suppose to reconcile the warring factions have become polarised one way or the other. For example, since Alliance for Democracy (AD) lost five out the six states in the southwest to People Democratic Party (PDP) it has remained divided and PDP, particularly in Oyo state after the removal of Governor Ladoja has also been divided with locus of power dispersed among various conflicting interest. With his re-instatement after 11 months of legal battle, the conflict between the two major factions in Oyo Assembly became deepened and intractable. There was political succession crisis prominently between Ibadan and Ogbomosho people. Also, the religious riots in Shaki, Oyo State between Fulani nomads and residents in that community led to the destruction of many lives and properties served as evidence of absence of effective integration mechanisms. Recent violent clashes between the rival political groups and massive political protests in different parts of the country (Oyo State inclusive), demonstrate the fact that in spite of the transition to civil rule, political institutions are yet to be operated by the right actors. They further point to the fact that

14. Latenwa, S.A. (2006). *op. cit.*

democratic values are yet to be entrenched in the polity. In short, as the activities of the legislature especially the political fracas that led to the unruly behaviour of the legislators and disruption of peace in recent times show that the integrative potential of the state assembly is restricted.

In terms of mobilisation, legislators are expected to serve as a link between citizens and leaders in the state by articulating the needs of the former to the latter. In addition, legislators can also communicate with citizens on behalf of state leaders to gain popular support for and compliance with specific policies. It was observed that the infrequent visit to the constituencies and lack of adequate representation of constituency's interest in most of the legislations contributed to some extent the inability of the legislators to perform the mobilisation role as highlighted above. Consequently, this inability contributes to the high turn-over rate of members after general elections.

Most of the legislators would have performed better had been they effectively utilised constituency allowances being given to them. Nonetheless, it has to be mentioned that some of these legislators helped some party loyalists to get employment in the state and helped them to resolve their other personal problems. This was done in order to enjoy unflinching support of these loyalists, even at the expense of the majority of the people in their constituencies. Moreover, apart from election time, electorates had no opportunities to interact with their legislators, as some did not have constituency office. In some constituency offices, it was observed that there were no sign of operation as they were kept under lock and key. Since there was apparent communicative disjuncture between the representatives and those they represented, policies and programmes that are capable of solving or preventing social problems hindering the people from living a satisfying life may be elusive. For local development to thrive, adequate and consistent interaction between constituent members and the legislators is vital especially where executive dominance is preponderant.

An important factor in respect of development is the legitimating of government actions, which in turn promotes regime stability. For the executive, the effect of the legislature in terms of legitimacy remains

important. However, evaluating the legislative impact on legitimacy poses a formidable analytical and evaluative task; this is because actions of legislators that affect legitimacy of the regime as a whole relate to both direct consequences, often from symbolic acts of approving bills and indirect consequences generally related to other features of the legislature. This function, for instance, involves satisfying societal demands in rather complex ways. Legitimacy is enhanced in most democratic systems by the legislature's adherence to democratic norms, representation of societal interests, and actions responsive to perceived needs of constituents.

Regarding the role of the Oyo Assembly as a legitimising agent, the House did perform effectively as most of the executive initiatives, proposals and programs were overwhelmingly supported. This could be traced partly to the absolute one-party dominated legislature existing in Oyo state especially between 1999 and 2007. Generally, most executive's requests received the nod of the legislature in most of the legislative houses. Having recognised the executive power of the purse and dominance in state affairs, due respect was given to the executive Governor of each state and other state mercenaries. This may not be unrelated to the fact that most legislators had no stable employments or jobs before they were voted into the House and the fact that they cannot afford to lose their office together with the material rewards attached to it. Coupled with the fact that each Governor of the state acted as leader of the party in that state, it is expected of the legislative capacity to force compliance on the executive to be minimal. Because of the inadequate participation of people in decision making it was very easy for the executive to manipulate the state legislature.

More importantly, if legitimising role is assumed to be an act of putting stamp of approval on initiatives taken elsewhere, one can easily conclude that the legislative House in Oyo state under the period of assessment performed effectively. It has to be mentioned that the legitimacy was not necessarily emanated from the people. Simply put, as the legislative House exercised no real observable decisional influence, legitimising government proposals became the obvious function in which they performed well. Although, the state legislative House tried to exert

its autonomous power by impeaching the State Governor in a controversial manner in 2006, this was done only to change unwanted individuals occupying executive offices and not the system that places the lawmakers under the control of the executive. In Nigeria, in most cases impeachment was carried out to satisfy legislators' parochial selfish interests and with adequate support of external forces. This may not be unrelated to the reasons why the judicial arm via some of the Court judgments quashed the unconstitutional impeachment of Oyo, Anambra and Plateau State Governors.

Lastly, in a political system, the legislature is meant to serve as a major instrument of bringing about socio-economic changes necessary for regime stability. They are expected to be involved in planning and developmental projects. It was generally observed; particularly in the first leg of this present political dispensation that majority of the Bills passed were meant to satisfy the executive rather than the masses whose votes put the legislators into offices.¹⁵ The executive seemed to be the legislature at work. On bringing about socio-economic changes, the most obvious point is that the state Assembly was not in the place where such policies were designed and decided upon especially under the presidential system. Although issues that bordered on development were usually raised and debated upon at the legislative chamber, with exercising of limited lawmaking authority and ineffective representation of constituent's interest as well as inability to oversee or check executive power effectively, this legislative House was constrained to make any transformative impact, in so far as local development is concerned.

Generally, the assessment of citizens' perception of performance of the National and States Houses of Assembly reveals that this arm of government performed poorly between 1999 and 2006. This is not unrelated to the absence of significance or fundamental change from what was obtained in the first two tenures of the present political dispensation in terms of role expectation. While assessing the relevance of separation of powers in Nigerian polity, Ayode asserts:

15. *ibid.*

The constitutional tripod is in jeopardy as the theory and purpose of the separation of powers is being gradually eroded. The state legislatures hardly exist but for the building housing them and the cars we see on the roads. The state legislatures are afraid to assert their constitutional rights.¹⁶

The Report of Centre for Democracy and Development (CDD) on Nigerian legislatures and democratic governance confirmed the above. According to the Report:

There was greater unanimity across the various geo-political zones and interest groups that the national Assembly (as well as State Assemblies) performed very badly in the dispensation of its obligations to the citizenry of the country.¹⁷

It further states the major preoccupation of these legislatures as law-making and representative institutions under the present democratic governance to be self-centred. As, "more often than otherwise, the institution was locked up in its own agenda (and, consequently, protracted strife with the executive branch of government) that dwelt around its own interests, rather than those of the populace".¹⁸ More importantly, and in tandem with this, is the perception of elected representatives as not being responsible to or engaged in the pursuits of the needs and interests of their constituents.

Equally, the near absolute exclusion of public inputs and participation from governance, and people's lack of influence in the law-making and policy determination process was clearly demonstrated by the outcome of the survey. The Report of the survey, in addition to the above, points out:

People expressed their near absolute exclusion from governance, and their overt lack of influence or control over the decision making and policy

16. See *Nigerian Tribune*, 5 October, 2004: 24.

17. Centre for Democracy and Development (CDD), *The Legislative and Governance Monitor: A Pilot Survey of Citizen's Review of Governance in Nigeria 1999-2003*, Lagos: Centre for Democracy and Development, 2003, p. 5.

18. *ibid.*

formulation processes of the government, since no credible or really functional mechanism or procedure exist in this respect.¹⁹

This situation has not significantly improved as far as the Oyo state Assembly and other legislative institutions in Nigeria are concerned.

CONCLUSION

As demonstrated above, the state legislature in Oyo state notwithstanding its counterparts in Nigeria since 1999 has not performed its prescribed developmental role effectively. It played a very limited role in the recruitment of political élite, conflict management, and political integration as well as in bringing about socio-economic change in the period under consideration. It has to be noted that whenever socio-economic impact recorded during this period has to be traced to the executive branch and its complex administrative machineries.

More importantly, the above does not suggest that the legislative institution in Oyo state was ineffective or weak in terms of lack of constitutional powers, but in terms of its composition and role performance. This suggests that there can be a strong legislature in terms of constitutional powers but with weak legislators in terms of failure in bringing about local development due to ineffective exercise of their constitutional powers.

The identified inadequacy above is due to many factors including: the ineffective performance of law-making, representation and oversight roles by these legislatures. Others include the preoccupation of legislators with partisan politics and personal interest, power struggle or conflict of power, excessive executive influence, lack of legislative power to perform the developmental role, absence of political actors with the mindset of evolving people's projects, political instability resulting from factions and factions in the assemblies and exclusion of the electorates from participation in policy formulation and execution. All these make democratic development elusive or an agenda for the future in many states and local governments in Nigeria and it is not totally untrue that there can not be meaningful

19. *Ibid.*, p. 7.

national development without local development.

Notwithstanding, it has to be mentioned that since forces of democracy are dynamic, efforts directed towards controlling them will go a long way in strengthening institutions of democracy. Moreover, following the trend of politics in Nigeria, if democracy is allowed to flourish and the political climate changes for the better, the legislature both at the federal and state levels is likely to become effective in discharging its constitutional duties and prescribed roles, particularly those related to grassroots development. Legislative problems, as great as they might appear do not justify the apparent impotency or simply put, ineffectiveness of the legislature. Nevertheless they serve as hindrance to effective performance of this organ of government. There is therefore an urgent need for a comprehensive reform to revitalise this institution as a life-wire of democratic governance.

Specifically, if the Nigerian legislatures are to function effectively and to remain as institutions of politics, the goal of the reform should be to make them to be truly representative, effectively control and supervise the executive, determine good policies and make just laws based on public interest and general welfare and ensure effective and responsive government. In view of this, adequate training should be given on consistent basis to the legislators to be aware of their constitutional duties and at the same time be sensitised to the need for them to be transparent, firm, sincere, accountable and responsive in carrying out their legitimate role in democratic governance. It has to be stated that the power to shape budget for instance, is not useful without adequate knowledge to do so.

Internal reforms should streamline the operations of the committees, in terms of composition, numbers, and operational procedures. First, the number or size of the standing committee should be reduced to minimise cost and hasten the work of other necessary ones. Also, the committees should be given more teeth and members empowered to exercise effectively oversight of state government. Each standing committee should have professional and clerical staff members to provide information for them and members upon request.

It is discovered that the presidential system of government cannot

flourish in Nigeria without the existence of a strong minority party, which can effectively check and balance the power of the majority backed-executive. The issue of winners takes all or zero-sum game in Nigeria should be constitutionally tackled. Similarly, to minimise the influence of parties on legislative activities, the conditions for representation at the state level should also be liberalised. There is no need to require candidates for House of Assembly to belong to political parties registered with any independent electoral commission.

Administratively, appointing experienced legislative officers to work with elected legislators should reduce the legislative workload. The increasing scope of government activity has made it essential for Parliaments to have information concerning the activities of the Government at its disposal if it is to discharge its representative and oversight functions in an adequate manner. Specialists should be appointed to give support to the representatives of the people. Also, in appointing key officials of the House of Assembly emphasis should not only be on membership of majority party or party politics, legislative skills and leadership ability should be considered.

Since the legislature embodies the will of the people, public involvement in legislative activities needs to be encouraged. Any public or government Bills before they are translated into law by the state House of Assembly should be subjected to serious debate at the constituency level. Report from each constituency should generate inputs for discussion at committee level before it get to the chamber for proper scrutiny.

Financial reforms should focus on ensuring financial autonomy for the legislative branch of government to avoid unnecessary executive interference and reduce Executive-Legislature conflicts. Adequate financial resources should be made available to State Houses of Assembly from the consolidated fund of the federation without state executive approval. From this, funds should be made available to provide modern legislative infrastructures, like functional and well-equipped library, more office space, new legislative buildings, and computerised data bank, among others.

It is imperative to mention at this juncture that there is hope of getting virile and effective legislatures in Nigeria in the next few years. With the

major efforts being taken by the National Assembly in conjunction with all State legislatures in Nigeria, the probability that these legislative Houses would be alive to their responsibilities is high. One of such efforts is to make each legislature assume full independence from executive's manipulation. Although there is no absolute separation of powers, the executive-legislative relations should not degenerate to subordination of powers.

CHAPTER 24

Osun State House of Assembly

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INTRODUCTION

The third wave of democracy which blew over many countries from the 1990s finally rested on Nigeria in 1999 and since then it has encountered several challenges that have almost threatened its foundations. One institution that has been targeted and severely affected by these challenges is the legislature. It is imperative to state that of all the institutions of democratic governance, the legislature is expected to be the most representative as well as closest to the people, however, the reality of the situation in Nigeria like other countries that have witnessed several democratic overthrows by the praetorian soldiers is that it is the least developed institution as a result of severe mutations due to incessant stoppage of the legislative operations whenever the military took over while the other institutions are allowed to function within the military rule.

This chapter is concerned with examining the constitutional roles of Osun State House of Assembly in the current democratic dispensation. This includes, among other things, examining the performance of the House in pursuing the objectives of its establishment, particularly its law-making, oversight activities, investigation and other functions necessary for the purpose of democratic consolidation. This objective is pursued within the backdrop of general perception of decline in the roles of

legislatures worldwide and specifically in Nigeria where some scholars have argued that the legislature have completely abandoned their law making roles.¹

Arising from the general thrust of this chapter, therefore, certain questions are raised to guide us in our search for the continued relevance of legislature in the Nigerian democratic project. These are: can we say that the roles of legislature in Osun State House of Assembly are declining along the line of the world pattern?, if the roles are declining, what then informs the continued relevance of the assembly in the current Fourth Republic governance in Osun State? What are the specific challenges facing the assembly in Osun State since the inauguration of the Fourth Republic? What are the avenues for improvement in the performance of the various constitutional roles of the Assembly?

This chapter involves a longitudinal study of development in Osun State Assembly from inception of the Fourth Republic in 1999 till 2011. The study adopts both historical and descriptive analysis based on quantitative and qualitative data. The quantitative data is derived from interview of legislators and legislative workers in the House, past legislators and data from public laws enacted by the Assembly while qualitative data are drawn from documentary sources such as newspapers, government publications – house votes and rules of proceeding and hansards, books and journals.

Osun State is located in the South-West geographical zone, a zone that was originally part of the Western Region at independence in 1960. The region which had earlier contact, relationship and association with Western culture, tradition and institution, also had a rich traditional culture, institution and processes. The reason for combining both the European and traditional socio-cultural and political milieu has been ascribed to the similarities existing between the colonial culture and tradition and that of the majority Yorubas and Benin that occupied the old Western Region

1. Akinsanya Adeoye and Davies Arthur (2002). "Legislature-Executive Relations". in Akinsanya A. and Gordon J. Idang (eds.), *Nigerian Government and Politics 1979-1983*, Calabar, Wusen Publishers.

and the South-Western geo-political zone. Therefore, having a background of traditional monarchical system of socio-political organisation coupled with democratic ideals bequeathed by long association with the British during colonisation, the Yoruba, including the present Osun state which is the focus of our study have developed a robust practice of party activities and parliamentary tradition which in spite of relatively short period of existence of Osun state House of Assembly has impacted the sophistication and development of legislative business in the State Legislative House.

The people of Osun state are Yoruba speaking, like their fellow counterparts in Ogun, Ondo, Oyo, Ekiti, and Lagos states. Osun state consists of Yoruba people of diverse origin; the people from Ode Omu, Gbongan, Apomu, Ede have their origin from the Oyo Empire while the people of Osogbo are from Ilesa. The people that are regarded as core Osun people are those from Ijesa, Ife and Iwo communities. One of these communities is Ile-Ife, reputed to be the home of Oduduwa, the fathers of the Yoruba race, Ife and Osogbo are major tourists' destinations in the country while Osogbo has been recognised internationally as UNESCO World Heritage Centre hosting the Annual Osun Osogbo Festival (Osun State Government, 1992).

In terms of political origin, most of the area of Osun state was initially part of the former Western Region in the First Republic, the area existed as Osun province. Following the creation of states in 1976, the Osun province became an integral part of old Oyo State covering ten local governments out of the twenty-four local governments of the old Oyo State. These local governments were Ede, Ifelodun, Ila, Irewole, Irepodun, Iwo, Odo-otin, Ogbomoso, Ejigbo and Osogbo. Following another wave of demand for states creation in 1991, the military administration of Babangida approved the establishment of additional nine states on 27th August, 1991, and Osun State with its capital in Osogbo was one of the states.

For analytical purpose, this chapter has been divided into five sections; the foregoing introductory section is followed by periodic analysis of the Osun State House of Assembly that covers; 1999 to 2003; 2003 to 2007

and 2007 till 2011. After this periodic analysis, there is also an examination of challenges and prospects of performance of activities of the Assembly while attempt is made to conclude the study with necessary recommendation.

HISTORY OF OSUN STATE HOUSE OF ASSEMBLY

After the military overthrow of the government of Alhaji Shehu Shagari which also signalled the end of the second republic in 1983 by Generals Muhammadu Buhari and Tunde Idiagbon's military putsch, there was a lull in political activities in the country. However, political activities received new impetus with the introduction of political transition programme of the Babangida administration after overthrowing the Buhari/Idiagbon administration in a "palace coup". It has been observed that Babangida embarked upon a prolonged and elaborate transition programme with so many changes and adjustments to its structures, processes and even the terminal date of transfer of power to the politicians that it was dubbed "transition without end".² The transition process often referred to as the Abortive Third Republic was later put to an untimely end by its main architect, General Babangida with the annulment of the final election in the transition process, the 12 June, 1993 presidential election won by Chief M.K.O. Abiola, a southerner and candidate of Social Democratic Party against Alhaji Bashir Tofa of National Republican Convention.

It was during the abortive third republic that the Osun State First Assembly was inaugurated. As stated earlier the state had been created out of the old Oyo State in 1991. The First Assembly was inaugurated on 15 January, 1992 following a proclamation by the first Governor of the State, Alhaji Isiaka Adeleke. The First Assembly consisted of 46 members with 2 members coming from each of the then twenty three local governments in the state. The house was led by Barrister Adewale Afolabi as Speaker. The house had a brief life span as it was dissolved with other democratic structures with the termination of the third republic

2. Oyeleye Oyedira (ed.), Transition Without End.

on 17 November, 1993.

The names, constituencies and the parliamentary positions of the First Assembly that set the ground for legislative arms in Osun State are as follows:

S/N	Name	Constituency
1.	Ademiran Oyetunde Kehinde	Ejigbo II
2.	Adekoyejo Bamidele Muraina	Ede II
3.	Adeoti Joseph Ajani	Ayedire I
4.	Adeoti Maruf Adebayo	Olorunda I
5.	Adepoju Abdulrazaq Gbadegesin	Irewole I
6.	Adesiyun (Mrs.) Felicia Adepoju	Ife North II
7.	Adeoti Jinadu Olalekan	Odo Otin II
8.	Adewoyin Adeleke	Ife Centaal I
9.	Adewolu Mikail Olalekan	Ede I
10.	Adeyekan Shola Razaq	Oriade I
11.	Afolabi Samuel Adewale	Ifelodun II
12.	Ajayi Gideon Ade Adegbenle	Egbedore II
13.	Akintola M. O. Aremu	Ayedire II
14.	Akintunde Olawuyi Aremu	Egbedore I
15.	Amusa Raji Oladosu	Osogbo II
16.	Ayandokun Rufai Oladeji	Irewole II
17.	Durowara Jimoh Olayiwola	Ila II
18.	Fagbemirolaoye	Ilesa I
19.	Fasakin James Olayinka	Irepopun II
20.	Farore Bamidele Ademola	Ilesa II
21.	Ilesanmi Jacob Abiola	Atakumosa II
22.	Moronkeji Adegbile	Boripe I
23.	Ogundele Isaac Oluwawemimo	Obokun II
24.	Ojewale Isa Abimbade	Olorunda II
25.	Ogundele Joseph Olaniyi	Olaoluwa I
26.	Oladipo Richard Adebisi	Ifedayo II
27.	Olaniregun Samuel Olapade	Iwo II
28.	Olatoye Wahab Okunola	Obokun I
29.	Olojede Rufus Abioma	Ife North I
30.	Oludare Stephen Theophilus	Oriade II
31.	Omole Samuel Akanbi Gbenga	Atakumosa I
32.	Omowore Olanike (Miss)	Ife Central II
33.	Oni Sola	Ife South I
34.	Onifade Theophilus Sunday	Ayedaade II
35.	Opayinka Silas A. O.	Irepopun I

36.	Owagbile Muraina Akintayo	Ejigbo I
37.	Owolade Adeniyi Adenrele	Ife South II
38.	Oyediran (Alhaji) Atanda Lasisi	Olaoluwa II
39.	Oyedokun Tokunbo Olayinka	Boripe II
40.	Oyekunle Olayinka Lawrence	Ayedaade I
41.	Oyinlola Ajiboye Adegorioye	Odo Otin I
42.	Oyinlola James Adedeji	Ila I
43.	Salawu Mufutau Adigun	Osogbo I
44.	Shittu Omoloye Lamide	Ifelodun I
45.	Tadese (Prince) Amidu	Iwo I
46.	Tayo Adeoti Joseph	Ifedayo I

Source: Author's Fieldwork

The names and the posts held by the principal officers of the assembly were as follows:

S/N	Name	Post	Constituency
1.	Samuel Adewale Afolabi	Speaker	Ifelodun II
2.	(Miss) Olanike Omoworare	Deputy Speaker	Ife Cental II
3.	Wahab Okunola Olatoye	Majority Leader	Obokun I
4.	Muraina Akintayo Owagbile	Minority Leader	Ejigbo I
5.	Amidu Tadese	Chief Whip	Iwo I
6.	Oyetunde Kehinde Adediran	Deputy Majority Leader	Ejigbo II
7.	Jinadu Olaoye Adetoyi	Deputy Chief Whip	Odo Otin II
8.	Raji Oladosu Amusa	Whip	Osogbo II
9.	Rufus Abiona Olojede	Whip	Ife North I
10.	Theophilus Sunday Onifade	Whip	Ayedaade II

Source: Author's Fieldwork

Some principal officers of the house were changed through impeachment on 11 May, 1992, thus paving the way for the emergence of new principal officers as follows:

S/N	Name	Post	Constituency
1.	Adeniyi Adenrele Owolade	Deputy Speaker	Ife South II
2.	I. Oluwawemimo Ogundele	Majority Leader	Obokun II
3.	Theophilus Sunday Onifade	Deputy Majority Leader	Ayedaade II
4.	Aremu Akintola	Chief Whip	Ayedire II
5.	Gbedegesin Adepoju	Assistant Whip	Irewole I
6.	Ajibola Adegorioye Oyinlola	Assistant Whip	Odo Otin I
7.	Raji Oladosu Amusa	Deputy Chief Whip	Osogbo II

Source: Author's Fieldwork

It should be noted that in spite of the short duration of the First Assembly, the First Assembly was plagued with so much crises which attested to the fact that the legislative arm in Nigeria still lack requisite experience and expertise and this is a reflection of the long neglect of this arm of government during long years of military rule in Nigeria.

In spite of near total control of the first assembly by the SDP, there was extreme factionalisation of the ruling party and one of the factors responsible for this is the nature of the emergence of the governor: The factionalisation eventually led to impeachment threats against the governor. In fact, with alliance of 22 SDP members who were loyal to the opponent of the Governor with the NRC members, the governor party, the SDP, had control of only 20 members which could not ward off threat of impeachment from opposition "26 members". The governor had to adopt under hand methods such as arresting the opposition member to prevent the house from meeting. This was a result of allegation that opposition had perfected plan to impeach the governor at the inaugural meeting. The alleged plan followed a meeting they had with the former opponent of the governor at the SDP gubernatorial primaries. Barrister. Oladipo before the inauguration.³

The impeachment plan was averted only after the intervention of the

3. Nwabueze Chukwudi (2008). *Impeachment and Immunity in Nigerian Democracy*. Assumpta Press.

influential members of the State including the State Council of Obas. The inaugural assembly also witnessed another crisis between executive and the legislature over the appointment and swearing in of commissioners. The legislature questioned the credentials of two of the nominees of the governors for commissioners and employed this as basis for rejecting the entire list. Again, the governor found a way out of this logjam as he went ahead with the appointment of the commissioner without the approval of the assembly once the federal government announced the plan to promulgate Decree 50, which would allow governors to appoint their commissioners without reference to the legislature.⁴

From the foregoing, one could observe that undemocratic exchanges dominated relationship between the legislature and the executive in Osun State in the abortive third republic. It could be said that the assembly was an irritant not only in Osun state but in the whole states of the federation as it was later discovered that the military were not committed to transferring power to the civilian as the tortuous transition in the third republic continued without an end.

The Laws Enacted By the First Assembly in Osun State

- (1) Authentication and Recording of Law, 1992
- (2) 1992 Appropriation Law
- (3) Establishment of Osun State Christian Pilgrims Welfare Board Law
- (4) Establishment of Osun State Muslim Pilgrims Welfare Board Law
- (5) Advisory Council on the Prerogative of Mercy Law, 1992
- (6) High Court (Amendment) Law, 1992
- (7) Water Corporation of Osun State Law, 1992
- (8) Osun State Arts and Culture Law, 1992
- (9) Osun State Library Law, 1992
- (10) Osun State Property Development Corporation Law, 1992
- (11) Osun State Broadcasting Corporation Law, 1992
- (12) Osun State Hospitals Management Board Law, 1992
- (13) Sport Council of Osun State Law, 1992

4. Nwabueze Chukwudi, *ibid*, p. 169.

- (14) Osun State Environmental Protection Commission Law, 1992
- (15) Osun State Publication Law, 1992
- (16) Osun State Polytechnic Law Iree Law, 1992
- (17) Osun State College of Technology, Esa-Oke Law, 1992
- (18) Supplementary Appropriation Law, 1992
- (19) Legislature and Judiciary Self Accounting Law, 1992
- (20) Appropriation Law, 1993

However, a number of other bills were passed by the House but were not signed into law by the Governor. These include:

- (1) Osun State Board of Tourism Law, 1992
- (2) Osun State Tractor Hiring Corporation (Amendment) Law, 1992
- (3) Osun State House of Assembly (Powers and Privileges) Law, 1992
- (4) Osun State Industrial Development Board Law, 1993
- (5) Osun State Agric Credit Corporation Law, 1993.

THE OSUN STATE SECOND ASSEMBLY, 1999-2003

Following the collapse of the third republic and the emergence of Abacha's military regime, five political parties were registered: United Nigerian Congress Party (UNCP), the Democratic Party of Nigeria (DPN), the National Centre Party of Nigeria (NCPN), the Grassroot Democratic Movement (GDM) and the Coalition for National Consensus (CNC) (Anifowoshe and Enemuo, 1997: 217).⁵ The emergence of these parties and their leadership were linked to Abacha's administration hence, Bola Ige was of the view that the political parties are "five fingers of a leprous hand". The connection with the Abacha administration became more glaring and at a stage all of them unanimously adopted General Sani Abacha as their Parties' Presidential candidate, thereby making presidential election unnecessary. All these development created some cynicism in

5. Remi Anifowoshe and Francis Enemuo (eds.) (1999). *Elements of Politics*. Lagos: Sam Iroanusi Publications.

the country, and while the death of General Abacha in June 1998 effectively put an end to these parties, the emergence of General Abdulsalam Abubakar as head of state heralded new transition programme, resulting in the registration of People's Democratic Parties (PDP), the All People's Party (APP) and the Alliance for Democracy (AD).

The successful conduct of gubernatorial election led to the emergence of Chief Bisi Akande as the second Governor of Osun State in May 1999. It was then the responsibility of the military administration of Osun State Colonel Theophilus Bamigboye to hand over to the civilian administration in the start. The Assembly was inaugurated on 31 May 1999 by Chief Adebisi Akande, the executive governor of the State, while Barrister Mojeed Olujimi Alabi became the speaker of the 26 members' legislative house.

The names, constituencies and the parliamentary positions of the Second Assembly in Osun State are as follows:

S/N	Name	Constituencies	Party Affiliation
1.	Dr Mojeed Alabi	Ejigbo	AD
2.	Moses Oladipo Gbotoso	Ilesa East	AD
3.	Busari Olawuwo Hassan	Ifelodun	AD
4.	Barr. Rafiu Adejare Bello	Ede North	ANPP
5.	(Barr.) Anthony B. A. Taiwo	Ife North	AD
6.	Aliyu Ayobami Tewogbade	Irewole/Isokan	AD
7.	Maroophdeen Aderoju Lawal	Olorunda	AD
8.	Barr. Simeon Olufemi Popoola	Boluwaduro/Boripe	AD
9.	Theophilus Adegoke Awotunde	Oriade	AD
10.	Tajudeen Ayofe Adisa	Iwo	AD
11.	Joseph O. Fakayode	Ifedayo	AD
12.	Julius Ademola Ajibodu	Ife South	AD
13.	Engr. Moshood Olayiwola	Osogbo	AD
14.	Barr. Joshua Ademola Adedeji	Ila	AD
15.	Prince Olu Akintola Omolaoye	Egbedore	AD
16.	Azeez Oladipo Popoola	Irepodun/Orolu	AD
17.	Johnson Ajagbe Ojo	Ede South	ANPP
18.	Josiah Olalekan Oyediran	Odo-Otin	AD

19.	Odunayo Omobolanle Olagbaju	Ife Central (31 May, 1999 – 19 Dec., 2001)	AD
20.	Komolafe Richard Obafemi	Atakunmosa East/West	AD
21.	Chief Taiwo Olajire Alawode	Aiyedire	AD
22.	Akindiya Adediran Amos	Olaoluwa	PDP
23.	Mrs Omobanike O. Tejuoso	Obokun	AD
24.	Akinpelu O. Sunday	Ayedaade	AD
25.	Ezekiel Akinola Awoniyi	Ilesa West	AD
26.	Olalekan Afolabi Omidiora	Ife East	AD
27.	Ropo Oyewole Ebenezer	Ife Central (2002 – May 2003)	AD

A member of the assembly at inauguration, Odunayo Omobolanle Olagbaju representing Ife Central constituency from 31 May, 1999 – 19 December, 2001 was killed on 19 December, 2001 following a factional crisis in the ruling party, the Alliance for Democracy. Until his demise, he was the chairman of the house committee on Agriculture and Natural Resources. After the gruesome murder of Odunayo Omobolanle Olagbaju, A bye-election was conducted into Osun State House of Assembly to replace the vacuum and the bye-election was won by Ropo Oyewole Ebenezer.⁶

The names and the posts held by the principal officers of the assembly were as follows:

S/N	Name	Post
1.	Dr Mojeed Alabi	Speaker
2.	Moses Oladipo Gbotoso	Deputy Speaker
3.	Busari Olawuwi Hassan	Majority Leader
4.	Barr. Rafiu Adejare Bello	Minority Leader
5.	Dr Anthony Babayomi Aduramigba Taiwo	Chief Whip
6.	Aliyu Ayobami Tewogbade	Deputy Majority Leader
7.	Morooopheedeen Aderoju Lawal	Deputy Chief Whip
8.	Barr. Simeon Olufemi Popoola	Whip
9.	Theophilus Adegoke Aworunde	Whip
10.	Taiudeen Ayofe Adisa	Whip

Source: Author's Fieldwork

6. Wahaba Egbewole (esq) (ed) (2003): *Millennium Legislature of Living Spring*. Eorin Intellectual Research Institute.

The second assembly of Osun State inaugurated in the year 1999 had similar features with the first assembly of 1991. One of the features is that it was dominated by members of the ruling party that produced the governor, The Alliance for Democracy (AD). However, in spite of the control enjoyed by the party that produced the Governor in the assembly, the relationship between the legislature and the executive was less cordial; in fact there were allegations and counter allegations from both arms of the government. There were irreconcilable differences across the two divides in spite of intervention of notable leaders of the Alliance for Democracy, influential leaders and Obas of the state. The first effect of this frosty relationship affected the approval of list of commissioners nominated by the Governor.

The interference of the external actors cannot be discountenanced in the frosty relationship between the first and second assemblies of Osun State as alleged by Governor Akande, we could detect that members of the same party were working at cross-purposes to the executive. Such actions have always been trailed by allegations of monetary inducement of the members of the house to pursue certain objectives that are linked to personal interests of certain individuals in or outside the government.

The high point of the crisis which almost grounded the operation of the state was the impeachment proceeding against the Governor in November 2000. Another crisis was a fall out of the killing of the Federal Minister of Justice and Attorney General of the federation Chief Bola Ige who hailed from the state on 24 December 2001. The crisis even led to the impeachment of the Deputy Governor Iyiola Omisore.

However, Omisore impeachment bore more of the imprint of the outcome of the face off he had with the Governor Bisi Akande and other leaders of the Alliance for Democracy Party in Osun State. For instance, there were allegations that because Omisore bankrolled the election of Akande to the office of Osun state governor, there were expectations of a better return on his investment than the office of Deputy Governor without any portfolio could afford.

The relationship between the executive and the legislature of the second assembly 1999-2003 was initially cordial until after the completion

of legislatures quarters housing the legislature within a trek able distance to the house of assembly complex. The government of Bisi Akande then discontinued the payment of ₦90,000 housing and transport allowances to the legislature, this action obviously did not enjoy the support of the legislatures who felt cut off from a veritable means of access to the state resources.⁷ Another issue which also has to do with politics of patronage was the inability of the Bisi Akande administration to allow members of the house access to some percentage from contracts awarded by the government. It must be noted that this practice of the legislature conniving with contractors or the executive in implementations of government projects or policies has become a norm in the Nigerian political system. This collusion has affected the performance of the oversight functions of the assembly over ministries, departments and agencies of government. Even when the house of the assembly embark on probes of some of these MDA it has been confirmed that at the end of such probe is to gain access to some of the funds allegedly misappropriated by the MDA. This was the case with the Elumelu-led probe of the contracts awarded for power projects put in place by the House of Representatives.

Therefore it will not be out of place to argue that the definition of politics as who get what, when and how by Harold Laswell becomes a truism in Nigeria. This is because party politics is devoid of principles, ideas or any known ideology, legislators act without reference to party affiliation or party position on any issue; they often throw overboard all the finest of legislative rules and procedures in the constitution and those established by them for the conduct of their own affairs. Therefore, the legislature has consistently displayed the attitude of anything goes. Hence, the usual degeneration of differences among them to a motor parks scenario of "free for all fight". Most of these differences and ensuing fights are usually not about defending the interests of the people or disagreement on government policies but about personal selfish interests hence the appellation given to the legislative house in Nigeria as "Ghana-

⁷ *Daily Champion*, 29 October, 2000.

must-go Assembly" (to describe the acts of stuffing bribe money in a polythene bag popularly named Ghana-must-go). The money sharing mentality has often compromised commitment to one of their statutory functions of oversight of the activities of government and its agencies. This was demonstrated in the second assembly of Osun state where there were allegations that the inability of the government of Chief Bisi Akande to allow the legislators access to public till accounted for the many battles the governor fought with the assembly.

Anyway, the allegations levied against the Governor Chief Akande include woeful performance, disregard for financial regulations, administrative incompetence and above all the refusal of the Governor to assent his signature to the self-accounting bill passed by the legislature. Also, included in the allegations are that there was absence of public/human relationship between the Governor and the legislators; that the Governor had not being guided by the constitution in his actions and the refusal of the Governor to carry out the resolutions to sack some members of the executives especially the Commissioner of Finance.⁸

However some observers of the several face-offs between the legislature and the executive in the Second Osun Assembly would not agree with the foregoing argument. From the various interviews of past legislators and some officers of the assembly, they alleged that the root cause of the crisis or to some the major contributory factors to the crisis can be located in the inexperience of the major dramatis personae of the period, the lack of maturity of some of the legislators and more importantly the high hardness of the executive governor, Chief Akande, in his relationship with the legislative house. It was also observed that the undue dependence of the legislature on the executive for funding of its activities contributed to the constant impasses experienced during the period. For instance, there was a case mentioned by one of the respondents that an officer in the legislative house could not order for the repair of the air conditioner unit in the office of the speaker costing only ₦50,000

8. For this view see *Nigerian Tribune* 2000, p. 10. Also see *Newswatch*, 2000.

naira without first seeking approval from the governor office.

Also it is observed that following the pattern of most democracies and especially the developing variant like Nigeria, most of the bills and legislative inputs came from the executive of Osun State. Thus, the executive governor and the executive council represent the major source of policy formulation, implementation and execution, it is therefore not surprising that the legislature are perceived by the people as irritants and unnecessary appendage in the running of government. For instance, the private member bills introduced by the legislature and even legislative self accounting and public/political officer's remuneration package were denied assent by the governor. The Governor claimed that the "self accounting bill" is a mere self-seeking law to usurp the functions of the executive particularly for promoting legislators propensity for awarding contracts".⁹

However, the impeachment threat could not be carried through, apart from the fact that the impeachment was defeated at the floor of the House of Assembly as 13 members of the House voted in support of the Governor while 12 members voted for against him. Thus, the peace move embarked upon by the Governor to appease members of the Assembly eventually yielded fruitful dividend as the Governor and the Speaker of the House of Assembly jointly delivered a press conference to assure the public that all was now well in the State.¹⁰ Overall, the impeachment process was clearly arm twisting means of forcing government of Bisi Akande to do the bidding of the legislators as the allegations against the government did not border on corruption or any case of malfeasance.

Laws Enacted by the Second Assembly in Osun State

- (1) Law Authentication, February 2000
- (2) Osun State House of Assembly (Self Accounting Law), June 2000
- (3) Year 2000 Appropriation Law

9. For this view see *Newswatch*, *ibid.*

10. Nwabueze, C. *op. cit.*

- (4) Public/Political Office Holders (Remuneration package) Law, November 2000
- (5) Advisory Council of the State in the Prerogative of Mercy Law, July 2000
- (6) Customary Courts (Amendment) Law, December 2000
- (7) Year 2000 Supplementary Appropriation Law, December 2000
- (8) Appropriation Law, 2001
- (9) Pension (Governor and Deputy-Governor) Law, May 2001
- (10) Osun State Independent Electoral Commission Law, July 2001
- (11) Public/Political Office-holders (remuneration package) (Amendment) Law, July 2001
- (12) Local Government (Administration) Law, November, 2001
- (13) Osun State Environmental Protection Agency (Amendment) Law, September 2001
- (14) Political Officer-holder (Remuneration package) (Amendment) Law, No. 27 Law
- (15) Education (Primary Schools) (Special Provisions) (Amendment) Law, November, 2001
- (16) Osun State Council of Obas and Chiefs Edict (Repeal) Law, January 2002
- (17) Rent Control and Recovery of Premises Law
- (18) Osun State Order of Precedence of Public Officers and other Personal Law
- (19) Local Government (Administration) (Amendment) Law, March 2002
- (20) Osun State Agricultural Development Corporation Law, June 2002
- (21) Appropriation Law 2002, May 2002
- (22) Revised Edition of the Laws Law, December 2002
- (23) Electoral Law, December 2002
- (24) Auditor-General for Local Governments (Abolition and Re-designation of Office) Law
- (25) Public/Political Office-holders (Remuneration package) (Amendment) No. 37 Law
- (26) Permanent Board of Enquiry (Abolition and Prohibition, etc.) Law.

THE THIRD ASSEMBLY OF OSUN STATE

The result of the general election conducted in 2003 was unprecedented in the political history of the country and especially in the South-West geo-political zone of the country. This was due to the fact that for the first time, the South West zone joined the ruling party at the federal level, the People Democratic Party, arising from the results declared by Independent National Electoral Commission (INEC). However, there were contestations about the genuineness or otherwise of the election result, more so, when the Alliance for Democracy governors who lost out to their counterpart PDP flag-bearers felt short-changed in an agreement they had to give their support and thus ensure an home base for the then President Olusegun Obasanjo in the presidential election. Their grouse was that while they met their parts of the bargain not to present candidate for the presidency and also mobilised the South West to vote for the president to secure a second term ticket, the president worked against their victories at the polls employing various state instruments, agencies such as police, military and other security apparatus not to mention a wholesale rigging and other fraudulent electoral malpractices to rob them of their victories. However, in the spirit of their pact with the president, none of the defeated governors of Oyo, Ondo, Ogun, Osun and Ekiti contested the outcomes of the elections. It is therefore not surprising that the PDP swept 25 out of the 26 seats of the House of Assembly. The third Assembly which was inaugurated on 3 June 2003, by the candidate of the Peoples Democratic Party, Prince Olagunsoye Oyinlola, had Barrister Rafia Adejare Bello as speaker.

The names, constituencies and the parliamentary positions of the third Assembly of Osun State are as follows:

S/N	Name	Post	Constituency	Party Affiliation
1.	Rafiu Adejare Bello	Speaker	Ede North	PDP
2.	Taiwo Yekeen Sunmonu	Olorunda	Deputy Speaker	PDP
3.	Ropo Ebenezer Oyewole	Ife Central	Majority Leader	PDP

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4.	Michael Oluwole Ogunsemi	Oriade	Minority Leader	AD
5.	Adegoke Hassan Olusola	Ifelodun	Chief Whip	PDP
6.	Suleimon Adio Oyegunle	Irewole/ Isokan	Deputy Majority Leader	PDP
7.	Soji Adagunodo Oluwatukesi	Obokun	Deputy Chief Whip	PDP
8.	Adesoye Oyetunde	Ayedire	Senatorial Whip (West)	PDP
9.	Joshua O. Ogunleye	Atakunmosa (East/West)	Senatorial Whip (East)	PDP
10.	Mrs Funmilayo Olaseinde	Ifedayo	Senatorial Whip (Central)	PDP
11.	Rafiu Olaide Fatoki	Ede South	Member	PDP
12.	Isaac Ajayi (Sawoolarun)	Ilesa West	Member	PDP
13.	Musa Olawale Olanrewaju	Ilesa East	Member	PDP
14.	Dauda Olawale Ibrahim	Irepodun/Or olu	Member	PDP
15.	Prince Adeniran Ibitoye	Odo - Otin	Member	PDP
16.	Sunday Olufemi Oroniyi	Iwo	Member	PDP
17.	Bakare Akande Aleem	Ejigbo	Member	PDP
18.	Adeoye Adelakun	Osogbo	Member	PDP
19.	Bashir F. Adeyela	Ife East	Member	PDP
20.	Julius Oyebanji Akinremi	Ife North	Member	PDP
21.	Benjamin Olufemi Farombi	Adedaade	Member	PDP
22.	Rufus Olayinka Ogunwole	Boluwaduro / Boripe	Member	PDP
23.	Yinusa Adebisi	Ife South	Member	PDP
24.	Okunlade Obiremi	Egbedore	Member	PDP
25.	Ismaila Kolawole	Ila	Member	PDP
26.	Samuel Adebayo Amuda	Olaoluwa	Member	PDP

Source: Author's Fieldwork

The names and the posts held by the principal officers of the assembly were as follows:

1.	Rafiu Adejare Bello	Speaker	Ede North
2.	Taiwo Yekeen Sunmonu	Olorunda	Deputy Speaker
3.	Ropo Ebenezer Oyewole	Ife Central	Majority Leader
4.	Michael Oluwole Ogunsemi	Oriade	Minority Leader
5.	Adegoke Hassan Olusola	Ifelodun	Chief Whip
6.	Suleimon Adio Oyegunle	Irewole/Isokan	Deputy Majority Leader
7.	Soji Adagunodo Oluwatukesi	Obokun	Deputy Chief Whip
8.	Adesoye Oyetunde	Ayedire	Senatorial Whip (West)
9.	Joshua O. Ogunleye	Atakunmosa (East/West)	Senatorial Whip (East)
10.	Mrs Funmilayo Olaseinde	Ifedayo	Senatorial Whip (Central)

Source: Author's Fieldwork

From the profile of members of the third assembly in the table above, one can conveniently conclude that the assembly was one party assembly. This is because out of the 26 members only one member belonged to the Alliance for Democracy, in fact from interview of one of the legislative aids, it was stated that the so called Alliance for Democracy member indeed belonged to the People's Democratic Party and only answered as Alliance for Democracy so that there would be a semblance of tolerance for the opposition and more so to allow the member access to the paraphernalia and perquisites attached to the office of Minority leader.

The period of the third assembly in Osun from 2003 to 2007 witnessed high level of political repression, intolerance of opposition and excessive use of force by the government of Prince Olagunsoye Oyinlola, the executive governor of the state. In fact, the third assembly was more of a rubber stamp institution compared to other three assemblies that have existed in the political history of Osun State. The Assembly was at the mercy of the executive as led by the governor and party chieftain in discharging its constitutional responsibility. In virtually all issues, directives often come from the governor and party men such as Chief Ademola

Rasaki popularly known as Landero. All bills, approval of commissioners and other appointment were done with little or no delay as there were virtually no opposition in the Assembly.

Also, contrary to the situation in the First and Second Assemblies, there was harmonious working relationship between the legislature and the executive, a situation described as outcome of maturity in terms of internalising the legislative roles by the legislators of the Third assembly by one of the respondents interviewed. However, other respondents argued that the legislators could not do otherwise as most of them were largely beholden to and had allegiance to the governor who was responsible in many ways to their victories at the polls.

Also, from the interviews of the staffs and aides of members of the Osun State Third House of Assembly, the third assembly functioned essentially to complement the agenda of the Governor without any serious questioning. This is contrary to the situation in the Second Assembly whereby in spite of the fact that the House was controlled by the party that formed the government, the legislators and the executive disagreed on a lot of issues.

The harmonious relationship between the executive and legislative house was so high that the governor who was returned for the second time in the year 2007 had to make it a reference point while addressing the members of the Fourth Assembly at inauguration on 4 June, 2007.¹¹ He asked the Fourth Assembly to build on the legacy left by the Third Assembly which includes mutual understanding, legislative duties and effective execution of constituency projects. We can then conclude without mincing words that there was a convergence of interests of the executive and the legislative arms in the Third Assembly in Osun State between 2003 and 2007.

Laws Enacted by the Third Assembly in Osun State

- (1) Local Government Administration (Amendment) 2003

11. See the proceeding of Osun State House of Assembly Official report, Osun State House of Assembly, June 2007, Publication Department.

- (2) Pension (Governor and Deputy Governor) Amendment 2003
- (3) Council of Obas Recomposition Bill
- (4) Electoral Law Amendment Bill
- (5) Order of Precedence
- (6) Local Government Administration (Amendment) 2003
- (7) Agency for Poverty Reduction
- (8) Osun State Council of Obas Decomposition
- (9) 2004 Supplementary Appropriation 2004
- (10) Year 2004 Appropriation Bill 2004
- (11) Osun State Girl Child Marriage (Prohibition) 2004
- (12) Osun State Female Circumcision (Prohibition) 2004
- (13) Osun State Agricultural Development Programme Bill
- (14) Osun State Agricultural Development Corporation Bill
- (15) Osun State Secret Cult Prohibition Bill
- (16) Osun State School of Health Technology (Establishment)
- (17) 2005 Appropriation Bill (2005)
- (18) Osun State Micro-Credit Agency Establishment (2005)
- (19) Year 2005 Supplementary Appropriation (2005)
- (20) Year 2006 Appropriation Law (2006)
- (21) Osun State Local Government Staff Loans Board (2006)
- (22) Osun State Registration/Renewal of Business Premises
- (23) Osun State House of Assembly Service Commission (Establishment) (2006)
- (24) Osun State University (Establishment) (2006)
- (25) Year 2006 Supplementary Appropriation (2006)
- (26) Osun State Year 2007 Appropriation (2007)
- (27) District Customary Court/Customary Court (Establishment) (2007)
- (28) Customary Court of Appeal (Establishment) (2007)
- (29) Osun State University Development Fund (Establishment) (2007)
- (30) Year 2007 Supplementary Appropriation (2007)
- (31) Osun State Universal Basic Education Bill.

THE FOURTH ASSEMBLY IN OSUN STATE

After the conduct of series of election in the 2007 General election, the

Peoples Democratic Party again won the majority seat in the assembly with 15 seats while the Action Congress, a party that emerged from the former Alliance for Democracy won 11 seats.

The assembly and gubernatorial elections in Osun State in 2007 was widely contested among the two prominent parties in the South West at the period, the PDP and the AC. The fallout of this contest and claim of irregularities especially by opponent of the ruling PDP is the unending litigation that trailed the election. It must be noted that the 2007 General Elections in Nigeria attracted the highest number of litigations in the country. Osun state represented one of the states that contributed to this all time record. The result of these litigations on the assembly is that the party affiliations of members of the assembly changed drastically from the position at inauguration on 4 of June 2007. For instance in 2010, 3 Action Congress members representing Osogbo, Ejigbo and Egbedore lost their seats to the re-run ordered by the Appeal Court in Ibadan. Also, coming in the wake of another legal victory which actually gave victory to the Action Congress of Nigeria (after the change of name of Action Congress to Action Congress of Nigeria) at the gubernatorial election meaning that the tenure of Prince Olagunsoye Oyinlola from 2007 to November 2011 was illegal having being declared that Mr. Rauf Aregbesola won the election, there was another spate of decamping of members from the PDP to the ACN. Notable among these decamped are members from Ayedaade, Boripe/Boluwaduro, Irewole/Isokan and Ifedayo constituencies. The names, constituencies, party affiliations and changes to the composition of the 26 members Osun State Fourth Assembly 2007 to 2011 are as follows:

S/N	Name	Constituencies	Party
1.	Rafiu Adejare Bello	Ede North	PDP
2.	Roopo Ebenezer Oyewole	Ife Central	PDP
3.	J. Oladipo Ogunleye	Atakunmosa (East/West)	PDP
4.	Benjamin Olufemi Faronbi	Ayedaade	PDP(ACN)
5.	Ademola Akanmu Ogundeji	Boripe/Boluwaduro	PDP(ACN)
6.	Najeem Salam [George Alabi]	Ejigbo	AC (PDP)
7.	Sikiru Okunlade Araoye	Olaoluwa	PDP
8.	Ayobami S. Salinsile	Iwo	AC

9.	Abiodun Awolola (Okun Obiremi)	Egbedore	AC (PDP)
10.	Gbadebo Kolawole Oyejide	Irewole/Isokan	PDP(ACN)
11.	Idiat Yemisi Babalola	Ede South	PDP
12.	Omolola Adekunle	Ayedire	PDP
13.	Olatunji Adewale Ogunleye	Oriade	PDP
14.	Adeyemi F. Fafowora	Ilesa-West	AC
15.	Femi Fafiyebi	Obokun	AC
16.	Aaron Diran Ayanbeku	Ife South	PDP
17.	Timothy Owoeye	Ilesa East	AC
18.	Ipoola Aderemi Binuyo	Ife North	PDP(ACN)
19.	Martins Olajide Adeyeye	Ife East	PDP
20.	Akinrunde Adegboye	Osoyo	AC
21.	Ajibola O. Kolawole	Olorunda	AC
22.	Makilla Adegbola Oyekunle	Odo Oju	PDP
23.	Tope Kamil Oyedate	Orolu Irepoju	AC
24.	Abiodun Samuel Idowu	Ibadayo	PDP(ACN)
25.	Ajiboye O.A.	Ila	AC
26.	Adeyemi Akinlele	Ifeodun	PDP

Source: Author's Fieldwork

The names and the posts held by the principal officers of the assembly were as follows:

S.N	Name	Post	Constituency
1.	Rafiu Adedare Bello	Speaker	Ife North PDP
2.	Ebereke Oyejide	Deputy Speaker	Ife Central PDP
3.	J. Oludipe Ogunleye	Chief Whip	Akintimosi Ilesha West PDP
4.	Benjamin O. Farabi	Deputy Majority Leader	Ayedire PDP
5.	Abiodun Samuel Idowu	Deputy Chief Whip	Ibadayo PDP
6.	Adeyemi Akinlele	Majority Leader	Ifeodun PDP
7.	Timothy Owoeye	Minority Leader	Ilesha East AC
8.	Akinrunde Adegboye	Deputy Minority Leader	Osoyo AC
9.	Makilla A. Oyekunle	General Secretarial Whip	Odo Oju PDP
10.	Omolola Adekunle	West Secretarial Whip	Ayedire PDP
11.	Olatunji A. Ogunleye	East Secretarial Whip	Oriade PDP

Source: Author's Fieldwork

There was no real opposition in the Fourth Assembly as party affiliations of members was persistently in a state of flux, thanks to the unending litigations that characterised the tenure of the assembly and carpet crossing by members from the party constituting the government to the opposition. The legislature could not perform effectively its oversight functions or challenged the activities of the executive. A very interesting case emerged when local government chairmen in the state bought brand new Brilliance cars for their respective wives on the platform of Women Development in the respective 30 local governments in the states. The claim by the chairmen that the cars were bought to facilitate the smooth running of the various women department could not convince the House. This led to questioning of the commissioner of local government affairs, Professor Muib Opeloye and the ALGON Chairman, Alhaji Teslim Igbaloye. At the end of this summon, the local government chairmen were merely upbraided for diverting about ₦400 million that could be used in bringing about development to the communities in their various areas of jurisdiction into an illegal venture under the guise of performing statutory functions by their respective wives. Interestingly, the House could not sanction the local government chairmen since they were also beneficiaries of the same type of Brilliance cars bought for them by the executive when the official practice in the country at the time is that of monetisation.¹²

As a result of development like the foregoing the Assembly could not serve as effective watchdog on the other arms of government especially the executive and by extension failed to be an effective check on corruption. Another factor that may also account for the lack-lustre performance of the assembly especially the opponents party ACN members maybe due to the incessant intimidation involving arrests and detention of opposition members of the house. This might have affected concentration and attention of the opposition in serving as effective watchdog of the ruling party – the Peoples Democratic Party. The statement of the Speaker of the house

12. Source: *The Guardian*, 2009.

in one of their proceedings further points to the fact that even the opposition party the ACN cannot be totally exonerated from the unholy alliance between the legislature and the executive of this period. He commented though jokingly that “ what went between them (the opposition and the Governor Oyinlola) in the last two years, I never had that kind of opportunity as the Speaker”.¹³

Laws Enacted by the Osun State House of Assembly (2007-2010) Fourth Assembly

In the Fourth Osun State House of Assembly, the following bills were passed into law. These include:

- (1) Osun State Property Development Corporation (Establishment) (2007)
- (2) Osun State Public/Political Office-holders (Revised)
- (3) 2007 Supplementary Appropriation (2007)
- (4) Osun State Forestry (Amendment) Law (2007)
- (5) Osun State Emergency Management Agency (Establishment)
- (6) Osun State Revenue Generation Law (2007)
- (7) Child Right Law (2007)
- (8) Osun State Supplementary Appropriation (2008)
- (9) Osun State 2008 Appropriation Law (2008)
- (10) Osun State High Court Law (Amendment) (2008)
- (11) Osun State Centre for Black Culture (Establishment) (2008)
- (12) Osun State Public Procurement Bill (2008)
- (13) Osun State Contributory Pension Bill (2008)
- (14) Osun State Road Traffic (Amendment) Bill (2008)
- (15) Osun State 2009 Appropriation Law (2009)
- (16) Osun State Agency for Community and Social Development (Establishment) (2009)
- (17) Osun State Planning Commission Bill (2009)

13. For this view, see the Proceeding of Osun House of Assembly, Official report, Osun State House of Assembly, 2010 Publication Department.

- (18) Osun State University Teaching Hospital (Establishment) (2009)
- (19) Osun State Public Smoking Prohibition Bill (2009)
- (20) Osun State Emergency Management Agency Amendment (2009)
- (21) Osun State Appropriation Law (2010).

PERFORMANCE OF OSUN STATE HOUSE OF ASSEMBLY: CHALLENGES AND PROSPECTS

From our analysis so far of the happenings, activities, functions and membership and relationship with the executive and the populace or the constituents of the assembly, certain issues have become recurrent since 1999 till 2011 which represented the time frame under focus of this study. This section turns to examine these issues as they constitute certain challenges while at the same time effort will be made to explore the prospects that the continued existence of the House of Assembly holds for democratic sustenance and good governance in the country.

The composition of membership of the House from 1999-2003, 2003-2007 and 2007 and 2011 reveals certain trends. First is that there is consistency in the preponderance of male membership to the extent that there have always been one female member representing, a mere 3 per cent of the population of the House in each chamber of the Second, Third and Fourth Assembly of Osun State.

Second is that in terms of social status of members of the Assembly in the Second, Third and Fourth Assemblies, elite who ranged from Doctor of Philosophy, medical doctors, lawyers, engineers, principal of schools, teachers, journalists, manager of business, nurses and others have occupied the chambers to the exclusion of lower stratum of the society, such as peasants, farmers, artisans workers or workers' leaders, youth and leaders of civil society group.

In terms of output measured in the number of bills that were passed into laws, the performance of the House is rather not too impressive. This is judging from the fact that much attention when not devoted to unending crisis and tango with the executive as witnessed in the legislative years of 1999 to 2003, would be wasted in passing resolutions that do not have any force of law on the executive or its agents. It is therefore

not surprising that for the twelve years, 1999 to 2011 under focus; only 78 bills were passed into laws while from 1999 to 2003, a period of four years over 100 motions were passed.

Also, a closer examination of the bills that were eventually passed into laws would reveal that most of them had to do with advancement of personnel welfare of the members of the House, some on ensuring the convenience of their staff and the public service at large while few actually touched/addressed socio-economic and development challenges of the people of Osun State.

Another interesting revelation from studying Osun State House of Assembly from 1999 to 2011 is that whereas the Assembly started with 16 parliamentary standing committees in 1999 to 2003, and that by 2011 the committee number is now 22, these committees are not fully operational as only the chairmen and secretaries of most committees met while other members are perpetually absent. However, the only exception to the rule is the accounts, finance and appropriation committee which meet regularly through the period under review. Lastly, these committees were dominated largely by members of the ruling party, while contrary to the situation in the United States where the country copied presidentialism, the accounts, finances and appropriation committee is headed by member of the ruling party instead of the opposition party.¹⁴

In the performance of the oversight functions of the House, the House has not been effective and whenever they ever perform this role, the executive has often failed to implement their recommendations. The oversight functions which involve probing the activities of the executive, also includes conduct of investigation and according to S. 128(1) of the 1999 Constitution that empowers each House of National Assembly or the State's House of Assembly to conduct investigations into any matter within its competence. A good example is the case of the refusal of Governor Bisi Akande to sack his Commissioner of Finance in spite of the fact that the Second Assembly upon investigation of activities of the commissioners found him culpable.

14. Akinsanya and Davies, *op. cit.*

Even when the oversight functions have been extended to impeachment of the executive or threat of impeachment, we could observe that this has been due to political reason(s) than as a result of enforcing sanctions due to non-compliance with the oversight functions of the Assembly in the Second Assembly.

In terms of representative functions, the Assembly did not achieve much, though there was a provision for establishment of constituency offices, but from observations of the operation of the activities of constituencies in three senatorial districts of Odo-Otin, Oriade and Ede South Local Governments, it was discovered that where constituency offices were established at all, they were mere for symbolic reasons as no meaningful legislative support activities take place in them. The legislative constituencies were not serving as source of inputs from the constituents to the functions of the members in the Assembly. In most cases, instead of employing legislative assistants to man the constituent offices our observation revealed that the offices were populated by members of families, hanger on and relatives of the members of the House of Assembly. In other words, there is no institutionalised means put in place for the masses to contribute to improve the law-making functions of the members of the house.

The legislature in Nigeria and Osun State has been reduced to the arena of constant fierce contents, shrewd bargaining and allocation of spoils among its members. Whereas, the legislators at the national level have consistently rein in the executives in spite of the fact that the ruling party that control the executive also control majority in the legislature the same cannot be said of the Osun Assembly in the third and fourth Assemblies. The two assemblies have abdicated their roles of being institutional check on executive authority or help to ensure accountability in governance.

Another manifestation of executive dominance in the workings of the Osun House Assembly of various dispensations is the legislature's lack of control over government revenue or the budget process in the state. The governors often violate the provision of budgets passed by the assembly, while the major contents and line items in the budgets are not known to the legislatures.

The committee system in the Osun State House of Assemblies is very weak. Most committee do not meet and whenever they meet, most members are not always present except the chairman and the secretary who are civil servant. Thus, the purpose of committee system contribution to legislative business is not well utilised.

In spite of the foregoing challenges, the Assembly has been source of stability for the state at different periods. The Assembly has been able to resolve different conflicts in spite of the differences among members. The impeachment crisis of the Second Assembly was resolved without leading to violence or resulting in federal government imposing a state of emergency as it was the case in Plateau and Ogun states at different time in the ongoing Fourth Republic. Also, it is important to note the harmonious relationship between the legislative and the executive in the third and fourth Assemblies. Of particular importance is the Fourth Assembly which in spite of presence of formidable opposition of the 11 ACN members as against the ruling PDP 15 members, the Fourth Assembly was devoid of crisis. The harmonious relationship thus worked to ensuring stability of the overall Osun State system as against the case of a state like Ogun where its Four Assembly witnessed persistent crises in spite of the fact that it was a one party assembly. One of the crises eventually led to the closure of the Assembly for a record period of nine months.

Thus, the Osun House of Assembly has been a focal point of deliberating on government policies, where no matter how feeble, some of these policies could be challenged as well as avenue through which people can access information on government activities and a rallying point for legitimising the activities of Osun State Government.

However, the performance of the functions of the Assembly will be better improved if identified practices and laws already put in place for positioning the Assembly for good governance are effectively implemented. These areas include the current practices of sitting with the executive in the Treasury Board Meetings to iron out grey areas on finances and appropriations.

Second, is by ensuring effective implementation of Osun State House

of Assembly Service Commission Laws 2010. This will lead to a carrier oriented and robust service that can in turn assist in effective delivery of the functions of the Assembly.

CONCLUSION

This chapter has examined the House Assembly of Osun State over a period of twelve years of continuous civil rule in Nigeria, starting from 1999 to 2011. As a background, the socio-cultural and political development of Osun State were examined, while a tenure by tenure examination and general observations of the activities and functions of Osun Assembly revealed that not much has been achieved in terms of legislation and oversight functions, however, the house has served as legitimising, supportive and stabilising roles in the Osun State socio-political system. On the basis of this therefore we conclude in agreement with views of scholars of legislative executive relations that the legislature has effectively been reduced to a rubber-stamp of the policy decisions of the executive branch. However, we will want to excuse from the common saying as quoted by Akinsanya (2003) that the "parliament is dead: long live the executive". The reason for this is obvious as the legislature drawing from other roles they perform are still very relevant in democracy and especially in sustaining democratic practise in new regimes like Nigeria.

CHAPTER 25

Legislating on the Plateau: An Examination of the Plateau State House of Assembly, 1999-2011

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INTRODUCTION

The legislature is the most representative and pervasive of all democratic institutions.¹ Much of the burden for securing responsible leadership, for maximising agreement and for developing a more rational understanding among the electorate falls upon the legislature.² Responsible leadership refers to selecting policies based upon the preferences of the majority of citizens. Agreement refers to the extent to which the decision-making process facilitates consensus by informed discussion in which no substantial minority is unnecessarily ignored. Rational decision refers to the best option regardless of the majority view. A legislature is a type of representative, deliberative assembly with the power to enact, amend and ratify laws. In addition, legislatures usually have exclusive authority to raise taxes and adopt the budget and other money bills. Legislatures also exercise oversight functions on the executive arm of government.

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1. Dimmoye, R.A. (ed.) (2004). *Legislating for Democracy*. Abuja: National Assembly, p. 228.
 2. Dahl, R. (1964). *Congress and Foreign Policy*. Norton, New York, USA, pp. 4-5.

Legislatures are ancient institutions. Thoughts on Legislatures fall into two categories – classical and contemporary. The classical period can be divided into three: the Greco-Roman period, the Islamic Era and the Renaissance period. The system goes back to ancient Greece about 2,500 years ago, in the attempts by Athens, a Greek city-state, to reform, organise and manage its political community, the *polis*.³ Solon established a 400-member Executive Council (*ekklesia*) which prepared the business of the day for the Assembly of the Citizens. He also established an Appellate Court (*heliaia*). One of his successors, Kleisthenes (508/507 BC), created tribes which membership was by residence not just by birth. The tribes were demarcated along geopolitical zones: the City, the Inland and the Coastal Regions. Members of each tribe trained and fought together. This *esprit de corps* reinforced their common identity. Each geo-tribe was a constituency (*demes*) and it sent 50 delegates to the enlarged Executive Council of 500 members. Delegates served for one year at a time and twice only in a lifetime. The Assembly which consisted of about 30,000 Citizens met monthly at the *Pnyx* (on a hill) to discuss their affairs as prepared by the Council. Later, the meetings increased to 3-4 times a month but not more than 40 times a year. A quorum of 6,000 citizens holds a meeting. Athenian leaders that followed Kleisthenes notably, Ephialtes and Pericles reduced the powers of the Council of Elders and introduced salary for the juries, the Councillors and the Assemblymen. This effectively reduced the influence of the rich and increased the powers of the commoners. Roman city-republics modified the system to suit their purpose.

Islamic scholars have also commented extensively on the concept of *Shura*, or Consultation institutionalised by the Qur'an (42:38 & 2:159). Ibn Taimiyyah (1263-1328), an Iraqi-Syrian, discussed the concept of *Shura*, which he said was a divine injunction to involve the community in decision-making in order for the leader to gain their confidence. This was on all matters from defence to environmental hygiene. Where they

3. Jega and Wakili (ed.) (2005). *Democracy and Democratization*. Mambayya House, Kano, pp. 1-20.

differed, they referred the matter to jurists who ruled based on the provisions of the Qur'an (4:vs). This is the view of ibn Kathir (1300-1373) in his *Tafsir* (Exegesis) of the Qur'an, and other Islamic scholars such as at-Tabari (838-923), ar-Razi (850-932) and al-Qurtubi (1214-1273). Contemporary Islamic scholars such as al-Tantawi, the Grand Mufti (Sheikhul Azhar) of Egypt confirmed this while Zaidan expounded on these theories, pointing out that the *majlis as-shura* (consultative assembly), consultative as it is, could even impeach the Amir (leader) if he consistently ignored them in formulating and executing policies.⁴

The Third group is the European thinkers of the Enlightenment who produced ideas on the legislative institution, as it exists today. Baron Charles Montesquieu (1689-1755) expounded the theory of separation of powers. His argument is that if liberty and freedom are to be maintained the three branches of government must be separated and entrusted to different people. Edmund Burke (1729-1797) expounded the principle of representative democracy. He explained the actions of the individual legislator in person as rational actor. That is in a representative democracy the elected official is a delegate and trustee of the constituents and must act rationally and in the interest of the constituents. There is a strong relationship between representation and democracy, with the former perhaps determining the efficacy and effectiveness of the latter. His theory helped to formulate the "delegate" and the "trustee" models of political representation.⁵

Legislatures are known by various names, the most common being parliament and congress. In parliamentary system of government, the legislature is formally supreme and appoints the executive. In presidential system of government, the legislature is a power branch, which is equal to, and independent of the executive. The primary components of a legislature are one or more chambers or houses that debate and vote

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4. Zaidan, A. (1982). *The Individual and the State*. Polygraphic Press Sdn. Bhd., Malaysia.
 5. Eulan and Wahlke et al (1978). SAGE Publications, Beverly Hills and London.

upon bills. A legislature with only one house is unicameral. A bicameral legislature possesses two separate chambers, usually described as an upper house and a lower house, which often differ in duties, powers and the methods used for the selection of members. In most parliamentary systems, the lower house is the more powerful house while the upper house is merely a chamber of advice or review. However, in presidential systems, the powers of the two houses are often similar or equal. In federations, it is typical for the upper house to represent the component states. The same applies to the supra-national legislature of the European Union. For this purpose, the upper house may either contain the delegates of the state governments, or be elected according to a formula that grants equal representation to states with smaller populations. They are called (electoral) wards.

In Nigeria, the National Assembly is bicameral. The Senate, or the upper house, has 109 members where three Senators represent a state and one Senator represents the Federal Capital Territory. The House of Representatives, or the lower house, has 359 members, representing federal constituencies delineated on a range of population per constituency. The 36 states also have their houses of assembly based on population per constituency. The Local Government Areas, the third-tier of government, have their local councils that are also elected per population.

Legislatures differ in name, type, size, functions and powers from one country to another. Even in the same country, they may differ in these respects from one state, province or district to another. They may also differ in their efficiency and effectiveness from one environment to another. Legislatures in advanced democracies may differ from those in Third World democracies. Legislatures in liberal democracies may differ from those in socialist democracies. African legislatures may differ from those in Asia and Latin America. Legislatures exist in authoritarian societies, perhaps with the same or different name as in democratic societies, performing some functions like legitimating the system. Even in such systems, they come under different regimes such as monarchies, autarchies, military, etc. The idea here is that any organ that exercises the power to make laws is a legislature.

Mezey⁶ summarises the various perspectives on Third World legislatures and generated the following propositions:

- (1) Such institutions, while seldom dominant in their political systems, usually are able to exert some influence on the public policy process which is likely to be manifested in private rather than in public arenas, on lesser rather than greater decisions, and through the efforts of legislators working individually rather than collectively.
- (2) The individual members of Third World legislatures, as their counterparts elsewhere, spend a great deal of their time attending to the allocative and service concerns of their constituencies which often have policy consequences.
- (3) The membership of these legislatures reflects the nature of conflict and risk within the political system as well as the stage of development that the system has reached.
- (4) Third World legislatures can facilitate political integration, mobilise support for government policies, and legitimate political regimes.
- (5) Although legislatures may have an effect on the shape of development policies, the nature of this effect has not been clearly demonstrated.
- (6) There is a great deal of tension between Third World legislatures and the military and technocratic élite with whom they coexist, stemming in large measure from seemingly inevitable conflict between the representational activities of the legislators and the vision of development held by bureaucratic élite. Such tensions are typically resolved to the institutional disadvantage of the legislature.
- (7) The most severe cases of bureaucratic hostility to the legislature occur in the context of weak party systems and low levels of

6. Third World and Legislatures (1983). *Legislative Studies Quarterly* (November 1983), Comparative Legislative Research Center

public support. However, the connection between these variables and legislative success in resisting executive elite has been largely inferred rather than demonstrated.

- (8) Legislatures are products of the political and social context within which they exist and, therefore, their viability and durability depends upon cultural, historical, and systemic variables.

In a seminal work, Maestos⁷ (2000) examines the relationship between professionalism, progressive ambition and legislative responsiveness in state legislatures in America. He argues that professional legislatures that foster and support progressive ambition would be more responsive to aggregate constituency concerns than would less professional legislatures. Furthermore, institutions that attract progressively ambitious members create a natural incentive for representation because legislators are motivated to identify and respond to the interests of broad-based constituencies in preparation to pursue higher office. Consistent with these arguments, Maestos found out that states with more professional legislatures and more opportunities for members to progress to higher office have greater aggregate opinion-policy congruence, even after controlling for effects of electoral competition and alternative policy influences.

Professional Legislatures are those legislatures that introduce reforms that alter the incentive structure for potential candidates and incumbent legislators. Such legislatures increase compensation and time demands, which generate a set of incentives that create a class of "career" legislators. Instead of attracting citizens to serve as part-time, quasi-volunteers while maintaining their "primary" careers outside of the state legislature, professional legislatures attract individuals who are willing to give up outside careers and commit full-time legislative service. Professional Legislatures, Maestos argues, provide resources of time, remuneration

7. Professional Legislatures and Ambitious Politicians (November, 2000). *Legislative Studies Quarterly*, Vol. 25, No. 4. Comparative Legislative Research Center.

and public exposure that make them ideal “stepping stones” or “springboards” to higher office. Conversely, non-professional legislatures provide attractive internal career opportunities and rewards for seniority. These features encourage incumbents to remain at the state level for the duration of their political career rather than seek higher office.

Progressive ambition on the other hand is at the individual, not the institutional level. According to Maestos, research at the individual level suggests that “ambition” influences the behaviour of legislators in two ways that may facilitate collective representation. First, progressive ambition prompts legislators to increase efforts to communicate with constituents, helping them to become better informed about the interests of current constituents, and presumably, future “potential” constituents. Second, progressive ambition prompts legislators to shift their policy choices to accommodate the interests of the broader constituency they hope to win in the future.

Maestos linked professionalisation to ambition in legislative business in terms of the output. That is they facilitate “collective representation”. Professional legislatures provide resources and opportunities for members to position themselves to run for higher office and, consequently, attract a larger number of members who hold progressive ambitions. Thus, an institution that encourages progressive ambition is encouraging many more members to identify and respond to broader constituent base than an institution that encourages static or intra-institutional ambition.

Maestos concludes that professionalised legislatures which facilitate progressive ambition are likely to be more responsive to state-wide interests because they provide a set of natural incentives and resources to enhance collective representation. Accordingly, the legislative process as a whole should produce more representative outcomes because a larger proportion of members would be well informed about the interests of constituents and would strive to accommodate those interests at all stages of the legislative process, including agenda setting, bill introduction, committee mark-up and floor votes. Thus, professional institutions should be more responsive to broad-based constituency preferences even if the institution insulates members from their more district constituency.

Maestos measured "responsiveness" as the relative congruence of policy and opinion, "resources" and "opportunities" as the index of professionalism that indicates legislator's salary, staff and days in session. These indices adequately serve to attract politically ambitious members and provide them the tools to serve the interests of current and future constituents.

In this is a lesson for Nigeria where other factors, not professionalism, attract people to legislative, and in fact, all elective positions. Moreover, the Nigerian federal system is truncated in the sense that since the incursion of the military into governance and their penchant for unity of Nigeria, which is shared by the political elite in a sense, has made public service rules applicable across the board. Most of the rules enacted at the centre are imposed on the provincial and district governments. This did not apply during Nigeria's First Republic.

In Nigeria, the first experience of modern legislature as an elected, representative institution was in 1923 when a Legislative Council in the Lagos Colony was formed under the Clifford Constitution. This precipitated the first political party in the country, the Nigerian National Democratic Party (NNDP) by Herbert Macaulay. It dominated the Legislature until 1933 when the Lagos Youth Movement (LYM), later the Nigerian Youth Movement emerged and dominated all elections into the Council from 1938-41 before internal crisis destroyed it. Nigeria's second experience in Legislative representation came in 1947 after the Richards Constitution (1945) which provided for a Central Legislature for the whole country. Elections into the 24-member chamber took place in which NNDP/NCNC won all the 3 seats for Lagos and an independent candidate won the only seat for Calabar. The rest were appointed or nominated by the colonial and local authorities in the other parts of the country. In 1951, Governor Macpherson wrote a new Constitution which provided for a 136-member national Legislature elected through Electoral Colleges. The North elected 69 members, the East, 28; the West, 34 and the Cameroons, 5. Although Macpherson did not formally recognise political parties, they still dominated the Regional and Central Legislatures. Lytleton Constitution formally recognised political parties and provided

for separate elections into the Regional and Central legislatures. In the East, NCNC won 34 seats out of 42, UNIP won 4, AG 3 and one seat went to an independent candidate. In the West, AG won 18 seats out of 42 also, NCNC 22 and the Nigerian Commoners Liberal Party 1. In the North, NPC won 83 seats, NCNC 2 and AG 1. Six other candidates won the remaining seats. In 1959, the last election was held under the colonial authorities and it was the second general election in the country as a whole. Results into the federal parliament shows that NPC won 134 seats, NCNC 81, AG 73, NEPU 8, NDC 1 and independent candidates took the remaining 15 seats. In the Regional Houses of Assembly elections, the results show that in the East, NCNC won 58 seats, AG 14 and NDC 1; in the Western Region, AG won 33 seats, NCNC 21 and Independents 8; in the Northern House, NPC won 134 seats, AG 25, NEPU 8 and Independents 7. In the 1964 general elections, the first in independent Nigeria, two major alliances were formed. They were the Nigerian National Alliance (NNA) by the NPC, NNDP of Akintola, the Mid-West Democratic Front and the Dynamic Party on the one hand and UPGA (United Progressive Grand Alliance) by the NCNC, AG, NEPU and UMBC on the other hand. There were boycotts particularly in the East and in subsequent fresh elections in the affected Regions, the NPC won 162, NNDP 36, NCNC 84, AG 21, NPF 4 and Independents 5.

All these years, Plateau Province was battling for separate identity and thus, its own representation in both the national and regional legislatures. Up to the 1930s, the Plateau was part of Bauchi Province "in spite of its distinct culture and history" and therefore representation into the Northern House of Assembly became an "uphill task for the people of Plateau state". This precipitated the "struggle for liberation" from the two vexed issues of indirect rule under the Emirs and the domination of the Hausa-Fulani. The result was the nomination of the Minority Groups into the Regional House from 1945-50. From the Plateau Province came S.O. James, a Yorubaman, Rwang Pam, leader of the pressure group and the Madakin Jama'a. At first, they formed a political party, the Northern Non-Muslims League under Pastor David Lot. They later changed it to the Middle Zone League with the sole objective of

achieving a middle belt identity. This actually achieved its aim as the Regional election into the Northern House gave them five representatives. They were: Moses Rwang, David Lot, Michael Audu Buba, Auta Nizam and Patrick Fom. According to the official website of the Plateau state Government (2010), the five people “were no doubt the first Hon. Members that formed what is today referred to as the Plateau state House of Assembly”. At the national level, Solomon Lar, Joseph Damla, Abubakar Isandu, Alhaji Isa Haruna and Alhaji Aliyu Zungu were elected into the House of Representatives between 1955 and 1966.

LEGISLATIVE POLITICS: NIGERIA UNDER THE FOURTH REPUBLIC, 1999-2011

According to Sam Egwu,⁸ Stultz identifies a number of characteristics common to the legislature in the Third World which apply to the legislature in Nigeria’s Fourth Republic. They include the popular election of legislators, constitutional supremacy, and absence of lobbying by private interests, uninformed debates often focusing on parochial concerns of the legislators, executive dominance and a functional ambiguity because of limited decision-making role. Egwu points out that Nigerian Legislatures in the First, Second, Third and even the Fourth Republics all share these features and that the framers of the 1999 Constitution, like the previous ones, intended elected public officers, especially the Legislators to be the custodians of the people’s sovereignty as enshrined in Chapter two, S. 14, 2 (a) of the Constitution which expressly states that “sovereignty belongs to the people of Nigeria from whom government through this constitution derives its powers and authority.” But, he points out further, the legitimacy of the 1999 Constitution is hanging in addition to the fact that elections of public officers prior to its promulgation are contentious. Furthermore, the performance of the legislature is largely determined by the party system. Finally, the legislative infrastructure is underdeveloped

8. Egwu, S. (2005). *Democratic Rebirth in Nigeria, 1999-2003, Volume One*. New Jersey: Africa RUs Multimedia, pp. 23-27.

because of years of military rule. These are the 'flawed beginnings' of the Legislature in Nigeria's Fourth Republic.

Underdeveloped infrastructure and personnel and the absence of legislative culture and practice are more acute in the states. Most of the bills they passed originated from the Executive branch of government. Little wonder that Egwu rated the performance and behaviour of legislators poor and empirically supported his thesis by the number of executive bills passed which surpassed the private members bills in all and the speed with which they were passed without scrutiny.

THE PLATEAU STATE HOUSE OF ASSEMBLY (PLHA), 1999-2011

Plateau state was created in 1976 by the military administration of General Murtala Muhammed. The Plateau State House of Assembly is an offshoot of previous legislative structures, particularly from the then Northern Regional House of Assembly since from 1950-66.⁹ Military intervention abolished such formal legislatures and split the Regions into states under Military Governors who ruled by decrees (1966-79).

The first legislature in Plateau state was in 1979 on the advent of the Second Republic. It lasted until 1983. The 1979 Constitution (Chapter V, Part II, S. 90-129) vested legislative powers of the states in the House of Assembly established for each state. The Plateau State House of Assembly came into force (1979-83) with 48 members elected under a regulated multi-party system.¹⁰ The Nigeria Peoples Party (NPP), which also formed the government in Jos, won 32 seats, the National Party of Nigeria (NPN), which formed the federal government, won 9 seats, the Great Nigeria Peoples Party (GNPP) won 3 seats, the Unity Party of Nigeria (UPN), the main opposition party, won 1 seat. The Assembly established 17 standing committees for its business and passed 24 Bills and 49 Resolutions.

In the Third Republic (1991-93), Plateau state had its second legislature

9. Plateau State Government website.

10. Five political parties were allowed to operate and there was no provision for independent candidate.

when the Plateau state House of Assembly was restored under the 1989 Constitution (Chapter V, Part II, Articles 104-127). Unlike the Second Republic, a strictly two-party system operated. Forty-six (46) members were elected out of which the centre-left Social Democratic Party (SDP) won 37 seats and the centre-right National Republican Convention (NRC) won 9 seats. Before it collapsed on the advent of another military rule, the House passed 21 Bills and 23 Resolutions.

The current Fourth Republic ensued in 1999 and three governments both at the federal and state levels were elected (1999-2003, 2003-2007, 2007-2011). Like the Second Republic it is a regulated multi-party system. The Plateau state House of Assembly has 24 members out of which the ruling People's Democratic Party (PDP) won 19 seats and the All Nigeria Peoples Party (ANPP) won 5 seats (1999-2003). The House passed 31 Bills and 66 Resolutions. Out of the Bills, 26 were Government Bills (including Finance Bills) and three were private members Bills. They were a Bill for an order of precedence in Plateau state, sponsored by Hon. Jonah Adams, a Bill to regulate commercial motorcycles, sponsored by Hon. Sunday Abdu and a Bill to put into effect Sections 128 & 129 of the Constitution and to provide for the procedure to summon witnesses pursuant to the section by Hon. Usman Zumunta Musa. These sections vest in the House of Assembly of a state the powers to summon anybody for the purposes of enquiry.

In the 2003-2007 Assembly, the PDP won 20 seats and the ANPP, 4 seats. It was a chequered period in Plateau state politics, particularly for the Plateau state House of Assembly. In 2004, the House voted to impeach the state Governor, Chief Joshua Dariye, himself a party member, because of worsening ethnic violence in the state. For the next six months the state was under emergency rule imposed by the PDP federal government. An Administrator was appointed from Abuja, Maj-General Chris Alli, a retired Army officer from Plateau state. Within the six months, the Plateau state House of Assembly had 14 PDP members; 5 ANPP; 2 AD-PDP; 1 ANPP, AC, DPP; 1 ANPP-DPP AND; 1 PRP member. This unstable membership explains the crisis and, perhaps, the ease with which the impeachment of the Governor took place. The House passed 24 Bills out

of which one only was sponsored by Hon. Alex Kwapnoe for the establishment of passenger welfare scheme. In the Third Assembly (2007-2011), there were 20 PDP members, 2 AC and 2 ANPP members. The House passed 23 Bills and 35 Motions out of which 11 were on matters of urgent public importance.

The Plateau State House of Assembly is a complex of six Departments. The Legislative Department is the "engine room". It facilitates the business of the House and handles the welfare of elected members. It ensures proper procedure in passing of legislative Bills, Resolutions and matters of urgent public importance. The Administrative Department deals with staff and records of the Assembly. In the Department reside the Open and Secret Registries and the Maintenance, Transport and Clinic Units. The secret registry keeps record of staff, elected members and Government Parastatals. Members have free access to the open registry which keeps record of the daily business of the House. The Publications Department deals with the official documentation of the House of Assembly. In the Department is the Editorial Unit which produces the Hansard. There are - other units in this department - Information Unit, Photo/Video Unit and Printing and Computer Units. The Legal Services Department supports the House, the individual members and the other departments with legal advice. But its main functions are drafting of Bills, vetting clean copies of Bills before they are sent to the Executive for assent. The Planning and Library Department is responsible for feasibility plans and for budgetary matters of the House, vets and scrutinises the state government budget before the House passes it. There are two units in the department - the Budget and Library. The sixth is the Finance and Supplies Department which prepares salaries, allowances, claims and benefits of staff and members of the House. The Audit Unit is answerable to the Clerk of the House and it examines the Books of Account of the House and payment vouchers raised by the Finance Department.

CONCLUSION

Although this is not a study in comparative legislatures, we can assume that the Plateau state legislature is virtually the same as other state

legislatures in the country if not in size then in historical evolution and political tradition. They are hamstrung by the same "flawed beginnings", enumerated by Sam Egwu,¹¹ as the National Assembly. Although much of the problems of infrastructure might have been overcome, they still appear to be incompetent. If you examine the qualification of members of the PLHA (1999-2003) you will find that only 8 out of the 24 members are graduates and only 1 has a Masters degree: 1 has a degree in Economics, 1 in Political Science, 1 in English, 1 in Law, 1 in History, 1 in Education, 1 in Public Administration; 4 HNDs: 2 in Agriculture, 1 in Accounting, 1 unspecified, 1 in Health Services; 1 OND in Regional Planning; 2 have a Diploma in Nursing; 1 Diploma in Public Administration and 1 Diploma in Mass Communication; 3 have a Postgraduate Diploma: 1 in Agriculture (in addition to HND) 1 in Business Management and 1 in Cooperatives; 2 have Advanced Diploma in Public Administration.

Most of the legislators usually retain their seats in successive elections because competence in politics is not measured in terms of educational qualification although such credentials as working experience, higher education and professional qualification could determine the quality of debates in the legislature and even a member's confidence in legislative business and, more important in executive-legislature relations. Even in the conduct of legislative business and oversight functions one could imagine the difficulties in fitting suitably qualified persons to the appropriate committees. For example, in the appointment of Chairmen of House Standing Committees which is the Speaker's prerogative, an OND (George Daika, Mikang Constituency) was the first Speaker of the House although he was appropriately replaced by an LL. B. (Simon Lalong, Shendam) after one year in office. The Deputy Speaker was a B. Sc. Economics (Abubakar Mohammed, Dengi) and surprisingly, he too was replaced just after one year by an HND/PGD Agric (Usman Musa, Kantana). The Minority Leader was B. A. English; Chairman, Local Government Committee was a B.Sc. Political Science and Chairman, Appropriation Committee was a B.A. History. The Majority Leader did not have any

11. Egwu, S. (2005). *op. cit.*

educational qualification attached to him. Another member, who had no educational qualification, was the Chairman, Water Resources Committee and the Chairman, Committee on Agriculture had an Advanced Diploma in Public Administration (ADPA). The M.Ed. was appropriately appointed Chairman, Education Committee. An unspecified HND was the Chairman, Works Committee while the HND, Health Services was appropriately appointed Chairman, Health Committee. One member resigned from the House to become a state Commissioner and thus, a member of the Executive. This indicates the level of dominance and prowess of the Executive arm of government over the Legislature in nascent democracies. A diploma holder (Theatre Nursing) was the Chairman, Labour and Security and after his death was replaced by a lady which qualification was not specified. Maimako Bello (Wase Constituency) who had a B.Ed was not appointed Chairman of any Committee. A PGD was appointed Chairman, Committee on Commerce & Industry and a B. Sc. Public Admin was the Chairman, Public Accounts & Petitions Committee. A PGD Business Management was the Chairman, Committee on Parastatals. A diploma holder in Public Admin was the Chief Whip and Chairman, Committee on House Welfare. The Chairman, Committee on Information was appropriately a diploma holder in Mass Communication.

This scenario does not make the Plateau House of Assembly a special case study, especially in the North. It may have presented a big surprise, though, as a member of the North Central geo-political zone (the 'Middle Belt') where Western education through missionary activities is higher than in the rest of the North. Another big surprise is that of the numerous public and executive bills. There was none on the ethnic crises that had bedeviled the state even though the crises led to the declaration of a state of emergency on the state by the federal government for six months in 2004. The only public bill bordering on that was the one moved by a member for the implementation of the report of the Plateau Peace Conference of 2004. There was no indication that it went further from the first reading on 26 February, 2009. One executive bill presented in 2005 was for the establishment of the Plateau state indigenes with

Disabilities Rights Commission. It was committed to the Women Affairs and Social Development Committee and it reached the stage of its third reading. There was no indication it was dispatched to the Governor and there was no indication that he assented to it. In all the number of Bills presented to the House over the years is as follows:

- (i) 1999-2003:
 - (a) Public (or private members) Bills - 11
 - (b) Executive or Government Bills - 32
- (ii) 2003-2007:
 - (a) Public Bills - 01
 - (b) Government Bills - 31
- (iii) 2007-2011:
 - (a) Public Bills - 12
 - (b) Government Bills - 24

CHAPTER 26

Legislative Institutionalisation: The Case of Sokoto State, 1999-2011

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INTRODUCTION

The debate on legislative turnover and performance is a popular one in the literature of legislative studies. There is consensus among most scholars that legislative autonomy and turnover, whether low or high, influence the capacity of legislative institutions, efficiency and performance. However, some major empirical and theoretical studies on the US Congress, State Legislatures in the US and legislatures of some advanced democracies of the world, produced some mixed outcomes¹ (Polsby, 1968; Squire, 1992, 1993, 1998; Hibbing, 1982, 1993, 1998, 1999; Rosenthal, 1996; Richard and Winsky, 1987; Richard and Donley, 2004). It is important to note that legislative studies have attracted little attention in Nigeria due to intermittent military intervention in politics, the major victim of which is the legislature. However, the return to democratic rule

1. This view is expressed in the works of many scholars like Polsby, 1968; Squire, 1992, 1993, 1998; Hibbing 1982, 1993, 1998, 1999; Rosenthal, 1996; Richard and Winsky, 1989; Richard and Donleng, 2004.

in 1999 rekindled scholarly interests in the legislature as a major institution of democracy. This is further necessitated by the fact that the present Republic has broken the jinx of civilian to civilian transitional elections, chaotically surviving two of these elections to ensure uninterrupted 'democratic government' for more than a decade. Given this trend, attention to the legislature, particularly the National Assembly increases as the institution takes centre stage on governance issues and representation. Among these issues, turnover rates of members become dominant in the overall assessment of the institution.² Thus, data exists about the turnover rates across the general elections and the impact of such membership changes on legislative performance.³ Sadly, State legislatures are not accorded similar attention by scholars, particularly whose research interests are biased towards legislative organisations.

It is in view of this noticeable knowledge gap that this study examined the turnover rates and legislative performance interface in Nigeria with particular focus on the Sokoto State House of Assembly. The study essentially employed qualitative approach in the collection and analysis of data. In-depth Interviews (IDIs) were conducted with a number of key informants that were purposively selected. They include some serving and old members of the Sokoto State House of Assembly from 1999 to date, bureaucratic staff of the state legislature and some party officials at the state level. Non-participant observation was also employed to collect useful information. The authors observed the proceedings and documented the quality of debates and participation of members in some of the legislative sittings of the House. In addition, relevant documentary information was also collected, organised and analysed. Some of the data include record of members elected into the House from 1999 to date, number of Bills passed since 1999, training workshops attended by both elected members of the House and staff among other vital information. For analytical clarity the next section of the discourse examine though in brevity the theoretical underpinnings of legislative institutionalisation and performance.

2. Anyanwu, C. *The Lawmaker*, Federal Republic of Nigeria (1999-2003) 1999, Korea Startcraft International.

3. See Baba, 2008.

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1. This view is expressed in the works of many scholars like Polsby, 1968; Squire, 1992, 1993, 1998; Hibbing 1982, 1993, 1998, 1999; Rosenthal, 1996; Richard and Winsky, 1989; Richard and Donleng, 2004.

in 1999 rekindled scholarly interests in the legislature as a major institution of democracy. This is further necessitated by the fact that the present Republic has broken the jinx of civilian to civilian transitional elections, chaotically surviving two of these elections to ensure uninterrupted 'democratic government' for more than a decade. Given this trend, attention to the legislature, particularly the National Assembly increases as the institution takes centre stage on governance issues and representation. Among these issues, turnover rates of members become dominant in the overall assessment of the institution.² Thus, data exists about the turnover rates across the general elections and the impact of such membership changes on legislative performance.³ Sadly, State legislatures are not accorded similar attention by scholars, particularly whose research interests are biased towards legislative organisations.

It is in view of this noticeable knowledge gap that this study examined the turnover rates and legislative performance interface in Nigeria with particular focus on the Sokoto State House of Assembly. The study essentially employed qualitative approach in the collection and analysis of data. In-depth Interviews (IDIs) were conducted with a number of key informants that were purposively selected. They include some serving and old members of the Sokoto State House of Assembly from 1999 to date, bureaucratic staff of the state legislature and some party officials at the state level. Non-participant observation was also employed to collect useful information. The authors observed the proceedings and documented the quality of debates and participation of members in some of the legislative sittings of the House. In addition, relevant documentary information was also collected, organised and analysed. Some of the data include record of members elected into the House from 1999 to date, number of Bills passed since 1999, training workshops attended by both elected members of the House and staff among other vital information. For analytical clarity the next section of the discourse examine though in brevity the theoretical underpinnings of legislative institutionalisation and performance.

2. Anyanwu, C. *The Lawmaker*, Federal Republic of Nigeria (1999-2003) 1999, Korea Startcraft International.
3. See Baba, 2008.

LEGISLATIVE INSTITUTIONALISATION AND PERFORMANCE: A THEORETICAL FRAMEWORK

The literature is replete with studies on legislatures in different democracies.⁴ This is so because of the intrinsic connection between legislative stability and democratic survival. Like other political structures and institutions, the pattern of growth and development of legislatures also remain an important area of concern to scholars. Their contributions to understanding how legislatures grow, decay and revive are documented. However, the legislatures of advanced democracies of the world seem to be the most attractive to scholars of political institutions. The legislatures of emerging democracies received rather scant attention. Nonetheless, studies on legislatures of advanced democracies paved way for serious theoretical and empirical contextualisation of legislatures of the new democracies and particularly African legislatures.⁵ Hence, until recently (Crowther and Olson 2002; Pelizzo and Stapenhurst, 2004; Scheneier, 2004; Despasato, 2004; Thomas and Sissikho, 2005, Barkan, 2005, etc.), there have not been efforts to systematically study legislatures of emerging democracies. Consequently, legislative institutionalisation is a new area of research in budding democracies. Even among advanced democracies, the phenomenon attracts scholarly attention only in the late 1960s.

One of the prominent scholarly works is Polsby's⁶ pioneering study on legislative institutionalisation of the U.S. House of Representatives. The study, according to him, was informed largely by the proposition that:

For a political system to be viable, for it to succeed in performing tasks of resource allocation, problem solving, conflict settlement, and so on,

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4. For works on Legislative studies *see* for instance, Mezey. 1979, 1983; Hibbing, 1982, 1988, 1993, 1999; Squire, 1992, 1993, 1998; Polsby. 1968, Gamm and Huber, 2004.
 5. *Also see* Barkan 2005; Burnell, 2003; Gamm and Huber, 2004;. Scheneier, 2004; Schulz, 2004; Thomas and Sissikho, 2005; Nijzink, 2005.
 6. Polsby et al., 1968.

on behalf of a population of any substantial size, it must be institutionalised. That is to say, organisations must be created and sustained that are specialised to political activity. Otherwise, the political system is likely to be unstable, weak, and incapable of servicing the demands of protecting the interests of its constituent groups⁷

Earlier, similar views were expressed by Huntington,⁸ though from a broader perspective of the development of political institutions. He identified four major variables influencing institutionalisation of political system: adaptability; autonomy; complexity; and coherence of its organisations and procedures. These variables provide the measure upon which political systems can be compared in terms of their levels of institutionalisation. Furthermore, it will be possible to measure increases and decreases in the institutionalisation of particular organisations and procedures within a political system using these variables as benchmarks.

It is largely on this ground that Polsby identified three major variables of institutionalised legislatures: Boundedness (differentiation from its environments), internal complexity (division of labour and systematic distribution of roles) and universalistic and automated criteria of conducting business. Drawing also from the taxonomy employed by Polsby (1968), Gilligan (1991) described an institutionalised legislature as follows:

when its membership is stable (low turnover) and spawns its leaders (experienced leaders who view the legislative career as terminal goal), when its members' tasks are specialised and their roles defined (functional committees, leadership agencies such as whips, and resources dedicated to internal management), and when its criteria for resolving internal conflict are evenly and mechanically applied (the use of seniority to establish committee position and rank and automatic criteria for deciding contested elections).⁹

These benchmarks employed by Polsby (1968) in the measurement

7. Polsby, *ibid.*, p. 144.

8. Huntington.

9. Gilligan 1991, p. 1.

of legislative institutionalisation include among other things the rate of legislative turnover, i.e. the aggregate level of exit of legislative members from one general election to another years of service before becoming Speaker and reason for leaving office, violations of seniority in the appointment of committee chairs (Hibbing, 1991) and more importantly the funding and control of legislative expenditures. Moreover, legislative institutionalisation also focuses on how the organisation operates particularly how it handles its workload and distributes positions of power.

Rosenthal while acknowledging the contributions of Polsby on legislative institutionalisation provide further clarification on the three variables of legislative institutionalisation. He argues that:

[. . .] in the first place, the organisation is relatively well bounded, differentiated from its environment. Its membership is stable, with turnover infrequent and entry relatively difficult. Its leaders are recruited from within the organisation and have substantial tenure in office. Secondly, the organisation is relatively complex, with functions that are internally separated and parts that are not wholly interchangeable. The persistence of division of labour, occasioned by the importance and autonomy of standing committees, the existence of specialised agencies of party leadership, and the provision of various emoluments and aides to members in the form of salaries, allowances, staffs and office space. Third, the organisation relies on universalistic criteria and automated rather than discretionary methods of conducting internal business; universalism is indicated by the use of seniority to determine committee rank.¹⁰

Despite the submission of Rosenthal on the major benchmarks of legislative institutionalisation, it is argued that membership retention in the legislature may not necessarily be a prerequisite for institutionalising a legislative organisation. The scholars documented evidence of high legislative turnover in some state legislatures in the United States, arguing that worried by the low rate of legislative turnover in some state legislatures in the US, the electorate canvassed for the adoption of term limits. About

10. Rosenthal, 1996, p. 184.

nineteen (19) states as at that time passed the Bill to limit the tenure of legislative members. By implication, the affected legislatures ignored one of the major determinants of legislative institutionalisation as decreed by Polsby (1968) and subscribed to, by many scholars in the debate of legislative institutionalisation. However, strengthening the position of Polsby (1968) on the variables of legislative institutionalisation, Hibbing (1999) also argued that:

The general idea is that the longer the median career in a legislature, the more lateral entry for leadership positions is discouraged and the more careers follow unbending and internally imposed institutional norms, the more institutionalised that legislature can be said to be.¹¹

He further stressed that for a legislature to be institutionalised, it must have clear boundaries, implying that members must not be assuming leadership positions without paying dues in the body, movement in and out of the chamber by members at breakneck pace must be restricted, and members must not be making up norms as they go along. In this sense, he contends, features of legislative career become central indicators of the nature and developmental stage of legislatures themselves.

Nonetheless, Hibbing contests the position of Polsby and most contributors in the debate on legislative institutionalisation, particularly on the effects of membership turnover on legislative institutionalisation. He argues that, "institutions can have high membership turn-over and still be institutionalised". The assumption popularised by Polsby (1968) and adopted by most students of legislative institutionalisation is that the larger the typical legislative career the more institutionalised the legislature, other things being equal. However, Hibbing (1999) contends that institutionalisation is achieved not by minimising membership turnover, but by minimising the relevance of that turnover. He states thus:

The goal of many private sector entities, for example, is not so much to minimise turnover but to make sure that whenever turnover does occur it has minimal impact on the institution. In this case when replacing outgoing

11. Hibbing, 1999, 152.

members, the goal of the general manager was then (and probably still) to recruit people who were roughly similar to the outgoing parties and then to train and socialise the new recruits until the replacements were virtual clones of the departing members, thus producing minimal disruption to the organisation.¹²

The central argument of Hibbing (1999) is that turnover levels may not necessarily be the major determinant of institutionalisation. It is argued that even Polsby's (1968) in-depth analysis of institutionalised legislatures is basically on the experience of the US Congress, where incumbency in the legislature has become phenomenal. To this end, he lamented that institutionalised parties can settle the debate of legislative institutionalisation. This is because recruitment and socialisation may be achieving a level of legislative institutionalisation far beyond that indicated by turnover levels. This, therefore, requires that members, new and old, play by set of rules that compromises their individuality. It seems that this is exactly the situation confronting most legislators. But the trick is that this set of rules emanate from the party and not from the legislature (Hibbing, 1999). Another perspective to institutionalisation of legislatures is seen within the context of enhancing its organisational capacity to represent the interests of the citizens, in other words legislative performance.

The concern for legislative institutionalisation is predicated on the assumption that institutionalised legislatures deliver superior legislative decisions and thus perform better than non-institutionalised legislatures. It is largely on this account that Gilligan (1991) raised two fundamental questions regarding institutionalisation and legislative performance as follows:

how could a legislature successfully allocate resources or mediate disputes across and in behalf of a variegated population without the experienced, knowledgeable, and powerful political leaders that emerge in an institutionalised legislature?¹³

12. Hibbing *Ibid.*, p. 188.

13. Gilligan, 1991, p. 2.

Thus, while these questions are central to understanding how the quality of legislators (experience, knowledge and powerful leadership) influence legislative performance, some circumstances may prove the contrary. For instance, adhering strictly to democratic values (equality and participation in decision-making through voting) in the process of legislative decision-making may hinder the optimum utilisation of expertise in legislative decision-making. Cooper (1970) concurs with this viewpoint and buttressed this limitation in relation to US Congress:

. . . Congress has a low tolerance for hierarchy, for highly differential distributions of authority in its formal or official role structure. Congress must be operated in a manner that is consonant with basic aspect of democratic values both to satisfy systemic needs and legitimise its product. Congress accordingly can not run like an army or even a business corporation. Members formally must have equal standing and decision-making must be collegial, even if such collegiality in turn must be limited by the majority principle. Top roles in the formal structure thus can not be authorised to command or control the full range of decisions or actions accorded to other roles. Nor, given the value-laden nature of decisions, can expertise compensate for structural deficiencies in authority.¹⁴

Thus expertise, knowledge and experience in the legislature can not resolve disagreement over intended legislative decisions or policies, particularly if the intended decisions are value-laden. Accordingly, legislative decisions can be incoherent even in the face of organisational knowledge. In this regard, institutionalisation (in the form of specialised and informative committees) may not be sufficient for legislative performance, particularly for promoting informed legislative decisions.

The discourses on legislative institutionalisation tend to emphasise some measurable variables. These variables are anchored on some factors that are both internal and external to legislative bodies. The concerns, therefore, is on internal stability of legislative members, the internal organisation of the legislature itself and more importantly the manner in

14. Cooper, 1970, 149.

which the institution operates. Theoretically, it is assumed that institutionalisation solidifies legislative organisations, which is sufficiently necessary for its efficiency. For instance, the development of expertise in the legislature as a result of low turnover and spawned leadership influence the efficiency of its organs-committees and party agencies, which are the most vital decision making sub-structures of the legislature. Therefore, the more institutionalised a legislature is said to be, the higher the level of its performance. However, this proposition is theoretically and empirically challenged. Gilligan (1991) and Hibbing (1999) argued from theoretical and empirical senses that institutionalisation is not sufficient for enhanced legislative performance. Nonetheless, the connection between institutionalisation and performance of democratic legislatures is an established position in the literature that is theoretically and empirically defended. Accordingly, this paper is based on the assumption that low turnover rates to some extent influence legislative performance.

TURNOVER RATES AND LEGISLATIVE PERFORMANCE IN SOKOTO STATE HOUSE OF ASSEMBLY

This section of the paper examines the relationship between membership turnover and legislative performance in the Sokoto State House of Assembly from 1999 to 2011. The previous section documents some of the major viewpoints and conclusions as to whether or not membership turnover influence the performance of a legislative organisation. From the empirical standpoint, therefore, what are the issues central to turnover and performance of a legislature in Nigeria, with a focus on Sokoto State legislature? The establishment of legislatures at state level, as provided for by Section 90 of the 1999 Constitution is aimed at decentralising democratic values to other tiers of government. The framers of the 1999 Constitution took into account the need for law-making, accountability and representation at the state level. This is in order to address peculiar governance challenges at levels of the society other than the centre.

Like the National Assembly at the central level of Nigeria's federation, the State legislatures also perform functions similar to bicameral legislature in some restricted areas. Sections 91, 92 and 93 of the 1999 Constitutions

also stipulate the composition, functions, powers and staffing of the state legislatures in Nigeria. Hence, state legislatures in Nigeria operate and function within some specified constitutional provisions. Nonetheless, the state legislatures perform the traditional functions of law-making, oversight and representation within its areas of constitutional jurisdiction. In essence, legislative performance could be measured on the basis of the quality of laws they make, the extent to which they hold government officials accountable for their actions and inactions and more importantly the quality of representation they offer to electorate. To perform these functions efficiently, the capacity and autonomy of the institution must be enhanced. This is explained in the context of members' expertise acquired mainly through long period of legislative service (legislative career) and superior legislative staff and resources, which makes the institution assertive on legislation and policy issues.

Autonomous legislatures also have high prospects of controlling governmental activities by checking the excesses of various governmental and non-governmental agencies and organisations. Moreover, legislative organisations whose members consider their service as career also have the tendency of delivering particularistic 'goods' to their constituents in addition to making informed input on regional and national issues. The pertinent questions here are: in what significant ways do turnover rates in Sokoto State House of Assembly affect legislative performance? Is the number and quality of bills passed from 1999 to 2011 influenced by the existence of ranking members of the House (experienced legislators)? Does the presence of ranking members enhance the autonomy of the legislature and finally do high number of ranking members make the legislature assertive on its power of investigations (oversights) and efficient in Constituency Service?

The Sokoto State House of Assembly was, in 1999, established in accordance to s.90 and 91 of the Constitution. The legislature is composed of thirty members representing different constituencies. The thirty constituencies emerged based on the population strength of the state and other requirements that are clearly stated in s.91 of the 1999 Constitution, which state thus:

Subject to the provision of this Constitution, a House of Assembly of a state shall consist of three or four times the number of seats which that state has in the House of Representatives divided in a way to reflect, as far as possible, nearly equal population. Provided that a House of a State shall consist of not less than twenty four and more than forty members.¹⁵

At inception, the legislature in Sokoto state was composed of thirty elected members after the 1999 April elections. The size of the House also remains the same in the subsequent elections. The membership of the House represents 23 Local Governments across the state. Seven out of the twenty three local governments have two constituencies each, while the remaining 16 local governments constitute one constituency each. Two major parties in 1999 secured seats in the state Assembly. All People's Party (APP) now All Nigeria People's Party (ANPP) won 20 seats and the remaining 10 seats were won by the People's Democratic Party (PDP) (Bazza, 2000). The distribution of seats to the two political parties represented in the House shows clearly that the APP, which also won the Governorship election was the dominant party in the legislature.

Expectedly, therefore, the APP produced the leadership of the House. The Speaker, the Deputy Speaker and Majority Leader all emerged from the dominant party. However, the Minority Leader, which also form part of the leadership structure of a legislature emerged from the PDP, which was the minority party in the House between 1999 and 2003. However, the Sokoto State House of Assembly like other state legislatures across the country lacked experienced legislators that are better informed and equipped with the necessary legislative skills and knowledge to function efficiently as autonomous branch of government. It could, though, be said that a few of the members had little knowledge of legislative work. The military incursion into politics and the attendant suspension of the legislature during the prolonged military rule is largely responsible for this state of affairs. The table below indicates the ranking and non-ranking members of the Sokoto State of Assembly between 1999 and 2003.

15. The 1999 Constitution of the Federal Republic of Nigeria.

Table 1. Ranking and Non-Ranking Members of the Sokoto State House of Assembly 1999-2003

S/N	Name	Constituency	Remarks
1.	Abubakar Magaji	Bodinga North	Non-Ranking
2.	Muhammed Sani Sifawa	Bodinga South	Non-Ranking
3.	Murtala Attahiru	Gada West	Non-Ranking
4.	Abdullahi Haruna	Gada East	Non-Ranking
5.	Bashir Ahmed Gigani	Gwadabawa North	Non-Ranking
6.	Abubakar Buhari Salame	Gwadabawa South	Non-Ranking
7.	Abdullahi Muh'd Tsamaye	Sabon Birni North	Non-Ranking
8.	Balarabe Yusuf Kurawa	Sabon Birni South	Non-Ranking
9.	Abdullahi Maigwandu	Sokoto North I	Non-Ranking
10.	Chika Umar	Sokoto North II	Non-Ranking
11.	Ibrahim Dasuki Haske	Sokoto South I	Non-Ranking
12.	Garba Muhammed	Sokoto South II	Non-Ranking
13.	Abubakar A. Kwaire	Tambuwal West	Non-Ranking
14.	Abubakar Haruna D/Daji	Tambuwal East	Non-Ranking
15.	Usman Arzika Binji	Binji	Non-Ranking
16.	Ummaru Babu Dange	Dange/ Shuni	Non-Ranking
17.	Bello A. Atto	Goronyo	Non-Ranking
18.	Yusuf Isah Kurdulla	Gudu	Non-Ranking
19.	Abdullahi Liman Araba	Illela	Non-Ranking
20.	Lawali Labbo Margai	Kebbe	Ranking
21.	Muhammed Isah Tsa'bre	Isa	Non-Ranking
22.	Murtala Labbo	Kware	Non-Ranking
23.	Tukur Sansani	Rabah	Non-Ranking
24.	Nasiru Habibu Shagari	Shagari	Non-Ranking
25.	Usman Ango Katami	Silame	Non-Ranking
26.	Muhammed Usman Tangaza	Tangaza	Non-Ranking
27.	Abubakar Gero Tsamiya	Tureta	Non-Ranking
28.	Bello Labaran Achida	Wurno	Ranking
29.	Saidu S/Kɛbbi	Yabo	Non-Ranking
30.	Abubakar Muh'd Wamakko	Wamakko	Non-Ranking

Source: Authors' compilation from the official documents of Sokoto State House of Assembly

The table above shows the entire membership of the Sokoto State House of Assembly from 1999 to 2003. Out of thirty members that

represented different constituencies under the platforms of APP and PDP, only two members constituting 6.7 percent previous legislative experience. In other words, the two ranking members of the House had served in previous legislative House (1992-1993). The remaining 28 members representing 93.3 percent were novice or at best newcomers (freshmen) that need to devote a lot of time to learning the procedures, processes, rules, norms and conventions of a legislative organisation. This was the same trend not only in other state legislatures across the country, but also in the National Assembly, where the bulk of members of the Senate and House of Representatives were elected into the legislature for the first time. Consequently, to respond to this knowledge gap, a number of orientation and training programmes were organised by the executive controlled legislative bureaucracy to acquaint the newly elected law makers with the basic knowledge and skills of legislative work. In spite of the numerous training programmes organised and conducted for members on the tasks and responsibilities of legislators and legislative organisation as a whole, the response to the training was not adequate enough to influence the capacity and autonomy of the institution. The Deputy Clerk of the Sokoto State House of Assembly argues that:

Members' capacity to deliver was very low at inception. This is in spite of the numerous training programmes organised for the benefits of members. Generally, members at that time (1999-2003) lacked focus and are oblivious of their responsibilities as elected representatives of the people. This is particularly because the capacity of some members to respond to training was very low. This constituted a major challenge to the efficiency of the House and diverts the attention of some members to other issues such as allowances and personal benefits, which made the institution inefficient.¹⁶

Added to the constraints of capacity and knowledge gaps on the part of members of at inception in 1999, there is also the question of executive

16. This word a product of interview, granted the researcher by the Deputy House Clerk of the Sokoto State House of Assembly.

dominance. The state legislatures in Nigeria almost entirely relied on the executive arm of government to function. In the first place, the legislative staff, which is a critical component of the legislature, is under the supervision and control of the state Head of Service which is appointed by and directly responsible to the state executive. The entire staff providing legislative and administrative support services to the state legislature was posted from the various executive agencies. Therefore, their condition of service and remuneration is determined not by an independent commission but by the executive. Second, the legislature also relied solely on the executive for funding. He who pays the piper dictates the tune. A financially dependent legislature can not enjoy relative autonomy desired for high performance and stability. This state of affairs created imbalance in the power structure that characterised the executive-legislature relations in Sokoto state. Even though the legislature proposes in a budget, the funds it requires to operate for a particular period of time, the executive release funds to the institution at its own discretion. This is the position of one of the former member of the State Assembly (1999-2003) in which he argues that:

The State Assembly at inception relied heavily on the executive governor for the necessary funds to operate. The only source of funds to the Assembly was the executive governor, who decides at will to release token to the institution in appreciation of members' cooperation with the executive. This grossly affected the functioning and efficiency of the House. Thus to attract regular funding from the executive, the legislature must compromise in legislation and oversight of the executive agencies. This, therefore, affected the quality of legislative output and its overall performance as a branch of government.¹⁷

Accordingly, the State legislatures in Nigeria, particularly the Sokoto State House of Assembly operates as one of the executive agencies, whose funding is determined solely by the chief executive of the state. This practically undermines the capacity and autonomy of the legislature

17. This is the opinion of one Muhammed, a former House member.

to operate and function as a branch of government. The entrenched culture of executive dominance, at least in the area of funding hampers greatly the performance of the legislature. The Deputy Clerk of the Sokoto State of Assembly laments on the subordinate position of the legislature in the area of funding and the futile attempts made to make state legislatures in Nigeria financially autonomous. He posits that:

On the issue of financial autonomy, the Houses of Assembly in Nigeria are not autonomous and rely heavily on the executive for funding. Attempts to make state legislatures autonomous failed with most of the state legislatures voting on the contrary. In view of this, the issue of funding of state legislatures is always at the discretion of the executive governors. In Sokoto state, however, the present regime under the leadership of Governor Aliyu Magatakarda Wamako has done relatively well in funding the legislature. Between 2007 and 2011 members of the legislature attended both national and international seminars and workshops.¹⁸

Official records have shown that between 2007 and 2011 members and staff of the Sokoto State House of Assembly attended seventy seven (77) training programmes at both national and international level (Interview, Sani, 2011). These training programmes were made possible with funding not directly from the legislature but from the executive branch, particularly the governor. The argument for increased funding from the executive does not however, indicate any significant alteration in the structure of power regarding the financial autonomy of the legislature. Instead it only shows that the House and the executive branch are into conspiracy to short-change the people in the laws being made and particularly for the legislature to compromise in checking the excesses of the executive agencies. This explains why budgets at state levels are regarded as mere rituals, as the legislatures at state level lacks the capacity and the courage to alter budget proposals of the executive and more importantly oversee the successful implementation of the Appropriation Acts passed into law.

18. Deputy House Clerk.

Unlike the National Assembly, there are no extensive and elaborate activities during budget scrutiny at state level. Probes and enquiries as to how budgeted funds are spent are not also being emphasised by state legislatures. This is the case with the Sokoto State House of Assembly. It is argued that low capacity on the part of members to deliver has been largely responsible for this setback. Beyond this reason, however, there is the argument that members are often bought off and controlled by the executive governor, which makes the legislature a mere 'rubber stamp' of the executive. This is a popular viewpoint, which describes the status of the Sokoto State House of Assembly among various groups of stakeholders (the press, civil society organisations, political parties and the public at large). In spite of the lack of confidence on the seemingly executive-controlled legislature in Sokoto state, the institution from 1999 to 2003 passed a total of 28 Bills. But most of these bills are executive bills with little inputs from the legislature. The table below shows the number of Bills across Sessions and their sponsors:

Table 2. Distribution of Bills Passed By the Sokoto State House of Assembly across the 4th, 5th and 6th Sessions

S/N	No. of Bills Passed	Session	Period	Executive Bills/ %	Private Bills/%
1.	25	4th Assembly	1999-2003	25(100%)	0(0%)
2.	15	5th Assembly	2003-2007	15(100%)	0(0%)
3.	28	6th Assembly	2007-2011	27(96.4%)	1(3.6%)

Source: Authors' compilation from the official documents of Sokoto State House of Assembly.

The apparent lack of capacity and courage on the part of legislators to act decisively in the discharge of their constitutional responsibilities of law-making, oversights and provide particularistic goods to constituents have been attributed to high turnover rates in state legislatures.

The high aggregate level of exit of legislative members from one general election to another is seen as one of the fundamental factors responsible for the poor performance of legislatures, not only at state level but across legislatures of the world. Then what is the turnover rate in the Sokoto State House of Assembly in the aftermath of 2003 general elections? The table below indicates the ranking and non-ranking members of the Sokoto State House of Assembly from 2003 to 2007:

Table 3. Ranking and Non-Ranking Members of the Sokoto State House of Assembly 2003-2007

S/N	Name	Constituency	Remarks
1.	Ibrahim Musa Danchadi	Bodinga North	Non-Ranking
2.	Shehu Buda Badau	Bodinga South	Non-Ranking
3.	Garba Umar Kyadawa	Gada West	Non-Ranking
4.	Yahaya Umar	Gada East	Non-Ranking
5.	Abdullahi Garba	Gwadabawa North	Non-Ranking
6.	Abubakar Buhari Salame	Gwadabawa South	Ranking
7.	Abdullahi Muh'd Tsamaye	Sabon Birni North	Ranking
8.	Balarabe Yusuf Kurawa	Sabon Birni South	Ranking
9.	Abdullahi Maigwandu	Sokoto North I	Ranking
10.	Aminu Sidi Muhammed	Sokoto North II	Non-Ranking
11.	Ibrahim Dasuki Haske	Sokoto South I	Ranking
12.	Kasimu Aliyu	Sokoto South II	Non-Ranking
13.	Bala Toro Romo	Tambuwal West	Non-Ranking
14.	Umar Mode Hiliya	Tambuwal East	Non-Ranking
15.	Ahmad Haliru Binji	Binji	Non-Ranking
16.	Abubakar Buda Amanawa	Dange/ Shuni	Non-Ranking
17.	Bello A. Atto	Goronyo	Ranking
18.	Musa Usman	Gudu	Non-Ranking
19.	Abdullahi Liman Araba	Illela	Ranking
20.	Lawali Labbo Margai	Kebbe	Ranking
21.	Muhammed Isah Tsabare	Isa	Ranking
22.	Abubakar Liman Hamma'ali	Kware	Non-Ranking
23.	Abubakar Aliyu	Rabah	Non-Ranking
24.	Muhammed Buda Aliyu	Shagari	Non-Ranking
25.	Garba N. Sanda	Silame	Non-Ranking
26.	Muhammed Usman Tangaza	Tangaza	Ranking
27.	Harande Tsamiya	Tureta	Non-Ranking
28.	Aliyu Ibrahim Marnoma	Wurno	Ranking (1992-1993)
29.	Abubakar S. Bingaje	Yabo	Non-Ranking
30.	Abubakar Muh'd Wamakko	Wamakko	Ranking

Source: Authors' compilation from the official documents of Sokoto State House of Assembly

The table above suggests that eleven, constituting 36.7 percent out of thirty members of the Sokoto State House of Assembly were re-elected into the House after the 2003 general elections. This is in addition to one member who had legislative experience between 1992 and 1993. This figure represents thirty six percent of the entire membership of the House. Though the number of ranking members is insignificant compared to those that were elected for the first time, this figure is still good for a legislature that was only four years old. In this regard, the eighteen new members of the House could be supported by the 12 ranking members to integrate effectively into the institution. The assumption here is that the House will do relatively better than the previous Assembly that was dominated by new comers. Some indicators, however, have shown the contrary.

Table 2 shows that the Sokoto State House of Assembly passed a total of fifteen Bills between 2003 and 2007. If the number of Bills is an important performance indicator for a legislature, then the previous legislature that was dominated by non-ranking members performed even better than the legislature during the fifth session (2003-2007), which had considerable number of ranking members. One possible explanation for this contradiction as suggested by one of the respondents is that the legislature during this period was dominated by only one party, the All Nigeria People's Party and that the members that secured seats in the House were almost entirely sponsored by the executive governor, who treated them as his appointed officials (Interview, Muhammad, July 2011). Moreover, internal cracks within the party and particularly disputes between the executive governor, Alhaji Attahiru Bafarawa and his deputy, Alhaji Wammako, polarised the House membership. The political bickering and personality clash between the two led to the resignation of the deputy governor and the massive party switching by legislators and key political figures including the deputy governor who contested and won the governorship election under the platform of Peoples Democratic Party. Therefore, the political crisis which engulfed the House distracted it from its official business. One of the major crises that affected the performance of the House was the prolonged debate on whether or not to

impeach the then deputy governor as requested by the former governor. This protracted crisis and the rubber stamp nature of the House at the initial stage affected the performance of the legislature.

By June, 2007 a new House emerged after the 2007 general elections, which was dominated by non-ranking members with just a few ranking members. The table below shows the picture vividly:

Table 4. Ranking and Non-Ranking Members of the Sokoto State House of Assembly 2007-2011

S/N	Name	Constituency	Remarks
1.	Umar Muhammed Bello	Bodinga North	Non-Ranking
2.	Umar Liman	Bodinga South	Non-Ranking
3.	Murtala Attahiru	Gada West	Ranking (1999-2003)
4.	Lawal Yakubu	Gada East	Non-Ranking
5.	Abdullahi Balarabe Salame	Gwadabawa North	Non-Ranking
6.	Umar Sanda Gigane	Gwadabawa South	Non-Ranking
7.	Haruna Dauda	Sabon Birni North	Ranking
8.	Samaila Salihu	Sabon Birni South	Non-Ranking
9.	Abbas Bello Maiwurno	Sokoto North I	Non-Ranking
10.	Murtala Hassan	Sokoto North II	Non-Ranking
11.	Muhammed Bello Magaji	Sokoto South I	Non-Ranking
12.	Hashimu Bello Abubakar	Sokoto South II	Non-Ranking
13.	Bello Malami	Tambuwal West	Non-Ranking
14.	Sambo Bello Modo	Tambuwal East	Non-Ranking
15.	Abubakar Ruwa Bunkari	Binji	Non-Ranking
16.	Bello Buhari Dange	Dange/ Shuni	Non-Ranking
17.	Bello Muhammed	Goronyo	Non-Ranking
18.	Sani Allh. Yakubu	Gudu	Non-Ranking
19.	Dayyabu Adamu Kalmalo	Illela	Non-Ranking
20.	Malami Umar	Kebbe	Non-Ranking
21.	Garbe Yusuf	Isa	Non-Ranking
22.	Malami Maigandi	Kware	Non-Ranking
23.	Ibrahim Al-Mustapha Aliyu	Rabah	Non-Ranking
24.	Muhammed Bashar Lambara	Shagari	Non-Ranking
25.	Umar Nakande	Silame	Non-Ranking
26.	Musa Miko	Tangaza	Non-Ranking
27.	Aliyu Abubakar	Tureta	Non-Ranking
28.	Bello Yahaya	Wurno	Non-Ranking
29.	Muhammed Kure Yabo	Yabo	Non-Ranking
30.	Abubakar Umar	Wamakko	Non-Ranking

Source: Authors' compilation from the official documents of Sokoto State House of Assembly

The table above shows high turnover rate in the aftermath of the 2007 general elections. This represents a major setback in the development of legislative career. The data above suggests that only two members out of thirty are ranking members (experienced legislators). Thus, 94 percent of members are newcomers, while only 6 percent are re-elected. This trend, according to some of the respondents is inimical to efficient performance of legislative organisations. Abubakar Magaji (2011) laments that:

High legislative turnover affects legislative productivity. Lack of continuity affects efficiency of the legislature in the areas of law making, oversights and constituency service. The high turnover recorded in Nigeria and particularly in the Sokoto State House of Assembly is largely because Nigeria is yet to develop as a democracy. The influence of political godfathers, executive governors and power brokers contributes immensely to high turnover rates. But it must also be recognised that the convention of rotation and sharing of political offices amongst political groups (both diverse and homogeneous) also affects continuity of legislative service (Interview, Magaji, 2011).

This submission raises fundamental question on the procedures of candidates' selection by political parties in Nigeria (parties internal democracy). It has been argued that most political parties in Nigeria's Fourth Republic, at various levels are not institutionalised (Ogundiya, 2011). Though, there are established rules and principles guiding primary elections (candidates' selection), these rules are often flouted by chief executives at federal and state levels. The presidency at federal level and governors at state level are the major financiers of their parties. As a result, the incumbent possesses the unchallengeable capacity to determine who emerge as party leaders and subsequently the candidates to be nominated to contest for various elective positions at different levels (Baba, 2010). This viewpoint was buttressed by Muhammad (2011):

The limitation to re-election of members into the House has been the powerbrokers and chief executives, who often control the party machineries. The trend has been to keep changing candidates so that their anointed politicians do not become politically powerful and influential.

Added to this is the tendency of members to seek for other political offices that rather attract more influence and material benefits. Elective and appointive positions in the executive arm are more politically and economically rewarding than legislative offices. This is because at state level, legislators rely heavily on the executive for funding and welfare, who decide at will to release funds to legislature only in appreciation of their cooperation (Interview. Muhammad, 2011).

Akin to the above, Buda (2011) argues that executive offices are more prestigious compared to being a legislator, particularly at state level. This is because people value and appreciate members of the executive than their counterparts in the legislature. Perhaps, because of the resources the executive control. The large scale corruption and unbridled looting in government has made it possible for executive officials to amass wealth with which the people are bribed and bought off during elections. This, therefore, made executive offices more attractive and the legislature less attractive.

On the contrary, one of the members of the House argues that legislative experience and low turnover is not as important as dousing tension. He contends that:

I don't have intention of pursuing a legislative career. This is because there are a number of people aspiring to represent their people from the same constituency. The issue of zoning and rotation was introduced to reduce tension and ensure that different segments of the society, particularly the various communities that constitute a constituency are also given the opportunity to access power. This will reduce tension and stabilise the polity. The zoning and rotation tackles the incumbency and sit-tight syndrome in legislative elections (Interview, Musa, 2011).

To this end, membership turnover high or low is not seen as a central factor affecting the performance of the legislature. For instance, Table 2 shows that twenty eight Bills were passed between 2007 and 2011. This number was higher than what was recorded in the House between 2003 and 2007, which had relatively low turnover rate. This is made possible, perhaps, because the House during this period had a mix of members from the ruling and opposition parties. As against the composition of the

House dominated by one party between 2003 and 2007, which produced fewer Bills, the House between 2007 and 2011 was composed of twenty two PDP members and eight DPP members.

Another issue in connection to bills as measure of assessing the performance of a legislature is the source and quality of the bills passed. It is clear that all the bills except one sponsored by a member from the opposition party, were executive bills. This shows that members lack the capacity to initiate individual bills and the courage to veto executive bills. As a result, a House with fewer ranking members is less assertive on legislation and oversight of the executive (*see* Table 2).

Also more critical to legislative performance is the composition of the legislature. A virile and productive legislature is the one that is composed of experienced bureaucrats, professionals and individuals who are exposed to the intricacies of governance. This is necessary in bringing their various experiences and professional acumen to bear on technical legislative matters like appropriation bill. Educational and professional qualification, it is assumed, albeit rightly, affects in a fundamental way, the quality of bills initiated, the level of understanding of issues as well as the quality of debate in the floor of the House. This is a fundamental problem confronting the Sokoto State House of Assembly since 1999. A critical observation of the proceedings of the House clearly show that the level of understanding of the majority of the members in respect to issues, is extremely shallow not minding the fact that the majority only contribute in vernacular. Modern legislative business requires a good level of education and a proper grasp of the economy, etc. This is inadequate in the composition of the Sokoto State House of Assembly. The table below shows the composition of the House according to the educational qualifications of members across the three sessions from 1999 to date.

Table 5 shows that significant number of people elected into the Sokoto State House of Assembly from 1999 to 2003 is secondary school leavers with only a few members who possessed NCE, National Diploma and first degree. None of the members during this session had Master's degree and/or doctorate. This suggests that most of the members had limited capacity to participate in legislative process and influence legislative

Table 5. Distribution of Members of Sokoto State House of Assembly according to their Educational Qualifications and across three Sessions

Educational Qualifications	Fourth Assembly (1999-2003) No. of Members and Percentage	Fifth Assembly (2003-2007) No. of Members and Percentage	Sixth Assembly (2007-2011) No. of Members and Percentage
SSCE, Grate II and Equivalent	20 (66.66%)	11 (36.66%)	6 (20%)
National Diploma/NCE and Equivalent	4 (13.33%)	8 (26.66%)	18 (60%)
HND/BSc and Equivalent	6 (20%)	5 (16.66%)	3 (10%)
Master's Degree and other Post-graduate Qualifications	NIL (0%)	6 (20%)	3 (10%)
PhD	NIL (0%)	NIL (0%)	NIL (0%)
Total	30	30	30

Source: Authors' compilation from the official documents of Sokoto State House of Assembly

outcomes. Even though, official data suggests that twenty eight Bills were passed during this period, all the Bills were sponsored by the executive. The low qualification of members is also an indication that almost all Bills sent by the executive sail through without thorough scrutiny. The fifth session on the other hand, shows significant improvement of the quality of people elected into the legislature. Thus, only eleven members were school leavers, with eight members possessing either National Diploma or NCE. Six members had Masters degree and five members were graduates. This largely explained why it was a bit difficult for the Assembly between 2003 and 2007 to pass all the Bills sent by the executive. The argument is that the House at this period boasted of members with requisite professional skills and knowledge to question executive Bills. It was also reported that the house witnessed heated debates and thorough

scrutiny of bills at committee level before passage into law. This partly was responsible for fewer but quality Bills that serves public interests.

The Sixth Assembly on the other hand, had only six school-leavers and eighteen members with either National Diploma or NCE. There were three graduates and three members with Masters degree. This period of the State Assembly had rather a balanced representation of members from the qualification standpoint. This Assembly is adjudged to be relatively the most effective. It has passed a total of twenty eight Bills. This is also the only Assembly where a private Bill was sponsored by a member. This viewpoint was corroborated by most staff interviewed and the quality of debates appeared to be higher than the previous sessions observed. In most cases, as it were in the previous and even current Assemblies, members with lower qualifications makes presentation in local language, which makes them inferior and thus very reserved.

CONCLUSION: CAN THE LEGISLATURE PERFORM ABOVE THE EXPERIENCE OF ITS MEMBERS?

The legislature is unarguably critical to the sustainability of democracy and its importance is reflected in the quality of laws that it makes for the realisation of the purposes of the state. A dormant and non-performing legislature often time constitute a serious obstacle to democratic survival. Legislature helps, in a crucial manner to enhance the quality of democracy thereby enhancing the philosophical underpinnings of democracy as the best form of governance. One important and indispensable ingredient for legislative performance and institutionalisation is the issue of legislative turnover. This research work has shown that though there is an intricate relationship between legislative turnover and performance, factors like the educational and professional composition of the legislature is very critical to its performance and/or productivity. Other obstacles to the institutionalisation and performance of the legislature as the case of Sokoto state has demonstrated includes lack of party internal democracy, rotational and zoning formula, excessive control and manipulation of the legislature by the executive and overdependence of the legislature on the executive for funding. These problems are multidimensional and, therefore, require

a multifaceted approach in the effort to overcome them. Some are institutional, some are political and some are constitutional. It is therefore recommend that the constitution need to further guarantee the financial independence of the legislature and also raise the minimum (educational and professional) qualification for membership of the state legislature. The internal democracy within the political parties should be respected and religiously observed in the process of selection, nomination and election of members at the party levels. All these will not only enhance the institutionalisation of the legislature and its performance but also makes Nigeria's fledgling democracy to endure.

CHAPTER 27

Yobe State House of Assembly, 1999-2011

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INTRODUCTION

The return to civilian rule in May 1999 came with new hopes for Nigerians in anticipation of rediscovering lost days of political participation and representation.¹ Although the people's expectations about the democratic rule were made unclear because of the history of uncertainty and attitudes of most elected representatives during the First and Second Republics; but they still had high hopes in this fourth republic.² Democracy assures the right and freedom for people to fully participate in the political affairs of their states and gives them a sense of belonging and recognition as members.³ In other words, a democratic state is seen to be responsive to the demands and pressures from members of the citizenry since its right to rule is derived from popular support manifested in competitive elections.⁴ Hence a democratic society is one, which possesses a wide variety of state, and society institutions, which interact with one another to ensure that state institutions are efficient, responsive, accountable, and transparent and bounded by the rule of law.⁵

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1. Alapiki, 2004; Elaigwu, 2005; Fage, 2002.
 2. Elaigwu, 2005.
 3. Dahl, 1993; Sartori, 1968; Macpherson, 1973.
 4. Ake, 2001.
 5. Gusau, 2008.

The legislature as the pillar of representative democracy has failed to honour constituents' demands and expectations for good government services and to efficiently and effectively make public policies meaningful to the realisation of common goods and utilisation of scarce and limited resources. Democracy is based on the universal principles of popular sovereignty and competitive political participation and representation, and the legislature as the primary branch is armed with the role of ensuring that this participation and representation is fully realised.⁶ In a sense, democracy is sustained by its pillars legitimised, as that it has the idea that legitimate power or authority emanated from the people who exercise it either directly through popular assemblies or by delegation through elected assemblies, elected executives or some other mode of representation, the legislatures more importantly.⁷ Democracy has the concept of rule of law, which means that power, should not be arbitrary and that its exercise must be contributed by a set of rules with respect to its limits and mode of operation, thus constitutional separation of powers and functions.⁸ Moreover, it must conform to the law, while ensuring the impartiality in the protection of the rights and liberties of individuals and groups as the right and value of each and every citizen is imminent. Democracy is government by consent of the governed, and rulers are accountable to the people, and it also considers the rights of citizens to participate in democratic transition, election and the right to form associations, which talks about equality.

The sustenance of these democratic ideals depends largely on the capacity of the legislature not only in discharging its responsibilities, but also in maintaining stable relations with the executive arm of government. This chapter explores these concerns, with emphasis on the Yobe State House of Assembly.

6. Diamond, 1976; Bradshaw, 1972; Silk, 1998.

7. Gusau, 2007; Fage et al, 2003.

8. Fage, 2002; Alapiki, 2004; Gambo, 2005; Popoola, 2002; Joseph, 1991; Dudley, 1982.

YOBE STATE HOUSE OF ASSEMBLY AND GOVERNANCE
UNDER THE FOURTH REPUBLIC

Yobe state was created in 1991 out of Borno state. It began its first legislative experience in 1992.⁹ The aborted Third Republic was the major turning point in the history of the young but promising state. Although the General Ibrahim Badamasi Babangida military administration started a very good democratic project, it only lasted within 20 months. The military junta as part of democratic agent and its realisation has since then failed different attempts till the sudden demise of the IBB's successor General Sani Abacha. General Abdulsalami Abubakar's transition ended on 29 May, 1999, when the democratically elected civilian regime was sworn-in. The took off of the Nigeria's Fourth Republic informed the beginning of the Yobe State House of Assembly under the promulgation of the state government's basic Constitutional and Transitional Provision Decree No. 3 of 1999 as well as under the 1999 Constitution of the Federal Republic of Nigeria which provided for the establishment of the State House of Assembly nationwide. The constitutional jurisdiction of the state legislatures is contained in sub-sections 6 and 7 of this section, which mentioned that, "*The legislative powers of a State of the Federation shall be vested in the House of Assembly of a State,*" and that "*The House of Assembly of a State shall have the power to make laws for the peace, order and good government of the State or any part thereof. . .*" Part II, Second Schedule of the same constitution lists areas in which SHA's have policy making jurisdiction, on areas like agriculture, education, tourism, transportation, etc. that clearly have direct bearing on the well-being of citizens.

The State Assembly structure is based on: A) division comprises the Sergeant-at-Arms; Protocols; and Internal Audit B) department comprises administration and personnel; finance and supply; budget and planning; information and publication; Library, research and computer services; legal services; estate and works; and medical services as indicated in

9. Yobe SHA 2010.

Table 1. Thus, the categorisation indicated in the beginning that this research intends to present identified areas of legislative roles and functions in the Yobe state House of Assembly from 1999 to date.

Table 1. Organisational Structure of the Assembly

S/N	Departments
1	Office of the Clerk
2	Information and Publication
3	Legal Drafting
4	Personnel and Welfare
5	Planning, Research and Statistics
6	Finance and Supply

Source: Fieldwork 2010

Table 2. Composition of Yobe House of Assembly, 1992-1993

S/N	Name	Constituency	Pol. Party	Position Held
1	Mohammed Mansir	Bade East	NRC	3 Speaker (Sept 1992 - Nov 1993)
2	Usman Barau Sugum	Bade West	SDP	
3	Maisanda Lawan	Damaturu N/E	SDP	
4	Aliyu Alhaji Harande	Damaturu N/W	SDP	
5	Mohammed Adam Girim	Bursari South	SDP	
6	Goni Bukar Lawan	Bursari North	SDP	
7	Abdu Mohammed G. Ari	Fika East	NRC	
8	Augustine I. Yusuf (late)	Fika West	SDP	2 D/Sp. (July 1992 - Nov 1993)
9	Ibrahim Kobo Jajere	Fune West	NRC	
10	Baba Gishiwari	Fune North	SDP	
11	Sule Mammam	Geidam South	NRC	
12	Lawan Shatima	Geidam North	SDP	Majority Leader

13	Abdu Mainasara Bumsa	Gujba West	SDP	Minority Leader
14	Karumi Kagu	Gujba East	SDP	
15	Audu A. Kaku	Jakusko East	SDP	
16	Umar Musa	Jakusko West	SDP	
17	Kalla A. Abba	Machina Kori	SDP	
18	Usman A. Maigida	Døle Machina	SDP	1st D/Sp. (Jan1992 – July1992
19	Ibrahim Umar Patiskum	Potiskum	SDP	1st Speaker(Jan 1992 – July1992
20	John Jonga Gabakau	Potiskum Outside	SDP	
21	Abba Umar Jajimi	Nguru East	NRC	
22	Ligili A. Dugu	Nguru West	NRC	
23	Kaigama Umar	Yunusari West	SDP	2 Speaker (Jul1992 – Sep1993)
24	Zarami Zanna	Yunusari East	SDP	
25	Garba Adamu	Yusufari West	SDP	
26	Mohd K. K (late)	Yusufari East	SDP	Chief Whip

Source: Fieldwork 2010

The number of Representatives was changed from 26 Members in 1992-1993 to just 24 House members from 1999 till date, it is clear from Table 3 that such attempt was meant to ensure good and balance representation. Analysing the political party representation in the state house of assembly in the aborted third republic it showed that the House distribution on party basis reflect the domination of SDP which has 20 members more than NRS's 6, this also in leadership distribution, thus, also determined that the state is configured to be based on SDP's leadership. Thus, formulation and passage of bills from the executive arm which is also controlled by SDP has easy way as the table on that aspect indicated in this section. And in terms of executive-legislature relations same party affiliation also helps.

Table 3. Composition of Yobe House of Assembly, 1999-2003

S/N	Name	Constituency	Pol. Party	Position Held
1	Jamilu Ahmed	Bade East	APP	
2	Kakumi Musa Dogo	Bade West	APP	
3	Nasiru Hassan	Damaturu 1	PDP	
4	Isa Idrissa Kallawa (late)	Damaturu 2	APP	
	Succ by Hon Buba Ibrahim K.		APP	
5	Abdu Mohammed G. Ari	Fika/ Ngalda	PDP	
6	Abdulmumini Hussaini	Goya/ Ngeji	PDP	2nd D/Sp. (July 1992-Nov 1993)
7	Goni Bukar Makinta	Busari	PDP	
8	Baba Gishiwari	Damagun	APP	
9	Hassan Abba	Geidam North	APP	
10	Abdulkarim M. Bukar	Geidam South	PDP	Majority Leader
11	Mustapha Bolibe	Gujba	APP	Minority Leader
12	Chiroma A Buba	Jajeri	PDP	
13	Mohd Mohammed Bara	Gulani	PDP	
14	Dodo Kakawo Karege	Jakusko	APP	
15	Haruna Abdu Gasma(late)			
	Lawan Gana	Karasuwa	APP	1st D/Sp.(Jan1992-July1992)
16	Adamu Usman Dazigau	Nangere	APP	1st Speaker (Jan 1992-July1992)
17	Lawan Ngoma	Machina	PDP	
18	Tijjani A Dugu	Nguru 1	PDP	
19	Sani Mohd Ibrahim Nguru	Nguru 2	PDP	
20	Malanta Haruna Barau	PotiskumTown	PDP	2nd Speaker (Jul1992-Sep1993)
21	Yerima Lawan	Yunusari	PDP	
22	Tijjani Zanna Zakariya	Yusufari	ANP	
23	Ali Gonde Shekau	Tarmuwa	APP	Chief Whip
24	Issa Bello Danchuwa (late)	Mamudo	APP	

Source: Fieldwork 2010

In the 1999 to 2003 combination as shown in Table 3 that PDP has only 11 Members while APP has 13 House Members. Thus, since the inception of the transition to the Fourth Republic in 1998 in Yobe state, the All Peoples Party (APP) get more attention, acceptance and consideration than any other party and even ahead of the Peoples Democratic Party which claim to be the largest party in Nigeria. This that give APP higher membership in the State's House of Assembly and in its leadership, as well as in selection of who are actually to serve in the state's executive council.

Table 4. Composition of Yobe House of Assembly, 2003-2007

S/N	Name	Constituency	Pol. Party	Position Held
1	Mohammed G. Kura (late)	Bade East	ANPP	
2	Abdullahi K. Musa	Bade West	ANPP	
3	Nasiru Hassan Yusuf	Damaturu 1	ANPP	
4	Buba Ibrahim Kallawa	Damaturu 2	ANPP	
5	Abdu Mohammed G. Ari	Fika/ Ngalda	PDP	
6	Samaila S Dauya	Goya/ Ngeji	ANPP	2nd D/Sp. (July 1992-Nov 1993)
7	Mala Lawal Jawa	Bursari	ANPP	
8	Baba Gishiwari	Damagun	ANPP	
9	Ali Jallaba Babagana	Geidam North	ANPP	
10	Abdulkarim G. Bukar	Geidam South	ANPP	Majority Leader
11	Mustapha Bolibe	Gujba	ANPP	Minority Leader
12	Chiroma A Buba	Jajeri	ANPP	
13	Musa Hamisu	Gulani	ANPP	
14	Zakari Yau Galadima	Jakusko	ANPP	
15	Lawan Gana	Karasuwa	ANPP	1st D/Sp. (Jan 1992- July 1992)
16	Adamu Usman Dazigau	Nangere	ANPP	1st Speaker (Jan 1992-July 1992)
17	Zanna Ali Machina	Machina	ANPP	
18	Ahmed Lawan Mirwa	Nguru 2	ANPP	
19	Sani Mohd Ibrahim Nguru	Nguru 1	ANPP	

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20	Abdullahi B. Audu	Potiskum Town	PDP	2nd Speaker (July 1992-Sep1993)
21	Ahmed Musa Dumbol	Yunusari	ANPP	
22	Tijjani Zanna Zakariya	Yusufari	PDP	
23	Usman Adamu	Tarmuwa	ANPP	Chief Whip
24	Issa Bello Danchuwa (late) succeeded Hon Mohd Isa Bello	Mamudo	ANPP	

Source: Fieldwork 2010

Table 4 above also showed that PDP has only 3 Honourable Members compared to that of ANPP's 21, such also in power functions and leaderships' of the House and in committees and sub-committees. The combination in the House Membership also reflects the same in the state executive council, thus it showed that ANPP is the state's party and it helped in all relationships.

Table 5. Composition of Yobe House of Assembly, 2007-2011

S/N	Name	Constituency	Pol. Party	Edu. Qualif.	Position Held
1	Mohd Surajo Wakili	Bade East	ANPP	MPA	D/ Maj. Leader
2	Musa Gamcho Tela	Bade West	ANPP	PGD	Chief Whip
3	Nasiru Hassan	Damaturu 1	ANPP	SSCE	
4	Buba Ibrahim Kalallawa	Damaturu 2	PDP		
5	Yakubu Suleiman Abdullahi	Fika/ Ngalda	ANPP	HND	Min Whip
6	Maisamari Babale	Goya/ Ngeji	ANPP	OND	
7	Mala Lawal Jawa	Busari	ANPP	T.C2	D/ Chief Whip
8	Abdu Mamman Zoto	Damagun	ANPP		
9	Alhaji Bukar Mustapha	Geidam North	ANPP		
10	Kachalla Mai Kadir	Geidam South	PDP	ADP	
11	Kachalla Mai Hassan	Gujba	ANPP	SSCE	

12	Chiroma A Buba	Jajeri	PDP	HND	Majority Leader
13	Abdullahi Usman Kakuwa	Gulani	PDP		
14	Waya Dagari Lamarbago	Jakusko	ANPP	NCE	
15	Adamu Dala Dogo	Karasuwa	ANPP	DEGREE	Deputy Speaker
16	Isa Sarki Zarmanah	Nangere	ANPP		1st Speaker(Jan 1992-July 1992)
17	Zanna Ali Machina	Machina	PDP		
18	Ahmed Lawan Mirwa	Nguru 2	ANPP		
19	Ahmadu Garba	Nguru 1	PDP	TC2	Deputy Minority Leader
20	Abdullahi Babayo Audu	Potiskum	PDP	MASTERS	Minority Leader
21	Ahmed Musa	Yunusari	ANPP		
22	Alhaji Hassan Mohd	Yusufari	PDP		
23	Usman Adamu	Tarmuwa	ANPP	SSCE	Speaker
24	Mohd Issa Bello Danchuwa (late) succ. Hon Mohd Isa Bello	Mamudo	ANPP		

Source: Fieldwork 2010

Table 5 indicates continues domination of ANPP over PDP in the state's politics and in its coexistence. The leadership has been the same as well.

Table 6. The Age Frequency of Memebers (2007-2011)

S/N	Frequency	Number (%)
1	18-25	-
2	26-35	01(05)
3	36-45	10(41)
4	46-55	12(50)
5	56-Above	01(05)
	TOTAL	24(100)

Source: Fieldwork 2010

The age analysis indicated in Table 6 above has shown that the highest number of members range from 46-56 at 12(50%). It followed by 36-45 that is, 10(41%) while 26-35 and 56 and above has 01(05%) each.

Table 7. Gender Range Of Members (1999-date)

S/N	Sex	Frequency (%)
1	MALE	24 (100)
2	FEMALE	—
	TOTAL	24 (100)

Source: Fieldwork 2010

Despite the number of women in Nigeria, according to the 2006 census, numbering 1, 115, 588 million, the lack of women in the House of Representatives shows how women are seriously being neglected in the politics of the state. Male with 1,206, 003 million shows that Yobe state has a population of about 2, 321, 591 million. The sake of women, in terms of participation and representation in the States Assembly, since its inception to date, like in other political spectrum, is poor or non-existence in Yobe state, as above Table 7 showed.

Table 8. Marital Status

S/N	Status	Number (%)
1	Married	24 (100)
2	Non-Married	--
	TOTAL	24 (100)

Source: Fieldwork 2010

All the House members are married as indicated in Table 8, to show how they are clamed and concerned to the moral upgrading and status orientation of the Assembly.

Table 9. Educational Qualification

S/N	Qualification	Frequency (%)
1	Post-Primary	06 (25%)
2	NCE/Diploma/AD	07 (29%)
3	HND/Degree	08 (33%)
4	Postgraduate	03 (13%)
5	Others	--
TOTAL		24(100%)

Source: Fieldwork 2010

Table 9 indicates that the average number of members have at least HND/Degree 08 (33%) and Postgraduate 03 (13%) qualifications, to show that they are no more underdeveloped state in terms of the rating of the state as educationally disadvantage state.

Table 10. Representation Based on Senatorial Zones

S/N	Zone	Senatorial Districts	Frequency	%
1	Yobe North	Machina, Nguru, Yusufari, Bade, Karasuwa and Jakusko	6	35%
2	Yobe East	Yunusari, Geidam, Bursari, Tarmuwa, Damaturu, Gujba and Gulani	7	41%
3	Yobe South	Fune, Fika, Potiskum and Nangere	4	24%
TOTAL			17	100%

Source: Fieldwork 2010

Table 10 shows the Senatorial districts and Representations as a matter of states own political participation.

Table 11. Representation Based On Federal Constituencies

S/N	Constituency	Frequency	Percentage
1	Bade/Jakusko	2	12(%)
2	Bursari/Geidam/Yunusari	3	18(%)
3	Damaturu/Gujba/Gulani/Tarmuwa	4	23(%)
4	Fika/Fune	2	12(%)
5	Machina/Nguru/Yusufari/Karasuwa	4	23(%)
6	Nangere, Potiskum	2	12(%)
	TOTAL	17	100 (%)

Source: Fieldwork 2010

Table 11 gave the Federal Constituent's Representations, frequency and percentage. It swooned that 2 areas has 4 Members each

Table 12. Yobe State House Leadership from 1992-date

S/N	Name	Repubic/Assembly	Duration
1	Ibrahim U. Potiskum	3rd / 1st	Jan-July 1992
2	Hon. Mohd Kaigama Umar	3rd / 1st	July-Sept 1992
3	Usman Barau Suguru	3rd / 1st	Sept-Nov 1992
4	Tijjani Zanna Zakariya	4th / 1st	Jan 1999-Jan 2003
5	Tijjani Zanna Zakariya	4th/ 2nd	Jan 2003-Jan 2007
6	Usman Adamu	4th / 3rd	Jan 2007-Date

Source: Fieldwork 2010

The history of Yobe state Assembly started from the aborted 3rd Republic political representation were Table 12 clearly stated the distribution of the leadership's name and their respective constituency.

Table 13. Tenure and Number of Bills Passed

S/N	Tenure	Number of Bills	Percentage
1	1992-1993	13	14(%)
2	1999-2003	41	44(%)
3	2003-2007	22	23(%)
4	2007-2010	18	19(%)
	TOTAL	94	100(%)

Source: Fieldwork 2010

Table 13 indicates that in the 1999-2003 period a high number of bills were passed this could be as a result of training the House members might have received just after their election and even before they were inaugurated and the continues training they undergo.

Table 14. Political Party Affiliations

S/N	1992-1993	1999-2003	2003-2007	2007-2011
1	NRC - 06	APP - 13	ANPP - 22	ANPP - 20
2	SDP - 20	PDP - 11	PDP - 02	PDP - 04
3	—	Others - 0	Others - 0	Others - 0
	TOTAL	26	24	24

Source: Fieldwork 2010

The above table reveals how the ANPP has dominated the Yobe state house of Assembly.

FINDINGS, CONCLUSION AND RECOMMENDATIONS

The role of the legislature in the democratic dispensation is to enact laws as Yobe State Assembly has been doing as indicated in Table 13: and also to serves as check on the excesses of the executive arm of government. Therefore, the State Assembly is expected to serve as a critical institution

in a democratic dispensation to enact good laws that articulate and aggregate the interest of their constituencies for good governance and development. Representation of popular opinion and responsiveness to the electorates is another important function of the legislature. The members should re-evaluate their role as law makers whose sole interests are to make appropriate law for the socio-economic development of Yobe state. This requires political will and discipline.¹⁰ They need to be more serious, in reviewing, assessing or debating and screening of bills submitted from the executive arm or its related agencies.¹¹ In this regard, educated people should, as much as possible, be elected into Assembly. Where the legislators are semi-literate and not very much exposed in knowing their role and responsibilities bills can be wrongly pass into law. The State House of Assembly should have its separate budgetary allocation and finances to manage its every fiscal year in order to ensure its independency. Appointment of all workers in the State's House of Assembly should be from the Yobe State Assembly Service Commission only.

Many of the legislators have been reduced to passing the Governor's wishes, largely appropriation bills, and as such the Governors has upper hand in deciding on the state resources, this without proper checks. The executive council comprising commissioners has become a mere rubber stamp of the Governor, because he appointed them without much worry from the State's House, as such he can change them any time he so wishes. The State Governor has become so strong and powerful and therefore, cannot be questioned or checked. The study recommends that half of the commissioners should hence forth be selected from the state House while the remaining half from the zones. In order to solve these issues. Problems of accountability and transparency in the utilisation of public funds is very common in all State's and Federal's Houses, but the study was silent about it in terms of questions relating to it, it is because of lack of checks and balances by the legislature, that legislative failures to ensure executive accountability, judging from the apparent

10. Gambo, AAS, Papsola, AAO.

11. Ayede, AAS, Basse, AAS, Emino, AAS, Ojo, AAO; Baidow, 1972, Silk, 1988.

misappropriation of public funds, always persist. The executive's and legislative's bribery and corruption, mostly in some governmental ministries, agencies and boards, etc also create a conflict between them, with a problem of wastage and inefficiency facing the two branches.¹² Sometimes there are inefficiencies either from the executive or legislative side but due to their relationship, they don't want to raise alarm. As such the Economic and Financial Crimes Commission (EFCC) and other similar agencies should be fully giving support in fighting corruption and bribery. In terms of Local Government's finances and autonomy the State's Assembly role and control are lacking, a correspondence between the State Assembly and local government legislatures should be established, this in order to ensure smooth law-making, implementation and evaluation of joint projects and programmes. Not to mind that the legislatures come from various constituent units largely from one or more local areas to effectively monitor governmental actions and inactions, this creates conflict of checks and balances.

External influence in the legislative function is another problem, in which some people who are neither among the legislatures and nor executives, such as party leaders and godfathers who involve themselves into legislative matters and affairs, thereby causing confusions and problems which are not good in democratic rule. Party exploitation and domination of the winning or governing party's decision is sometimes contrary to the decision of the other party members, but being the majority, the minority party has nothing to say, this is a slap to the House's decision and law making functions. In terms of relationship, there is no cordial relationship between members from opposition party and the party that control the government. Of course, it has added to the questions of legislative ineffectiveness and inefficiency, more especially in terms of budget approval and passing of bills, there is no scrutiny at all. More so, since literatures¹³ found that political élite are becoming a constraint to

12. Omotola, 2008; Ifamose, 2004; Olojede, 2008; Bassey, 2008; Udo, 2002; CISLAC. 2008; Gambo, 2005.

13. Wheare, 1949; Popoola, 2002; Bradshaw, 1972; Joseph, 1991; Joye, 1982; Dudley, 1982; Nwankwo, 2006; Lijpart, 1977; Ujo, 2000.

the democratic rule as they failed to deliver the dividends of democracy, the general public should be mobilise to check the excesses of the class. The general public should be fearless and committed towards ensuring that the state resources are judiciously utilised. This is possible through public meetings, media, and mass actions. In this regard the political elite should re-orient themselves to be more patriotic citizens to move positively the state and the country forward. Thus, the role of the media as gap-filling agent should be stretched. The media should also open a channel through which dialogue with a public could be established and maintained under a rule of game.

Thus, the research has find out that still despite the so-called autonomy of the legislative arm in Yobe state, there are still rubber-stamping taking place of most bills brought forward by the executive. With much training and retraining in the years to come, when real issues of democratic consolidation, it is hoped that Yobe state Assembly,¹⁴ will definitely gain ground. Moving forward, issues of bribery and corruption, wastages and inefficiency and executive dominance must be adequately tacked and reduced to the barest minimal, if it cannot be eradicated. The legislature has to bear in their minds that they are representing their constituencies and the general public, so they have to serve based on the public or state's interests.

14. Yobe SHA. 2010.

SECTION D

CONCLUSION

. . . the fact that the legislature had no control over the execution of its laws and cannot therefore prevent them being enforced against its members may deter it from passing oppressive laws knowing that the executive may enforce such oppressive laws equally against the legislators themselves as against other citizens

- Ben Nwabueze (1992)

CHAPTER 28

Declining, Stagnant or Rising?: The Legislature and Democratic Governance in Nigeria

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INTRODUCTION

This book has examined the roles of the legislature in Nigeria's democratisation process under the Fourth Republic, relying essentially on multiple approaches of measuring legislative posts. These approaches are already clearly discussed in the preceding analyses (most especially the introductory chapter crafted by Omotola), but should be clearly and coherently restated. These approaches are: formal powers cum autonomy approach; functional delivery approach; component approach; number and content of bills approach; and reputational approach.

The formal powers approach stresses the latitude of power constitutionally ascribed the legislature and the extent of institutional autonomy it enjoys in its relations with the executive. The assumption is that the higher the powers and level of autonomy, the stronger the legislature and democracy. The functional delivery approach, on the other hand, harps on the extent to which the legislature delivers in the performance of its four core functions earlier discussed. But given trade-

offs that usually characterise tensions between national and constituency's interests; this may be a difficult exercise.

A third approach is the component approach. Here, the main indicator is the quality of key components and actors in the legislative process such as the committee system, whose benefits have been earlier highlighted. With a vibrant committed system, a legislature is said to be well positioned to be able to simultaneously respond not only to many legislative matters, but also in a timely and quality manner drawing on the expertise of committee members, and vice versa. The fourth approach is the one that emphasises the number and content of bills passed by the legislature over a given period of time, as is usually preferred in the US. Useful as it may be, the number of bills passed is not sufficient to tell if the legislature is effective or not. Questions are now being asked about the origin of the bills, with studies showing the dominance of executive over private member bills in the process. Worse still, given that legislatures operate under different environmental conditions, it may be difficult to set a standard measure of the appropriate number of bills that will qualify a legislature as effective per session. For instance, if the legislature in Nigeria passes more bills than its counterpart in the US over the same period of time, will that be sufficient to say that Nigeria's is more effective than the legislature in the US? Monetary inducements and party influence may facilitate easy passage of bills in Nigeria than in the US, given the high level of corruption in the former.

Finally, legislative performance can be measured through the reputation of the institution. The way the public perceives an institution is crucial for its performance. Where there is a high level of public trust, institutions tend to perform better, and vice versa. The problem with this approach, however, is the fact that perceptions are not always a reflection of reality. They allow rooms for subjectivity. National surveys/opinion polls on a longitudinal basis may help reduce subjective tendencies as such will show the direction, potency and consistency of such perceptions over time.

1. Michael Mezey, *Comparative Legislatures*, Durham, NC: Duke University Press, 1979

Using this functional approach, Michael Mezey¹ divides legislatures into five types: active, vulnerable, reactive, marginal and minimal. An active legislature is one that enjoys substantial institutional autonomy partly because of mode of composition that privileges direct elections of MPs, which frees MPs from 'strong demands of loyalty to either the executive or their party, and thus afford them the opportunity to pursue their own or their constituents' policy references, even when they conflict with the policy agenda of the president'.² Active legislatures, therefore, approximates Nelson Polsby's *transformative legislatures*.

All other typologies of Michael Mezey have a common denominator, which is their inability to assert institutional autonomy and are to that extent under the strong influence of the executive and/or party, with limited policy role and varying degrees of elite support.³ A reactive legislature, exemplified by the British parliament, for example, is one where strong party control over nomination of candidates to electable positions on the party list or to run in safe districts allows the governing party to be able to count on the loyalty of first time parliamentarians. In such legislatures, MPs have 'little incentives to challenge the executive because of the high expected cost and the low expected benefit of doing so'.⁴ Similarly, a marginal legislature is one with 'restricted but perceptible policy role', with little support from the elite.⁵ Likewise, minimal legislatures are those with little or no policymaking power. The difference between it and the marginal legislature is that it is being more supported by the elite, than the marginal legislature, at least on the need for the existence of the legislature, but not in terms of granting it any power over policymaking. These categories of legislatures, therefore, approximate Nelson Polsby's *arena legislatures*.

However, in a comprehensive review of Michael Mezey's typology

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2. Quoted Michelle M. Taylor-Robinson, 'Who gets Legislation Passed in a Marginal Legislature and is the Label Marginal Legislature Still Appropriate?: A Study of the Honduran Congress'. *Comparative Political Studies*, Vol. 32(5), 1999, p. 614.
 3. Michael Mezey, *op.cit.* pp. 40-45.
 4. Quoted in Taylor-Robinson, 1999, p. 614.
 5. *Ibid.*, p. 41.

and the application of Honduran case, Michelle M. Taylor-Robinson⁶ undertook a reassessment that led to his alternative classification, which though not totally at variance with Michael Mezey's, came up with one new typology. His classifications are active, secondary policymaking, and reactive legislatures. So, Michelle M. Taylor-Robinson's main contribution is his secondary policymaking legislature, like the Honduran, where MPs':

incentives to act independently is constrained by means of getting elected and reelected, which requires the support and backing of party leaders rather than the mass public, thus making them dependent on the goodwill of those leaders. Thus, when the governing party's leaders are in agreement on matters of policy, the legislature can be expected to defer to the executive. However, when the party leaders are not in agreement on a policy matter, or when different policy options can be expected to have different impacts on competing leaders' political future, the legislature will not necessarily follow the executive and can play an independent role in policymaking.⁷

Given the scope and depth of analyses undertaken in this book at both the national and state levels, where do Nigerian legislatures belong: declining, stagnant or rising? Better still, are they active, vulnerable, reactive, marginal and minimal? In what follows, this chapter locates the position of the legislatures in Nigeria's quest for democratic good governance, identifying important crosscutting issues to underscore the high and low points of the legislature.

CROSSCUTTING ISSUES: THE HIGH AND THE LOW POINTS

As already noted *ab initio*, the legislature is a cardinal institution of democracy, whose functions are defined in terms of law-making, representation, oversight and constituency-related responsibilities. Being a core institution of democracy, the legislature, ideally, derives its democratic strengths from its roots, responsibility and responsiveness to the people. This is why it is often said that no country can long have a

6. Ibid.

7. Ibid, p. 615.

workable democracy without a vibrant and meaningful legislature and legislative process. Consequently, the stability and consolidation of any democracy is directly correlated with the strength of its legislature and by logical extension, its relations with the executive.

It is, therefore, hardly surprising that Nigeria has, since the inception of the current democratisation process in 1999, been making concerted efforts to build institutional capacity for the development of the legislature. The first expression of this commitment is the established of a legislative arm of government under s.(4) of the 1999 Constitution of Nigeria, vested with formal powers to legislate for the good governance of the country through representative parameters.

As all the contributions on the national and state legislatures covered in this book reveals, one area where the legislature has performed fairly well is law-making. First, the legislature at both the federal and state levels annually passes the appropriation bill in the respective jurisdictions, without which the business of government would have been hampered. Moreover, the legislature at all levels has also been responsible for the passage of other important legislation for the good governance of the country. For instance, the Nigerian Senate during its fifth session between 2003 and 2007 considered 392 bills out of which it passed 132. It also passed 89 of the 500 government/executive bills it received in its sixth session (2007-2011). This was in addition to 118 motions moved during the same sixth session. Some notable legislation includes the eventual passage of the 12-year old Freedom of Information Bill. The House of Representatives (HORs) also passed the Constitution Amendment Bill 2010 and Electoral Amendment Act 2010.

However, a major problem with the law-making duty of the legislature relates to the fact that most of the bills it passed originated from the executive. For example, of the 132 bills passed by the Sixth Senate, 83 were executive bills and 49 private bills. Also in Borno state, only one and three of the 84 bills passed originated from the legislature and executive, respectively. The remaining 79 were executive bills. All these point to two things: the institutional weakness of the legislature and attendant dominance of the executive even in traditional spheres of the

former, as well be illustrated shortly.

The legislature has also helped to engender democratic representativeness cross ethno-regional and religious divides, given the division of the country into several constituencies from which 109 Senator and 360 members of the House of Representatives are elected periodically. Through these representatives, it is assumed that the legislature gives voice to the voiceless, which ordinarily would not have been heard.

It is important to note that this is a reductionist way of looking at representation. As noted in chapter one of this book, representation assumes deeper meaning when taken beyond composition for many reasons. For one, it 'requires members to advocate the particular concerns of their respective constituencies',⁸ which is often difficult because, as Joel Barkan argues, and rightly so, 'legislating requires bargaining and compromises across these and other interests, and therein lies a huge challenge'.⁹ Worse still, as Joel Barkan further argues, 'there is tension between legislating and constituency service: the former seeks to arrive at decisions that serve the entire nation, whereas the latter by definition serves a smaller subsector of society'.¹⁰ What a huge challenge, indeed! It is one that brings to the fore the age-long debate initiated by the well-known political theorist and lawmaker Edmund Burke, over whether a representative should act as a trustee or delegate in his famous speech to his constituency in the city of Bristol in 1774. Acting as a delegate or trustee largely depends on the kind of prevailing legislature, be it active or not. Unfortunately, as most chapters reveal, the legislature in Nigeria is anything but active, a factor that makes it difficult, if not impossible, for legislators to act in public interest. Rather, self and party considerations often tend to influence their accountability and responsibility.

For another, there are several other specific interests that demand representation in parliament, notably minority groups such as ethnic and

8. Joel D. Barkan, *op. cit.* . . . , 2010, p. 35.

9. *Ibid.*, p. 35.

10. *Ibid.*, p. 35.

women.¹¹ After all, the 'fairness of representation and democratic accountability hinge on collective decision-making being open to all citizens',¹² irrespective of gender or ethnic identities. Unfortunately, the gender dimension of political representation in the legislature in Nigeria has been appalling. For example, the HORs has 13 members and the Senate four out of 109 as at April 2011 (African Governance Forum, 2012: 45). The situation is worse in most of the state legislatures, with several of them with no single women representation. In the few cases where women have representation, their ability to influence or mainstream woman-friendly legislations was found to be overly weak or lacking altogether. In short, the legislature oscillates between gender insensitivity and gender blindness in Nigeria.

With respect to oversight, many of the chapters illustrate, graphically, how the legislature at the federal and state levels has also been striving to hold public officials accountable for their actions and inactions. They do this not only through the vetting and approval of executive decisions, especially the annual budget, appointment of Ministers and Ambassadors, ratifications of treaties entered into by the executive, but also via public hearing and formal investigation of public officers. They also have and have deployed the power of impeachment against the executive in the event of any 'gross violation' of the constitution.

Like with its other function, the legislature has also been confronted with a number of challenges in this regards, most notably its inability to compel enforcement in the face of glaring violations and abuse of its laws by the executive. A glaring example here relates to the allegations and counter-allegations between the legislature and the executive at the federal

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11. D. P. Haider-Markel, M. R. Joslyn and C.J. Kniss, 'Minority Group Interests and Political Representation: Gay Elected Officials in the Policy Process', *The Journal of Politics*, 62(2), 2000, pp. 568-577.
 12. J. Mestov, *J. Power, Process and Popular Sovereignty*, Philadelphia, PA Temple University Press. 1992; as quoted in Christian Hunold, 'Corporatism, Pluralism, and Democracy: Toward a deliberative Theory of Bureaucratic Accountability', *Governance. An International Journal of Policy and Administration*, Vol. 14 (2), 2001, pp. 158.

level over the non-compliance with the fiscal appropriation bills over the years. Moreover, there have been several cases where invited public officials have dared the legislature by refusing to honour the invitation of the latter to appear before it without the legislature being able to do anything about it. At one time or the other, Mallam Nasir el-Rufai, a former Minister of the Federal Capital Territory and Mrs Ngozi Okonjo-Iweala, the Minister of Finance declined such invitations, causing tensions between the legislature and the executive. In the case of the former, it took the intervention of then President Olusegun Obasanjo for him to eventually honour the invitation after serious mudslinging.

Finally, the legislature in Nigeria has also been striving to live up to its constituency-related responsibilities. The legislature does this in a variety of ways. One is the controversial constituency budget and projects, through which the legislatures champion the developmental aspirations of their constituencies through budgetary allocations. Nigerian legislators also maintain regular touch, at least in principle, with their constituencies through what is called constituency offices they are statutorily mandated to establish in their respective domains. However, in terms of concrete and measurable deliverables, an average Nigerian legislator will rank poorly. Indeed, as various chapters in the book reveal, most legislators would appear to have trivialised their constituency functions, reducing it to mere tokenism of the proverbial crumbs from the master's table, without paying adequate attention to the real need of their constituencies in the national political and policy processes. This is why town hall meetings are seldom held to articulate and aggregate the interests of the constituencies. As such, the legislators end up playing the role of trustees, rather than delegates, especially in cases of conflicts between constituencies, self and party interests.

From the foregoing evaluation, the Nigerian legislature, despite occasional pretences to the contrary, can be categorised as anything but active. In its current form and character, the legislature share the attribute of vulnerable, reactive, marginal and minimal legislatures, whose common denominators manifest in 'their inability to assert institutional autonomy and are to that extent under the strong influence of the executive and/or

party, with limited policy role and varying degrees of elite support.¹³

However, given variations in the institutional performance of the legislature at the national and state levels, and even within the National Assembly (Senate versus HORs), it may be difficult to make a sweeping generalisation *vis-à-vis* classification. For example, the HORs, which seem to enjoy more popularity among Nigerians over its seeming radical approach to its legislative business, was characterised by Fashagba (Chapter 8 in this book) as immature and too confrontational with the executive. If this position is allowed to stand, then the Senate can be accused of over romanticising and fraternising with the executive. But, as the evidences across the states indicate, most legislative houses are not only dominated by one party, they were seen to be docile and under the hegemonic control of the executive (*see* cases of Kwara, Bauchi, Borno, Ekiti and Nasarawa, among others, in this book).

Consequently, the legislatures have been largely incapacitated to discharge their statutory functions effectively without any fear or favour. At best, the Nigerian legislature at both the federal and state levels can be regarded as belonging to the secondary policymaking category, one whose:

incentives to act independently is constrained by means of getting elected and reelected, which requires the support and backing of party leaders rather than the mass public, thus making them dependent on the goodwill of those leaders. Thus, when the governing party's leaders are in agreement on matters of policy, the legislature can be expected to defer to the executive. However, when the party leaders are not in agreement on a policy matter, or when different policy options can be expected to have different impacts on competing leaders' political future, the legislature will not necessarily follow the executive and can play an independent role in policymaking.¹⁴

This conclusion is predicated upon the contradictory cobweb in which the Nigerian legislature at various levels has been trapped since 1999. At some point, it will appear to be up to its responsibilities of acting in

13. Michael Mezey, *op. cit* pp. 40-45.

14. Quoted in Taylor-Robinson, *op cit*, p. 615, emphasis mine.

democratic and national interests and vice versa. For instance, notable high points in the legislature's contributions to democratic development in Nigeria include its role in the defeat of the third term agenda¹⁵ and the invocation of the doctrine of necessity to bring to an end the constitutional crisis that attended then President Yar'Adua's health crisis,¹⁶ both of which threatened the prospects of democratic survival and stability in Nigeria.

Despite the positive democratic impact of these major legislative interventions, a note of caution is important against overstressing them as a measure of legislative autonomy and effectiveness. In both instances, the legislature was totally under the heavy control of the ruling party, the PDP and the executive and was, for a very long time, unable to act on the matters, even in the glaring face of constitutional empowerment. It took the eventual fractionalisation of the elite within the ruling party and the national Executive Council, particularly the outburst of Dora Akunyili, then Minister of Information and ex-President Obasanjo's damning revelation about the true state of health of Yar'Adua, to be able to invent the so-called doctrine of necessity, as a face-saving strategy, to honour their constitutional responsibility. The story was the same with respect to the third term politics, where it took the fractionalisation of the elite of the ruling party into the pro-Obasanjo and pro-Atiku camps, a division that also permeated the National Assembly, to defeat the tenure elongation agenda. In other cases where the executive has been able to keep its house in order as one, the legislature has always exhibited its total lack of

15 See J. 'Shola Omotola, 'Third Term Politics and the De-institutionalisation of Power in Africa', *Africa Review*, Vol. 3 (2), 2011, pp. 123-140; J. Shola Omotola, 'Garrison' Democracy in Nigeria: The 2007 General Elections and the Prospects of Democratic Consolidation, *Commonwealth and Comparative Politics* Vol. 47 (2), 2009, pp. 195-221; J. Shola Omotola 'Constitutional Review and the Third Term Agenda: Nigeria's Democracy at the Crossroads', *The Constitution: A Journal of Constitutional Development*, Vol. 6 (3), 2006, pp. 57-77.

16 J. 'Shola Omotola, 'A Cabalised Regime: Neopatrimonialism, President Yar'Adua's Health Crisis and Nigeria's Democracy', *CEU Political Science Journal*, Vol. 6 (2), 2011, pp. 222-253.

legislative autonomy.

The inability of the legislature in Nigeria to act effectively, as contributions to this book reveal, can be explained in terms of both institutional and behavioural factors. First, there is the acute problem of legislative institutional capacity. The problem is partly historical. Under protracted military regimes, the legislature as an institution was perpetually suspended. As such the legislature at the onset of the first republic had limited or no institutional history and experience to draw from, making the legislature not only the least developed, but also the least appreciated and least researched.¹⁷ This meant that the much needed professionalism and experience were lacking. In a way, therefore, the underdevelopment of the legislature as an institution has, invariably, impacted legislative performance.

There are, however, deeper dimensions of the problem of institutional capacity. One important example that cut across several states covered in the book include the inadequacy of legislative infrastructures, including office accommodation and support staff, without which legislative business cannot be effectively carried out. The infrastructural deficit is closely connected with the problem of underfunding, particularly at the state levels. Whereas the educational background of federal legislatures was found to be reasonably high, the reverse was the case in several states covered in the book, most especially in the northern part of the country. In the absence of competent legislatures, effective performance will be hampered.

Despite the sufficient and wide latitude of formal powers statutorily granted the legislature at all levels, the institutional autonomy of the legislature were generally found to be weak across both the federal and state assemblies. This can be explained by a number of forces. One, the mode of composition and nature of electoral politics tend to serve to undermine legislative institutional autonomy. Whereas Nigerian legislators

17. J 'Shola Omotola (2006), "Impeachment Threats and Nigeria's Democracy", in Ojo, E.O. (ed.), *Challenge of Sustainable Democracy in Nigeria*, Ibadan: John Archers (Publishers) Ltd., pp. 183-208.

are elected, like the executive counterparts, in a general election based on a simple majoritarian system, the stronghold of the party and executive arm on the party structure, through which internal party democracy is usually subverted, was found to have served to limit legislative assertiveness and independence of actions.

By logical extension, legislators considered to be 'disloyal' to the party (the President and Governors) risk the chance of reelection since the party wields and exercises strong control over party primaries and candidate selection. The implication is the usually high level of legislator's turnover in successive elections since 1999. For example, whereas only 36 (33.02%) of the elected 109 Senators returned to the assembly in 2003, a lesser number of only 26 (23.85%) returned in 2007. The turnover is not any better in the HORs where only 89 (24.72%) of the 360 members were re-elected 2007. Such huge turnover diminishes the prospects of legislative maturity and experience that are usually associated with re-election and longevity of tenure in parliament.¹⁸

Closely related to the institutional underdevelopment of the legislature, as revealed by the chapters, is the seeming lack of political will, that is, the deliberate determination and willingness on the part of the legislators to fully exercise their powers to the best of their abilities and in accordance with public interests, be it at the national or constituency levels, whatever the odds. Whereas there have been occasional flashes off such tendencies as was the case with the third term agenda and doctrine of necessity earlier alluded to, those could not be considered to have been informed by neither intrinsic nor altruistic considerations. Rather, they were informed extraneous variable, most notably elite fractionalisation within the ruling party and financial inducements.

18. For a review of the debate on reelection and legislative power, as well as the empirical Brazilian case, see Saul Cunow, Barry Ames, Scott Desposato and Lucio Renno, 'Reelection and Legislative Power: Surprising Results from Brazil', *Legislative Studies Quarterly*, Vol, XXXVII (4), pp. 533-558.

The foregoing takes us to another crucial problem found to undermine legislative effectiveness in Nigeria. This has to do with the perennial problem of corruption that has engulfed the legislature at all levels since 1999 (see Emmanuel Ojo's contribution in chapter 6 of this book). Corruption is so endemic in the legislature so much so that many of its leadership, including Senate Presidents and Speakers of the HORs were removed for cases of corruption such as falsification of age and name, educational qualification, and financial impropriety. A notable example remains the 'bribe-for-big-budget' scandal that led to the removal of Senator Adolphus Wabara as Senate President.¹⁹ By indulging in incessant corruption, despite its huge salaries and other emoluments, the legislature has reduced itself into an object of derision among Nigerians.

A recent report by *The Economist* of London revealed that the Nigerian federal lawmakers with a basic salary of \$189,500 per annum (₦30.6 million), ranked highest in the world.²⁰ To underscore the wide gap between Nigeria and other countries of the world, the report also revealed that the \$189,500 earned annually by each Nigerian legislator is estimated to be 52 percent higher than what Kenyan legislators, who are the second highest paid lawmakers globally. The CBN governor, Mallam Sanusi Lamido Sanusi had, earlier in 2012, claimed that 25 percent of the overheads of the Federal Government budget went to the National Assembly. The authenticity of the revelation generated controversies and debate, before the *Economist* made its own startling revelations based on information obtained from the International Monetary Funds (IMF). With such a huge pay, one cannot but wonder the bases of pervasive corruption in the National Assembly.

Corruption has had negative implications for the institutional development of the legislature in Nigeria. Not only has it contributed to

19. J. 'Shola Omotola, 'Through a Glass Darkly: Assessing the "New" War against Corruption in Nigeria', *Africa Insight*.

20. The *Economist* of London, cited in Robert Obioha, 'Nigerian Legislators' Jumbo Pay' *The Sun*, 3 August, 2013; available at <http://sunnewsonline.com/new/opinion/nigerian-lawmakers-jumbo-pay/> (accessed 15 August, 2013).

the usually negative publicity and public perception of the legislature by Nigerians, but also contributed to the high rate of leadership instability in the legislature. This is evident by the fact the frequent change of leadership that characterised the early days of the National Assembly during which some Senate presidents and Speakers of the HORs for one case of corruption or the other.

Although the legislature in Nigeria is reputed for the use of the committee system to facilitate the effectiveness of its legislative business, issues such as the unserious attitude of committee members, epitomised by high level of absenteeism in committee meetings, and undue politicisation through the struggle for membership in as many committees as possible, as well as competition for placement in committees considered to be juicy, have combined to demean the legislative utility of the committee system in Nigeria. In a way, the competition may have become only an instrument of legislative leadership control and consolidation of power, but also accounted for the rapid expansion of legislative committees at the federal and state levels. For example, the HORs which operated with 42 committees in 1999 increased it to 70 in the sixth senate, 2007-2011. The committee system was, therefore, largely reduced to a site of fierce competition for the fulfilment of the rent-seeking behaviour and pursuits of the legislators.

Due largely to the foregoing problems, the legislature in Nigeria has found itself under the heavy dominance and influence of the executive, which has direct control over the coercive apparatuses of the state and its anti-corruption agencies. These apparatuses are usually deployed based on the discretion of the executive to intimidate and compel legislative compliance on certain policy issues. The problem is accentuated by the entrenchment of the politics of godfatherism,²¹ under which limited

21. J. Shola Omotola, Political Godfatherism, in Albert, I.O. (ed.) *Praxis of Political Concepts and Clichés in Nigeria's Fourth Republic: Essays in Honour of Governor Aliyu Babangida*. Ibadan: Bookcraft Publishers; J. 'Shola Omotola, 'Godfathers and the 2007 Nigerian General Election', *Journal of African Elections*, Vol.6 (2), 2007, pp. 134-154.

considerations are given, if any at all, to democratic principles and values.

Oftentimes, the attempt to resist the dominance of the executive and or the insistence of the executive to have its way at all cost has given rise to frictions between the two organs (*see* Yagboyaju's (Chapter 3) and Oyekanmi's (Chapters 10) contributions in this book). Such frictions are exemplified by controversies over appropriation bills, leadership change in the legislature, and so on. This is not to say frictions are only inter-organs. There were also intra-chamber conflicts, as aptly articulated by Michael Aleyomi in Chapter 9 of this book. In both cases, inter-organ and intra-chamber conflicts served to undermine democratic development by diverting attention away from the core business of governance. It is important to note that in most instances, such conflicts are often resolved in favour of the executive.

DECLINING OR RISING?

The chapter has attempted to recap the main theses of the book and tease out important conclusions from its evaluation of legislative performance *vis-à-vis* democratic governance in Nigeria since 1999. In engaging with this main issue, the chapter focused on what it called crosscutting issues from the empirical cases of the National Assembly and state assemblies covered in the book. It also relied on the various evaluative framework established in the first chapter of the book and restated in the introduction to this chapter.

Overall, drawing on the strengths of the evidence marshaled in this book, the legislature in Nigeria, despite occasional pretences to the contrary, tended to harbour and exhibits more of the attribute of a declining legislature, than one on the rise. The decline is manifested generally in its relative powerlessness *vis-à-vis* the executives. It also includes the seeming general meltdown in public confidence regarding legislatures, and other internal and external pressures that strengthen the executive in relation to the legislature and civil society by reducing opportunities for institutionalisation of the social partnership. The dominance, if not monopoly of executive bills over private member bills, mainly for lack of institutional capacity on the part of the legislature *vis-a-vis* the former, is

starkly evident.

Yet, one can speak completely rule out the possibility of the rejuvenation of the legislature in Nigeria. The optimism is predicated upon a number of factors. One, the relative longevity of the life span of legislature in Nigeria under the Fourth Republic is unprecedented. Like the democracy project itself, it is the first time the country will experience over a decade of legislative existence and functioning.²² The situation becomes better if democracy is sustained as the only form of governance. If the democratic trend continues, as envisaged, legislative institutions will gain longer life span and through institutional practices and adjustments may assume more maturity and prominence in governance. Armed with these, legislative performance is bound to be better in all ramifications.

The study has important policy implications. Above all else, there is need to pursue policy options that will engender the incentives of MPs to fully explore and exploit their constitutional powers in the best interest of the nation without any fear of repercussions. This requires investing heavily in building the institutional capacity of the legislature, including independent funding, periodic training and stable and resourceful leadership. Attaining these also requires electoral reform that reduces the stronghold of the executive on the electoral processes within parties and generally. This way the reelection bids of MPs will no longer be exclusively determined by the executive. As the Nigerian experience has revealed, like in post-communist countries, concerns over reelection often tend to force the hands of MPs to go with the executive on matters of national significance where, ordinarily, they would have acted otherwise. Finally, it is also important to support legislative advocacy and research by strengthening civil society and think tanks devoted to legislative and legislative related activities. This can be done through adequate funding of their activities and dissemination of research outputs.

22. See J. Shola Omotola, 2013. 'Trapped in Transition: Nigeria's First Democratic Decade and Beyond', *Taiwan Journal of Democracy*, Vol. 8 (2).

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The Legislature and Governance in Nigeria is a modest contribution to the growing literature on Legislative Studies in Nigeria. The book grew out of three major realisations. First, is the decline of the Legislatures, both at federal and state levels in terms of their influence and powers as an organ of government *vis-a-vis* the executive arm. Second are the ills of which the legislature is subject in Nigeria since the inauguration of Civilian Rule in 1999 which has contributed in no small measure to its decline; and thirdly is the wide gap in the extant literature on the study of the Legislature which this Reader (a 28-chapter book) is intended to fill. The reason is not unconnected with the fact that each time the military truncate democracy in Nigeria, the Legislature is always a victim of successive Military putsch. The Legislature is usually suspended along with substantial parts of the constitution while both the Executive and judicial arms of the government are allowed to function even if haphazardly.

The book shall definitely be of immense benefit to Nigerians, students of Legislative Studies and Nigerian parliamentarians, and public policymakers. It shall also be a Guide for further research in the area.

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