

AN ASSESSMENT OF LEGISLATIVE EFFECTIVENESS IN NIGERIA'S NATIONAL ASSEMBLY (1999-2011)

By

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CERTIFICATION PAGE

This is to certify that this thesis has been read and approved as meeting the requirements of the Department of Political Science, Faculty of Social Sciences, University of Ilorin, Ilorin, Nigeria for the Award of Ph.D. Degree

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DEDICATION PAGE

This work is dedicated to Allah (SWT) for His mercy on me and my family, and for seeing me through. It is also dedicated to my wife (Nafisat Oritoke) and children (Habeebullah, Rofiah and Habeebah) for their understanding and support while the programme lasted.

DECLARATION PAGE

I, BAKARE, Adebola Rafiu hereby declare that this thesis entitled “An Assessment of Legislative Effectiveness in Nigeria’s National Assembly (1999-2011)” is a record of my research work. It has neither been presented nor accepted in any previous application for a higher degree. All sources of information have been specifically acknowledged.

In addition, the research work has been ethically approved by the University Ethical Review Committee.

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BAKARE, Adebola Rafiu

Abstract

The legislature is an important arm of government in democracy given its lawmaking, oversight and representation roles. It is inconceivable to have democracy without the people's assembly which in Nigeria is called National Assembly. Since 1999, the level of effectiveness of the National Assembly has generated some concerns among political analysts, scholars and other stakeholders. The significance of its role in entrenching good governance is inevitable, but its legislative output and impact on the people are questionable. It is against this backdrop that this study assessed the level of effectiveness of the National Assembly in lawmaking between 1999 and 2011. The objectives of the study were to: (i) identify the factors that determine the effectiveness of the National Assembly in lawmaking; (ii) compare the lawmaking performance of the 4th, 5th and 6th Assemblies; and (iii) examine the impact of some Acts of the National Assembly on good governance in Nigeria.

The study adopted the neo-institutional theoretical framework. It employed the sequential mixed method research design using both primary and secondary data. Primary data was sourced through purposive in-depth interview, while secondary data was sourced from National Assembly's official documents, relevant journals, newspapers and textbooks. The data were analyzed using descriptive statistics including directional graphs and Institutional Legislative Effectiveness Score (ILES) based on the ILES benchmark of $\tau = 0 - 1$ (where the closer to 0, the poor).

The findings of the study were that:

- i. of the six factors that determine the effectiveness of the National Assembly in lawmaking, cognate experience, educational qualification, turnover, innate ability, Committee chairmanship and ideological consideration ranked 1st, 2nd, 3rd, 4th, 5th and 6th respectively;
- ii. the lawmaking effectiveness of the National Assembly between 1999 and 2011 was 'fair' given the value of average ILES of 0.27 on the benchmark;
- iii. by comparison, the 4th Assembly's average ILES of 0.20, 5th Assembly's 0.25 and 6th Assembly's 0.31, indicated that lawmaking effectiveness is relatively progressive in the 6th Assembly;
- iv. there is positive relationship between Bill sponsorship and passage in the 4th (288:84) and 5th (395:149) Assemblies but the 6th Assembly (490:112) recorded inverse relationship; and
- v. the National Assembly enacted 183 Acts in 12 years which comprise 35% economic, 18% social, 2% cultural, 22% political and 23% regulatory Acts. Most of these Acts did not significantly impact positively on the people. For instance, despite the Child Right Act 2003, as at 2017, approximately 6 out of 10 children in Nigeria still experienced physical violence. 1 in 4 girls and 1 in 10 boys experience sexual violence.

The study concluded that the impact of the Acts of National Assembly is not felt by the people as the core values were not achieved. This is attributed mainly to low capacity of most legislators and unhealthy political terrain which led to weak enforcement of the Acts. The study recommended improved capacity building for legislators and reduced bureaucracy to ensure harmonious governance for the benefits of Nigerians.

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Abbreviation/Notations

1stR	First reading
2ndR	Second reading
3rdR	Third reading
AFLI	Africa Leadership Institute
CPA	Commonwealth Parliamentary Association
FCT	Federal Capital Territory
House	House of Representatives
ILES	Institutional Legislative Effectiveness Score
IPU	Inter-parliamentary Union
LES	Legislative Effectiveness Score
MDAs	Ministries, Departments and Agencies
MP	Member of Parliament
NASS	National Assembly
NDI	National Democratic Institute for International Affairs
NILS	National Institute of Legislative Studies
PC	Parliamentary Centre
PILDAT	Pakistan Institute of Legislative Development and Transparency
UNDP	United Nations Development Programme
WBI	World Bank Institute
δ	delta
λ	lamda
τ	tau
α	alpha
β	beta
γ	gamma

CHAPTER ONE

INTRODUCTION

1.1 Background to the Study

The legislature occupies a central position in the understanding of democratic experience in both developed and developing countries. It is the key institution that epitomizes the existence of democracy in a polity. This is because it distinguishes a democratic government from an autocratic government. The legislature serves as the engine of democratic governance, because laws made by it set the agenda for the government and regulate the conduct of the people. As important as the three arms of government are, democratic survival is largely anchored on the legislature. This is due to the strategic position which the legislature occupies in the democratic practice. It is the core institution that gives direction to people's participation in governance which is the epitome of democracy.

Its significance and centrality stems out of the argument that it is in-dissociable from liberal democracies as they are constructed around it or on the basis of it. Its inviolability is seen on the ground that any attack against its composition or functioning is seen as a blow against democracy. The legislature makes laws for the good governance of the polity and performs oversight functions on the executive to prevent democratic tyrannical tendencies. It also guards the guardian of the treasury by appropriating money for the running of government businesses through the performance of its budgeting function. The legislature also represents the people's interest in the government. The extent of the level of its effectiveness in the performance of its duty highly determines the status of democratic governance (either good or bad).

Lawmaking is the most significant of legislative duty in both liberal and developing democracies. Lawmaking is often used to define the legislature as a lawmaking organ of government. Despite the variation in political systems of democratic countries, the procedural pattern and institutional frameworks of legislatures are identical especially in term of lawmaking. What varies is the impact level of the laws on the people whether positive, negative or indifferent toward ensuring good governance. From Nigeria's experience, the National Assembly has been making laws for the good governance of the country since 1999; hence it becomes necessary to probe into whether these laws are impactful on the citizens given the developmental quagmire which the country is witnessing.

It is not suffice to assess the effectiveness of the lawmaking efforts of the National Assembly on the number and content of the Bills processed. One must also inquire whether they ought to have processed more Bills and passed more laws than what is presently obtained. By so doing, a comparative examination of the performances of all Assemblies may be inevitable to identify their peculiar challenges. One may agree that the fourth (1999-2003) and fifth (2003-2007) Assemblies were the early years of return to democracy where the legislature as an institution had to be operated as a new phenomenon given the long years of military rule. Perhaps, this accounted for the instability witnessed in the legislature during the period. While the Senate was busy with attempts to impeach its Presidents on the slightest provocations, the House of Representatives engaged in confrontational battle of impeachment with the then Executive President Olusegun Obasanjo. During those periods, it can be assumed that lawmaking output may drop compared to the period of relative stability (6th Assembly- 2007-2011) in the legislature. Consequently, it is necessary to probe into the assumption to see the effect of the trend on legislative effectiveness of the Nigeria's National Assembly.

Considering the effect which institutional composition and constitutional powers of each chamber may have on their lawmaking function, one will be tempted to probe into how the largeness of the House (with 360 members) could make or mar its effectiveness. On the other hand, it is worthy to examine if fewness of the Senate (with 109 members) with additional constitutional power to screen and approve public appointees (such as Judges, Ministers, Ambassadors, Security Chiefs, and Director Generals etc.) could hinder its lawmaking performances.

The national and sub-national legislatures in Nigeria witness the trajectory of high rate of legislative turnover. As a result, it is expected that the freshmen legislators regardless of their cognate experiences (before becoming legislators) will take time to learn the intrigues and intricacies of lawmaking and other legislative activities in the National Assembly. What may not be clear is the lengths of time expected of them to have learnt and thus, begin to contribute to effective lawmaking. Apart from the routine institutionalized workshops, retreats and trainings by the National Institute for Legislative Studies (NILS), it is fast becoming a tradition for the legislators to travel to advanced democratic countries especially the United States' Congress to acquaint themselves with the world's best legislative practices. All these are expected to take place in the first two years (first half) of the legislative Assembly's four-year tenure. Therefore, there is need to probe into whether the first half of the Assembly will witness lower effective level of lawmaking than the second half (last 2 years) when they are expected to have learnt and settled down for lawmaking business. Instructively, this period also coincide with the period of another election, where they need to give accounts of their stewardship to the electorates; during electioneering activities.

By the principle of checks and balances, a passed Bill cannot become law until the Executive President assents to it or the legislature vetoes it after the refusal of the President. There are many factors that are put into consideration by the executive arm before signing a Bill into law. These range from intended and unintended implications, political effect and policy direction of the Executive President and the manifesto of the ruling party among other factors. It seems more difficult to push a passed Bill to become law than pushing a Bill to be passed in Nigeria. Though, the Nigerian constitution allows the National Assembly to veto the Executive President if the latter refuses to sign a passed Bill into law within 30 days of its receipt, this could only be done through the support of two-third majority of the two chambers. This does not make it easier for Bills to have smooth passage to law especially those that did not originate from the executive. Since the lawmaking cycle is incomplete without the signing of passed Bill into law, it becomes necessary to take a look at the effectiveness of the National Assembly towards this direction. The assessment questions of lawmaking effectiveness may not be justified if one cannot compare the number of Bills sponsored to Bills passed and signed into law. It is after the comparison that one can talk about the impact of such law on the people. It is on this background that this research work attempts to assess the effectiveness of the National Assembly in engendering good governance and sustaining the Nigerian democratic project through the performance of its lawmaking function with consideration to the noted issues.

1.2 Statement of the Problems

The debate on the effectiveness of the legislature since the advent of the Fourth Republic in 1999 remains potent. The heat generated by the continuous argument in favour and against the effectiveness of the legislature has made it to become an issue of policy and academic discourse

amongst scholars and politicians. Determining the effectiveness of any arm of government must transcend emotive and sentimental discourses which is why this study engages with the issues and factors that have been affecting the effectiveness of the Nigerian legislature since 1999. For instance, Ayorinde and Utomwen (2011) assessed the effectiveness of the legislature based on the huge budgetary allocation allotted to the institution in ratio to the number of Bills passed. While this attempt is novel on the ground that it shows the amount of tax payers' money expended on the legislators, the legislators on their part have been complaining of paucity of fund to enable the institution effectively perform its functions. Simply put, there is no agreement between the people (who believe the legislature gulp more funding than required) and the legislators (who claim underfunding of the legislature) on appropriateness of funding the National Assembly. This contradictory trajectory questions the financial status of whether the National Assembly is a dynasty of extravagance or essential spending in the wake of dwindling economy. This study attempts to contribute to objectively resolving these arguments by considering the number and contents of Bills passed vis-à-vis the remuneration of the lawmakers noting other functions and legislative activities expected of the Nigerian legislators.

While focusing on the lawmaking function of the National Assembly, one may be disturbed at the pace at which the legislature is performing this role in term of time and resources allocated to it. The National Assembly seems to be preoccupied with issues that militate against effective lawmaking. Thus, it become necessary to consider the fundamental issue of whether they ought to have sponsored and passed more Bills than what is currently obtained. This made it necessary for the research to probe into the factors militating against the legislative effectiveness of the National Assembly especially in the lawmaking process.

The public seems dissatisfied with the cost of running the Nigerian legislature, thus leading to the call for revisiting the institutional composition of the legislature. This is on the basis of whether or not there is need for bicameral legislature or the country can make do with unicameral legislature. The basis of the argument is that while Nigeria with a dwindling economy keeps 109 Senators (3 from each State) and 360 members of the House, the United States with higher population and a vibrant economy keeps only 100 Senators (2 from each State) though with 441 House members (435 voting and 6 non-voting).

Institutional composition and constitutional framework is another issue worthy of consideration in an attempt to assess a legislature. A close look at seats distribution in the National Assembly raises some dust. All states whether 'big' or 'small' (in terms of population or spatial strength) have three Senators with the FCT having only one. On the other hand, the House of Representatives which its composition is constitutionally required to be based on population in order to ensure equal representation of the people seems perverted. Seats are lopsidedly distributed in the House (with regard to States like Akwa Ibom, Sokoto, Kebbi, Edo, Nasarawa etc. against States like Ogun, Zamfara, Anambra, FCT etc.) which consequently has negative effect on its effectiveness. However, in this work, we are not only concerned about institutional composition but also constitutional framework which gives more responsibilities to the Senate that is expected to concurrently pass all Bills from the House who not only has high membership strength but also has little additional responsibilities. No matter the vibrancy and experience of the Senate in sponsoring Bills, the House may seem more effective in Bill pushing (hypothetical statement to be probed in due course). Whichever the case is, the legislature as a whole takes the kudos or the knocks. This may result in high number of Bill passed in the House

awaiting concurrent passage from the Senate, thereby resulting to ineffectiveness of the concerned Assembly.

There is a general assumption that legislative career in the legislature often leads to legislative effectiveness (i.e. the longer a legislator stays in the legislature, the more he/she is effective and better for the legislature). However, this seems not to be the case in Nigeria. Since 1999, the Nigerian National Assembly is bedeviled with high legislative turnover. Most of the legislators after going through the learning period in the legislature during their freshmen term were not returned for sophomore term, when they are expected to put their experience into use. There are also cases of freshmen legislators with high potential who seem effective but could not return for sophomore term. For those who were returned, most of them could not retain their previous committee membership. Thus, they are as good as returning as freshmen given the new terrain of their committee membership. It is against this backdrop that this research tends to examine the influence of turnover rate on lawmaking performance as well as the impact of the learning period (first two years) of the freshmen legislators on the output of the National Assembly

Finally, the legislative effectiveness of the National Assembly is not only tied to the number and content of Bill passed but also the ability to ensure the executive assented to these Bills. This aspect seems most difficult for the legislature as the President may out-rightly deny his assent on the ground that such law is not good enough for the people. He can also technically delay his assent by requesting for amendment to such passed Bills which will make the legislators to start the process all over again. The constitutional power of the legislature to veto the President can be frustrated as it requires the approval of 313 of the 469 legislators (two-third

majority) given that some legislators may be loyal to the executive rather than the legislature. Therefore, it becomes necessary to take a look at the efforts of the National Assembly in pushing the passed Bills into law since the life cycle of lawmaking is incomplete without a Bill becoming law. It is on this premise that this research work attempts to examine the above problems and the impacts on lawmaking effectiveness of the National Assembly toward engendering good governance and sustaining the Nigerian democracy.

1.3 Objectives of the Study

The major objective of this study is to assess the legislative effectiveness of the Nigeria's National Assembly. However, the specific objectives of the study are to:

- i. assess the effectiveness of the lawmaking function of the National Assembly between 1999 and 2011;
- ii. identify the factors that promote or hinder the effectiveness of the National Assembly in its lawmaking function; and
- iii. examine the impact of some Acts of the National Assembly on the promotion of good governance in Nigeria.

1.4 Research Questions

This research engaged the following questions:

- i. How effective is the National Assembly in the performance of its lawmaking function between 1999 and 2011?
- ii. What are the factors that promote or hinder the effectiveness of the National Assembly in its lawmaking function?

- iii. How have some of the Acts of the National Assembly impacted on the promotion of good governance in Nigeria?

1.5 Significance of the Study

The significance and relevance of this research stems out of the purposes the work will serve and the people that stand to benefit from its outcome. First, an assessment of legislative effectiveness is necessary to provide a template that will assist the members of the National Assembly to attach more importance to their primary function. It will also be of policy relevance and make it possible to identify policy options on the workings and financing of the legislature. This will make it possible to take the most effective and efficient policy choice that will drive Nigerian democracy toward becoming a developed democracy. The findings will show the extent at which the legislature is fairing in the discharge of its statutory lawmaking functions towards ensuring good governance, and that whether the productivity outcome of the legislature is impacting positively on the taxpayers whose monies are used to finance the legislature. In view of these, this research work will contribute to the emerging field of legislative studies (especially in Africa) and by extension to the steadily increasing literature on the expansive field of political science in general.

Second, it will shed more light on the activities and performance level of the National Assembly as an institution. This will make Nigerians to know more about the legislature and consequently guide their comments on the legislature especially as it relate to lawmaking and the huge budgetary fund expended on the institution. In addition, it will raise the consciousness of Nigerians on the performance of the legislature thereby putting them in a better informed position to engage their legislators on their lawmaking effectiveness level. It will also prompt the

legislators to attach more importance to their work knowing that the people will ask them about their performance status.

Third, there are several efforts aimed at assessing the legislature because of its centrality to democratic governance. While some scholars have used institutionalism approach to assess the legislature (Fish and Kroenig, 2009; Krutz, 2005; Mayhew, 1974; Miquel and Snyder, 2004, among others), others have done appreciable works with individualism approach to assess the legislature (Volden and Wiseman, 2013; Adcock and Collier, 2001; Cox and William, 2008; Wiseman and Wright, 2008 among others). However, most of these scholarship works are done using United States Congress and some European parliaments as reference points (Staddon, 2013). In view of this, this research becomes significant as it attempts to bridge the gap (i.e. contribute to literature on legislative studies in Nigeria). This is done through identifying with the institutionalism methodology of legislative assessment given its wholeness and generalization tendencies. In addition, there is also difficulty in adopting the effectiveness benchmarks and indicators used in the developed democracies to assess developing democracies like Nigeria's because of institutional differences and specificity of political environments. Hence, our Institutional Legislative Effectiveness Score (ILES) model - developed to suit the specificity of Nigerian institutional and political environment- used in this work will not only serve as a toolkit for legislators' self assessment but researchers will also benefit by adopting the model to assess state legislatures in Nigeria and the legislature of other developing democracies.

1.6 Research Hypotheses

The research tested the validity of the following hypotheses:

- i. The Nigerian Senate has greater capacity in Bill sponsorship but the House has greater capacity in Bill pushing.
- ii. Nigerian National Assembly is more effective in lawmaking in the second half of legislative Assembly than the first half.
- iii. Subsequent/Succeeding Assembly is more effective in lawmaking than the previous/preceding Assembly.
- iv. The Nigerian National Assembly is effective in pushing its passed Bills into laws.

1.7 Scope and Limitations of the Study

The scope of the study covers the legislative activities of the National Assembly between 1999 and 2011 (i.e. three Assemblies) using two parameters: number and contents of Bills (i.e. number of law made and the impact of enacted laws on the people) and cost of running the legislature (i.e. remuneration of the lawmakers). The analysis is limited to the lawmaking function of the 4th (1999-2003), 5th (2003-2007) and 6th (2007-2011) Assemblies in a comparative and exploratory approach. The wisdom behind the limitation of the scope stems out of the fact that lawmaking is the primary duty expected of the legislature. As noted earlier, lawmaking is often used to define the legislature (as a lawmaking organ of government). Out of the four cardinal legislative functions, only Bill making seems tangible and measurable in terms of number, content and impact. Perhaps, this accounted for why many political scientists adopted Bill sponsorship to assess legislative effectiveness (see Ekor, Katz and Iweala, 2014; Cox and William, 2008; Miquel and Snyder, 2006; Volden and Wiseman, 2009 and 2013; Cox and

McCubbins, 1993; Hall, 1992 and 1996; Wilson and Young, 1997; Adler, Feeley and Wilkerson, 2003; Adler and Wilkerson, 2005; Krutz, 2005; Adler, Berry, Cherie and Wilkerson; 2005 among others). Other functions are difficult to measure especially with the peculiar nature of developing democracies like that of Nigeria. For instance, how representative are the legislature in the context of where their loyalty lie? Is it to the godfathers who determine electoral candidates or the electorates whose choices are limited? Furthermore, it is often difficult to assess legislative effectiveness in terms of budgeting because the legislature has power to appropriate fund but lack the ability to ensure its implementation. Finally, the legislators are often preoccupied with much legislative workload in the chambers and their constituencies which resulted in having less time and adequate resources for oversight function coupled with frustration of the exercise by the executive and civil servants.

In view of the above, attention is given to the structural and procedural framework of the two institutions making up the legislative system of the country, in terms of their historical development, performances, and constraints. Outcome of their legislative activities (in terms of the usefulness of their laws and policies) over time is also inquired into, in order to verify the degree of their effectiveness and efficiency.

The study acknowledges three limitations that stemmed out of the scope of the study. First, the analysis is based on only lawmaking out of the four cardinal functions of the legislature. As a result, the study adopted only one out of the five approaches to the study of legislative effectiveness (i.e. number and content of Bills approach) as against argument that the combination of two or more is better (Fish and Kroenig, 2009; Barkan, 2010; and Omotola, 2014). Therefore, we were cautious in drawing general conclusion on legislative effectiveness as

the concept entails assessing the legislature based on the performance of all cardinal functions using multivariate approach.

Second, most assessment toolkits and benchmarks for measuring lawmaking effectiveness as used in developed democracies are difficult to domesticate in developing democracies. This is premised on the unavailability of all variables and inadequate data making up the components. This led to deviant cases when the outcome of the study is compared to that of developed democracies. For instance, Mayhew (1974) asserts that effective Bill sponsoring leads to re-election of the MP. However, this is not the case in Nigeria. Re-election into the legislature is mostly determined by godfathers and rotational consensus among the communities that make up the constituency. In this case, a legislator may be returned even if he/she did not sponsor any Bill. Likewise, a legislator may not be returned even if he/she sponsored many Bills. To this end, very few legislators return to the National Assembly based on their previous effective performances.

Third, the data used to assess institutional legislative performance does not recognize individual legislative input. This makes the entire legislators to take glory or knocks for the outcome and make it impossible to identify the ineffective individual legislators. Consequently, these make our study to capture only small part of effectiveness and could be seen as one small part of a broader assessment.

The study faced some challenges. However, these challenges were mitigated using alternative means to avoid invalidating the findings and outcome of the research. First, we encountered enormous challenges collecting data from the National Assembly library. We discovered that despite the importance of globalization and the sophistication of information technology which make access to information easy, the library still operates in the ancient way

characterized by poor documentation, record keeping, retrieval system and unwillingness to share information which ought to be available to the public in line with the Freedom of Information Law. Where the library attendants were willing to release required information, they encountered delays in obtaining permission from the relevant authorities. This made us to repeatedly visit the library. Where information was available, it was in some cases incomplete and lack continuous updating.

Extracting data was also problematic as a result of suspicion. As claimed by the attendants, experiences show that researchers are fond of mutilating and permanently removing pages of documents due to non availability of duplicating machines in the library. As a result, researchers were treated with cold reception on arrival making it difficult for them to enjoy the cooperation of the attendants who know where most of the relevant information is located. Despite these challenges, we were able to gather reasonable information with the help of an accompanied staff member of the National Institute for Legislative Studies (NILS). This was also complemented with information from the library of NILS and personal libraries of some legislators.

Second, it was difficult getting audience with the legislators to be interviewed as a result of their busy schedule. When they are not in session, most of them are either at committee meetings, performing oversight functions or attending to personal matters outside their offices. After booking appointments, we were able to interview some. For those we could not interview, we substituted them with their highly experienced legislative aides. For the former legislators, we travelled to their states of residence to conduct the interview. Some took us more than three checks as a result of cancellation of appointments after arrival at the designated places. This made us expend more time and resources above our budget. We stationed trained Research

Assistants in Abuja to trail the sitting legislators to know when they were available to be interviewed.

On getting the legislators to be interviewed, we encountered the challenge of making them divulge needed information in full. They were conscious of their responses in order not to violate the legislative tradition that no legislator is allowed to grant interview on procedural and legislative decisions except the spokespersons. To leverage this, we assured them with evidences that their responses will be used for research purposes only. We allowed them with refusal options to questions which they think can jeopardize their membership of the legislature. To impress them and assure them of protection, we switched off our recording devices and cell phones and resorted to manual recording. We discovered that this made them to talk freely and gave us more information than we might not ordinarily have access to. After each interview, the entire research team retired to a secluded place to review and harmonize our individual documented responses.

1.8 Organization of Chapters

The study is organized into seven chapters. The first chapter served as the introduction and encapsulates the background to the study, statement of problems, objectives, research questions, and hypotheses; significance of the study, scope and limitations and organization of the chapters. This is followed by chapter two which deals with the review of relevant literatures on the legislature and legislative effectiveness. It also covers the exploratory analysis of the theoretical framework. The research methodology comes under chapter three, where the data collection procedure, research design, sampling, and measurement instruments are elucidated. Chapter four covers the historical overview, constitutional and institutional frameworks of the Nigerian National Assembly. The chapter also explores the Bill making process in the national bicameral

legislature. This is followed by chapter five which covers analysis of generated data, empirical results, and interpretation of major findings. The sixth chapter deals with the analysis of the impact of the Acts of the National Assembly on the people, the remuneration of the legislators and the challenges militating against the legislative effectiveness of the Nigerian National Assembly in the lawmaking process. Chapter seven dwells on the summary, recommendations, conclusion and suggestions for further research.

CHAPTER TWO

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

Literatures on legislative studies are enormous. Several scholars around the world have written on the legislature either as a subject matter on its own or as a section under democratic studies. The study is also aware that several works are in progress on the study of the legislature in the research environment (student academic theses and dissertations), commissioned projects, and articles to be published among others. Since it is difficult if not impossible to review all these literatures, the study attempted to review few ones especially some of those that are related to the scope of this research work. On a general note, the review started with the conceptualizing and tracing of the historical evolution of the legislature. It examined scholarship works on the centrality of legislature and its functions in the democratic process, noting the capacity of the lawmakers in lawmaking with insights from selected democracies. It also analyzed the power, composition and pattern of funding legislature in contemporary democracies. It had a snapshot at the review of legislative effectiveness and the problems of measuring legislative effectiveness noting scholars' methods adopted across selected countries.

2.1 The Concept and Origin of Legislature

The legislature is an arm of government saddled with the responsibility of making laws for the good governance of the polity. In fact, Sha (2014) argued that it is an indispensable institution which all democratic countries must build and maintain. However, there are variations on the standpoint of its definition. For example, Farlex (2016) defined it as the source of popular sovereignty by which some representatives were elected to serve the people on the basis of their constituents' needs. One can infer that this definition sees the legislature from the standpoint of

‘constituent’s motive’ expected from the institution. As such, the legislature is seen as an institution representing the interests of the people, and deriving its authority from the people. On this note, the legislature is expected to exercise its powers and perform its functions according to the will of the people who they represent. Perhaps, this is why Bogdanor (1991) earlier posited that the authority of the legislature as a political institution is derived from a claim that the members are representative of the political community, and decisions are collectively made according to complex procedures. Oni (2013) also shared this view when he defined the legislature as the primary mechanism of popular sovereignty that provides for the people’s representation in governance and accommodating their diverse interests in a multicultural and sub-national society. These positions show that the legislature is the product of people’s choice and they determine what happen in the institution. This notion is in line with the earlier argument of Smith (1980) that the legislature is powerful because its legitimacy is based on the collective wisdom of men and women who give confidence to the institution to act on their behalf.

In another perspective, the legislature is often defined on the basis of function and institutional composition. In this regard, it is seen as the representative Assembly of persons statutorily empowered to make laws for a local, state or country. Ihedioha (2012) defined it as an assemblage of the representatives of the people elected under a legal framework to make laws for the good health of the society. It is also defined as the institutional body charged with the responsibility of making laws for the country and at the same time serves as an avenue through which the collective will of the people or part of it is articulated, expressed and implemented (Okoosi-Simbine, 2010:1). According to Anyaegbunam (2000), the legislature is define as an institution having the role of making, revising, amending and repealing laws for the advancement and well being of the citizenry that it represents. Lafenwa (2009) shared this perspective when he

defines the legislature as an official body, usually chosen by election, with the power to make, change, and repeal laws; as well as powers to represent the constituent units and control government. However, Best (2014) agreed that the legislature makes and changes laws, but was quick to caution that there is limitation to the power through delegated legislation. To Best (2014), the executive sometimes have the power to also make laws.

Similarly, the legislature is also defined on the basis of its watchdog roles as captured in the doctrine of checks and balances. It is seen as an institution through which the people make the political elites to be accountable to them and also check their excesses. Carey (2006) noted this when he conceptualizes the legislature as a body with large membership that offers the possibility both to represent more accurately the range of diversity in the polity and to foster closer connections between representatives and voters. This portrays the legislature as a control mechanism using legislations to control all economic, social and political activities of the nation. It also scrutinizes the policies of the Executive and provides the framework for the judiciary to operate.

Most definitions of the legislature centered more on its function of lawmaking. However, there are other cardinal functions expected of the legislature which include oversight, representation and budgeting. Aside these functions, the constitution also empowered the legislature to perform specific functions depending on the socio-economic and political landscape of such particular country. Whichever the case, what is paramount is that the legislature can be broadly conceptualized as a statutorily recognized institution, constitutionally charged with the responsibility to make laws, represent the interests of the people, scrutinize policies and actions (or inaction) of other arms of government and approve budget among other functions for the purpose of promoting good governance.

The origin of the legislature dates back to the epoch of direct democracy which started in Greek-City States of Athens, Sparta, Corinth, Thrace and Thebes among others, in 800-700 BC. During this period, all male citizens aged 20 years and above are automatic members of the General Assembly which meets as the parliament to ratify the political activities of the executive (i.e. the King/Queen). They meet 10 times in a year to discuss public affairs and chart a direction for the governance of the City-States. The Assembly makes laws for the good governance through which the King/Queen administers the territories and relates with international communities. However, decision making became problematic due to the largeness of the General Assembly as a result of population explosion. Consequently, representative democracy emerged where a set of people were selected, appointed or elected to represent others in the Assembly and take decisions on their behalf. Each representative goes back to give feedback to his constituency on what transpired in the parliament. This led to the emergence of legislative-constituency relations. This later became prominent in Rome and spread across the world with the legislature becoming the key institution in representative democracies as it provides avenue for all tribes and groups to be heard.

Since the advent of the legislature in representative democracies, it takes different forms depending on the specificity of the country especially in respect of how homogenous or heterogeneous the country is. There are basically two forms: unicameral and bicameral legislature. However, events in the political history of some countries had brought about other forms, though unpopular in modern political environment. These are tricameral and tetracameral legislature.

The etymology of unicameral legislature is traced to two *Latin* words: ‘*uni*’ meaning ‘one’ and ‘*camera*’ meaning ‘chamber’. This implies the Assembly of legislators in one house to

debate and make laws for good governance of the country. This form of legislature is used in countries that are heterogeneous in nature and more often in unitary countries with weak regional identities. Examples are Angola, Togo, Egypt and Croatia among others. In some situation, some countries changed to unicameralism after having a stint of dual legislative chambers. Examples are New Zealand and Denmark that abolished one of their two chambers. In the case of Sweden, the country changed to unicameralism after the merger of its two chambers into a single one. Approximately, half of the world democracies are presently using the unicameral system including the world most populous state, China; and the least populous state i.e. Vatican City (IPU, 2015). The major advantage of this system stems out of the fact that it makes lawmaking more efficient and less likely to lead to the possibility of legislative deadlock. However, the system could be criticized on the ground that it can lead to tyranny especially in parliamentary system where the parliamentary majority dominate the executive arm of government.

On the other hand, bicameral legislature also emerged from two *Latin* words: '*bi*' meaning 'two' and '*camera*' meaning 'chamber'. It is a system by which the legislature comprises two chambers. One is regarded as the upper/senior chamber, while the other is regarded as the lower/junior chamber. The membership requirement of the two chambers vary from country to country but in most cases that of the upper chamber is more stringent given that it is usually the more powerful house except in Britain and some other Westminster system where the lower chamber is more powerful than the upper chamber. This system is mostly used in pluralistic societies to give voices to the different tribes. Examples are Nigeria, United States, Brazil, France, Japan and United Kingdom among others. As at 2015, a little less than half of the world's democracies were using bicameralism (IPU, 2015). One of its merits is that it gives

voices to all and makes debate more robust. However, the major demerits are that it can easily lead to legislative deadlock and it is expensive to run.

The third form is tricameral legislature derived from the *Latin* words: ‘*tri*’ meaning ‘three’ and ‘*camera*’ meaning ‘chamber’. It is a situation where the legislature has three chambers. This system was used in South Africa under the P. W. Botha’s apartheid regime as enshrined in the South African Constitution of 1983. It consisted of three race-based chambers: House of Assembly with 178 members reserved for whites, House of Representatives with 85 members reserved for Coloured or mixed-race people and House of Delegates with 45 members reserved for Indians (Nuttall et al., 1997: 80). It is advantageous because it is more inclusive than bicameralism. However, it is also more expensive and can create legislative deadlock than bicameralism. The fourth, tetracameral legislature was coined from the merger of a Greek word ‘*tetra*’ meaning ‘four’ and a *Latin* word ‘*camera*’ meaning ‘chamber’. It is a system where the legislature has four chambers. This system is not currently in use by any country but was previously used by Sweden and Finland until 1906 when it was replaced with unicameral legislature. The four chambers that constitute the tetracameral system in these countries are: the nobility, the clergy, the burghers and the peasants.

2.2 Power of the Legislature in a Democracy: An Examination of the Rights, Privileges and Immunity of the Nigerian National Assembly

There is a subtle argument in the annals of democratic studies on the power of the legislature. Since democracy is built on constitutionalism, the variation in the constitutional designs adopted by countries prompted the argument along the three major constitutional designs/systems (parliamentary, presidential and semi-presidential). All the three schools of thought agreed with the fact that legislature is important and can only thrive in democracies but

the bone of contention is the nature of relationship between the executive and the legislature. The basis of the scholarship cold war among the advocates and supporters of the three systems centered on the superiority of the legislature and the executive on one hand and the complementary nature of their relationship on the other.

The advocates of parliamentary system argued that the legislature gave birth to the executive. The Prime Minister and his cabinet who make up the executive are members of the parliament who technically still retain their seat passively in the parliament. They argued that no matter how powerful the executive is, it is dependent on the legislature and serve at the pleasure of the Assembly. The power and influence of the legislature in a democracy is manifested in the fact that it can dismiss the executive if such executive lose their majority in the house or through a vote of no confidence (Stepan and Skach, 1993; Linz and Valenzuela, 1994).

In contrast, Horowitz (1996) and Mainwaring and Shugart (1997) who are advocates of presidential system of government argued that the legislature is important and powerful but not superior to the executive. They premised their position on the fact that since the President is directly elected by the people, he/she is only answerable to the people who own the mandate. They submitted that a president, as a unitary actor, may be more capable of taking rapid and decisive action than the legislature. However, one can challenge the argument of this school on the ground that despite the fact that the president is answerable to the people, the legislature can impeach him/her without recourse to the people who elected the president. They (Horowitz; Mainwaring and Shugart) also seem not to take cognizance of the fact that, it is only the president that is electable as his executive members are appointed with confirmation of the legislature. In this case, they (ministers) are not only answerable to the president but can also be summoned by the legislature for interrogation. The rapidity or decisiveness of presidential

actions is often subjected to ratification by the legislature. It should be noted that we are not insinuating that the legislature is superior but only highlighting how powerful it is beyond the perception of the pro-presidentialists.

The proponents, advocates and supporters of the third school (the semi-presidentialism, sometimes called a 'dual' or 'mixed' system) tend to balance the superiority argument of the other two schools. Duverger (1980) called for a mutual control of governance apparatus by both the executive and the legislature. He called for absolute adherence to the theory of separation of powers and that the people should have the final decisive voice since they select or elect both the president and members of the parliament.

On a separate ground, while the said debate has yielded some very useful insights, Fish (2006: 5) argued that it has also been largely inconclusive. On his part, he proposed a new fruitful way of sustaining democracies through a comprehensive focus on the strength of the legislature. He submitted that evidence has shown that the presence of a strong legislature is an unmixed blessing for democratization. From this analysis, one may agree that the legislature occupies a central position and it is one of the major determinants of the survival of a democracy. It is also pertinent to note that the level of effectiveness of a legislature goes a long way in determining how strong such democracy is. A situation where the legislature is weak, there will be a corresponding effect on the democratic project as it will become a weak democracy susceptible to external invasion by the anti-democratic elements. This assertion was corroborated by the aphorism of Fish (2006): "stronger legislatures, stronger democracies". Perhaps, the drafters of the Nigeria's 1999 constitution also shared this view to have firstly mentioned the legislature before the executive and judiciary respectively.

Beyond this argument, the power of the legislature (in relation to the four cardinal functions and the specifics ones) is usually stated expressly in the constitution. For example, Article I, Section 8 of the constitution of the United States specifically lists the powers of the Congress to include the power to tax, borrow money, to regulate commercial activities with foreign countries and among the states, to establish rules for the naturalization of foreigners seeking citizenship, to establish a post office, to raise and maintain an army and navy, and to declare war. Examining the Nigerian experience, Chapter V, Part I, Section 47-64 provides for the establishment of the National Assembly as the central legislature. In addition, Section 88-89 expressly states the legislative powers of the National Assembly. However, the scope of the powers of the National Assembly is comprehensively stated in the Second schedule, Part I and II under the exclusive and concurrent lists on which the Nigerian National Assembly can legislate upon. Other powers are stated in several parts of the constitution such as power of ratification and confirmation of appointment (Section 147).

However, as enormous as these powers are, Tyoden (2014: 63-64) identified three limitations to them in Nigeria: constitutional, territorial and judicial constraints. By constitutional constraint, the powers of the National Assembly to make laws is limited by the provisions of section 1(3) of the 1999 constitution (as amended). It states that: “if any other law is inconsistent with the provisions of this constitution, this constitution shall prevail, and that other law shall to the extent of the inconsistency be void”. The implication is that the National Assembly cannot legislate on any issue that is already captured in the constitution except such aspect of the constitution is firstly repealed or amended. The territorial constraint stems out of the caveat on section 4 of the 1999 constitution (as amended) as stipulated in second schedule, part II, item 3 that:

The National Assembly may make laws for the Federation or any part thereof with respect to such antiquities and monuments as may, with the consent of the State in which such antiquities and monuments are located, be designated by the National Assembly as National Antiquities or National Monuments but nothing in this paragraph shall preclude a House of Assembly from making Laws for the State or any part thereof with respect to antiquities and monuments not so designated in accordance with the foregoing provisions.

In as much as section 4 of the 1999 constitution (as amended) grants the National Assembly the jurisdictional powers to make laws for the country, the above cited section of the constitution places territorial limitations to the power by requiring the National Assembly to seek prior endorsement of the House of Assembly of the State where such antiquities is situated (Tyoden, 2014: 64). In addition, section 4(8-9) places judicial limitations to the powers of the Nigerian National Assembly by restricting the institution from making laws that could remove or impede the jurisdiction of a court of law or judicial tribunal established. Also, the provision disallows the National Assembly from making retrospective law(s) on criminal offence.

As practiced in legislatures across the globe, the National Assembly as an institution and the lawmakers as individuals enjoy some degree of rights, privileges and immunity. The essence of these is to afford the legislature such opportunities needed to perform its functions and exercise its powers without fear or favour. To a large extent, it also ensure the independence of the National Assembly as an organ of government entirely or almost entirely free from the influence or manipulation of other organs of government while doing its legislative duties. The three concepts are sometimes used interchangeably but actually connote different meaning though related. According to the National Assembly (2011), legislative right is the authority that members have, to legislate which arises from the mandate given to them by their constituent. On

the other hand, while privileges are those rights to exemption from certain ordinary law applicable with regard to the performance of legislative functions, legislative immunities are those protections given to lawmakers that guide and shield them from unnecessary distraction and hindrances that may arise from frivolous litigations.

Legislative rights and privileges are the legal immunities granted to legislators in order to afford them full opportunity to perform their legislative functions without fear of litigation. It allows legislators to talk freely on the floor during debate regardless of the sensitivity of issue(s) of discuss. It immune them from arrest as a result of statement made or action taken on the floor while performing their legislative duties. The legislators enjoy these special rights by virtue of the position they occupy as lawmakers with the intent of making them to function efficiently (Malhan, 1942: 337) However, the immunity is not usually extended to civil or criminal acts of omission or commission of the legislator as a person outside the floor of the legislature. The significance of legislative immunity is seen on the ground that it is accorded significant attention to the extent that most legislatures establish a powerful Committee to oversee its enforcement. In the case of Nigeria, both the House of Representatives and Senate have Special Committees on Ethics and Privileges that oversee the enforcement of legislative rights and privileges as well as guide against its abuse. The Committee has jurisdiction to measure and moderate the code of conduct of legislators as well as ensure that no person or institution trample upon the legislative rights and privileges of the legislators.

The legislative rights privileges and immunities of individual legislator afford him the rights to: freedom of speech, freedom from arrest in civil action, exemption from jury duty, exemption from appearing as a witness and freedom from obstruction, interference, intimidation and molestation. On the other hand, its collectivity (on the legislature as an institution) include:

the power to discipline, regulation of the House's internal affairs, management of employees, authority to maintain the attendance and service of Members, right to institute inquiries and to call witnesses and demand papers, right to administer oaths to witnesses, and right to publish papers containing defamatory material (Singh, 2013; Malhan, 1942; Mustapha, 2017; and Mukhim, 2017). As novel as it sounds, it has a number of demerits which include: high abusive potential or tendencies and high disregard for individual rights when in conflict with institutional interest. By the former, a legislator can use it to make a damaging and serious allegation against his perceived political enemy thereby using it as a weapon of oppression. On the other hand, the legislature as a body can use it to punish dissident members despite the right to their views. A case in point was the six month suspension of Sen. Ali Ndume for asking the 8th Senate to investigate Senators Bukola Saraki and Dino Melaye on allegations of importation of Bullet proof SUV with fake document and perjury respectively (Adebayo, 2017a).

Both individual and institutional rights, privileges and immunities of Nigerian legislature are statutorily provided for in the country's extant Laws. Historically, legislative privileges and immunities in Nigeria dates back to the enactment of the 1953 Ordinance and later its embodiment in the 1958 Laws of the federation. Though, it is not captured in the successive constitutions of the country but it exists and is provided for in CAP. L12 Legislative Houses (Powers and Privileges) Act, 2004 (National Assembly, 2011: 9).

2.3 Composition and Pattern of Funding Legislatures in Contemporary Democracies

Institutional legislative composition is based on the form adopted by a country. It may be unicameral or bicameral. Whichever is adopted, the country is at liberty to name it as preferred. This is why the name of some unicameral legislature is the same as the upper or lower chamber of the bicameral legislature of other countries. In some cases, the compound name of both

chambers in a country can be the name of either the lower or upper house of another country. For example, the Senate and House of Representatives of Nigeria are jointly called ‘National Assembly’ but the lower house of French legislature is called ‘National Assembly’ with upper house called ‘Senate’. However, both houses are jointly called ‘France Parliament’. While all these names are globally recognized in the annals of legislative studies, some countries use names that are peculiar to their culture for example *Saeima* (Parliament) of Latvia, *Riigikogu* (State Assembly) of Estonia, *Golaha Wakiilada* (House of Representatives) and *Golaha Guurtida* (House of Elders) of Somaliland; and *Masharano Jirga* (House of Elders) and *Wolesi Jirga* (House of People) of Afghanistan among others.

As earlier stated, membership composition of the legislature varies along the specificity of each country so also the constitutional electoral qualification, voting system and term span among others. In addition, the number of people entitled to a representative in the lower chamber (population per seat or seat size) also varies depending on the population size of the country and the total number of legislators the country wish to have in the upper chamber (that is usually equal for all states, provinces or regions). These analogies are depicted in the tables A1 and A2 (see appendix I).

From the tables A1 and A2, the study observed that countries with small population sizes adopt unicameral legislature while those with large population sizes adopt bicameral legislature. Though, Austria, South Africa and Sudan have small population but adopted bicameralism as a result of their political environment and heterogeneous nature. The seat sizes of the upper chambers of all selected countries are smaller to that of the lower chambers. This is attributed to the fact that the composition of lower chambers is premised on population while that of the upper chambers is on equality.

Whichever way the legislatures are composed (whether unicameral or bicameral), the patterns of funding are somewhat indifferent. This is premised on the fact that all legislatures are designed to be independent of the executive and judiciary. In the case of Nigeria, the National Assembly makes its appropriation and sends it to the executive to capture in the national budget. To ensure their independence, the National Assembly withholds the details (i.e. sectional breakdown) but only send the total figure. Upon submission of the national budget by the executive, the legislature scrutinizes, passes and sends the budget to the President for assent which must be done under 30 days, failure which will warrant legislative veto by two-third majority of the joint houses. Upon signing of the budget, the entire sum of the amount appropriated to the National Assembly is released on first line charge (Interview with Akinderu-Fatai, 2016). Subsequently, it becomes the responsibility of the Principal Officers of the National Assembly to determine the implementation of the legislative budget as deemed fit.

2.4 A Review of the Concept of Legislative Effectiveness

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 work, Mayhew (1974) attempted 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 the parliament; thus legislative performance is largely motivated by re-election.

Building on this, other scholars argued 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 a member of Congress. For example, Fenno (1978:139) notes that legislators who want to be seen as effective believe that their supporters want them to be influential in Congress, as the constituents usually take certain prides in having an effective congressman especially when the legislators are 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 (see Carson *et al*, 2010; Wiseman and Wright, 2008; Weissert, 1991a and 1991b; Miquel and Snyder, 2006; Bartels, 1991, 2000; Rohde, 1991; Krehbiel, 1991; Cox and McCubbins, 1993, 2005; Aldrich and Rohde, 1997; Arnold, 1990; Canes-Wrone *et al*, 2002; Erikson and Wright, 2001; among others).

What is central to the conceptualization of the term by these scholars is the fact 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 speaking, Volden and Wiseman (2013:6) argued that it is the varying abilities of legislators to advance their legislative agendas, based on their personal aptitude and on their institutional positions that determined their position in the legislative effectiveness ranking. From this analysis, it can be deduced 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.

2.5 The Problems of Measuring Legislative Effectiveness and the Methods Adopted

Having popularized 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. This 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. The ones for measuring individual legislator's 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 organization of a workshop on September 21-24, 2008 in Brisbane, Australia 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. 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.

There are fundamental methodological problems facing scholars, practitioners, donors and politicians in measuring legislative effectiveness globally. These methodological problems emerged out of varying epistemological standpoints. Scholars attempt to measure legislative

effectiveness from different standpoints depending on the perception of individual scholars on what to measure, how to measure, what method and tool to adopt in measuring intangible variable such as legislative effectiveness. First and foremost, some scholars of comparative legislature argued that measuring legislative effectiveness is best done by measuring individual legislative effectiveness (notably Volden and Wiseman, 2013; Adcock and Collier, 2001; Cox and William, 2008; Wiseman and Wright, 2008 etc.) while others make case for measuring the effectiveness of the legislature as an institution (notably Fish, 2006; Fish and Kroenig, 2006 etc.). Whichever standpoint is chosen, there is also the problem of how and what to measure which led to the emergence of five different approaches. These are: formal powers cum autonomy, functional delivery, component, number and content of Bills, and reputational approaches. The formal powers cum autonomy approach measures the degree of power constitutionally ascribed to the legislature and the extent of institutional autonomy it enjoys in its relations with the executive. The functional delivery approach measures the extent to which the legislature delivers in the performance of its four core functions earlier discussed. Component approach examines the quality of key components and actors in the legislative process such as the committee system. While the number and content of Bills approach emphasizes the number and content of Bills passed by the legislature over a given period of time; the reputational approach assesses the way the public perceives the legislature as a crucial institution by its performance and whether there is a high level of public trust or not in it (Fish and Kroenig, 2009; Barkan, 2010; and Omotola, 2014).

One of the most prominent and ground breaking analyses is the research work carried out by Volden and Wiseman in 2009 and revalidated in 2013 (which served as inspiration for this study to develop a peculiar benchmark for evaluating Nigerian legislature). They concisely

defined legislative effectiveness as the proven ability of a legislator to advance his agenda items through the legislative process into law. To them, this definition has four key components. One, it discusses the proven ability of legislators on the ground that while many of them may have great potential to bring about policy change, unless they use such potential to actually advance agenda items especially to the advantage of their constituents, they are not considered to be effective. Two, the definition laid emphasis on advancing legislation in view of the ability of the lawmaker to provoke positive change in the face of daunting obstacles of proposals blockage by other legislators. Three, the definition focuses on the member's agenda items; rather than the agenda items of the political party, the executive, or the constituents. They argued that lawmakers have great deal of choices and flexibility in taking decision on which issue to act upon and which to ignore; especially when they know the issues that will form the basis of their effectiveness evaluation. Finally, it focused on movement through the legislative process and into law. They argued 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 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 the foregoing, one can infer that the definition of legislative effectiveness excludes various legislative activities and behaviors, 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 and laws in line with the argument that a good public policy must always be in the public interest (Olaniyi, 2003:39).

However, in the Nigerian context, scholarship efforts on the study of the effectiveness of the Nigerian legislature are highly appreciable. Before the emergence of the fourth republic, it is difficult to make any meaningful analysis of the lawmaking institution; owing to the fact that the history of Nigeria's legislature has been riddled with disruptions, re-establishments and reforms, all of which left it without strong, deeply engrained legislative tradition, norms, practices and procedures. The experience from the four times (First to Fourth Republic) it has sprung back into life 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 seventeen years of uninterrupted legislative activities from 1999 to 2003 (4th Assembly), 2003 to 2007 (5th Assembly), 2007 to 2011 (6th Assembly), 2011 to 2015 (7th Assembly) and the current 8th Assembly of 2015 till date. This has undoubtedly prepared the ground on which to base performance assessment. It is against this backdrop that scholars began to measure the progression of the legislative branch of Nigeria's evolving democratic government.

In view of this, scholars have since been exploring the institutional workings of the National Assembly towards identifying the factors responsible for its efficiency and otherwise. While some based their analysis on the symmetric and asymmetric relations with the executive arm of government (Davies, 1996; Bello-Imam, 2004; Aiyede, 2006; Zwingina, 2006); others tend to see it from the invaluable role it is playing in the democratic governance (see Okoosi-Simbine, 2010; Ijaiya, 2010; Egwu, 2005; Ojagbohunmi, 2006). In a different perspective, some

other scholars explore it as an institution of governance analyzing its workings and pointing out the challenges hindering its effectiveness (Saliu and Muhammed, 2010; Alabi and Fashagba, 2010; Solomon, 2010; Lafenwa, 2009; Fashagba, 2009; Ishaya, 2010). Despite these efforts, little attention is made to scientifically measure the effectiveness of the National Assembly as it is the case in most developed democracies. Ekor, Katz and Iweala (2014) attempted to fill this gap by domesticating the model of Volden and Wiseman (2009 and 2013) to study individual legislative effectiveness of Senators in the 6th assembly. They (Ekor, Katz and Iweala, 2014: 72) came up with a framework for legislative effectiveness and also modified the LES model retaining most of the LES components and weighting system. As novel as this effort was, two gaps were observed. First, the analysis is limited to the Senate leaving out the House of Representatives. Perhaps, they followed the style of Volden and Wiseman who also used the LES model to study the United States' House of Representatives leaving out the Senate. Second, we believe it may have been better if the entire 109 Senators of the 6th assembly are studied over the four years span. Ekor, Katz and Iweala (2014) only studied 43 Senators between 2007 and 2008 which in our view may not be enough to generalize the effectiveness level of the Senate in particular and the National Assembly in general.

2.6 Global Legislative Effectiveness Measuring Toolkits, Benchmarks and Indicators

Staddon (2013) opined that the proliferation and variations in the legislative effectiveness benchmarks and assessment frameworks is unavoidable; chiefly as a result of the differences that exist across legislatures in terms of powers and institutional development. However, in order to appreciate the plurality and the novelty of assessing legislative effectiveness and the inherent gaps as identified above, it becomes a necessity to briefly discuss the kernel of some selected

global legislative effectiveness measuring toolkits, benchmarks and indicators as put forward by scholars, practitioners and legislative inclined organizations. It is worthy to note that the plurality or proliferation of the measuring toolkits is also a product of the end target or objective of the initiators either to establish a self-assessment or minimum criteria. The legislators may initiate assessment toolkits to evaluate their own performance or be assessed by external bodies who mostly establish a minimum standard expected of the legislature. Whichever way, the essence or benefit of assessing the legislature is enormous, which include (but not limited to): ability to identify significant issues for reform, raising awareness about legislative governance, strengthening inter-parliamentary cooperation (Hubli, 2009), empowering the parliament to claim its institutional position in governance order, provide opportunity for the legislature to know its areas of strengths and weaknesses, assist in designing parliamentary strengthening programming (UNDP, 2007), increase academic interest in legislative studies, to establish democratic norms and values that will guide legislative operations, to enhance legislative transparency and accountability, and encourage comparative assessment of legislatures using different frameworks (Staddon, 2013).

There are many measuring toolkits, benchmarks and indicators of legislative assessment designed by scholars, practitioners, parliamentary assistance donors and civil society organizations. Some of which had been mentioned earlier in this chapter. However, some selected ones that are practically implementable in the context of African specificity are briefly discussed below with a view to take a stand on their adoptability in studying Nigeria's National Assembly.

2.6.1. The IPU Self-Assessment Toolkit for Parliaments

In an attempt to establish a widely accepted assessment toolkit suitable for all parliaments across the globe, the Inter-Parliamentary Union (IPU) in 2008 introduced a self-assessment toolkit which was a product of the collection of about seventy five examples of good legislative practices among member parliaments (WBI, 2008). The intent of the IPU is to put forward a viable toolkit that is based on universal democratic values and principles relevant to all parliaments regardless of the type of political system and their stage of development. The core objective of the blueprint is to allow each legislature to perform a self assessment of its activities. The wisdom behind this is premised on the argument that the parliamentarians themselves are in best position to identify the challenges hindering their legislative effectiveness and efficiency. However, the self-assessment is with a caveat that the legislature should involve external actors such as the civil society organizations, media practitioners and academics among others. The initiator (IPU) therefore believes that this self-assessment will enable the legislature to suggest implementable practical solutions to the problem (IPU, 2008). The Union recognizes the fact that all legislatures differ on the basis of history, social, and political context; yet, it is believed that the toolkit can situate a mid-point to all the characteristics and provide a universal template and common criteria for assessing themselves on how they perform.

The IPU Self-assessment toolkit is made up of fifty four (54) questions set under six (6) categories:

- i. the representativeness of parliament;
- ii. parliamentary oversight over the executive;
- iii. parliament's legislative capacity;

- iv. the transparency and accessibility of parliament;
- v. the accountability of parliament; and
- vi. parliament's involvement in international policy.

In addition, there are nine (9) questions under the annex which cover parliament's involvement in foreign policy. The IPU observes and identifies several conditions (entry points) in which the parliament may wish to use self-assessment. These conditions include:

- i. to help prepare the parliamentary budget and strategic plan;
- ii. to stimulate a parliamentary reform process;
- iii. to promote gender sensitivity in parliament;
- iv. to enable new members of parliament to discuss key issues;
- v. to validate the findings of a needs-assessment mission; or
- vi. to make an NGO assessment of parliament.

Methodologically, the legislators are expected to answer the set of questions annually (in early October) after they might have trained a group of facilitators who will assist them in using the toolkit. The outcome of the assessment will then be published for the legislators and public consumption. In view of these, the WBI (2008) described the toolkit as one that follows a best practice approach. This study strongly opines that the outcome of the assessment may not be empirically valid given the fact that it opens the door for bias and value judgment. The average legislators may not rate themselves poor even when they knew they had performed poorly. This is why it is generally believed in the Latin legal parlance that *nemo judex in causa sua*, meaning that one cannot be a judge on his/her own case. Rotberg and Salahub (2013: 19) also criticized the IPU's Self-assessment toolkit as brief and bland. To them, the toolkit is not only incomplete

but also lacks objectivity. To this end, this study finds this toolkit good but not adoptable for the nature of the study.

2.6.2. The UNDP Parliamentary Assessment Strategies

As one of the major parliamentary assistance donors in Africa, the United Nations Development Programme (UNDP) in 1999 initiated two different guidelines for assessing African parliaments:

- i. ***Parliamentary Needs Assessment:*** This assessment guideline is designed to be adopted during the development phase of a parliamentary strengthening program, and
- ii. ***Parliamentary Strengthening Programs Assessment:*** This serves as a guide to developing indicators that are aimed at monitoring and evaluating existing parliamentary strengthening programs in Africa.

Though the frameworks did not propose a particular scorecard system of evaluating parliaments, they prepare the ground for the development of assessment framework for legislatures within or across countries. The major thesis of the two toolkits is the seven (7) key questions to be answered prior to developing a parliamentary strengthening program:

- i. How much power do the laws grant to the parliament?
- ii. How much political space does the system allow the parliament?
- iii. How much do legislators want to do to advance the institution as a significant actor in the political system?
- iv. How well does the parliament interact with society?
- v. How well does the parliament perform its lawmaking and oversight functions?
- vi. How well do systems of parliamentary management and infrastructure help the parliament perform its representation, lawmaking, and oversight functions?

vii. What are other donors doing?

As novel as these questions seem in assessing legislative effectiveness, Bosley (2007) opined that they do not address parliamentary performance, instead, the questions only focus on the political and institutional contexts in which a parliament or parliamentary strengthening program operates and the issues confronting donors. However, this study holds a contrasting opinion to that of Bosley. A close examination of the questions shows that they not only cover all the cardinal functions of the legislature but also take care of the relationship between the legislature and the wider democratic setting. By answering the questions in relation to a specific legislature, one will have been done with an assessment of the effectiveness of such legislature. However, this study admits that the UNDP guidelines only prepare the ground for assessment but fail to provide the methodology of evaluating the legislature.

In what seems as a step to address the shortfall of the organization's input in legislative needs assessment; it also provides indicators necessary for legislative development. The UNDP (2001) provides a methodological procedure in evaluating the legislature. It noted in clear terms that for any meaningful assessment of the legislature to be done, the assessor must settle for quantitative research design over qualitative method and also avoid the use of *yes/no* questions that do not facilitate tracking incremental change. Though the organization supports the combination of the two research designs by arguing that secondary data sourced from government official publications and extant literatures are required to supplement key stakeholder interviews.

Conclusively, the second attempt also abdicates in providing a direct toolkit. It only gives methodological directions to the prospective assessors. However, both models note the challenges of developing universally applicable standards against which to evaluate parliament.

Perhaps, this gap may not be unconnected with the difficulty in providing a one-size-fits-all assessment toolkit. Staddon (2013: 130) recognized this notion on the ground that there is need for assessment frameworks to be made flexible in order to be relevant across the range of parliamentary and democratic models, yet he affirms that this flexibility may inherently leads to complications. To this end, despite the significance and relevance of the UNDP's models, it is not suffice to be adopted as measuring toolkit for the assessment of the effectiveness of the Nigerian National Assembly. Thus, the need for a specific toolkit arises.

2.6.3. The PC's Parliamentary Report Card and Related Indicators of Parliamentary Performance in the Budget Process

The Parliamentary Centre provides a comprehensive assessment toolkit in form of Parliamentary Report Card which assesses parliamentary performance in four cardinal functions: legislation, oversight, representation, and the budget. The novelty of this toolkit can be seen from the perspective that it takes cognizance of all the duties of the legislature and evaluate them against five performance tests: the level and range of activity; openness and transparency; participation; accountability; and policy and program impact. The report card showing the indexes is shown in table 2.1:

Table 2.1: Parliamentary Report Card

		Legislation	Oversight	Representation	Budget
PERFORMANCE TESTS	Level and Range of Activity				
	Openness and Transparency				
	Participation				
	Accountability				
	Policy and Program Impact				

Source: WBI, 2008.

To adopt the report card assessment toolkit, the Parliamentary Centre developed a number of questions (that serves as indicators) on each of the four cardinal functions of the legislature against the performance tests indexes. The indicators are phrased in questions form with response scale of 0-5. The 0 scale shows that the performance indicator is not present at all, and 5 shows it is very strongly present with 2.5 showing it is somewhat present. The respondents are required to choose scale answers to all indicators while the assessor then tally the responses into the report card to come up with the effectiveness result. This according to WBI (2008) makes it to be a results-based management approach. However, this toolkit has been criticized on the ground that it is too detailed and too imprecise; thereby losing out on the major concerns of legislative effectiveness (Rotberg and Salahub, 2013: 19).

2.6.4. The USAID and SUNY-CLD Parliamentary Performance Scorecard

The United States Agency for International Development (USAID) in collaboration with the State University of New York's Center for Legislative Development (SUNY-CLD) produce a framework to assess the performance of the legislature. The intent of the framework is to establish the position of the legislature in the institutional and political context where it operates in order to develop parliamentary assistance programs especially for African legislatures (USAID and SUNY-CLD, 2000). The framework is a two-phase descriptive mechanism with no minimum standard or comparative tendencies among legislatures. The first phase dwells on a macro-level political and constitutional assessment, which focuses on the level of political influence and constitutional power of the legislature in a given polity. The essence is to establish an indexing-based framework, and not to assess the actual performance of the legislature. This is followed by the second phase which divides the assessment process into five areas: (i) Political will and domestic support; (ii) Representation function; (iii) Lawmaking function; (iv) Oversight

function; and (v) Associated operations in management and infrastructure. Each of these five areas has several broad questions to be addressed by the assessor in determining the effectiveness and efficiency of the legislature. The assessor is expected to adopt a rating scale (such as ‘yes/no’, ‘to what extent’, ‘how much’ etc.) in scoring the legislature on its performances on the set questions. These rating will then be tallied using descriptive method.

The key questions with regard to each of the five areas are:

1. *Political will and domestic support*

- i. Does a support base for legislative strengthening exist? Is there a good chance it can be developed?
- ii. Have there been recent attempts to reform the legislature to make it more powerful or effective?
- iii. Have legislative leaders formed a modernization group, committee, or other group responsible for institutional development? If they have, did they do it at their own initiative, or was it at the urging of an outside donor?
- iv. Is there significant support outside the legislature for strengthening it?

2. *Representation function*

- i. Does the legislature promote a two-way flow of information?
- ii. How open and accountable is the legislature to citizens and the media?
- iii. Do committees hold public hearings?
- iv. Are political parties open to public input?
- v. Do most organized interest groups effectively interact with the legislature?

3. *Lawmaking function*

- i. What is the power balance between the legislature and the executive?
- ii. How independent is the legislature?
- iii. Does the legislature have information sources of its own?
- iv. Is lawmaking infrastructure adequate?

4. *Oversight function*

- i. Can the legislature collect information for oversight?
- ii. What are the legislature's budgetary prerogatives?
- iii. Does the legislature have adequate understanding and resources for oversight?

5. *Associated operations: management and infrastructure*

- i. Do rules and procedures expedite business but still permit debate?
- ii. Is there transparency regarding legislative actions?
- iii. Are the physical facilities adequate?

The framework is somewhat similar to that of the UNDP given the fact that both are anchored on fundamental questions that needed to be addressed in assessing the legislature. They both set the ground for the development of performance assessment toolkits. However, the USAID and SUNY-CLD parliamentary performance scorecard not only identify the end means but also provides detailed methodology on how assessors can use it. The toolkit, notwithstanding, has some fundamental technical loopholes. For instance, Bosley (2007) observed that since the toolkit is more descriptive than evaluative, the outcome of its adoption may likely miss some nuances. In addition, it will make comparative analysis of legislatures to be difficult since there is no established minimum standards against which such comparisons

could be made. This study also observes that the issue of value bias and judgment of the assessor may creep into the assessment outcome as a result of the descriptive nature of analysis.

Despite the fact that the framework is seen as a purely practitioner-driven approach to evaluating parliaments (Bosley, 2007), it may not be suitable for adoption in a study of this nature. This is as a result of the fact that the study attempts to evaluate the Nigerian National Assembly in a comparative perspective and track the legislature's progress over time amidst the prevailing peculiar socio-political and economic configuration and trajectories in the country. To this end, the need for a more nuanced toolkit that will satisfy the objectives becomes inevitable.

2.6.5. Rotberg and Salahub's African Legislative Effectiveness Score Card

In the process of measuring democratic institutions' effectiveness in Africa, Rotberg and Salahub (2013) argued that most studies focused on the roles of the executive and political parties with less attention given to the legislature. Weak democracy is the major reason attributed to this trajectory. In view of this, the North-South Institute situated in Ottawa at its meeting in December, 2012 initiated the need to develop a simple score card capable of being adopted as a tool for measuring legislative effectiveness in Africa; thus, Rotberg and Salahub were commissioned for the task. The outcome of the research is the development of what we termed 'Rotberg and Salahub's African Legislative Effectiveness Score Card'.

The score card has three criteria:

- i. Level of Legislature's ability to interrogate the executive, compelling them to explain and justify their actions and inactions with the intent of enhancing accountability and transparency of governance.

- ii. The extents at which the legislatures use their constitutional power of executive appointments confirmation to influence executive's actions, and to pass, delay, reject, or improve executive Bills.
- iii. The audacity of the legislature to exercise the 'power of the purse' to maintain oversight of governmental activities.

These three criteria are used to design questions around the following themes:

- i. How the oversight roles of the legislature are being exercised in Africa;
- ii. how the effectiveness of such oversight can best be measured; and
- iii. how the development of legislative effectiveness can be assisted and strengthened.

In pilot testing the score card, Rotberg and Salahub (2013) chose four African legislatures as cases: Ghana, Malawi, South Africa, and Zimbabwe. They asked legislators, journalists, academics, and observers in all the four countries how they perceived the effectiveness of their legislators using the three criteria. Some of the questions raised include:

- i. How and to what extent did each legislature exercise oversight?
- ii. What were the obstacles to ideal levels of oversight?
- iii. Were there noticeable constraints inherent in the way the parliament was organized or managed?
- iv. Were legislators making full use of their legislative prerogatives and rights, or were they intimidated or held on tight leashes by the executive?
- v. Were legislators distracted by the need to supply constituent services and to visit remote constituencies, or inhibited by their lack of physical offices, absence of research services, want of training, and ignorance of a legislator's traditional role?

Premised on these, Rotberg and Salahub developed a simple score card on measuring legislative effectiveness which seeks to assess the legislature on the extent to which the following issues are achieved:

1. (a) To what extent are heads of government, cabinet ministers, and executive officials interrogated effectively by parliamentary portfolio committees, by specialized committees such as the Public Accounts committees, at periodic plenary question periods, or snap debates? Do members of the executive respond fully, partially, not at all orally and in writing? With what frequency? Does parliament control these mechanisms directly? Is the opposition fairly represented?

(b) Has new information been uncovered in this manner? If yes, what are the examples?

(c) Has official policy been diverted, redirected, or revised because of parliamentary questions? If yes, examples?
2. Has parliament deferred or denied executive appointments, treaties, or economic arrangements? Has it or its committees compelled the re-thinking of possible appointees at any executive level? Examples?
3. By exercising the power of the purse, has parliament curtailed or shifted policy initiatives? Has it deferred executive actions? Examples?
4. Does parliament control its own budget? Does it elect its own officers? Is the Speaker responsive to members? Do committees meet when the legislature is not in session?
5. Can and do members introduce private member's motion? Do they sponsor snap debates?
6. Does the executive attend to parliament? Does it pay attention to critiques and criticisms that emanate from the assembly? How often in a year has parliament been prorogued?
7. How often does parliament meet, and for how long?

8. Do parliamentarians have offices? Staff? Access to research facilities? Do committees have offices and staff?

As novel as this toolkit seems, it is not appropriate for our study largely because it is chiefly designed to assess legislative effectiveness on oversight functions; whereas, this study is strictly based on lawmaking function of the legislature.

Gaps in Literature

From the review of the literature, the study has been able to highlight the concept, origin, power, composition and funding of the legislature across liberal and minimal democracies. It also examines 'legislative effectiveness' as a concept and reviewed a number of benchmarks and toolkits for measuring legislative effectiveness. However, a number of gaps were identified in the literature.

The first is differences in the epistemological standpoints among scholars and practitioners in defining the concept of legislature. While some see it from the perspective of constituent motive (Farlex, 2016; Bogdanor, 1991; Oni, 2013 and Smith, 1980 among others), others see it from the perspective of the lawmaking function which the institution is primarily established to perform (Ihedioha, 2012; Okoosi-Simbine, 2010; Anyaegbunam, 2000 and Lafenwa, 2009 among others). In a different perspective, Carey (2006) defined it from the standpoint of serving as watchdog on the executive. While this study appreciated the dexterity of these scholars and practitioners in defining the concept, it attempts to bridge the gap by offering a more encompassing conceptualization by defining the legislature from the combined epistemological standpoints as a statutorily recognized institution, constitutionally charged with

the responsibility to make laws, represent the interests of the people, scrutinize policies and actions (or inaction) of other arms of government and approve budget among other functions for the purpose of promoting good governance.

The study also identified contradictions among 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 agreement on whether to assess individual legislators or the parliament as a whole in the attempt to determine the legislative effectiveness. In the Nigerian context, while the study acknowledged the lofty scholarship efforts on the subject matter, it however observed that there is dearth of studies on the scientific assessment of the National Assembly using indicators and benchmarks that are generally acceptable. The study observed that most of the scholars and practitioners (whose works were reviewed) who are interested in engaging the subject matter more often than not resulted in the argument that the peculiarity of the nature and dynamics of Nigerian government and politics do not allow the adoption or domestication of most of the toolkits, benchmarks and indicators of measuring legislative effectiveness in the Nigerian National Assembly. Prominent among these is Staddon (2013). While the effort of Ekor, Katz and Iweala (2014) is duly acknowledged in this regard, this study attempts to bridge these gaps and contradictions by designing a model suitable for the specificity of the Nigerian government and politics which is used to scientifically assess the level of effectiveness of the National Assembly in performing its lawmaking function. It is hoped that the model will be useful for research validation and further research on the National Assembly and sub-national legislatures in Nigeria in particular and Africa in general. To this end, this research becomes imperative in contributing to scholarship on legislative studies especially in Nigeria and also to prompt policy makers especially the legislators in waking up to their responsibility.

2.7 Theoretical Issue

Legislative study is becoming a world-wide topic of discussion as identified by WBI (2008:1), therefore, the need to theorize it becomes a necessity. Political scientists have worked assiduously in developing theoretical frameworks, perspectives and issues on legislative studies. The outcome of these continuous efforts has led to the propounding of grounded, traditional and empirical theories as well as epistemological standpoint orientations otherwise known as approaches. Prominent among these theories and approaches include; legislative organization theory, legislative theory otherwise called legislative drafting theory, institutional approach, theory of legislative intent, and theories of legislative committee among others. However, this study adopted institutional approach because it considers the aspects of social structures noting the rules, norms and routine in establishing guidelines for social behavior of an institution (Scott, 2004). The theory is considered to be most suitable for this research work premised on its epistemological kernel and utility to the study of legislative activities and performance on the premise of the causal factors of why, when and how.

One of the earliest proponents of the institutional approach, Pareto (1935) argued that an institution is an embodiment of a particular way of thinking that has direct impact on behaviours of the people that are operating such institution. Selznick (1949) disagreed with Pareto's position and offered a variation to the use of institutional analysis. He opined that studying the natural history of an organization will enable one to understand the reason(s) why such organization behave in a particular way because the most important thing about organizations is that, though they are tools, each nevertheless has a life of its own (Selznick, 1949: 10). However, the direction of the approach has since expanded beyond Selznick's view. Scholars believe that the two opinions are mutually inclusive in studying why an institution functions in a particular way.

For instance, Ostrom (1990) in his view argued that institutional approach now deals with how organization evolves, the legal framework and how the operators of the institution make economical and managerial decisions particularly by investigating the non-rational, non-economic, and non-psychological factors.

Premised on the above, the institutional approach becomes useful in assessing the performance of Nigeria's legislature because the historical circumstances that led to the creation of the institution have largely shaped the way the legislature is run. In addition, there is a standing rule and convention that guide the *modus operandi* of the institution which influences the behavior of the operators. This study acknowledged the fact that the theory is deficient on two grounds. First, it gives primacy to structure and operating procedure over individual and group behaviors of the institutional actors. Second, it erred in acknowledging the fact that the operators of the institution can manipulate the operating procedures to achieve their own end. In order not to render the choice of the approach baseless, this study attempted to bridge the gap by adopting the New Institutional Analysis (also referred to as neo-institutional approach) which is a variant of the institutional approach that is developed to consider the economic models based on theory of public choice. This will enable us recognize the fact that external forces and sociological circumstances such as godfatherism, constituency and personal needs, political parties' manifestoes and leaders, among others, do influence rational decision making and performance of the Nigeria's National Assembly.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Research Design

The research method is built on institutionalism approach to the study of the legislature. Premised on this, the research assessed legislative effectiveness of the Senate and House of representatives (horizontally and vertically) using number and content of Bill approach in a comparative perspective to see the influence and consequential impact of one over the other and over time (4th, 5th and 6th Assemblies) to see the effectiveness direction of the National Assembly. To compare legislative effectiveness over time (in the three Assemblies), the research adopted a substantially modified version of Volden and Wiseman (2009 and 2013)'s Legislative Effectiveness Score (LES) model (see appendix II for Volden and Wiseman LES model). Volden and Wiseman (2013) used the model to assess individual legislative effectiveness in the United States House of Representatives over eighteen congresses. However, three limitations to the model regarding its usage by the proponents were acknowledged, which makes it practically inapplicable in the context of this research. First, the LES model is used to assess individual legislative effectiveness and second, it is limited to one chamber (House of Representatives). Third, there are variables and information used in the model that is not readily available and applicable in Nigeria (for example, classification of Bills by significance). This necessitated the modification of the model leading to a new version christened Institutional Legislative Effectiveness Score (ILES) which is used to assess institutional effectiveness of both chambers in Nigeria National Assembly. The ILES aggregates the variables/information of all individual legislators to stand for the chamber as a unit (i.e. the study calculates the ILES for each chamber).

The horizontal (comparing 4th, 5th and 6th Assemblies) and vertical (comparing 4th, 5th and 6th Senate and 4th, 5th and 6th House of Representatives respectively) inter-Assemblies comparison is aimed at testing the validity of our *hypothesis iii*. It is expected that subsequent/succeeding Assembly will be more effective in lawmaking than the previous/preceding Assembly. This assumption is premised on the fact that the fourth (1999-2003) Assembly was the early years of return to democracy where the legislature as an institution had to be operated as a new institution starting from scratch; given the long years of military rule. As earlier argued, this may have accounted for the instability witnessed in the legislature during this period. It is expected that subsequent Assemblies will not only build on the foundation of the 4th Assembly but will also have continuous exposure to democratic tenets in terms of citizens' consciousness in governance which serve as motivation and inducer for performance. The ILES model enabled the ranking of the three Assemblies in line with lawmaking effectiveness. The outcome is studied and the variables and causal factors responsible for the variations and trajectory are identified.

Given the specificity of the Nigerian political environment, there are some variables that are applicable in the model legislature (such as United States Congress) that are not applicable in developing legislature -Nigeria's National Assembly (vice versa). Aside this, the research observed some gaps in the secondary data used for the ILES model which needed some explanations from the practitioners (legislators). The research also found some data analysis results that need causality explanations. These gaps were bridged through the use of *Purposive In-depth Interview* (PII). Former and serving legislators were carefully selected for interview on the subject matter (see Appendix III for the interview guide) and content analysis was used to analyze their responses to corroborate or contradict the gaps. Where the responses corroborate,

the causal factors were identified but where they contradict, such are pigeon holed such for further research.

3.2 Sources of Data

As noted above, this research studies the lawmaking effectiveness of the 4th, 5th and 6th National Assembly. Therefore, the legislative reports of these Assemblies were collected. All Bills sponsored with their progressions were collected from the Senate and House Committees on Rules and Business. The National Assembly library was visited for related documents. However as noted earlier, the challenges encountered at the library were enormous but the assistance of individual legislators with permission to visit their personal libraries helped in no small measure. Above all, the NILS's library and National Assembly website assisted with enormous data on Bills contents, their sponsors and the stages at the end of each Assembly. All these serves as our data for the ILES model for performance and effectiveness comparative analysis.

It is noted that looking at the number and content of Bills is not enough to determine the level of effectiveness. There is need to identify and examine factors and political intrigues and intricacies responsible for the output of each Assembly. This is best captured through discussion with selected legislative members of the three Assemblies. In view of this, purposive in-depth interview is adopted.

3.3 Indicators and Measurement of Legislative Effectiveness in Nigeria

Legislative effectiveness is measured from the activities of the legislators in Bill processing. The study identified a series of indicators that provide information about the lawmaking effectiveness. It relies on four indicators for each chamber of the three Assemblies

under review. This resulted in application of one ILES model for each of the six chambers (The 4th, 5th and 6th House of Representatives; and 4th, 5th and 6th Senate). The first indicator considers how many Bills were read the first time regardless of whether they are executive or members' Bills. This is premised on three factors. One, the research adopts institutionalism approach and not individualism approach. Two, Bill sponsorship is overlooked because it may come either as a member, executive or concurrent Bill. Three, there are some sponsored Bills submitted to the Committees on Rules and Business which the sponsors have no intention of passing other than for record purpose that they sponsored such Bills. Such Bills were never followed up and the Committees on Rules and Business never slate them for first reading. The second indicator considers Bills that were read the second time, debated and successfully committed to appropriate committee(s). The third indicator considers Bills that receive action in both Standing Committee and the Committee of the Whole House. Finally, the fourth indicator considers Bills that successfully get out of the Committee of the Whole and were passed at the third reading.

This research acknowledged the fact that the legislative cycle is incomplete until the passed Bill is signed into law either by the Executive President or through legislative veto as provided by the constitution. The study deliberately ignores this section which could have formed our fifth indicator for two reasons. First, all Bills passed by each chamber must be transmitted to the other chamber for concurrence passage. Two, all Bills identically passed by both chambers are recorded as 'passed Bills' for the two chambers and are forwarded as single Bills to the executive for assent. If signed into law, such become double entry as both chambers are entitled to the glory of passing such Bills and will be recorded as such. This can be technically problematic using such as a measuring indicator. In future studies of single chamber or unicameral legislature, the ILES will have five indicators. To leverage on this, the number of

Bills passed by both chambers is averagely calculated (as single output of the National Assembly) for each Assembly (4th, 5th and 6th) and the ones eventually signed into laws by the Executive President (Acts of the National Assembly) are identified. Descriptive statistical tools (simple percentage and graphical illustration) are used to analyze the extent to which the National Assembly can push its passed Bills into laws (*Hypothesis iv*).

In applying the indicators as a measuring tool, information on all Bills between 1999 and 2011 spanning three legislative Assemblies were collected and all the Bills were tracked through the Bill progression report of the Committees on Rules and Business of the three Assemblies as well as the reports of the Clerks. A number of key issues were identified. First, a comparative analysis of the 4th, 5th and 6th Assemblies in terms of Bills processing, passage, and transition for concurrence was done. Second, the research attempted to compare the first half and second half (two years each of the four years tenure) of the three Assemblies to probe the validity or otherwise of the research *hypothesis ii*. Third, using the ILES model, a directional graph (line chart) was plotted with the score to show the level of effectiveness of the three Assemblies probing into the validity or otherwise of *hypothesis iii*. Fourth, the research calculated the percentage of Bill passed from the percentage of Bill read the first time for each chamber of the same Assembly.

Comparing both percentages on average over time (1999-2011) enables the research to identify the chamber that has more capacity in Bill pushing through the four stages (indicators) in order to probe the validity or otherwise of *hypothesis i*. Fifth, the research compared the percentage of Bills passed by both chambers for each Assembly to the percentage of Bills signed into law. The assented Bills were also checked to identify the percentage of those that are executive Bills to the members' Bills. This shows the level at which the legislature can push for

the signing of its passed Bills into law given the socio-political and economic dynamics surrounding the process. This will probe for the validity or otherwise of *hypothesis iv*.

Finally, the research identified a number of issues that arose out of the above data analysis and literature review. Such issues were developed into questions that formed the bedrock of the in-depth interview. Some former and serving legislators who were in a better position by virtue of their experience and accessibility to proffer answers to these questions were carefully selected. This necessitated the adoption of purposive sampling techniques.

As desired, these indicators matched the research's expectations as all research hypotheses, questions and objectives were taken care of. The indicators also meet the "proven ability" concept as posited by Volden and Wiseman (2013) that a legislature can be said to be effective when it is assessed based on actual Bills processed and their fates on whether or not such Bills become laws. However, the research recognized the fact that the indicator is not all-encompassing as it set aside other functions of the legislature that could have made up the assessment process. This will be tried in further studies.

3.3.1 The Institutional Legislative Effectiveness Score (ILES)

Dwelling on the idea of Volden and Wiseman's LES model, the identified four indicators of effectiveness were combined to form a single measuring tool known as the Institutional Legislative Effectiveness Score (ILES) Model. The model is specifically drawn to assess institutional legislative effectiveness as against that of Volden and Wiseman that assess individual legislative effectiveness. This is shown in equations 1 and 2 below:

ILES Model

$$ILES_{it} = \frac{\delta}{N} \dots\dots\dots \text{equation 1}$$

where:

$$\delta = \left(\frac{\alpha 1stR_{it}}{\alpha \sum_{j=1}^N 1st R_{ej}} + \frac{\beta 2ndR_{it}}{\beta \sum_{j=1}^N 2nd R_{ej}} + \frac{\gamma 3rdR_{it}}{\gamma \sum_{j=1}^N 3rd R_{ej}} + \frac{\lambda PASS_{it}}{\lambda \sum_{j=1}^N PASS_{ej}} \right) \left(\frac{x}{N} \right)$$

.....equation2

and where:

δ : value of numerator of the ILES

α : is the weight assigned to Bills read the first time, i.e. 1

β : is the weight assigned to Bills read the second time, i.e. 2

γ : is the weight assigned to Bills read the third time, i.e. 4

λ : is the weight assigned to Bills read the third time, i.e. 8

i : each chamber (i.e. House of Representatives or Senate)

t : each Assembly (i.e. 4th, 5th or 6th Assembly)

e : all chambers under review

j : all Assemblies

ej : all chambers in all Assemblies

it : each chamber in each Assembly

N : number of indicators

x : number of Assemblies

$\sum_{j=1}^N$: the sum of Bills taking all variables into consideration.

$1stR$: Bills read the first time

$2ndR$: Bills read the second time

$3rdR$: Bills read the third time

$PASS$: Bills passed by the parliament for presidential assent.

The ILES for each chamber is calculated by dividing the cumulative value of δ with number of indicators. The wisdom behind this is to make the model flexible and amenable to change where the indicators are more than four (as used in this study). In addition, the overall

weighting of $\frac{\delta}{N}$ will normalize the value of ILES to be greater than 0 but less than or equal to 1 as thus:

$$0 < ILES \leq 1$$

The assumption is that no matter the situation or circumstance prevailing in any democracy (where the legislature is under review), each indicator is a value greater or equal to 0 as thus:

$$n \geq 0$$

where n is one indicator and N is total number of indicators

The essence of this is to bring the model to situate under the basic rule of correlation coefficient that the value of r is equal to or less than 1. This will make it possible for us to adopt 'Measures of Agreement' to formulate standard and global benchmark to be used to ascertain the effectiveness level and interpretation of ILES result. On the other hand, δ is calculated by the four large fractioned terms, each representing one indicator. The value of δ represent the fraction of each chamber's (*it*) Bills read the first time (1), second time (2), third time (3) and passed (4) relative to x (all Assemblies) under review. The four terms (indicators) were weighted by $\alpha = 1$, $\beta = 2$, $\gamma = 4$ and $\lambda = 8$. These weights were chosen to reflect the view that advancing a Bill through the four stages becomes more difficult in progress from early stage to subsequent stages. The rule of weighting is premised on subsequent stage attracting twice value of previous stage. Thus, a chamber or Assembly that introduces large number of Bills but failed to push them through the legislative process will receive a relatively low ILES while the one that is able to advance its Bills to the last stage will receive high ILES.

There are number of features in the model that should be noted. First, the model is comparatively inclined with inverse relationship among the variables under comparison. The ILES of one Assembly is greatly determined by the output of other Assemblies in the fraction i.e. the higher the ILES of one Assembly the lower the ILES of others. The model reward hard-work especially at the later stage of the lawmaking process due to the weighting system. Second, the value of δ can be greater than 1 but the ILES value cannot be greater than 1 as a result of the normalizing factor. This makes the Measures of Agreement (benchmark) to be inevitable. Third, the model displays variation ranging from poorly ineffective to perfectly effective. The scores for the Assemblies under review can be situated within the measuring scale. Fourth, the ILES value can be subjected to a further large fraction especially when it is used to assess bicameral legislature. In this case, in order to be able to do a horizontal comparison i.e. comparing Assemblies by merging the two chambers of an Assembly as a single entity, equation 3 (which is a complementary model) is adopted:

Assembly Average ILES

$$x_i = \frac{"HoR"ILES + "Sen"ILES}{2} \dots\dots\dots\text{equation 3}$$

where x_i is both chambers of an Assembly.

The ILES of the House of Representatives (depicted as “HoR”ILES) is summed up with the ILES of the Senate (depicted as “Sen”ILES) and the value is divided by 2 to find the average effectiveness score of the Assembly. The scores of all Assemblies are compared to know which is more effective than others. The average score is also used to plot line graph to see the effectiveness direction. Finally, whether the comparison is made horizontally or vertically, the variation in the scores can further be subjected to “*value of significance*” using t-test to examine the degree of significance. This will enable technical and in-depth understanding of the variation

beyond the face values thereby assisting in easy identification of all variables that contribute to the effectiveness or otherwise of the legislature.

3.3.2 Legislative Effectiveness Benchmark (Measures of Agreement)

The significance of the ILES model will not be fully appreciated without a benchmark. The benchmark will enable us interpret both the ILES and its average to identify their places in the variation range. In light of this, an acceptable benchmark is inevitable. This research drew its benchmark using ‘Measure of Agreement’. Historically, the first measure of agreement was proposed by Cohen (1960) known as ‘*kappa* measure of agreement’. The *kappa* measures the proportion of agreement between two raters and serves as an adjustment for agreement by chance, as defined under independence. It employs the model of independence as a baseline to identify discrepancy if there is a significant difference between an observed cell count and corresponding expected cell count. k ranges from $-\infty \leq k \leq 1$. It equals 1 when there is complete agreement between raters but 0 when the observed and expected by chance alone amounts of agreement are equal. *Kappa* will be negative if the observed agreement is less than the chance agreement. However, it becomes positive if the observed agreement is greater than chance agreement. It is defined in terms of observed frequencies as:

***Kappa* Measure of Agreement**

$$k = \frac{N \sum f_{ii} - \sum i f_{i.} + f + i}{N^2 - \sum i f_{i.} + f + i} \dots\dots\dots \text{equation 4}$$

Over the years, scholars and statisticians (such as Tanner and Young, 1985; Fleiss, Cohen and Everitt, 1969) have used and modified the *kappa* as a measure of agreement. Some also proposed other measures of agreement based on the specificity of their research (such as

Jolayemi, 1990). However, this study will not build a new measure of agreement but rely on the one proposed by Jolayemi (1990) with a minor modification to its classification. Jolayemi (1990) denoted his measure of agreement by τ where $-1 < \tau < 1$ (i.e. τ is greater than -1 but less than 1) and defined as:

Jolayemi's Measure of Agreement

$$\tau = \sqrt{\lambda}$$

$$\text{where } \lambda = \frac{X^2}{(I - 1)N} \quad \dots\dots\dots\text{equation 5}$$

In his analysis, λ is an R^2 -type statistic and X^2 is the value of Pearson's goodness-of-fit test statistic under the model of independence. His classification of agreement range from 'poor' to 'almost perfect' as follows:

$$|\tau| = \begin{cases} 0.00 - 0.20 & \text{Poor} \\ 0.21 - 0.40 & \text{Slight} \\ 0.41 - 0.60 & \text{Moderate} \\ 0.61 - 0.81 & \text{Substantial} \\ > 0.81 & \text{Almost perfect} \end{cases}$$

Relying on Jolayemi (1990)'s R^2 -type statistic and X^2 value of Pearson's goodness-of-fit test statistic under the model of independence, the study modified the above classification to serve as its Legislative Effectiveness Benchmark as thus:

$$|\tau| = \begin{cases} 0.00 - 0.10 & \text{Poorly ineffective} \\ 0.11 - 0.20 & \text{Ineffective} \\ 0.21 - 0.40 & \text{Fairly effective} \\ 0.41 - 0.60 & \text{Effective} \\ 0.61 - 0.80 & \text{Substantially effective} \\ > 0.80 & \text{Perfectly effective} \end{cases}$$

The above benchmark is a result of several analyses. The ILES model is pilot-tested with numerous possible hypothetical data. The results were subjected to Jolayemi's model and the modification was done in line with the assumption of the ILES model and observed trajectory. The wisdom behind adopting Jolayemi's version among several others stems out of the fact that it suits the specificity of this research's design. For instance, the overall weighting of the value of ILES is greater than 0 but less than or equal to 1 (i.e. $0 < ILES \leq 1$) likewise that of Jolayemi where $-1 < \tau < 1$ (i.e. τ is greater than -1 but less than 1).

CHAPTER FOUR

THE NATIONAL ASSEMBLY IN NIGERIAN GOVERNMENT AND POLITICS

4.1 Historical Overview of the Nigerian National Assembly

Nigeria's formal experience of legislative politics dates back to the colonial era. Though, there are evidences to suggest that legislative activities (especially lawmaking and oversight) were in existence long before the advent of colonialism. Best (2014) attested to this when he noted that kingdoms such as Kanem-Borno empire, Sokoto caliphate and Oyo empire, among others, had legislative processes in their traditional administrative systems. During the pre-colonial era, all powers were centrally vested in Kings (fusion of power), but legislative functions were noticeable in the Councils. However, the first formal legislature established by the British colonial government was the Lagos Legislative Council in 1862 when Lagos was declared a Crown Colony (Goitom, 2017). The Council was headed by the Governor who also doubled as the executive head and the essence of the Council was to advice and assists the Governor of the Colony (Ojo, 1997). However, the development of a national legislature began with the abolition of the Lagos Legislative Council and the establishment of the 'Legislative Council' in 1922. The 'Legislative Council' is an institution made up of forty six members including six Nigerians to legislate for Lagos and Southern Provinces (Nwosu, Olaniyi and Oyedele, 1998). The emergence of the national legislature was unconnected with the agitations of the National Congress of British West Africa (NCBWA), a body established in 1920 in Gold Coast (now Ghana) as an umbrella body for all nationalists across the four British colonies (Nigeria, Ghana, Gambia and Sierra Leone) in the region (Alli, 2004). It was made up of educated nationalists from British West African countries who felt dissatisfied with the legislative structure in the region and demanded for greater participation of Africans in the

administration of their countries (National Assembly, 2010). In 1946, Sir Arthur Frederick Richards through the Nigeria (Legislative Council) Order-in-Council of 1946 reviewed and established a new national legislature still known as the Legislative Council but different in terms of membership composition. For the first time in the history of the country, the new Legislative Council was empowered to legislate for the whole country (National Assembly, 2010).

In 1951, based on the recommendations of the 1950 Hugh Foot-led Ibadan conference, Sir John Stuart Macpherson through the Nigeria (Constitution) Order-in-Council of 1951 abolished the Legislative Council and established a new central legislature known as the House of Representatives (Goitom, 2017; Nwosu, Olaniyi and Oyedele, 1998; and National Assembly, 2010). The House of Representatives continued to serve as the only central legislature (though with amendments in membership composition and electoral method by Oliver Lyttelton in 1954) until 1959 when the Nigerian Senate was established bringing about the adoption of a bicameral legislature in the country. In 1960, the independent Nigeria borrowed a leaf from Britain by adopting a parliamentary system of government with two chambers known as House of Representatives and the House of Senate. However, the military intervention in Nigerian politics in 1966 led to the suspension of the legislature. Thirteen years later, democratic rule was restored in 1979 and the legislature renamed as 'National Assembly' (Ojo, 1997; Nwosu, Olaniyi and Oyedele, 1998). Nigeria dropped the parliamentary system and opted for presidential system retaining the bicameral type of legislature. Subsequently, the National Assembly only existed for four years after which the General Muhammadu Buhari-led military struck and put it under lock and key.

The current National Assembly was reinstituted in 1999 with the advent of the Fourth Republic and has since witnessed eighteen years of uninterrupted legislative activities. Since its inception till date, the national legislature has witnessed a number of headships as presented in table 4.1 and 4.2

Table 4.1: Chronological Presentation of the Speakers of the House of Representatives

S/No.	Name	Tenure
1.	Sir. E. A. Fellows	1952 – 1955
2.	Sir. Fredrick Metacalfe	1955 – 1960
3.	Rt. Hon. Dr. Jaja Nwachukwu	1960 – 1961
4.	Rt. Hon. Ibrahim J. Waziri	1961 – 1966
5.	Rt. Hon. Umeh Ezeoke	1979 – 1983
6.	Rt. Hon. Anakwe Agunwa	1993
7.	Rt. Hon. Salisu Buhari	May 1999 – July 1999
8.	Rt. Hon. Ghali Umar Na’Abba	July 1999 – June 2003
9.	Rt. Hon. Aminu Bello Masari	2003 – 2007
10.	Rt. Hon. Patricia Olubunmi Etteh	June 2007 – October 2007
11.	Rt. Hon. Dimeji Sabur Bankole	October 2007 – 2011
12.	Rt. Hon. Aminu Waziri Tambuwal	2011 – 2015
13.	Rt. Hon. Yakubu Dogara	2015 – till date

Source: Nnamani, 2006; National Assembly, 2010; updated by the Author.

Table 4.2: Chronological Presentation of the Presidents of the Senate

S/No.	Name	Tenure Period
1.	Rt. Hon. Dr Nnamdi Azikiwe	1959 – 1960
2.	Chief Dennis Osadebey	1960 – 1962
3.	Dr. Nwafor Orizu	1962 – 1966
4.	Dr. Joseph Wayas	1979 – 1983
5.	Dr. Iyorchia Ayu	Dec. 1992 – Aug. 1993
6.	Sen. Ameh Ebute	Aug. 1993 – Nov. 1993
7.	Chief Evans Enwerem	June 1999 – Nov. 1999
8.	Dr. Chuba Okadigbo	Nov. 1999 – Aug. 2000
9.	Dr. Anyim Pius Anyim	Aug. 2000 – 2003
10.	Sen. Adolphus N. Wabara	July 2003 – April 2005
11.	Sen. Kenechukwu Nnamani	April 2005 – 2007
12.	Sen. David Mark	2007 – 2015 (two terms)
13.	Sen. Abubakar Bukola Saraki	2015 – till date

Source: Nnamani, 2006; National Assembly, 2010; updated by the Author.

From the tables 4.1 and 4.2, it is observed that the Fourth Republic witnessed higher rates of leadership turnover. This pointed to the fact that the period among others since 1952 is characterized by political dynamics within the major political parties. For instance, the Senator Enwerem's emergence as the Senate President was heavily influenced by the executive. The senate presidency was keenly contested on June 3, 1999 by Senator Evan Enwerem (from Imo State) and Senator Chuba Okadigbo (from Anambra State). The former defeated the latter with 66 votes to 43 votes in an election that was suspected to be influenced by the then President Olusegun Obasanjo (Egburonu, Odufowokan, Adelowo, and Oguntolaon, 2015). Honourable Salisu Buhari emerged as the Speaker of the House of Representatives in an election somewhat different from the Senate's.

However, both principal officers did not survived the muddy politics as they both served for barely a year before been replaced by Senator Chuba Okadigbo (later impeached and replaced with Senator Anyim Pius Anyim) and Hon. Ghali Umar Na'Abba respectively. The trajectory of the elections and the intrigues that follows earned the legislature to be nicknamed 'National Assembly of Drama'. Ever since, the re-occurrence of drama in the process of electing principal officers of the institution has become a tradition (as witnessed in the *Bankoleism*, *Tambuwalism*, *Sarakism* among others). The elections of the principal officers have been enmeshed in controversy, desperation and bitter politicking portraying the institution negatively at the point of take-off of each Assembly. This is mostly responsible for why people score the institution very low even before been assessed.

The consequence of the dramatic elections is the issue of leadership instability which jeopardized the effectiveness chances of the legislature. This chiefly attracted the institution to be seen as the 'indispensable bad egg' among the three arms of government. The 4th Senate had

three different Presidents in four years while the 4th House had two Speakers. Each of the impeached officers was removed as a result allegation that was politically blown out of proportion. For instance, Enwerem was impeached on allegation of outrageous furniture scandal while Okadigbo was axed on 'Salah ram' scandal. In the House, Salisu Buhari was kicked out as a result of certificate forgery (from University of Toronto in Canada) which brought about the sobriquet of 'toronto certificate' in Nigeria's socio-political discourse. The trend continued in the 6th House when Hon. Patricia Etteh was removed in what is today known as *Ettehgate* in Nigerian politics. This trajectory is not limited to presiding officers, as chairmen of committees and other principal officers are removed in controversial circumstances devoid of due process. Examples are Honourable Abdulmumin Jibrin (Chair, House Committee on Appropriation- which led to budget padding allegation), Senator Babajide Omoworare (as Chair, Senate Committee on Rules and Business) and more recently Senator Ali Ndume (as Majority Leader), all of the 8th National Assembly.

4.2 Constitutional and Institutional Frameworks of the Nigerian National Assembly

On the other hand, the institutional framework of the National Assembly is as dynamic as its historical development. It changes with the prevailing political conditions in the country at one point to the other. At inception, the Legislative Council in 1922 was operated as a unicameral legislature with both official and unofficial members partly selected, nominated and elected. The membership strength was forty six (46), out of which twenty seven (27) were official members including the Governor and Lieutenant Governors. The fifteen (15) unofficial members included six (6) Nigerians while the remaining four (4) were elected with three (3) from Lagos and One (1) to represent Calabar (Nwosu, Olaniyi and Oyedele, 1998). Its jurisdiction covered only Lagos and Southern Provinces of the country. Its power was limited to

that of advisory and assistance to the Governor. Section 27 and 28 of the Nigeria (Legislative Council) Order in Council, 1922 provided that members could initiate Bills provided such Bills were not finance related (Goitom, 2017).

As a result of the agitation for inclusion of more Nigerians in the governance of the country, the institutional framework of the 1946 Legislative Council changed in terms of membership composition and legislative jurisdiction. The number of official members was reduced to sixteen (16). The Governor (Sir Arthur Richard) and Chief Secretary to the Government (Hon. G. B. Stooke) among others retained their official membership (National Assembly, 2010). Out of the four (4) unofficial members, 3 were directly elected from Lagos and 1 from Calabar. The Regional Assemblies were made to serve as Electoral College to indirectly elect 20 unofficial members (North: 9; West: 6; and East: 5). The legislative jurisdiction of the Legislative Council covers the whole country (Nwosu, Olaniyi and Oyedele, 1998). Following the renaming of the Legislative Council as the 'House of Representatives' in 1951, the membership composition increased to 7 official members, 136 unofficial members and 6 special members nominated by the Governor. The 1954 Lyttelton constitution abolished Electoral College and members of the House of Representatives were directly elected by the constituents. The membership composition also changed. While the North had 92 representatives, the West and East had 42 each. Lagos had 2 representatives and the Southern Cameroons produced 6 members. There were also 3 ex-officio members (Nwosu, Olaniyi and Oyedele, 1998).

As part of the arrangement for the 1960 independence, the country switched to bicameral legislature. The 1960 independence constitution granted full legislative power to the two chambers. It recognized the Senate as the upper chamber with 44 members and the House of Representatives as the lower chamber with 306 members. The Senators were all nominated with

each region producing 12 each and 4 selected by the Governor-General on the advice of the Prime Minister. On the other hand, the House members were all directly elected from their constituencies (National Assembly, 2010). The fact that the 1963 republican constitution conferred full political independence on the country did not change the institutional framework of the national legislature except for few amendments. It retained the parliamentary system and gave more power to the parliament to elect the President of the country. The number of the Senate rose to 56 members and the House increased by 6 to make it 312-member House of Representatives. The First Republic legislature was suspended in 1966 following the first military coup led by Aguiyi Ironsi.

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

The current National Assembly derives its legislative powers from section 4 of the 1999 constitution (as amended). It grants the National Assembly the power to make laws for the peace,

order and good government of the country. However, sections 47 – 89 explicitly provide for the institutional composition, framework and legislative procedures. These range from membership composition, legislative procedures, qualification for membership, elections as well as powers and control over public funds. In terms of composition, section 48 provides that the Senate shall consist of 3 Senators from each of the 36 states of the federation and 1 from the FCT, Abuja; making a total of 109 members. Section 49 provides that the House of Representatives be made up of 360 members to represent all the federal constituencies of nearly equal population. Section 50 provides for the leaderships of the two chambers as well as the process of their elections and removals.

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

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

Given the fact that the largeness of the National Assembly could slow down the lawmaking process as well as hinders the efficient performance of other legislative functions, section 62 of the 1999 constitution (as amended) provides for the possibility of the establishment of Committees and grants the National Assembly the express power to determine the type and

number of such Committees as well as the membership strengths and regulation of the Committees. This is not peculiar to Nigeria. All legislatures across the world give prominence to Committee system. As proved in extant literature, the importance of Committee system is central to legislative effectiveness (Patterson, 2002; Rogers and Walters, 2006; NDI, 1996; Alabi, 2017; Mayhew, 2000; and Fashagba, 2010 among others). In view of this, the National Assembly in its Standing Orders established three categories of Committees: Special Committees, Standing Committees and Ad hoc Committees.

The first category (Special Committees) is permanent for all Assemblies and its number can neither be increased nor decreased. The Committees under this category are essential and core to the workings of the National Assembly. They are as important as the Assembly itself. This is because, their activities are crucial to the legislative proceedings. In most cases, the Principal Officers are not at liberty to toy with their creation as the Standing Orders usually specify the time frame and conditions to be met in determining their membership. In addition, the major functions of the Committees are usually spelt out either in the constitution or the Standing Orders. For example, Order 18, Rule 1 – 2 of the House provides that:

1. Within the first thirty days following the first sitting of the House, the membership of the following Special Committees shall be constituted:
(a) Committee on Selection (b) Committee on Rules and Business (c) Committee on House services (d) Committee on Public Petitions (e) Committee on Public Accounts (f) Committee on Ethics and Privileges (g) Committee on Media and Public Affairs

- 2.(1) There shall be a Committee to be known as Committee on Selection constituted at the commencement of every Assembly to perform the functions allocated to it by these Rules, and for such

other matters as the House may, from time to time, refer to it.

(2) The Committee on Selection shall consist of the Speaker, the Deputy Speaker, House Leader, House Whip, Deputy House Leader, Deputy Whip, Minority Leader, Minority Whip, Deputy Minority Leader, Deputy Minority Whip; provided that the Speaker, if the need arises, may co-opt other members into the Committee and shall, in so doing reflect the equality of the geo-political zones.

The second category (Standing Committees) is established as socio-economic and political situations dictate. Several factors such as number of MDAs, policy direction, personality politics, and party and external actors' priority, among others, influence the number and membership of the Committees. The implication is that the number of the Committees may increase or decrease in successive Assemblies, unlike the Special Committees whose number is static. While the 8th Senate has 61 Standing Committees, the House has 89 of such (see appendix 4.1 for the list of all the Special and Standing Committees in both chambers). The third category (Special Ad-hoc Committees) is created as the need arises and it stands dissolved once the specific assignment that necessitated its creation is concluded. Order 18, Rule 9 of the Standing Order of the House provides that:

The House may appoint other Special Ad-hoc Committees to perform such duties as the need may arise. Provided that where the function of any Special or Standing Committee in the Standing Orders is assigned to any Special Ad-hoc Committee, the provision herein shall stand created by the Speaker or House Resolution to vest jurisdiction in such named Committee for the duration of the assignment named in the resolution or direction of the Speaker.

The determination of the membership composition of the Special Ad-hoc Committees is at the discretion of the Speaker of the House of Representatives and the Committee on Selection.

In addition, the scope of the function and duration of the Committees is also determined by the Speaker provided such is not in conflict with the functions of the Standing Committees as expressly provided in the Standing Order. Aside the three categories, section 62(3) mandated the Senate and The House of Representatives to establish a 'Joint Committee on Finance' with equal number of members from each chamber. In addition, the provision also empowers both chambers to willfully establish such other joint committees as deemed fit should the need arise. The working of the institutional framework is best appreciated in the analysis of the legislative process which is examined in the next section.

4.3 Lawmaking Process in the Nigerian National Assembly

The process of making laws in the Nigerian National Assembly is not different with what is obtainable in bicameral legislatures across countries using presidential system of government. There is procedural uniformity among legislatures on how a Bill becomes law. Though, the difference between that of the bicameral and unicameral legislatures is not much other than the fact that all Bills passed by one chamber must be passed by the other chamber in identical form under bicameral setting.

In a democratic setting, all laws emanate from Bills. In this context, a Bill is a proposed law to be debated and passed by the legislature. This shows that the first point in the process of lawmaking is submitting a proposed law in form of Bill to the legislature which is constitutionally required to debate and pass such Bill if found to be useful for the promotion of good governance. The process is usually expressly stated in the constitution of a country. However, there are other laws guiding the process but not stated in the constitution, though such laws must be acknowledged by the constitution and must be without prejudice to the provision of

the constitution. For instance, while section 4 (1-5) and section 58 (1-5) of the 1999 constitution (as amended) grants the National Assembly the power to make laws, the art of making the law is guided by legislative procedure as provided for in section 60 of the constitution. The legislative procedure is found in Standing Orders (of both Senate and House of Representatives), various Statutes, Conventions and presiding officers' ruling among others. It is pertinent to note that a Bill can be initiated by the executive (such is called executive Bill), legislators (called members Bill) or the judiciary (called judicial Bill). Bill can also emanate from any member of the public, organizations, development partners, political parties, and interest groups among others. In this case, such Bill must be given to a legislator (regardless of the constituency) who shares the position and ideology behind the Bill. The legislator will be the one that will present the Bill as the sponsor in the National Assembly. In addition, the judiciary though with the power to sponsor a Bill seldom does (National Assembly, 2011). This is perhaps as a result of the power of the bench to make laws which if done by a superior court becomes a judicial precedence for courts of same and lower jurisdiction. Regardless of how a Bill emanates, all Bills follow the same procedure as depicted in figure 4.1:

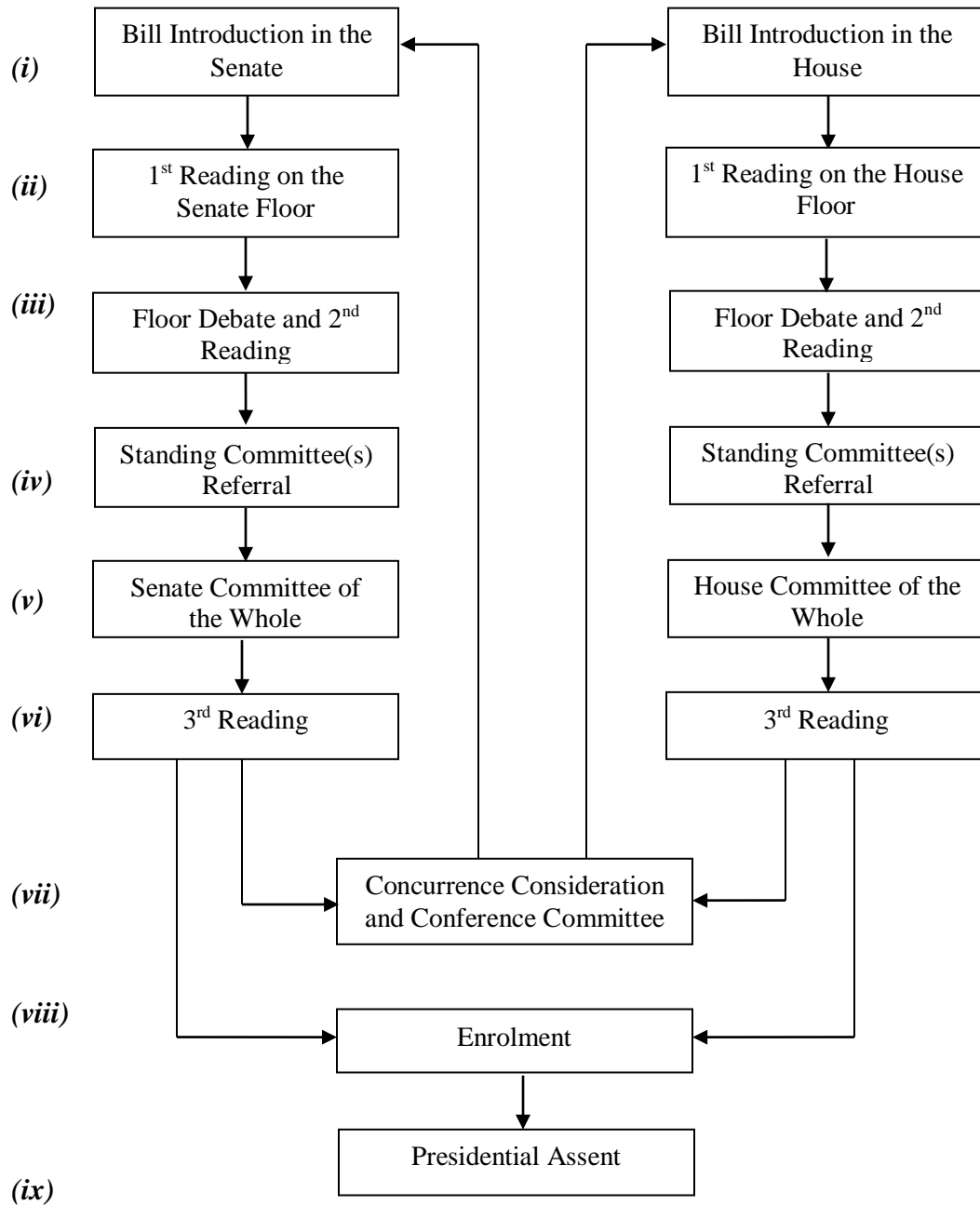


Figure 4.1: Pictorial Analysis of How a Bill becomes Law in the Nigerian National Assembly

Source: Author's conception

As depicted in the figure 4.1, the process of lawmaking typically entails nine tedious stages which must be followed sequentially. Patterson (2002: 324) asserted that the process of lawmaking in most democracies can be short circuited. In this way, some Bills could be

considered by the legislature bypassing some stages. For instance, Bills that are of national importance and urgency (such as supplementary appropriation in case of emergency or drafting of the military during wars etc.) can be discussed at the Committee of a Whole bypassing the Standing Committee. In other way, Bills considered not worthwhile may be killed right at the third stage (i.e. during floor debate and 2nd reading) and/or the sponsor(s) may be asked to reword them for further consideration.

Statutorily, every Bill must receive three readings before its passage (see order 12, rule 3(1) of the Standing Order of the House of Representatives, 9th edition). Though, there are other stages in-between the three readings. The first stage entails that a Bill emanating from the executive, legislators or judiciary must be accompanied by a covering memo personally signed by the President in the case of executive Bill, sponsoring legislator(s) in the case of members Bill or the Chief Justice in the case Judicial Bill and addressed to the Senate President or the Speaker of the House. The presiding officers (where applicable) in turn cause the Clerk to number and publish such Bill in the Schedule of Bills in the official gazette or National Assembly journal and send to all the lawmakers. This serves as a notice of presentation to all lawmakers (National Assembly, 2016). A copy of the Bill will also be given to the Rules and Business Committee who will schedule the Bill for first reading.

On the scheduled date for first reading, the Clerk of the Senate or House (where applicable) is called upon by the presiding officer to read the short title of the Bill. At this stage, no debate will be allowed on the Bill. It is usually a formality stage to acquaint the lawmakers of the scheduling of the Bill. The Rules and Business Committee will then give a date for the second reading affording the lawmakers enough time to read, digest and research on the Bill (National Assembly, 2011). This is regarded as the second stage of the Bill making process. On

the other hand, if the Bill in question is a 'Money Bill' (i.e. appropriation Bill, Supplementary appropriation Bill or any other Bill for payment, issue or withdrawal from the Consolidated Revenue Fund), the President or his/her representatives will on the day of its presentation to the joint sitting of the Senate and House of Representatives read the summary of the content to the hearing of all present. This is considered as the first reading in such case.

This is followed by the third stage which is one of the most important stages in the lawmaking process. This is because it is mostly the date a Bill can be killed or promoted to the next stage. On the scheduled date, the presiding officer calls the Senate or House Leader to announce the Bill and subsequently call on the sponsor (or lead sponsor in the case of joint sponsorship) to move a motion that the Bill be read the second time. A seconder is required before the presiding officer can open the floor for debate on the importance or otherwise of the Bill. While moving the motion, the sponsor(s) usually use the opportunity to explain the importance of the Bill and tactically solicit for support of the members in passing the Bill. At this stage, there is room for amendment to the Bill during the debate. After the debate for and against the Bill, the presiding officer will put it in question on whether the Bill is approved or not. If the Bill scales through, the presiding officer calls the Clerk to read the Bill title and the presiding officer declare it to have been read the second time and commit it to a relevant Committee. It is pertinent to note that a Bill can be committed to two or more Committees depending on the scope of the Bill. In such case, the Committee with major stake will be the main Committee, while other(s) will be Sub-Committee(s). This is referred to as 'joint referral'. For example, if there is a Bill in the House of Representatives to establish a University of Science and Technology, such Bill could be committed to three Committees: House Committee on Tertiary Education and Services; House Committee on Science and Technology; and House Committee

on Information Technology. The Speaker can use his/her prerogative power to decide which of the three Committees becomes the main one and others to become the Sub-Committees. In any case, the presiding officer is statutorily empowered to single handedly decide which Committee to handle the Bill based on his/her judgment. It is also worthy to note that a Bill can be killed at this stage if the highest number of lawmakers oppose it during the debate and voting.

The fourth stage is when the Standing Committee engages in the clause by clause consideration of the Bill. As argued by Patterson (2002), most of the legislative works take place at the Committee stage, especially by the Standing Committees. The Committee also has the technical power to kill a Bill when, in the wisdom of members, such Bill is considered not worthwhile for further legislative actions. Though, the Committee has no final say on it, rather can only make recommendations to the House who is empowered by section 62(4) of the 1999 constitution (as amended) to decide the fate of such Bill. If a Bill is considered by the Committee to have merit or potential, the Committee can organize public hearings by inviting stakeholders that have *locus standi* on such Bill. The contributions at the public hearings assist the Committee members in taking decision during the preparation of its recommendation (whether positive or negative). At this stage, the Committee can also amend the Bill where necessary (Patterson, 2002). If the Bill is considered to be merited, the Committee will recommend it for further legislative actions in its report to be submitted at Plenary. The Chairman of the Standing Committee will request a date from the Rules and Business Committee to submit its report. On the assigned date, the Chairman of the Standing Committee will be called to present the report on the Mace table. The report will be circulated to members and five days or more may be given to them to study the report and prepare their contributions (National Assembly, 2011).

The fifth stage is the consideration of the report by the Committee of the Whole. On the scheduled date, the Senate or House retires into a Committee of the Whole where the presiding officer becomes the Chairman and addressed as such. The presiding officer will descend to the lower chair (where the Clerk normally sits), the Clerk takes the place of his/her assistants, the Mace will be lowered to the lower bracket and the legislative proceeding is conducted in informal way where members are allowed to talk while sitting. After the discussion, the Senate/House goes back to Plenary and the Mace is brought back to the upper bracket. Upon approval of a Bill at the Committee of the Whole, the presiding officer gives the summary of the decision taken at the Committee of the Whole and put up a question on whether or not such is the true reflection of what transpired at the Committee of the Whole. If approved, the leader of the Senate/House then moves a motion that the report of the Committee of the Whole be adopted. If adopted, all is set for the third reading. Though, order 12, rule 10(1) of the House of Representatives (likewise the Senate's) makes provision for re-committal of a Bill to another Committee of the Whole if fresh provision, amendment or deletion of a section of the Bill is desired by a member(s); provided the House approved such motion.

The sixth stage is the final stage of the three stages that a Bill is statutorily read. On the scheduled date as decided by the Rules and Business Committee, the presiding officer put up a question on whether the Bill be read the third time. At this stage, there is room for minor amendments. If approved, the presiding officer orders that the Bill be read the third time and declared it passed. The Clerk is cause to produce a 'clean copy' of the Bill to be sent to the other chamber for concurrence passage. This leads to the seventh stage. For instance, if a Bill is passed in the Senate, the Clerk of the Senate prepares and signs the clean copy of the passed Bill, endorsed by the Senate President and forwarded to the Clerk of the House of Representatives

with a covering memo desiring its concurrence (National Assembly, 2011). The Bill will follow the above described procedure from the beginning to the passage stage (as depicted in the diagram above). Section 58(1-3) of the 1999 constitution (as amended) expressly make provision for this process as a mode of exercising general federal legislative power. If passed in the House exactly as passed in the Senate, a clean copy will be prepared by the two Clerks, signed and endorsed by the two presiding officers and forwarded to the Clerk of the National Assembly for enrolment (the 8th stage).

However, if there are differences in the Bill as passed by the two chambers (i.e. if a Bill is not passed in identical form), a Conference Committee will be requested by the originating House. Such Committee will comprise members from both chambers with the objective of reconciling the differences between the two chambers over the provisions of the Bill. Each chamber is expected to appoint members of the Conference Committee in accordance with the provisions of its rules. Upon their appointment by the presiding officers, the members are referred to as ‘Conferees’ or ‘Managers’ (National Assembly, 2011: 91). The major duty of the Conference Committee is to reach a compromise and agreement between the versions of the two chambers. The outcome of the meeting is put as a Conference report to be considered at a date scheduled by the Rules and Business Committees of each chamber. If the conference report (or any part of it) is rejected by one or the two chambers, a new Conference Committee is set up to re-consider the disputed area(s). However, if the report is adopted as presented (in identical form), the Clerk of the chamber where the Bill originated from will be caused to prepare a clean copy and forward same to the Clerk of the National Assembly who is statutorily expected to compare same with the version of the other chamber to ensure correctness and identical nature in line with the Section 2 of the Authentication Act 2004.

The eighth stage is the enrolment stage. The Clerk to the National Assembly having certified the authenticity of the Bill will prepare two clean copies to be forwarded to the President for his/her assent. The authority to do such is provided for in Section 2(1) of the Authentication Act 2004 which states that:

The Clerk to the National Assembly shall forthwith after enactment, prepare a copy of each Bill as passed by both Houses of the National Assembly embodying all amendments agreed to, and shall endorse on the Bill and sign a certificate that the copy has been prepared as prescribed and is a true copy of that Bill (as cited in National Assembly, 2011: 93).

The final stage is the Presidential assent. The two copies of the Bill sent by the Clerk to the National Assembly are expected to be signed into law by the President if he/she is satisfied with the content. Upon signing the passed Bill into law, it becomes an Act of the National Assembly, and takes enforcement from the date of assent. The President will keep a copy and send a copy back to the Clerk of the National Assembly; who in turn will cause the Government Printer to print the Act in triplicate on vellum or parchment paper. The Clerk of the National Assembly retains one copy for the National Assembly's record; send one to the President for executive record and implementation purpose and forward the third copy to the Chief Justice of Nigeria where it is finally enrolled in the Supreme Court's record for interpretation purpose. However, if the President is dissatisfied with the provisions of the Bill, he/she can withhold his/her assent. This is a way of checking the excesses of the National Assembly and it is referred to as 'executive veto'. In response to this, section 58(5) provides that:

Where the President withholds his assent and the Bill is again passed by each House by two-thirds majority, the Bill shall become law and the assent of the President shall not be required

This provision gives the National Assembly the power to balance the check of the President and such is referred to as 'legislative veto'. However, this power can only be enforced with a caveat as provided in Order 12, Rule 12(b-c) of the House of representatives that:

(b) Where the President withholds his assent to a Bill or does not communicate his assent within 30 days from the date the Bill was sent to him for assent, the House shall again deliberate on the Bill.

(c) If the House rejects the President's amendment and agrees to override the President's veto, then the Bill shall become Law if it is again passed by the House and the Senate by two-thirds majority, and the assent of the President shall not be required.

This shows that the law allows the President the period of 30 days to either assent or withdraw his assent before the National Assembly could override his veto. However, if the President is dissatisfied with the legislative veto, he can approach the Supreme Court to challenge the validity of such law. For instance, if the Judiciary finds such law to be in conflict with the provisions of the constitution or in its wisdom believes that such law is not made in the interests of the country and for the purpose of good governance, the court can declare it null and void. This is referred to as 'judicial review'. In such case, if the National Assembly is not satisfied with the judgment, it can re-initiate a fresh Bill with same content under a modified heading or slight changes especially in the area(s) of contention and follow the legislative procedure from beginning to have the new Bill passed and send same to the President for assent. The cycle can continue as long as possible.

A number of issues could be deduced from the foregoing analysis. One, it can be deduced that there are various critical actors involved in the lawmaking making process aside the lawmakers. These include: the executive, judiciary, civil society organizations, political parties, developmental partners and the citizens. Two, the lawmaking procedure is somewhat

complicated, tedious and time consuming. Perhaps, this is why the gestation periods of many Bills are very long; thereby militating against legislative effectiveness of the National Assembly. Three, the analysis also shows that an average lawmaker must be a good salesman. This is because good salesmanship skills are needed to galvanize and attract support for a Bill to be passed. A good Bill without prior lobbying is likely to be killed, regardless of the potential benefits, except in few cases (Solomon, 2016). Four, the process allows for actions and reactions. For instance, a killed Bill can be repackaged for fresh presentation as long as the sponsor(s) addressed the area(s) that led to the death of the Bill in the first instance. The same applies to passed Bills which the President denies assent.

In essence, the process also allows for separation of powers and checks and balances which are the hallmarks of democracy. It also allows for the people's participation in the determination of how they are governed. This is done through submission of memoranda and oral contributions during public hearings; a situation which seldom happen with other organs of government as well as non-democratic systems. Little wonder why many scholars of democracy and legislative practitioners argued that the legislature epitomizes the presence of democracy in any polity (Davies, 1996; Saliu and Muhammed, 2010; Alabi and Fashagba, 2010; Volden and Wiseman, 2013; Mayhew, 1974; Bello-Imam, 2004; Hout, 2006; Aiyede, 2006; Fenno 1978; Zwingina, 2006; Miquel and Snyder, 2006; Okoosi-Simbine, 2010; Ijaiya, 2010; Egwu, 2005; Ojagbohunmi, 2006; Solomon, 2010; Lafenwa, 2009; Fashagba, 2009; Ishaya, 2010; Carson *et al*, 2010; Wiseman and Wright, 2008; Weissert, 1991; Bartels, 1991, 2000; Krehbiel, 1991; Cox and McCubbins, 2005; Aldrich and Rohde, 1997; Arnold, 1990; Canes-Wrone *et al*, 2002; Erikson and Wright, 2001 among others). Five, the process is highly procedural and can hardly be manipulated by powerful or dominating groups or individuals. The procedure is already

documented in statutes and legislative traditions and it is almost the same in all democracies practicing bicameral legislature. Lastly, the analysis shows the importance and indispensability of the Rules and Business Committee in the lawmaking process. Perhaps, this shows why most Assemblies attach more attention to who becomes Chairman and members of the Committee in every dispensation.

CHAPTER FIVE

DATA ANALYSIS, INTERPRETATION AND DISCUSSION OF FINDINGS

5.1 Data Analysis

Alex de Tocqueville once opined that “without comparisons to make, the mind does not know how to proceed.” Similarly, a popular African proverb states that “a man who has tasted only his mother’s soup has no basis to claim that hers is the best.” These two quotations depict the major thrust of the data analysis and the scope of the study in general. In order to assess the effectiveness of the National Assembly over time, there is need to compare the performances of the three Assemblies to know whether there is increase or decrease trajectory. By comparing the Assemblies, one will be able to understand the performance position of each and know the status of all. Therefore, this will afford us the opportunity to empirically take a position on whether or not the National Assembly is effective or not in terms of lawmaking.

5.1.1 Vertical Comparative Analysis of Lawmaking Effectiveness of the 4th, 5th and 6th Assemblies

Without comparison, we may not know how to proceed. In view of this assertion, this section is devoted to the comparative analysis of the lawmaking output of the 4th, 5th and 6th Assemblies. This is done vertically i.e. by comparing the performance of the 4th Senate to that of 5th and 6th Senate. On the other hand, the performances of the 4th, 5th and 6th Assemblies of the House of Representatives were also compared. As the point of take-off, comparing the Senate with the House of Representatives may not give us the leverage to identify the performance pattern and could lead to off-beam comparison. The essence of this vertical comparison is to enable us compare the ‘likes’ and identify the performance trend (whether progressive or regressive) of each chamber before proceeding to other levels of comparison and analysis. In application, this

will enable us identify the chamber with the highest capacity for Bill sponsorship and Bill pushing (see *Hypothesis i*).

Senate

The Senate of the Fourth Republic began its lawmaking journey upon its inauguration on June 6, 1999. The first Senate after the return of democratic rule (tagged 4th Senate in the democratic history of Nigeria) operated till May 28, 2003 and received 250 Bills, comprising 180 Member's Bills and 70 Executive Bills. Out of the 250 Bills, only 64 Bills were passed signifying 25.6% performance level. 186 Bills were either withdrawn or killed during legislative proceedings. This shows that 74.4% of the Bills received could not get to the final stage. The 2003 general elections brought about the emergence of the 5th Assembly with June 2003 inauguration of the newly elected lawmakers. Between June 2003 and May 2007, the Senate received 446 Bills (showing 196 Bills higher than the 4th Assembly's received Bills). The breakdown of the 446 Bills shows that 303 Bills were initiated by the lawmakers while the President Olusegun Obasanjo led executive sponsored 143 Bills. In all, the Senate passed 129 Bills putting the performance level at 28.9%. However, 71.1% (i.e. 317 Bills) of the Bills received were not passed. The 6th Assembly (June 5, 2007 to May 2011) received 477 Bills comprising 182 Executive Bills and 295 Members' Bills. Only 72 Bills made it to the final stage showing 15.1% performance level. A whopping 405 Bills accounting for 84.9% were not passed. The foregoing analysis is summarily presented in the table 5.1:

Table 5.1: Summary Presentation of Bills Received and Processed in the 4th, 5th and 6th Senate

	Bills Received	Bills Passed	% of Bills Passed	Bills not Passed	% of Bills not Passed
4th Assembly (1999 - 2003)	250	64	25.6	186	74.4
5th Assembly (2003 - 2007)	446	129	28.9	317	71.1
6th Assembly (2007 - 2011)	477	72	15.1	405	84.9

Source: Author's computation with data from NILS, 2013; Lewis, P. M. (2011)

In order to appreciate the effectiveness trend/direction of the three Assemblies, the Bills received and passed is graphically illustrated in figure 5.1:

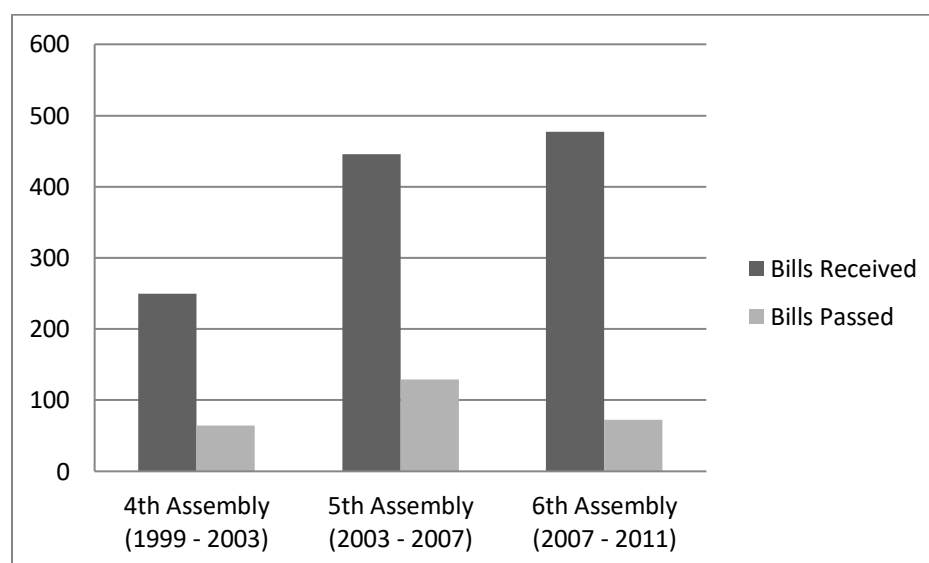


Figure 5.1: Graphical Presentation of Bills Received and Passed in the 4th, 5th and 6th Senate

Source: Author's computation with data from NILS, 2013; Lewis, P. M. (2011).

From the figure 5.1, it is observed that Bill sponsorship progressed continuously with 5th Assembly having 196 Bills higher than the Bills received by the 4th Assembly. Despite the significant growth in the Bill sponsorship performance of the 5th Assembly, the 6th Assembly

performed better with 31 Bills higher. However, the reverse is the case in Bill passage capacity. While the Bill passage capacity increased significantly in the 5th Assembly with twice the number of Bills passed by the 4th Assembly, the trend diminished in the 6th Assembly with Bill passage capacity lower than the 4th Assembly (see Discussion of Findings for explanation of the causal factors).

House of Representatives

The life of the 4th Assembly of the House of Representatives spanned from June 6, 1999 to May 28, 2003. Throughout the 4-year tenure, it received 325 Bills. Out of these, 225 Bills were sponsored by the legislators while the remaining 100 Bills were Executive Bills. The 4th House of Representatives was able to pass 103 Bills with 222 Bills not passed. This put the performance level at 31.7% while 68.3% of the received Bills were never passed. The 5th Assembly turned the table as 168 Bills were passed out of the 343 Bills received. The performance level rose geometrically to 49% (almost half of the received Bills), though 175 Bills (accounting for 51%) were not passed. It should be noted that the number of Bills sponsored by the executive also rose to 146 with the legislators sponsoring 197 Bills. The 6th Assembly received 503 Bills, comprising 383 members' Bills and 120 executive Bills. Out of the 503 Bills, only 152 Bills (30.2%) were passed with 351 Bills not passed (69.8%). Table 5.2 gives a snapshot of the analysis

Table 5.2: Summary Presentation of Bills Received and Processed in the 4th, 5th and 6th House of Representatives

	Bills Received	Bills Passed	% of Bills Passed	Bills not Passed	% of Bills not Passed
4th Assembly (1999 - 2003)	325	103	31.7	222	68.3
5th Assembly (2003 - 2007)	343	168	49	175	51
6th Assembly (2007 - 2011)	503	152	30.2	351	69.8

Source: Author's computation with data from NILS, 2013; Lewis, P. M. (2011).

Figure 5.2 graphically shows the lawmaking performance trend of the 4th, 5th and 6th House of Representatives for inclusive understanding.

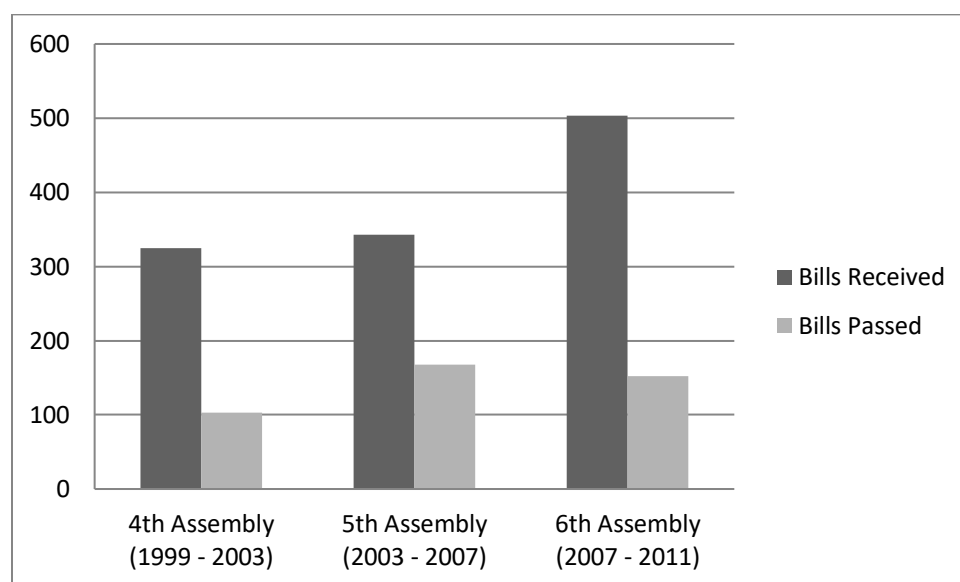


Figure 5.2: Graphical Presentation of Bills Received and Passed in the 4th, 5th and 6th House of Representatives

Source: Author's computation with data from NILS, 2013; Lewis, P. M. (2011).

The above figure 5.2 shows that the performance trend as recorded in the House of Representatives follows the path of what obtained in the Senate. As the Bills sponsorship rates increases throughout the period under review, the Bill passage only increased at 5th Assembly but dropped at 6th Assembly (see also Discussion of Findings for explanation of the causal factors).

5.1.2 Comparative Analysis of the Lawmaking Effectiveness by First and Second Halves of the 4th, 5th and 6th Assemblies

The four-year tenure of Nigerian National Assembly is divided into four legislative years/sessions, spanning from June to May of each year. However, the tenure is usually divided into first and second halves of two years each for performance evaluation. We noted that the first half is seen as the learning period for the legislators especially the newly elected ones while the second half is characterized by preparation, calculation and permutation for their re-election bids. We hypothesized that lawmaking activities may decline at the first half given the internal training, NILS-organized workshops and training tours embarked upon by the legislators to train the newly elected lawmakers (on the technicalities of lawmaking) who form the majority due to high turnover rates in the National Assembly. We also assumed that performance level may also drop at the second half because of the many activities that take place during this period especially the election year where legislators attend party conventions, campaign rallies, and consultation/stakeholders meetings among others. These conflicting trajectories prompted the formulation of *Hypothesis ii*, thus, need to be put to validity test. In view of this, we attempted to compare the first and second halves of lawmaking performance of the two chambers over the three Assemblies under review (i.e. 4th, 5th and 6th Assemblies).

Senate

It may not be out of place to expect less from the legislators in the first half of the 4th Assembly. This is a period when the legislature had to be restarted after a long period of military rule. Very few people with legislative experience in the first and second republic made it to the 4th Assembly of the fourth republic, hence, majority had to grapple with reality of using most of their time learning legislative rules, procedures and floor behavior. The Senate at this period

(June 1999 – May 2001) received 95 Bills and passed only 10, putting performance level at 10.5%. The 95 Bills received accounted for 38% of the entire 250 Bills received by the 4th Assembly. By implication, 85 Bills were yet to be passed as at the end of the first half, though some of the Bills received at this period were part of those passed during the second half. The lawmaking performance of the Senate increased significantly during the second half (June 2001 – May 2003). The Assembly received 155 Bills accounting for 62% of all received Bills. The legislators were able to pass 54 Bills making the performance rate to stand at 34.8%. This means that 101 Bills freshly received during the second half were not passed. The total terminated Bills at the end of the tenure of the 4th Assembly were 186. By the commencement of the 5th Assembly, the legislators started as a build up on the foundation of the 4th Assembly in terms of legislative experience. This made the number of received Bills at the first half of the 5th Assembly (June 2003 – May 2005) to increase to 224 Bills. However, only 64 Bills were passed (i.e. 28.6% performance rate). The Senate received 222 Bills during the second half (2 Bills less than what was received during the first half). 65 Bills were passed (1 Bill higher than the first half output) putting the performance level at 29.3%. In all, 160 Bills and 157 Bills of the first and second halves respectively were not passed putting the total number of Bills not passed to be 317.

The Senate received 296 Bills during the first half of the 6th Assembly (the highest of all period under review), out of which only 23 were passed. The performance level at this period stands at 7.8% (the lowest of all period under review). There was a drop in Bill sponsorship during the second half (June 2009 – May 2011) as 181 Bills were received, out of which only 49 Bills were passed (27.1% output rate). In all, only 72 Bills were passed out of the 477 Bills received putting the killed Bills at 405 (84.9%). See table 3 for summary presentation.

Table 5.3: Summary Presentation of Bills Received and Passed in the First and Second Halves of the 4th, 5th and 6th Senate

	4th Assembly (1999 - 2003)				5th Assembly (2003 - 2007)				6th Assembly (2007 - 2011)		
	Bills Received	Bills Passed	% of Bills Passed		Bills Received	Bills Passed	% of Bills Passed		Bills Received	Bills Passed	% of Bills Passed
1st Half (June 1999 - May 2001)	95	10	10.5	1st Half (June 2003 - May 2005)	224	64	28.6	1st Half (June 2007 - May 2009)	296	23	7.8
2nd Half (June 2001 - May 2003)	155	54	34.8	2nd Half (June 2005 - May 2007)	222	65	29.3	2nd Half (June 2009 - May 2011)	181	49	27.1
Total	250	64		Total	446	129		Total	477	72	

Source: Author's computation with data from NILS, 2013; Lewis, P. M. (2011).

The table 5.3 is graphically re-presented in figure 5.3 for clearer illustration and understanding of the trend.

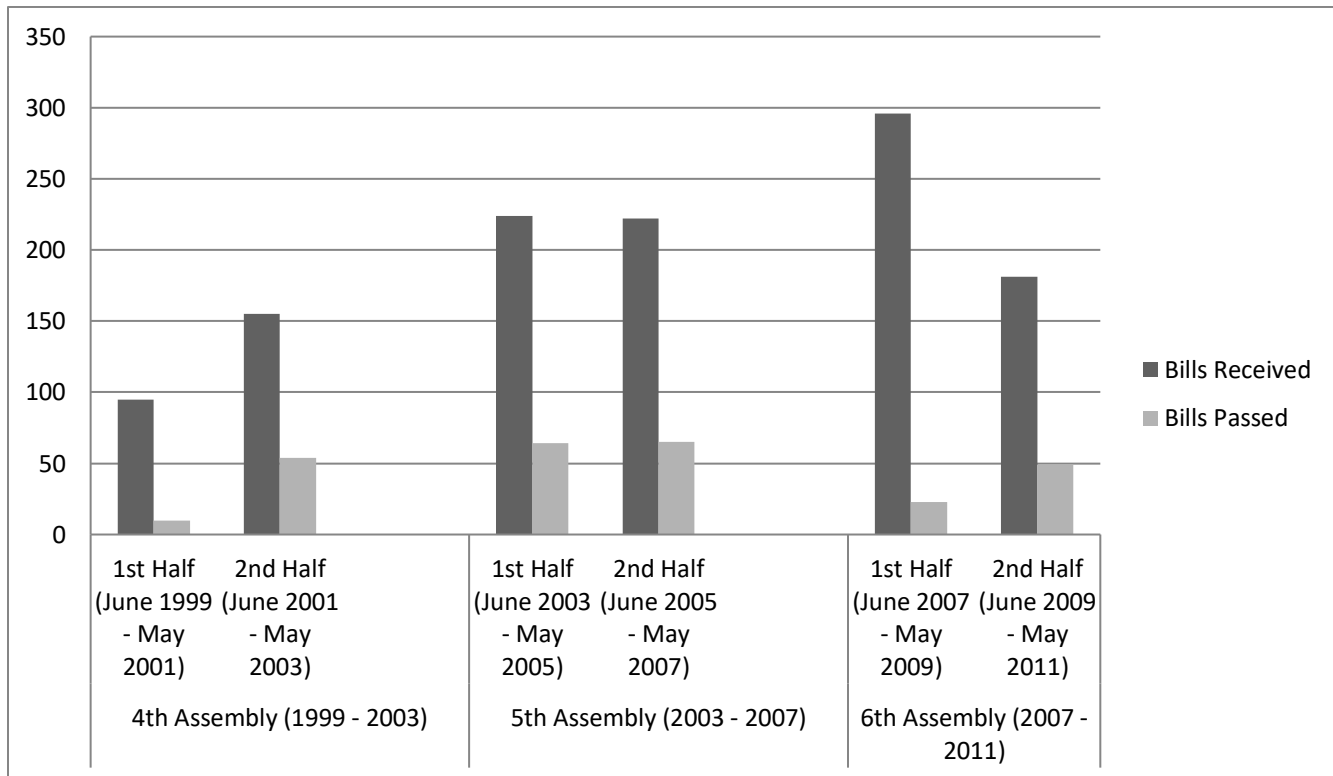


Figure 5.3: Graphical Presentation of Bills Received and Passed in the 1st and 2nd Halves of the 4th, 5th and 6th Senate.

Source: Author's computation with data from NILS, 2013; Lewis, P. M. (2011).

From the figure 5.3, the study deduced the fact that there was ascension of input and output performance during the 4th Assembly. While the Bill sponsorship increases, the Bill passage capacity also increases bringing about a positive relationship. A cursory look at the 5th Assembly shows a somewhat even performance as there is a slight difference in the legislative performance. While the Bill sponsorship reduced by 2 Bills, the Bill passage increased by only 1 Bill. There is 0.4% decrease in former and the latter is 0.8% increase. In view of this, we can observe insignificant differences which technically make the performance to be even. An inverse

relationship (which is an abnormal trend in this situation) is observed in the 6th Assembly. While the Bill sponsorship increased significantly in the first half, the Bill passage reduced drastically. On the other hand, while the Bill sponsorship reduced during the second half, the Bill passage increased at a geometric rate (i.e. twice the rate of the first half). This is abnormal in the study of legislature because, it is expected that as Bill sponsorship increase, Bill passage should also increase.

House of Representatives

The restarting of legislative politics after long period of military rule also had effect on the 4th Assembly of the House of Representatives as it did on the 4th Assembly Senate. During the first half of the 4th Assembly (June 1999 – May 2001), the House despite the dearth of legislative experience received 123 Bills and passed only 16 Bills. 107 Bills were yet to be passed by the end of the first half putting the performance level at 13%. As obtained in the Senate at the period under review, the lawmaking performance of the House of Representatives also increased significantly during the second half (June 2001 – May 2003). The Assembly received 202 Bills and passed 87 Bills thus increased the performance rate to 43.1%. While the percentage of Bills received during first half stood at 37.8% (i.e. of the total 325 Bills of the 4th Assembly), the second half recorded 62.2%, accounting for 24.4% (i.e. 79 Bills) increment. The House of Representatives of the 5th Assembly received 173 Bills during the first half (June 2003 – May 2005) and passed 61 Bills (35.3% performance level). 112 Bills were brought forward to the second half with 170 Bills freshly received. Out of the 282 Bills, 107 Bills were passed. However, the performance level stood at 62.9% considering the proportion of Bills passed to newly introduced Bills during the period under review (second half). As earlier observed, 343 Bills were received in all but only 168 Bills were passed by the 5th Assembly. The first half of

the 6th Assembly recorded a significant increase in the number of Bills received. 238 Bills were received but only 47 Bills were passed. The performance rate stands at 19.8% (See Discussion of Findings for causal factors). The second half (June 2009 – May 2011) witnessed an increase in Bill introduction with 265 Bills received (the highest of all period under review). However, less than half of the Bills were passed. The period recorded 39.6% performance rate with 105 Bills passed. In all, 152 Bills were passed in both halves out of the 503 Bills received thereby putting the overall performance level at 30.2%. Table 5.4 gives the snapshot of the above analysis.

Table 5.4: Summary Presentation of Bills Received and Passed in the First and Second Halves of the 4th, 5th and 6th House of Representatives

	4th Assembly (1999 - 2003)				5th Assembly (2003 - 2007)				6th Assembly (2007 - 2011)		
	Bills Received	Bills Passed	% of Bills Passed		Bills Received	Bills Passed	% of Bills Passed		Bills Received	Bills Passed	% of Bills Passed
1st Half (June 1999 - May 2001)	123	16	13	1st Half (June 2003 - May 2005)	173	61	35.3	1st Half (June 2007 - May 2009)	238	47	19.8
2nd Half (June 2001 - May 2003)	202	87	43.1	2nd Half (June 2005 - May 2007)	170	107	62.9	2nd Half (June 2009 - May 2011)	265	105	39.6
Total	325	103		Total	343	168		Total	503	152	

Source: Author's computation with data from NILS, 2013; Lewis, P. M. (2011).

Figure 5.4 graphically illustrates the data analysis of both halves of the three Assemblies for a clearer presentation of the lawmaking effectiveness trend.

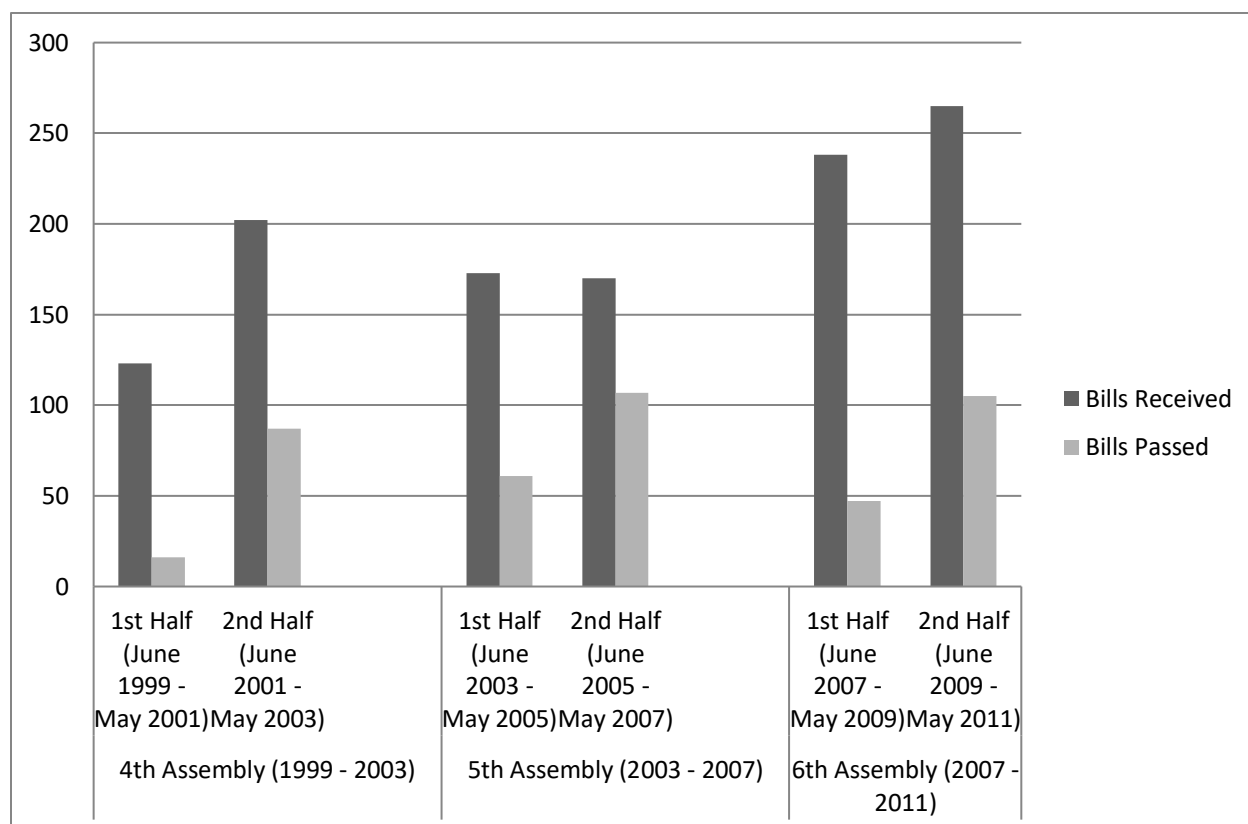


Figure 5.4: Graphical Presentation of Bills Received and Passed in the 1st and 2nd Halves of the 4th, 5th and 6th House of Representatives

Source: Author's computation with data from NILS, 2013; Lewis, P. M. (2011).

5.1.3 Assessing the Lawmaking Effectiveness of the National Assembly: the ILES Model Approach

Several scholarship and practitioners' efforts have gone into establishing benchmarks and indicators for measuring legislative effectiveness in representative democracies across the world. However, as earlier observed, there is a challenge of suitability of such benchmarks and indicators during adoption to study legislative performances outside the originating country. This is largely as a result of the absence of some key elements and components that formed the basis

of the measuring toolkits in the adopting countries that were put into consideration in the originating country. Given the specificity of the nature of Nigeria's political environment and legislative internal dynamics, we developed the ILES model with inspiration from the Volden and Wiseman's LES model (2009 and 2013). Premised on this, the ILES model is used to assess the lawmaking effectiveness of the 4th, 5th and 6th National Assembly. This is comparatively done horizontally for each of the two chambers (i.e. assessing the Senate of the 4th, 5th and 6th Assemblies and the 4th, 5th and 6th House of Representatives). The model generates institutional legislative effectiveness scores for both chambers across the three Assemblies with interpretation of the results. Subsequently, we combined the results of both chambers in each of the three Assemblies to get the average effectiveness score of each Assembly thereby vertically comparing such results across the three Assemblies to enable us identify the effectiveness status of the legislature and the trend of effectiveness over time (*Objective i*).

It is pertinent to note that the model is not interested in the number of Bills received by each chamber, rather the number of Bills that passed through the legislative cycle. As noted earlier, a legislator may sponsor a Bill without the intention of pushing such Bill to become law but for the sake of show-off to appease or impress his/her constituent that he/she is effective. Since such Bills did not pass through the rigour of lawmaking processes, they are discountenanced. Hence, importance is attached to those Bills that go beyond mere receipt but were slated for legislative actions starting from the first reading stage to the final Bill passage stage.

Senate

Out of the 250 Bills received by the 4th Senate, 227 Bills were read the first time. This shows that 23 Bills were never processed beyond receipt stage. In other words, the 23 Bills never made it to the floor of the Senate (see discussion of findings for detail). However, out of the 227 Bills that passed through the first reading, 138 Bills scaled through and were read the second time. By implication, 89 Bills were killed after the first reading and never made it beyond the first stage of the legislative cycle. During debates, committee stage, public hearing (for controversial or of sufficient importance) and the Committee of the whole, 14 Bills were killed leaving 124 Bills to move to the third reading stage. However, only 64 Bills made it to the final stage and were passed by the 4th Senate. It is discovered that 3 Bills were voluntarily withdrawn by the sponsors out of all the 163 killed Bills. The assessment of the lawmaking effectiveness of the 5th Senate shows that 377 Bills were read the first time, out of the 446 Bills received. This shows that 69 Bills were never slated by the Senate Committee on Rules and Business for legislative actions. 270 Bills were read the second time and 222 Bills were read the third time signifying that 107 Bills and 48 Bills were killed during the second and third readings respectively. Out of these, 11 Bills were withdrawn. However, only 129 Bills were passed out of the 222 Bills that made it to the final stage. This shows that 93 Bills were killed after the third reading.

The 6th Senate received 477 Bills and 463 Bills were read the first time. This shows that 14 Bills were not processed beyond the receipt stage. Almost half of the Bills read the first time never made it to the second stage as 228 Bills were killed after the first reading leaving the number of Bills read the second time to stand at 235 Bills. The same trend continued during the third reading as 140 Bills were read the third time. During these stages, 12 Bills were withdrawn

by the sponsors and others were killed. The final stage was not exempted from the trend as only 72 Bills out of the 140 Bills were passed. This brings the total number of Bills killed to 379 Bills. Adding this to the 12 withdrawn Bills shows that 391 did not scale through the lawmaking cycle. The foregoing data is subjected to ILES analysis as shown in figure 5.5:

Senate			
Assembly	4th	5th	6th
1st Reading	227	377	463
2nd Reading	138	270	235
3rd Reading	124	222	140
Passed	64	129	72
Assembly	ILES (Effectiveness Score):		Interpretation:
4th	0.17325348		<i>Ineffective</i>
5th	0.32190305		<i>Fairly Effective</i>
6th	0.2548435		<i>Fairly Effective</i>

Figure 5.5: ILES Analysis of the Lawmaking Effectiveness of the 4th, 5th and 6th Senate

Source: Author's computation with data from NILS, 2013; using ILES Model Application.

Subjecting these data to the ILES model as shown in Figure 5.5, the 4th Senate scored 0.17 against the 0.32 effectiveness score of the 5th Senate, while the 6th Senate scored 0.26. The interpretation of the scores based on the modified Jolayemi (1990)'s R^2 -type statistic and X^2 value of Pearson's goodness-of-fit test (Measure of Agreement), shows that the 4th Senate was ineffective while both 5th and 6th Senate were fairly effective.

House of Representatives

The 4th House of Representatives received 325 Bills, out of which 321 Bills were read the first time. This shows that only 4 Bills were never processed beyond receipt stage. However, out of the 321 Bills that passed through the first reading, 225 Bills scaled through and were read the second time, leaving the number of killed Bills at 96 Bills after the first reading. 248 Bills were read the third time showing that only 8 Bills were killed during debates, committee stage, public hearing and the Committee of the Whole. However, more than half of the Bills read the third time were never passed as only 103 Bills made it to the final stage and were passed by the 4th House of Representatives. In all, 208 Bills were killed during the four stages and 10 Bills withdrawn by the sponsors totaling 218 Bills that never made it through the legislative cycle. The 5th House of Representatives brought about a change in the lawmaking trajectory as all the 343 received Bills were read the first time. However, not all the Bills made it to the second stage as 256 Bills were read the second time making 87 Bills that were killed during the second reading. 248 Bills were read the third time showing that only 8 Bills were killed in the process. Out of the 248 Bills, only 168 Bills were passed signifying that 80 Bills were killed in during the final stage. From the 343 Bills received, 168 Bills were passed, 15 Bills withdrawn and 160 Bills killed. Therefore, 175 Bills were not passed during the 5th House of Representatives.

The 6th House of Representatives followed the same trend as obtained in the 5th House of Representatives. All the 503 Bills received were slated for legislative actions by the House Committee on Business and Rules and were read the first time. Out of these Bills, only 377 Bills were read the second time. Some Bills were killed at the third stage as 301 Bills were read the third time. However, only 152 Bills were passed at the final stage. This shows that 351 Bills (comprising 7 withdrawn Bills and 344 killed Bills) were not passed during the lawmaking cycle

of the 6th House of Representatives. Figure 5.6 shows the ILES analysis of the lawmaking effectiveness of the House of Representatives over the period under review:

House of Representatives			
Assembly	4th	5th	6th
1st Reading	321	343	503
2nd Reading	225	256	377
3rd Reading	214	248	301
Passed	103	168	152
Assembly	ILES (Effectiveness Score):		Interpretation:
4th	0.19898862		<i>Ineffective</i>
5th	0.24646503		<i>Fairly Effective</i>
6th	0.30454633		<i>Fairly Effective</i>

Figure 5.6: ILES Analysis of the Lawmaking Effectiveness of the 4th, 5th and 6th House of Representatives

Source: Author's computation with data from NILS, 2013; using ILES Model Application.

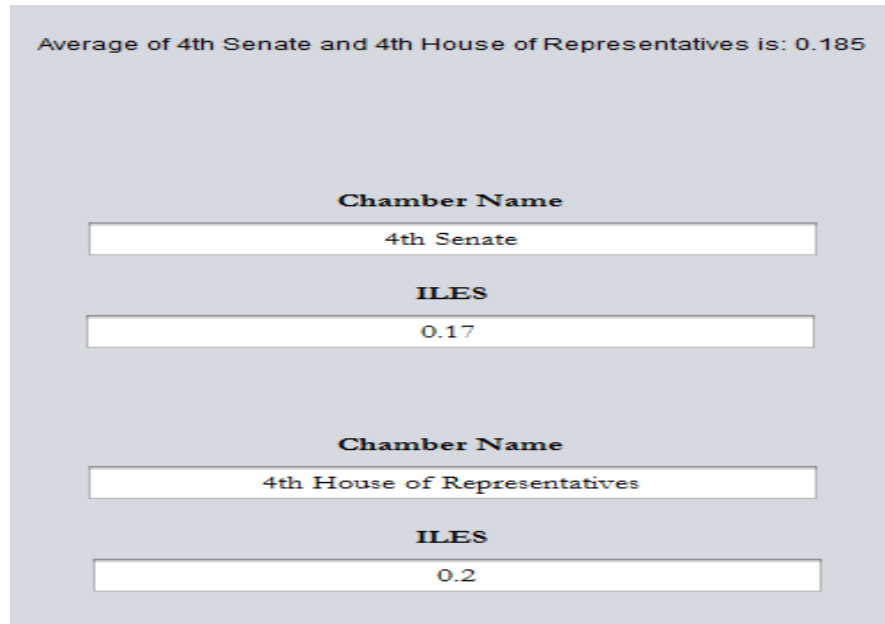
From figure 5.6, the 4th House of Representatives scored 0.2. This indicates that the Assembly was ineffective in lawmaking. The 5th House of Representatives scored 0.25 and the 6th House of Representatives earned 0.31, indicating that both Assemblies were fairly effective given the interpretation of the scores based Measure of Agreement.

5.1.4 Average ILES Analysis of the Lawmaking Effectiveness of the 4th, 5th and 6th Assemblies

Having identified the effectiveness status of each chamber over the three Assemblies, we also need to find out the effectiveness status of each Assembly by combining the scores of the two chambers that made up each Assembly. The essence of this is to empirically state whether or not the National Assembly is effective in lawmaking at a particular point in time, compare the performance status over time; and give explanation of the causal factors of the identified trend. It should be noted that giving effectiveness status of each chamber may not suffice to pronounce the effectiveness level of the National Assembly. This is because; both chambers are two sides of the same coin. Since Nigeria operates bi-cameral legislature, the legislative output of one chamber (Bills) is subject to identical passage in the other chamber. No matter the number of Bills passed by one chamber, such cannot be enrolled for executive assent until passed by the other chamber in identical form. This means that the performance status of one is attached to that of the other. In addition, the two chambers are seen administratively as one institution operating a single budget, staff control and identical procedural pattern. Thus, the combination of the scores using average analysis is inevitable.

4th National Assembly

From the foregoing analysis, the 4th Senate and House of Representatives scored 0.17 and 0.2 respectively. Using the Average ILES model, the ILES value for the 4th National Assembly is 0.19. This is shown in the figure 5.7:



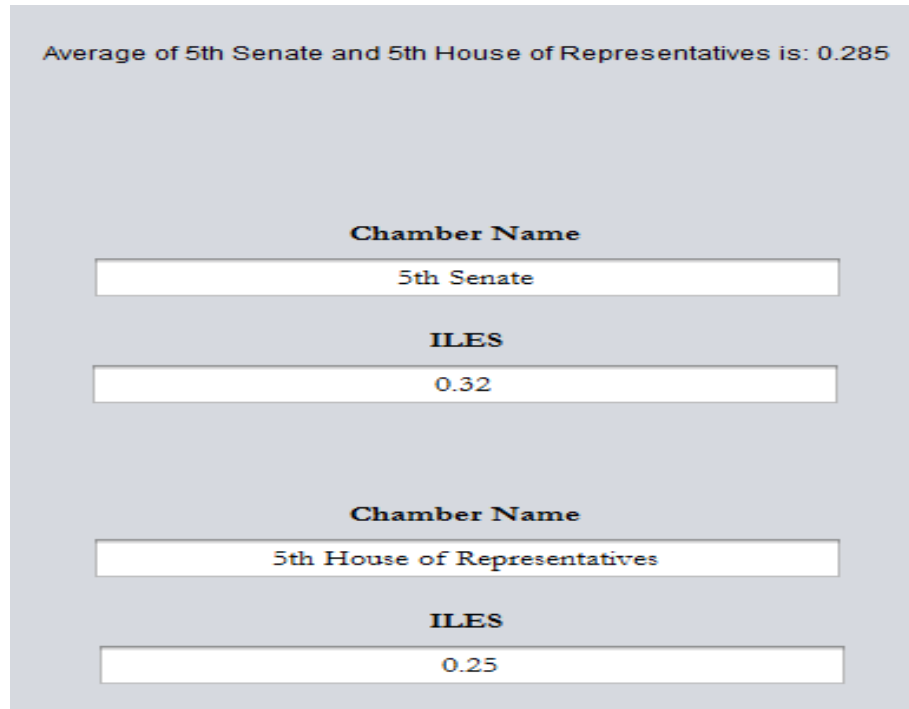
Interpretation: *Ineffective*

Figure 5.7: Average ILES of 4th National Assembly

Subjecting the effectiveness score of the 4th National Assembly to our measure of agreement (benchmark) as can be seen from figure 5.7, we can empirically posit that the 4th National Assembly is ineffective in lawmaking.

5th National Assembly

The Average ILES value of the 5th National Assembly is 0.29. While the Senate scored 0.32, the House of Representatives scored 0.25. This is shown in the figure 5.8:



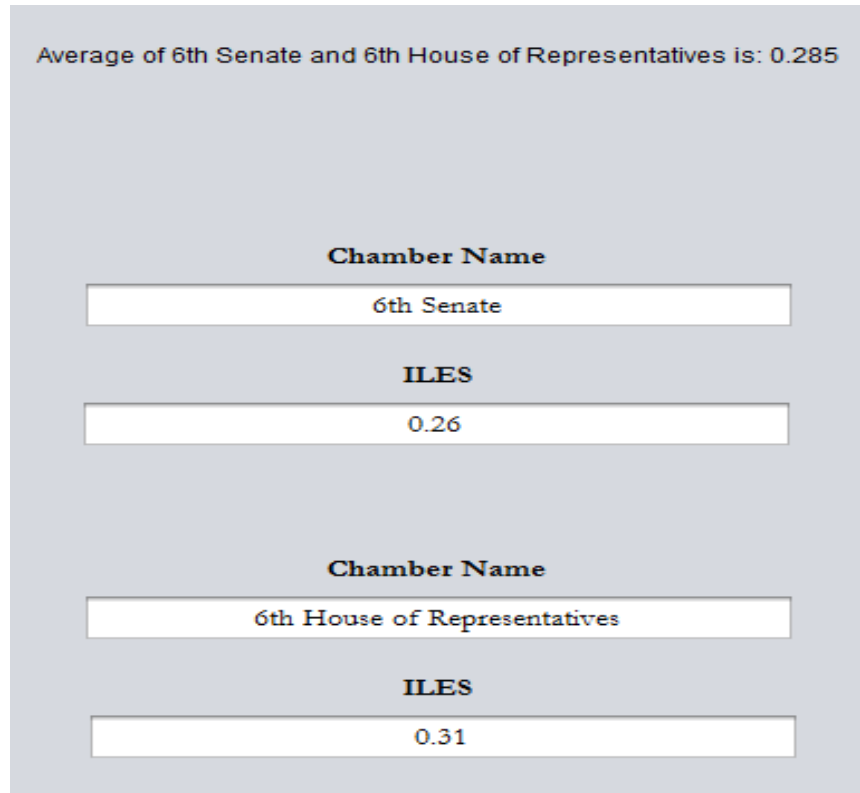
Interpretation: *Fairly Effective*

Figure 5.8: Average ILES of 5th National Assembly

By interpretation based on our benchmark, we can empirically posit that the 5th National Assembly is fairly effective in lawmaking.

6th National Assembly

Going by the performances of the two chambers, the 6th National Assembly earned 0.29 from the ILES of 0.26 and 0.31 of both chambers respectively. This is shown in the figure 5.9:



Interpretation: *Fairly Effective*

Figure 5.9: Average ILES of 6th National Assembly

In view of the foregoing, the 6th National Assembly is fairly effective in lawmaking.

5.1.5 Aggregate Lawmaking Performance of the National Assembly (1999-2011)

To get the aggregate lawmaking effectiveness of the National Assembly, the study finds the average score of the three Assemblies. This is shown below:

$$\frac{0.19 + 0.29 + 0.29}{3} = 0.27$$

On a general perspective, the study finds the average effectiveness score of the National Assembly to be 0.27 for the period spanning 1999 to 2011. Situating this on the legislative effectiveness benchmark, the study empirically posits that the National Assembly is *fairly effective* in lawmaking under the periods of study.

5.1.6 An Analysis of the Acts Enacted by the National Assembly (1999-2011)

In the Nigeria's political system, a Bill is recognized only as a proposal until passed by both chambers in identical form. The legislative passage of such Bill does not made it applicable in the face of the law until signed into law by the executive President. In a situation where the President decides to withhold his/her assent to the passed Bill, section 58(4) mandated the President to communicate his decision to the National Assembly. However, by virtue of section 58(5), the National Assembly can pass such Bill into law by two-thirds majority vote. This is referred to as legislative veto. Once signed into law (either way), such becomes an 'Act of the National Assembly' and take legal effect from the date of presidential assent or legislative veto. However, it is pertinent to note that assenting National Assembly's passed Bill into law by the President is not as easy as it sounds. It entails a lot of politics, lobbying, negotiation, confrontation, bargaining, persuasion, exasperation and despair among others. In some cases, it also entails threatening to either impeach the president or veto the Bill into law. On the other hand, the legislators have the daunting task of grappling with the resistance from the executive and the internal frustration of planned legislative action by the legislators loyal to the executive. In view of this, to push a passed Bill into law is as difficult as navigating a Bill through the legislative cycle. To this end, it is worthwhile to examine the extent by which the National Assembly can overcome all odds and push its passed Bills into law. Since the legislative cycle is incomplete if the passed Bill is not signed into law, we hypothesized that the National Assembly is effective in pushing its passed Bills into laws and tested the validity or otherwise of this assumption in this section (see hypothesis iv).

It should be recalled that we noted earlier that a Bill must be passed in identical form by the two chambers before such can be transmitted to the President as a clean single Bill for assent.

In order to make a valid and technical analysis, we calculate the average number of passed Bills by the two chambers and further compare such with the number of Bills signed into laws i.e. Act of the National Assembly. The essence is to enable the rating of the performance level of the National Assembly in pushing its passed Bills into laws and comparing the performance rate over time (i.e. across the three Assemblies under review). The outcome of our findings prompted some questions posed to the interview respondents to identify the factors responsible for the trajectories. Table 5.5 shows the data analysis and findings.

Table 5.5: Summary Presentation of Average Bills Passed in the 4th, 5th and 6th Assemblies and the Acts Enacted.

	Senate (a)	House of Representatives (b)	Average Bills Passed by the National Assembly $\left[\frac{a+b}{2} \right]$	Number of Acts	%
4th Assembly (1999 - 2003)	64	103	84	31	36.9
5th Assembly (2003 - 2007)	129	168	149	99	66.4
6th Assembly (2007 - 2011)	72	152	112	53	47.3
Total	265	423	345	183	53

Source: Author's computation with data from NILS, 2013.

From table 5.5, it is discovered that the 4th Assembly passed an average of 84 Bills in four years. Out of this figure, the legislature was able to push for the assent of only 31 Bills into laws. This shows that about 53 Bills were not signed into law by the President and the 4th National Assembly could not veto the passed Bills into law. This put the performance level at 36.9%. Premised on this, we can argue that the 4th National Assembly is ineffective in pushing its passed Bills into laws. The 5th National Assembly passed average of 149 Bills in four years.

99 of the 149 passed Bills were signed into law by the President putting the performance rate at 66.4%. This implies that about 50 passed Bills were not signed. To this end, we can argue that the 5th National Assembly is effective in pushing its passed Bills into law. Between 2007 and 2011, the 6th National Assembly passed average of 112 Bills. However, the President assented to only 53. This put the effectiveness rate at 47.3% (ineffective).

In all, the study inferred from the analysis that the National Assembly in twelve years passed average of 345 Bills and was able to push 183 into law. This shows the effectiveness rate of 53%. Despite the fact that the rate is a little more than half, we can argue that the National Assembly is not effective in pushing its passed Bills into law, thereby rejecting *hypothesis iv*. The pushing of 53% of passed law may not be seen as being effective given the efforts and resources gulped by the process. We expected that the performance rate should not be less than 60% (see discussion of findings for detail)

The study acknowledged the fact that the effectiveness status ascribed to the National Assembly above is not a reflection of equal performance of the three Assemblies, rather the average performance. The performance trend is better captured in the figure 5.10:

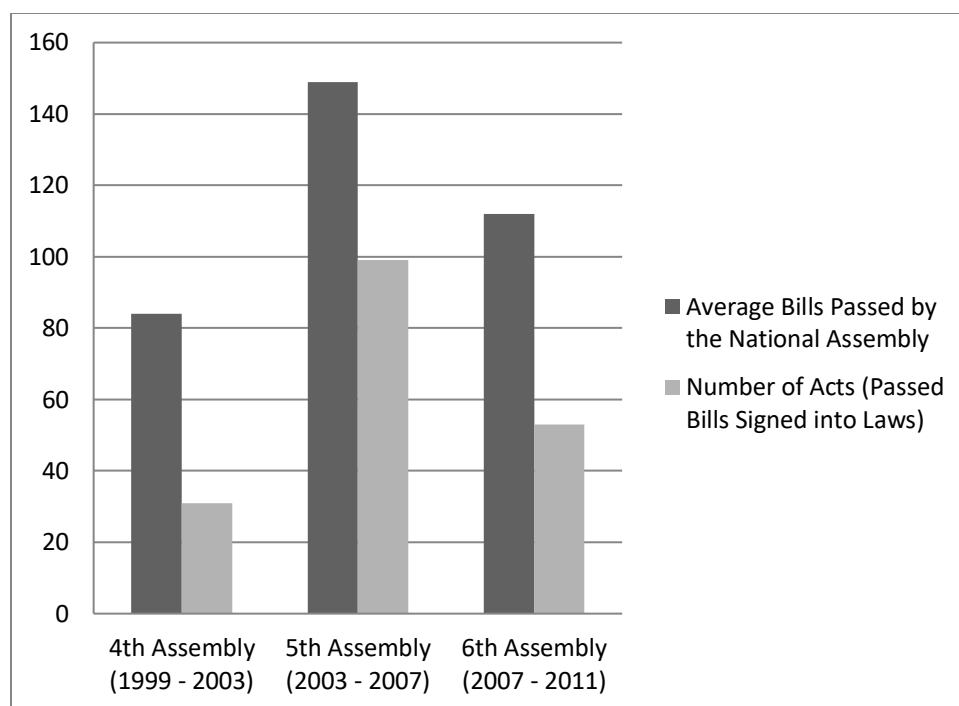


Figure 5.10: Graphical Presentation of Average Bills Passed in the 4th, 5th and 6th Assemblies and the Acts Enacted

Source: Author's computation with data from NILS, 2013.

Figure 5.10 shows that there is a geometric ascension in the performance of the National Assembly during the 5th Assembly. While the 4th Assembly is responsible for the 31 Acts accounting for 16.9% of all the 183 Acts in twelve years, the 5th Assembly capped 99 Acts putting its effectiveness rate at 54.1% of the entire Acts. The 6th Assembly witnessed a diminishing trend in Bill-to-law pushing as the number of laws dropped to 53 accounting for 29% of all Bills signed into laws. The average number of Bills passed and signed not only dropped but the gap between the passed Bills and the Acts of National Assembly also became wider (i.e. number of passed Bills not signed into law). While the gap is 53 Bills in the 4th Assembly, it reduces to 50 in the 5th Assembly but increased to 59 in the 6th Assembly (the highest of all period under review).

5.2 Interpretation and Discussion of Findings

From the analysis of our data, we found a number of issues relating to the lawmaking effectiveness of the Nigerian National Assembly. These issues range from legislators' innate effectiveness ability to institutional framework that guides legislative behavior and performances. As a result of the adopted institutional approach, the study observed that institutional and procedural frameworks of the National Assembly have high influence on legislative behavior and performances. The established procedural patterns as enshrined in the Standing Orders and other legal frameworks of the National Assembly greatly influence the lawmaking effectiveness level. This makes the processes of legislative drafting and Bill pushing to be thorny and time-consuming. However, we did not see this as a hindrance, rather as a good development because it ensures meticulous scrutiny of Bills contents that will consequently lead to good laws for the country and reduce abusive tendencies. For a systematic discussion of our findings, we attempted to present it in chronological themes along the four hypotheses. The wisdom behind this is to take position on either to accept or reject the hypotheses based on our findings.

5.2.1 Bill Sponsorship and Bill Pushing

The study found that the 4th Senate received 250 Bills, 5th Senate received 446 Bills while the 6th Senate received 477 Bills. This shows that there is progression in the Bill sponsorship trajectory of the Senate over the period under review. However, we observed a conflicting trajectory as the Bill passage did not follow the same trend. 64 Bills were passed by the 4th Senate with a progression rate of 129 passed Bills by the 5th Senate. The Bill passage level of the 6th Senate diminished as only 72 Bills were passed out of 477 Bills received. The same

trajectory was observed in the House of Representative. The Bill received progressed from 325 to 343 and 503 in the 4th, 5th and 6th Assemblies respectively. The Bill passage level increased from 103 to 168 during the 4th and 5th Assemblies but dropped to 152 Bills in the 6th Assembly. During our interaction with the lawmakers, this trajectory is attributed to the fact that legislators of the 4th Assembly were relatively new to the system and lawmaking procedure but gradually developed capacity to initiate and process Bills overtime. However, the high turnover rate that characterized the transition election of 2007 affected the National Assembly as most experienced legislators were not returned (Interview with Solomon, 2016; Ahman-Pategi, 2016; Akinderu-Fatai, 2016; Aliyu, 2016; and Oritsegbumi, 2016). This was chiefly as a result of the notion of two-term maximum syndrome applicable to the executive but extrapolated to the legislature. Most people believe that after two terms, it is the turn of another person to take charge especially in line with consensus agreement among several communities that make up a constituent on power rotation (Akinderu-Fatai, 2016).

In comparing legislative-executive Bill sponsorship capacity, the study observed that the number of Bills sponsored by the legislators is higher than that of the executive but a closer look at the Bills passed shows that the percentage of executive Bill passed is more than members' Bills passed. For the three Assemblies under review, the executive sponsored 395 Bills in the Senate while the Senators sponsored 778 Bills out of which 145 of the executive were passed with only 120 of the members' Bills passed. This shows that 36.7% of executive Bills were passed compared to 15.4% of members' Bills.

The finding in the House of Representatives is no different as the executive sponsored 366 Bills while the members sponsored 805 Bills during the 12 years under review. It is disturbing to note that 53% (194) of the executive Bills were passed compared to 28.5% (229) of

members' Bills passed. This trajectory prompted us to inquire whether executive Bills attract priority consideration in the National Assembly. All the respondents (except two who declined response) alluded to the fact that executive Bills attract priority over members' Bills. Solomon (2016) attributed this to two factors: First, the fact that it is generally believed that executive Bills are usually well-thought out because they are emanating from policies intended for good governance and service delivery. Second, that since the Bill is coming from the ruling party, the majority of the members and Chairman of the Rules and Business Committee who belong to the ruling party will expedite actions on such to show loyalty to their party and also aid the performance of the ruling party which in turn will trickle down to success at the next election (for both executive and legislative elections).

The study also pressed further by investigating whether the executive mobilizes support for its Bills by giving incentives. All respondents alluded that lobbying is part of the legislative process and that no Bill can scale through without mobilization of support. However, majority refuted the allegation that the executive gives financial or material incentives to lobby the legislators. Solomon (2016) apprised that the executive most times organizes seminars and workshops on Bills to enlighten the legislators on the contents and intended outcomes of the Bills which give such Bills the edge over members' Bills which often lack institutional backing. However, two respondents (who pleaded for anonymity) revealed that the executive sometimes give incentives in cash and kind. Since this claim is not backed by conclusive evidence, we will subject it to further research in order to know its veracity.

In comparing Bill pushing capacity of both chambers, the study discovered that the Senate sponsored more Bills (in average proportionate to seat size) than the House but the House passed more Bills than the Senate. The Senators sponsored 180, 303 and 295 Bills in the 4th, 5th

and 6th Assemblies respectively totaling 778 Bills (excluding executive Bills) in 12 years. This shows that the Senate sponsored an average of 1.7 Bills, 2.8 Bills and 2.7 Bills per Senator in the 4th, 5th and 6th Assemblies respectively, constituting an average of 2.4 Bills per Senator in 12 years. On the other hand, an average of 0.6 Bill (225 Bills), 0.6 Bill (197 Bills) and 1.1 Bills (383 Bills) per Representative were sponsored in the 4th, 5th and 6th Assemblies respectively totaling 805 Bills (excluding executive Bills), with cumulative average constituting 0.8 Bills per Representative in 12 years.

Out of the 778 Bills sponsored by the Senate, only 120 Bills were passed constituting 15.4% while the House of Representatives passed 229 Bills out of 805 sponsored Bills constituting 28.5%. In view of this, we accept *hypothesis i*, that the Senate has greater capacity in Bill sponsorship but the House has greater capacity in Bill pushing. From this established fact, we attempted to inquire into the causal factor(s) by interrogating the lawmakers.

All respondent Senators (though not aware of this fact) attributed it to three factors. First, the Senate has more functions to perform than the House of Representatives. Aside the traditional functions, the Senate is saddled with the responsibility of screening and clearing political appointees. They argued that this duty is time consuming which burdens and impedes the Senate from having time to push Bills. Second, the Senate is not just interested in passing Bills but high quality ones given the caliber of members and the high expectation of the people as a result of the perception that the chamber houses senior citizens (Hashimu, 2016; Solomon, 2016; and Okappu, 2016). Third, Lawan (2016) opined that membership strength in term of number is also responsible. This he attributed to the fact that most of the work of the legislature are done at the committee level and, by virtue of its membership strength, the House of Representatives has more committees than the Senate. This enables the House committees to

dispose off their assignments on time while the Senate committees have more to grapple with and with lesser time.

5.2.2 Lawmaking Effectiveness in First and Second Halves

Based on our assumption that lawmaking activities may decline at the first half given the newness of the fresh legislators who will use the period for training, we found continuous growth in the Senate's second half output over the period under review. During the 4th Senate, 34.8% output level was recorded in the second half against the first half with 10.5%. The number of Bills received in the second half also outweighs that of the first half. The 5th Senate witnessed a somewhat even performance as the difference between the first and second halves output is very close. Though the performance level of the second half is higher but the margin is relatively insignificant (at 0.7). The 6th Senate witnessed a conflicting trajectory as the number of Bills received in the first half is significantly higher than that of the second half. However, the output of the second half is more than twice the output of the first half.

The House's first-second half comparison is indifferent to what we found in the Senate. The 4th House recorded higher output rate in terms of Bill received and passed in the second half than the first half, with the exception of the 5th House where the Bill received is more during the first half. One aspect that is worthy of note is the first half of the 6th House of Representatives where 238 Bills were received but only 47 were passed. The study made a further investigation on the causality and found that the period was the *Ettegate* era. The leadership crisis that engulfed the House which eventually led to the death of a member and the resignation of the Speaker (Rt. Hon. Patricia Etteh) disrupted legislative activities until a new Speaker (Rt. Hon. Dimeji Bankole) emerged and returned stability to the House. In view of this, the findings show

that the National Assembly is more effective in lawmaking in the second half than the first half. Consequently, we accept *hypothesis ii*. This validates the study's position that the first half is largely used as training period for the legislators especially the fresh term members.

However, despite the fact that lawmaking performance of the National Assembly increases in the second half, the study observed that most of the Bills received and passed were executive Bills. The study found that there is consistent drop in Bill sponsorship by legislators in the election year of the second half whereas executive Bills increased during these periods. In order to know the causal factors of this trajectory, the study subject the issue to discussion with the legislators. Akinderu-Fatai (2016) apprised that members focused more on legislative activities in the first half but were more preoccupied with electoral struggles in the second half. They tend to engage in political party and electoral politicking to secure their sophomore term thereby paying less attention to lawmaking activities in the second half which is the build-up to the general election. At this period, the executive sponsors more Bills as it is the peak of governance politicking by the executive to woo the electorates for electoral victory at the poll. Fadugba (2016) posited further that while the legislators' attention is largely distracted by the electoral activities, the executive continue to sponsor Bills coupled with the fact that the period is also the peak of Presidential assent to passed Bills. However, since the legislature know that the President gives priority to signing passed executive Bills into law, the legislature also gives considerable priority to passing executive Bills so that there will be more Acts to the credit of such legislative Assembly.

5.2.3 Level of Lawmaking Effectiveness of the 4th, 5th and 6th National Assemblies

Subjecting the gathered data to ILES analysis, the study discovered that not all received Bills were slated for legislative floor actions (which begin with first reading). For instance, the 4th Senate received 250 Bills out of which 227 Bills were read the first time. Out of the 446 Bills received by the 5th Senate, 377 Bills made it to the first reading and 463 out of 477 Bills received by the 6th Senate received action on the floor of the Senate. The study probed further with the lawmakers to identify the causal factors of this trend. Two reasons were advanced: first, some of the Bills initiated did not meet the minimum presentation requirement and second, some sponsors are not interested in pushing their Bills through the legislative cycle; only to have something recorded against their name to claim effectiveness status (Fadugba, 2016). The situation in the House is somewhat different. Except in the 4th Assembly where 325 Bills were received and 321 Bills passed through first reading, the subsequent Assemblies recorded 100% performance in this regard. All the 343 and 503 Bills received in the 5th and 6th Assemblies respectively made it to the first reading stage. Akinderu-Fatai (2016) and Oritsegbumi (2016) attributed this to the ability of House members to draft Bills with good objectives and meeting the guidelines provided by the House Committee on Rules and Business.

The ILES model not only give consideration to the Bills read the first time, but also countenances the number of Bills that made it through the four stages (as used as indicators of the model). It should be recalled that we noted that ILES model reward hard-work with regard to the ability of the Assembly to push its Bills through the legislative cycle; thus, the study found that the 4th Assemblies of both chambers were ineffective in lawmaking while the 5th and 6th Assemblies of both chambers were fairly effective. The study also discovered that except in the 6th Senate, there is progressive increase in the ILES value from the 4th to 6th Assemblies of both

chambers. The findings from the ILES model reveal that while there is progression in the lawmaking effectiveness of the House, the Senate recorded lawmaking ineffectiveness. The 5th House of Representatives is found to more effective than the 4th House but 6th House outperformed the 5th House. However, in the upper chamber, the 5th Assembly was more effective than the 4th Assembly but a decline in effectiveness was recorded as the 6th Assembly. Though, the number of Bills received is at an all time highest but there was a geometric decline in lawmaking output which made the ILES to be lower. Figure 5.11 epitomizes these trajectories.

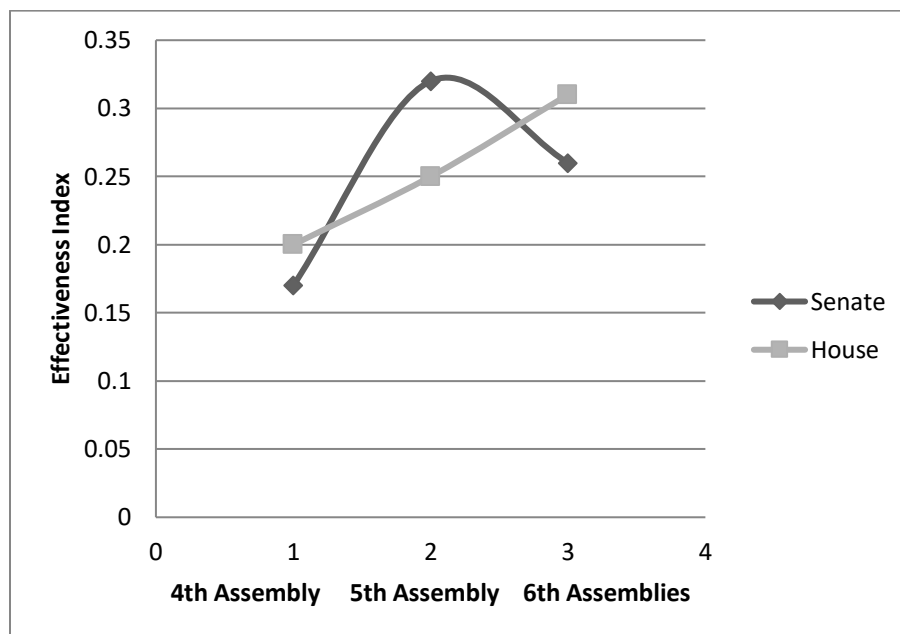


Figure 5.11: Graphical Presentation of the Lawmaking Effectiveness of the 4th, 5th and 6th Assemblies by Chambers

Source: Author's computation with data from ILES calculation.

From figure 5.11 while there is a continuous ascension of lawmaking effectiveness of the House of Representatives. The same trend is observed in the Senate from the 4th to 5th Assemblies but declined in the 6th assembly. Premised on this, the study accepts *hypothesis iii* for the House but reject same for the Senate. The illustration also depicts that the House was more

effective in lawmaking than the Senate in the 4th Assembly but the Senate was more effective in the 5th Assembly. The table was turned in the 6th Assembly as the House reclaimed its spot at the top. In simple logic, this shows that the House is more effective than the Senate.

Furthermore, the second part of the ILES model which gives the average effectiveness status of the three National Assemblies shows that while the 4th National Assembly is ineffective in lawmaking, the 5th and 6th National Assemblies were fairly effective. This is graphically illustrated in the figure 5.12:

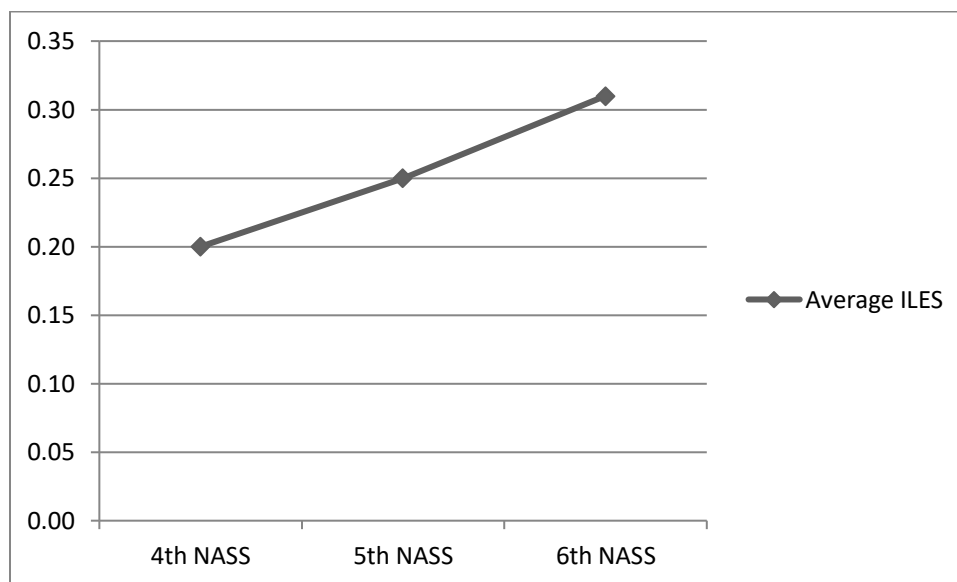


Figure 5.12: Graphical Illustration of the Lawmaking Effectiveness of the 4th, 5th and 6th National Assemblies

Source: Author's computation with data from Average ILES calculation.

From figure 5.12, the findings reveal that there is continuous growth in effectiveness status of the Nigerian legislature from the inception of the current republic. The effectiveness status increased from 0.2 to 0.25 and 0.31 for the three Assemblies respectively. These validate *hypothesis iii* that 'Subsequent/Succeeding Assembly is more effective in lawmaking than the previous Assembly'.

5.2.4 Effectiveness of the National Assembly in Pushing its Passed Bills into Laws

From earlier data analysis as seen on table 5.5 and figure 5.10, the study discovered that the 4th National Assembly was able to push 31 passed Bills into laws out of the average 84 Bills passed. This shows that the legislature made an average of 7.8 Acts in a year. Going further, a legislator made an average of 0.1 Acts in four years. The 5th National Assembly pushed 99 Bills into law accounting for an average of 24.8 Acts in a year. A legislator was able to make 0.2 Acts in four years. The 6th National Assembly recorded 53 Acts to its credit showing an average of 13.5 Acts in a year and 0.1 Acts in four years by each legislator. Combining the three Assemblies, 183 Acts were made in twelve years accounting for 53%. This rate may not be seen as effective given the energy, material, time and financial resources expended on the lawmaking process. One would expect that if all passed Bills are not signed into law, the number of rejected Bills must be very minimal and less than 40%. We also discovered that throughout the twelve years under review, the legislature never vetoed any passed Bill into law (despite having express constitutional power to do so), leaving a whopping 162 passed Bills to gather dust on the President's table. The implication is that all the legislative activities on those 162 passed Bills translates into a waste of time, energy, resources and tax payers' money. Since our expected benchmark is 60% and the National Assembly recorded an average of 53% over the three Assemblies, we reject *hypothesis iv*, thus the Nigeria's National Assembly is not effective in pushing its passed Bills into laws.

5.3 Factors that Influence the Effectiveness Level of the National Assembly in the Lawmaking Process (Independent Variables)

Given the above analysis of the performance of the National Assembly in the lawmaking process, the study aim to find the variables that aided the effectiveness status of the National

Assembly. These variables are perceived to have significantly influenced the legislative effectiveness of the National Assembly in Nigeria during the period under review. The essence is to find out whether significant improvement on these variables could improve the effectiveness status of the National Assembly to either 'effective', 'substantially effective' or 'perfectly effective'; vice versa. This shows that the factors are the independent variables upon which the 'legislative effectiveness' as a variable depended. During interview sessions with the legislators, a number of these factors surfaced as variables that make lawmakers to be effective. These factors are: cognate experience, educational qualification, turnover, ideological consideration, Committee chairmanship, and innate ability.

Out of all the six variables, there is agreement among all respondents that educational qualification and cognate experience are the most significant factors that determine legislative effectiveness. According to the respondents, the centrality of both educational qualification and cognate experience to the determination of legislative effectiveness stem out of the fact that they significantly determine the capacity of legislators to understand the intrigues and intricacies of legislative functions and cope with the challenging demand of performing their functions as lawmakers. This finding corresponds with earlier studies by Thornton (1996), NILS (2012) and Tonye (2012) among others on the subject matter. However, aside the ones identified in this study, other studies have proved that there are other variables that shape and influence the level of legislative effectiveness. These include: seniority consideration, ideological consideration, innate ability, natural coalition partners, electoral connection, committee influence, gender distribution, party platform, method of electing legislators, political culture, lack of logistical support (especially in Africa), time constraint, and turnover rate among others (Volden and Wiseman, 2013; NILS, 2012; Bratton and Kerry, 1999; Tonye, 2012; Cox and Williams, 2009;

Thornton, 1996; Rotberg and Salahub, 2013; and Frantzich, 1979 among others). Alli (2014) also identified long year of military rule, growing level of poverty and poor socio-economic and political environment as variables negatively affecting the effectiveness of the National Assembly in Nigeria. In as much as these variables are relevant, this study only focuses on the utility of ‘educational qualification’, ‘cognate experience’ and ‘turnover’ to the effectiveness of the Nigerian National Assembly within the period under review (1999 – 2011).

Independent Variable 1 - Educational Qualification: To What Extent?

It is arguable that the level of educational attainment and exposure has effects on one’s thinking and ways of behavior. This is premised on the notion that a degree of education (whether formal or informal) is needed to rationalize and articulate facts of social importance. It takes a great deal for a decision maker to think beyond prevailing cases in order to take the most rational stand. The academic exposure garnered through critical thinking will enable an educated person to understand issues beyond the surface considering the causal effects, outcomes and expected reactions within a relatively short time thereby prompting the most rational decision and action. Though, this is not to say that uneducated people cannot rationalize and understand social occurrences, but the argument is that education and exposure make it to be more nuanced.

The respondents especially Solomon (2016) noted that education plays a crucial role in legislative functions. This position is premised on the argument that the quality of legislative debates is largely determined by the level of education (or exposure) of the legislators. Legislators with lower educational qualifications (such as WASC and OND and their equivalent) tend to be unproductive when sophisticated and sensitive issues are being discussed compared to those with higher educational qualifications (such as HND, University first degree and other higher degrees including PhD, postgraduate and professional certificates) who understand the

rudiments of issues under discussion. This is because it takes a person of reasonable educational qualification to understand the techniques behind the calculation of issues like GDP, foreign diplomatic relations and national security intelligence issues. To ascertain the validity of this position, the study observed the trend of the numerical and percentage distribution of educational qualification of Nigeria's legislators between 1999 and 2011 and compared it with the performance trend of the three Assemblies. This is shown in figure 5.13:

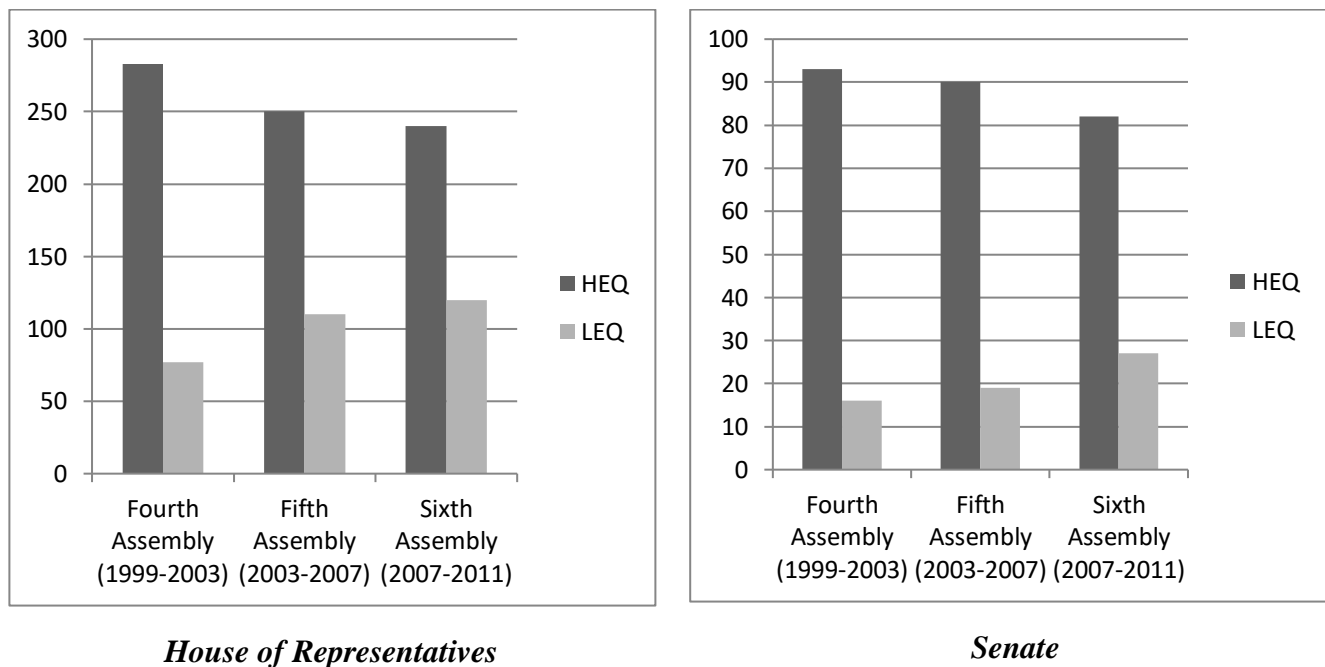


Figure 5.13: Graphical Illustration of the Distribution of Higher and Lower Educational Qualification of the 4th, 5th and 6th Assemblies
Source: Author's computation with data from NILS, 2009.

Figure 5.13 reveals the trend in the educational qualification of legislators in the three Assemblies. There is continuous increase in the number of legislators with lower educational qualifications (LEQ) while those with higher educational qualification (HEQ) decrease in both chambers. In the House of Representatives, MPs with lower educational qualification increased from 77 to 110 and 120 in the 4th, 5th and 6th Assemblies respectively. On the other hand, the number of MPs with higher educational qualification decreases from 283 to 250 and 240 in the

4th, 5th and 6th Assemblies respectively. The same trend is observed in the Senate where there is continuous increase in the number of MPs with lower educational qualification from 16 to 19 and 27 in the 4th, 5th and 6th Assemblies respectively; inversely decreasing the number of MPs with higher educational qualification from 93 to 90 and 82 in the 4th, 5th and 6th Assemblies respectively. Though, a further breakdown shows that there is consistent reduction in the population of legislators with WASC/equivalent and corresponding increase in OND/equivalent. For example, in the lower chamber, the Fourth Assembly's 77 LEQ is: WASC- 34 and OND- 43; Fifth Assembly's 110 LEQ is: WASC- 42 and OND- 68; while Sixth Assembly's 120 LEQ is: WASC- 27 and OND- 93. At the upper chamber, the Fourth Assembly's 16 LEQ is: WASC- 7 and OND- 9; Fifth Assembly's 19 LEQ is: WASC- 6 and OND- 13; while Sixth Assembly's 27 LEQ is: WASC- 4 and OND- 23. This signifies that there is a clear indication that the minimum educational requirement prescribed in the 1999 constitution is belated and need to be reviewed upward for the country to have better informed and academically sound legislators.

A comparison of this trend to the performance trend in figures 5.11 and 5.12 shows a contradictory trajectory. In essence, as the educational qualification decreases, the performance status increases. Figure 5.12 shows a continuous improvement in legislative productivity and effectiveness between 1999 and 2011 despite the fact that the number of legislators with higher educational qualifications continuously declined. This finding empirically invalidate the argument of the respondents and diverge with the findings of previous studies (especially those of Thornton, 1996; NILS, 2012; and Tonye, 2012). To this end, this study posits that educational qualification is not a significant factor that determines legislative effectiveness. Therefore, a legislator needs not to be highly educated before he can perform effectively. Based on this finding, one may argue that an Assembly with higher percentage of legislators with higher

educational qualifications is less likely to be more effective than the one with lower educational qualifications.

Independent Variable 2 - Cognate Experience: Any Correlation?

According to a wise saying, experience is said to be the best teacher. This posits that previous work experience of a legislator has significant impact on his legislative effectiveness. The nature of work and years of working experience (depicted as cognate experience in this study) enables legislators to better understand the challenges before them thereby preparing their mind on how to approach their responsibilities (NILS, 2012). Perhaps, this is why all respondents agreed that it is one of the major determinants of legislative effectiveness in the National Assembly. For a nuance analysis, this study relied on the NILS (2012) categorization of all cognate experiences into five: *Civil Servants/ Teachers*- comprising civil servants, public servants, teachers, lecturers and ex-military/paramilitary; *Professionals*- comprising lawyers, journalists, architects, bankers, surveyors, doctors, engineers, nurses etc; *Businessmen*- comprising businessmen/women, farmers, traders etc; *Politicians*- comprising former state/local government executives, councilors, special advisers, ambassadors and other former government appointees, excluding those with professional background before joining partisan politics; and *Others*- comprising self employed, unemployed, students, artisans etc.

The significance of cognate experience to legislative effectiveness is premised on the fact that educational qualification is often seen as exposure in Nigeria. Most workplace/employing organizations see it as basic requirement putting their confidence on the in-house/on-the-job training to impart adequate skills and knowledge needed for the job. This trend applies to the legislature as no required skill is prescribed as a requirement to be eligible to stand election into the parliament other than the possession of School Certificate or its equivalent (see section 65 of

the 1999 constitution as amended). It is believed that fresh legislators will acquire legislative skills from their sophomore colleagues and series of training to be organized by the leadership premised on the assumption that their cognate experiences and the prescribed minimum educational qualification will suffice for them to cope. In view of this, cognate and years of working experience have impact on the capacities and capabilities of legislators toward effectiveness. It should be noted that the operations of the categories above are governed by specific mission i.e. pursuit of efficiency coupled with the fact that it cover all aspects of day-to-day activities of the entire citizenry. Hence, a blend of legislators covering these categories is expected to balance debates and lawmaking for the benefit of all sectors of the nation's economy (NILS, 2012: 55).

There is no doubt that every individual has comparative advantage over others (layman) in his/her chosen field. It is noted in legislative proceedings that some legislators are more productive than others in terms of constructive contribution when their cognate related issues are deliberated upon. For instance, whenever constitution related matters are before the parliament, those with legal cognate experience tend to be more effective than others. But these legislators with legal experience seldom contribute to health issues if such is before the parliament. To this end, those whose cognate experience coincides with the policy priority of the legislature at a point in time tend to be more effective than others. Since the primary functions of the legislature is lawmaking, oversight, budgeting and representation; thus, the professional category usually dominate the upper echelon of the effectiveness chart as their cognate experience fit into the functions more than others. This is why cognate experience is highly considered in the allocation of committees' membership among legislators especially in determining the committees' chairmen.

The fact that the National Assembly under the period of this study is a blend of legislators with the five categories of cognate experience may not be unconnected with the effectiveness status in lawmaking. Therefore, this study agrees with the position of the respondents as well as the argument of previous studies (such as Thornton, 1996; NILS, 2012; and Tonye, 2012) that cognate experience is a significant factor that determines legislative effectiveness. Premised on this, this study posits that an Assembly blessed with a blend of the five categories of cognate experienced legislators is likely to be more effective than the one dominated by one or two categories.

Independent Variable 3 – Turnover Rate: Good or Bad for Nigeria’s Democracy?

Studies have shown that legislative turnover is an important issue in the assessment of legislative effectiveness (Hamalai, 2014; Heinsohn and Freitag, 2012; Jackson, 1994; Moncrief, Niemi and Powell, 2004; NILS, 2012; Jensen, 2013; Kerby and Blidook, 2011; Best, 2006; Hyneman, 1938; Carey, 1996; Casstevens and Denham III, 1970; Heinsohn, 2014; Kousser, 2004; Krupnikov and Shipan, 2013; Hibbing, 1999; Kurtz, 2012; Moncrief, 1998; Eliassen and Pedersen, 1978 among others). Though the concept is understudied especially in developing democracies, there is no doubt about its potency in determining the effectiveness of the legislature in the developing democracies like that of Nigeria. This notion is premised on the arguments of Matland and Studlar (2004), Putnam (1976) and Norris (1993) that the concept is one of the central issues in the legislative studies which despite its significance enjoy little attention in both developed and developing democracies. Perhaps, the apathetic attitude of scholars toward this concept is as a result of the fact that the study of legislature itself is just evolving in the developing democracies.

With reference to the findings of this study, the National Assembly's effectiveness is highly influenced by the high turnover rate witnessed during the 2007 general elections. The argument of this study that subsequent/succeeding Assembly is expected to be more effective in lawmaking than the previous/preceding Assembly is premised on the notion that the legislators will have over the years gathered cognate experiences in the art and politics of lawmaking thereby improving their productivity level. This implies that if at any point in time, most of these legislators are not returned to the legislature after an election, the legislature's productivity will diminish as a result of the fact that it will take the new set of legislators some time to learn and get accustomed to the art of lawmaking and the rudiments of legislative politicking. For example, while the Bill sponsorship outputs of the 4th, 5th, and 6th Assemblies increase, the Bill passage outputs for the three Assemblies increased at the first instance but later diminished.

Proving the position on the significance of turnover on legislative effectiveness, Solomon (2016), Ahman-Pategi (2016), Akinderu-Fatai (2016), Aliyu (2016) and Oritsegbumi (2016) claimed that the high turnover rate that characterized the transition election of 2007 affected the productivity level of the 6th National Assembly because most of the experienced legislators were not returned. Based on this, one may not be wrong to predict that should most of the legislators in the 6th Assembly not return in 2011 election; there is likelihood that the output of the 7th Assembly will drop below that of the 6th. A number of factors could be advanced for the high turnover rate witnessed in the Nigerian legislature. These include: lack of internal party democracy and god-fatherism, the tradition of rotational candidacy, the weak nature of the legislature, increased political consciousness of the voters and electoral volatility, relative young age of Nigeria's democratic project, strong challenger, high unemployment rate and the harsh

business environment which made many to shift attention to politics as a means of livelihood among others.

Regardless of which of these factors is most significant, the study opines that high legislative turnover is not beneficial to the National Assembly especially at this stage of the democratic experience. This position is premised on the fact that legislatures with high turnover rates tend to have lower levels of average elite experience, expertise and effectiveness. Hyneman (1938: 21) earlier held this opinion when he argued that a legislature cannot function effectively unless a substantial number of its members have acquired several sessions of experience in the lawmaking process. To this end, the high turnover rate is antithetical to legislative effectiveness, because the need to train the newly elected legislators often leads to expensive governance and waste of time thereby slowing down development. This position found solace in the argument of Hamalai (2014) that the resultant effect of the high turnover as witnessed in the National Assembly slows legislative process as the newly elected legislators will spend long period learning the legislative procedures.

It is pertinent to note that the study's position on turnover should not be misconstrued to mean that high turnover rate is not beneficial to democratic sustenance. In fact, it maintains social stability by incorporating discontented groups and ambitious individuals into the legislature. By this, the interests of the communities that make up the constituency are protected by the rotational candidacy arrangement thereby bringing cohesion and peaceful relationship among them. Secondly, high turnover rate upholds the sovereignty theory of democracy that emphasizes government as the will of the people. The increasing political consciousness among the people leads to voting out of legislators whose allegiance and loyalty are to the political overlords for their re-election bids. Thirdly, it purges the legislature of possible legislative

tyranny as unproductive or irresponsible legislators are voted out by the people during elections. Lastly, the threat of possible electoral firing (either by recall or electoral defeat) serves as an effective brake on the temptation of legislators on corruption tendencies. Most of the legislators alleged to have engaged in corrupt practices and those that are not effective by the assessment of the people stand the chance of being voted out at next election. To this end, turnover becomes one of the significant determinants of legislative effectiveness in the National Assembly.

Conclusively, aside the three variables, the study acknowledges other factors that could have contributed to the 'fairly effective' status of the National Assembly in lawmaking between 1999 and 2011. These include: executive's energetic bill sponsorship, legislators re-election bid, constituency influence, lobbyists influence, public's implicit or potential influence, ideological consideration, Committee chairmanship, innate ability, and party platform among others.

CHAPTER SIX

LEGISLATIVE IMPACT ON THE PEOPLE AND THE CHALLENGES FACING THE NIGERIAN NATIONAL ASSEMBLY

6.1 Analysis of the Impact of Acts of the National Assembly on the People (Contents of Bills Approach)

Going by section 4 of the 1999 constitution (as amended), the National Assembly is shouldered with the primary responsibility of making laws for the peace and good governance of the country. However, the extent to which the laws made by the National Assembly impact positively on the people significantly determines the ‘good governance’ nature of the democratic dispensation. In light of this, having assessed the National Assembly based on number of Bills passed and enacted into law, this section attempts to examine the impact of the Acts of the National Assembly on the people. This is done by classifying the laws based on objectives which each sought to achieve. Though there are many ways by which such classification can be done, but this research align with the classificatory method of the National Institute for Legislative Studies [NILS], (2013); where Acts are classified into five groups. These are: *Economic Development Acts* (incorporating all economic management and developmental related laws), *Social Development Acts* (all laws seeking to improve the wellbeing of the people in the areas of health, education, welfare, community development etc.), *Governance/Political Development Acts* (relating to entrenching good governance and good political practices), *Regulatory Acts* (relating to establishment and regulation of institutions), and *Cultural Acts* (all laws relating to cultural development).

6.1.1 Analysis of the Impact of Acts of the 4th National Assembly

The 4th National Assembly passed an average of 84 Bills, out of which 31 were signed into laws. The impact analysis shows that 17 laws were made by the Assembly for economic development (accounting for 55% of all the enacted laws). 7 laws were enacted to promote social welfare of the people. To entrench good governance, the Assembly enacted 5 laws on issues related to political development in the country. While 2 regulatory laws were made, no law was enacted to promote the diverse cultural heritage of the country throughout the four-year tenure of the Assembly. This trajectory is graphically illustrated in Figure 6.1 below.

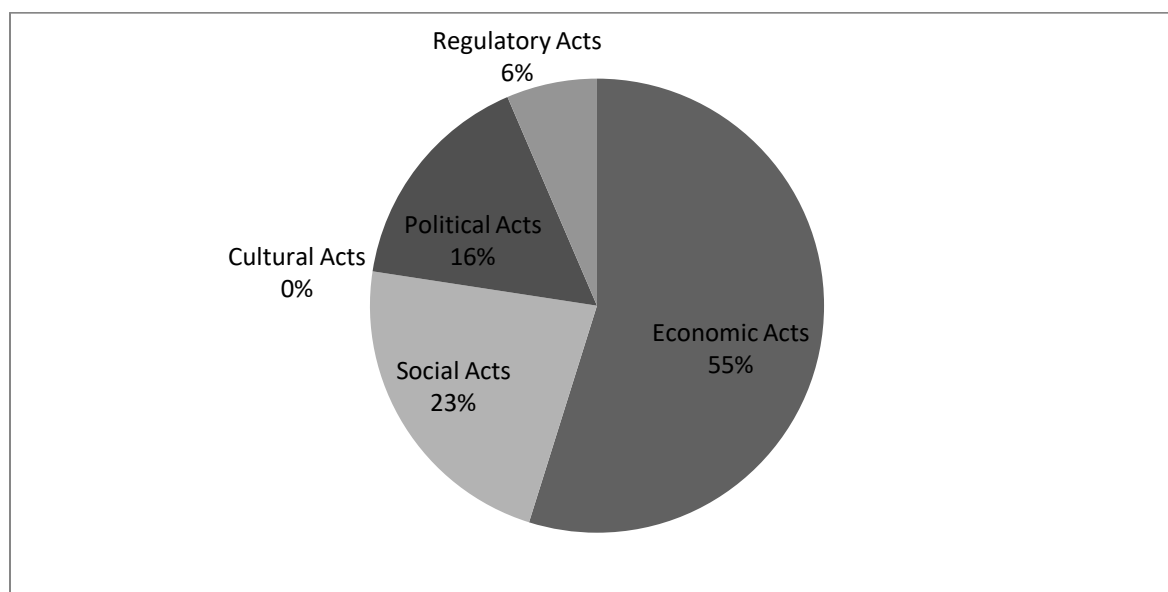


Figure 6.1: Graphical Illustration of the Classification of the Acts of the 4th National Assembly (1999–2003)

Source: Author's computation with data from NILS, 2013.

The above analysis shows that the 4th National Assembly gives prominence to economic development over other aspects. Perhaps, this was as a result of the attempt by the Obasanjo led administration to diversify the economy by allowing more corporate participation in economic

activities. The policy direction was to move the country to be more capitalist oriented against the usual socialist tendencies.

6.1.2 Analysis of the Impact of Acts of the 5th National Assembly

Out of an average of 149 passed Bills, the 5th National Assembly pushed 99 into laws. The impact analysis shows that the Assembly enacted 29 economic development laws, 10 social development laws and 1 cultural law. In addition, 10 laws were made on political and governance issues, with 14 laws to regulate and establish institutions in the country. This is graphically illustrated in Figure 6.2 below.

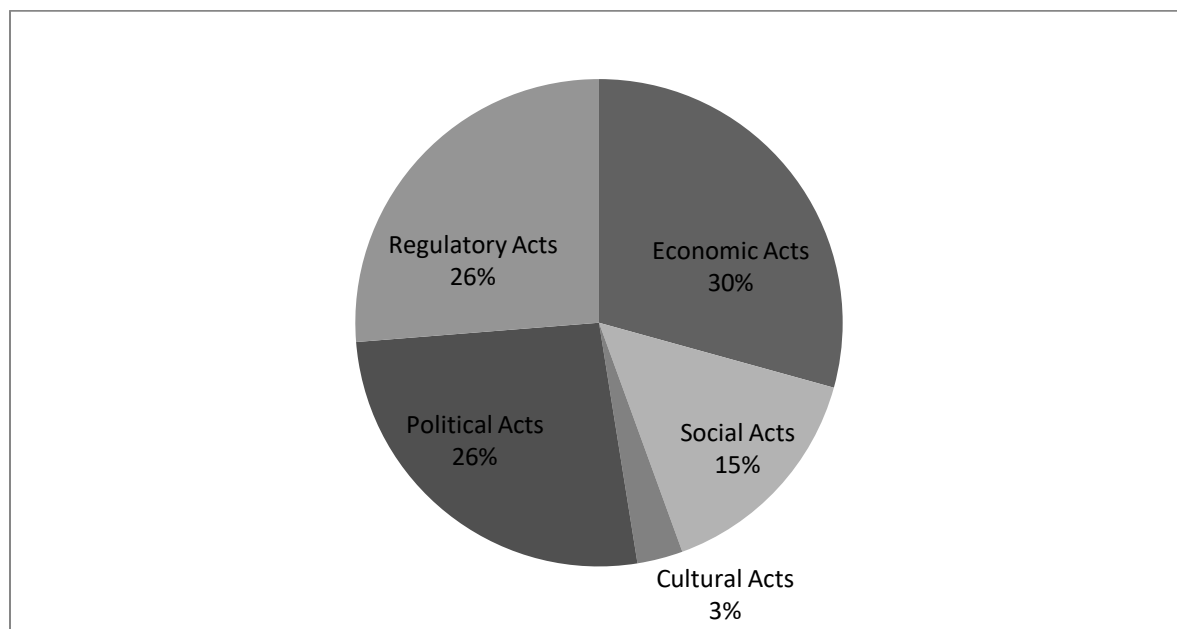


Figure 6.2: Graphical Illustration of the Classification of the Acts of the 5th National Assembly (2003-2007)

Source: Author's computation with data from NILS, 2013

The trajectory observed during the 4th Assembly also played out in the 5th Assembly. More economic laws were enacted at the expense of social development laws. However, unlike the 4th Assembly, the 5th Assembly not only gave primacy to economic laws but also political and regulatory laws over social development laws. This trajectory seems not unexpected given

the fact that it was a continuation of the 4th Assembly with regard to executive composition and policy direction.

6.1.3 Analysis of the Impact of Acts of the 6th National Assembly

The 6th National Assembly with an average of 112 passed Bills enacted 51 laws. The breakdown shows that 18 laws were economic development related. 10 laws each were enacted to promote social welfare of the people as well as political and governance issues. While only 1 cultural development law was made, 14 laws were enacted to establish and regulate institutional behavior in the country. See figure 6.3 below for the graphical illustration.

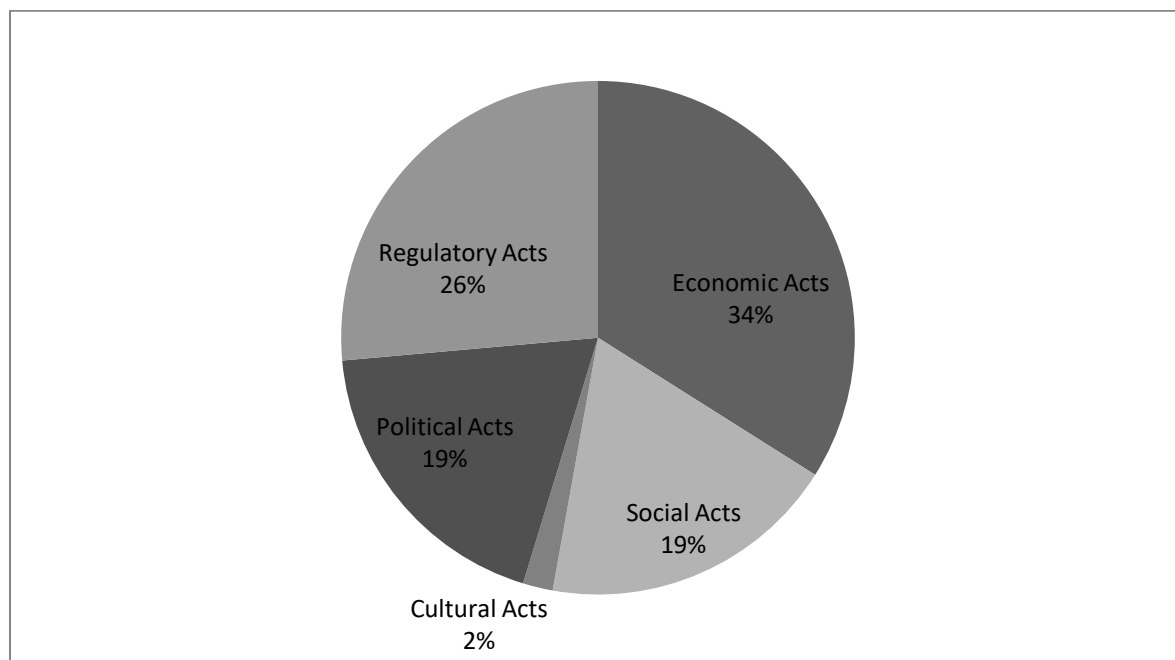


Figure 6.3: Graphical Illustration of the Classification of the Acts of the 6th National Assembly (2007-2011)

Source: Author's computation with data from NILS, 2013

Despite the change in the executive composition (i.e. the emergence of Yar'Adua/Jonathan led executive with the 7-point agenda), the 6th Assembly also relegated the

enactment of social development laws. More economic, political and regulatory laws were made to the extent that the number of economic law is exactly twice that of the social law.

6.1.4 Analysis of the Impact of Acts of the 4th, 5th and 6th National Assemblies

The classification of Acts of the National Assembly for the period under review is presented in table 6.1 below:

Table 6.1: Classification of the Acts of the 4th, 5th and 6th National Assemblies

	4th Assembly (1999 - 2003)	5th Assembly (2003 - 2007)	6th Assembly (2007 - 2011)	Total
Economic Acts	17	29	18	64
Social Acts	7	15	10	32
Cultural Acts	0	3	1	4
Political Acts	5	26	10	41
Regulatory Acts	2	26	14	42
Total	31	99	53	183

Source: Author's computation with data from NILS, 2013

From the table 6.1 above, it is observed that the National Assembly enacted 64 laws on economic development (35%), which is twice the number of social development laws. 41 political and governance laws and 42 regulatory laws were made with only 4 laws to promote the cultural heritage of Nigerians. This is graphically illustrated in figure 6.4 below:

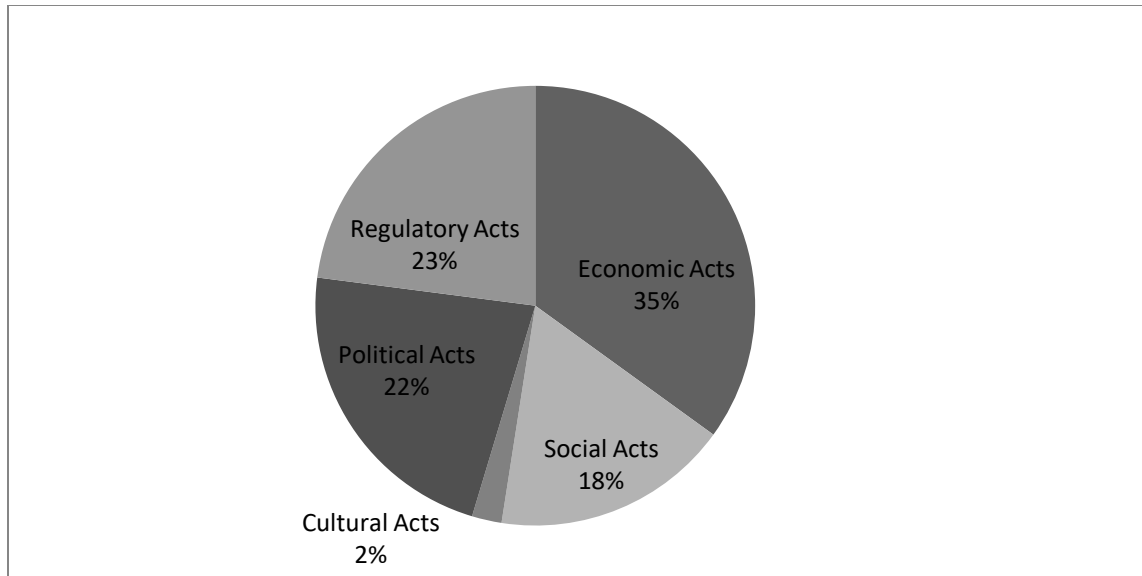


Figure 6.4: Graphical Illustration of the Classification of the Acts of the 4th, 5th and 6th National Assemblies (1999-2011)

Source: Author's computation with data from NILS, 2013

Premised on the number of economic Acts enacted, there is no doubt that the legislature believe that good governance and sustainable development can be entrenched in the country through enactment of economic laws that will reposition the country's economic sector. However, this view runs contrary to that of the participants at the United Nations World Summit on Social Development in Copenhagen in 1995, where the Heads of State and Government recognized the fact that social development and human well-being are significant to sustainable development, thus should be given the highest priority in national and international policies. The outcome of the summit which is the 'Copenhagen Declaration on Social Development and Program of Action' established a new consensus to place people at the centre of concerns by eradicating poverty, promote full and productive employment, and foster social integration to achieve stable, safe and just societies for all (Fahrudin, 2005). All these are the focus of social development laws.

The basis of the people-centered argument hinged on the fact that the ultimate goals of development are to improve the living conditions for people and to empower them to participate fully in the economic, political and social arenas. In view of this, one expects that the National Assembly ought to initiate and enact more laws on social development than economic development. It is pertinent to note that sharing this view is not an attempt to relegate the significance of economic Bills. In fact, they are complementary as Midgley (1995: 25) contends that social development entails a process of planned social change designed to promote the well-being of the population as a whole in conjunction with process of economic development.

Aside the above classification of the Acts by objective, it is imperative to attempt a situational analysis of selected Acts that are adjudged crucial to socio-economic and governance development; in order to assess their impact on the lives of the people as well as promotion of good governance in the country. The selected Acts are: Economic and Financial Crimes Commission (Establishment) Act 2002; Corrupt Practices and other Related Offences (ICPC) Act 2003; Child Right Act 2003; Federal Road Maintenance Agency (Establishment) Act 2002; Freedom of Information Act 2011; Pension Reform Act 2004 (repealed 2014); Fiscal Responsibility Act 2007; Small and Medium Scale Enterprises Development Agency (Establishment) Act 2003; and Nigeria Sovereign Investment Authority (Establishment etc) Act 2011.

6.2 Analysis of the Impact of Selected Acts of the National Assembly on the People

6.2.1 Economic and Financial Crimes Commission (Establishment) Act 2002 and Corrupt Practices and other Related Offences (ICPC) Act 2003

Corruption has been one of the greatest challenges militating against socio-political and economic development in Nigeria. Over the years, it has fuelled political violence, inadequate

infrastructures, and other human rights violations. Its devastating effects on the nation have manifested in lopsided distribution of wealth, malfunctioned or decayed infrastructure and degrading living conditions among a great proportion of the citizenry. Since 1999 when the country returned to democratic governance, corrupt practices have been on the increase at all levels of public governance, to the extent that it is now a threat to the continued existence of the Nigerian state (Jega, 2010). Corruption is so pervasive in Nigeria that it has turned public service for many, into a kind of criminal enterprise (Human Right Watch, 2011:1). Studies have shown that corruption is one of the greatest threats to Nigeria's democracy and national development (see Imam and Mustapha 2008; Jega, 2010; Waziri, 2011; United Nations, 2004; Smith, 2007; Ribadu, 2006; Osoba, 1996 and Obadan, 2001). The country's governing elite continues to squander and siphon off the nation's tremendous oil wealth, neglecting basic health and education services for the vast majority of ordinary citizens. Widespread graft has fuelled political violence, police abuses, and other human rights violations. Nigerians have had to grapple with the consequential negative effects of corruption to the extent that they see it as their number one enemy.

Muhammadu Buhari's record-breaking emergence as President, defeating the incumbent was chiefly as a result of the adoption of anti-corruption crusade as his campaign point. While the citizens are not at ease with the corruption level, the international community is also fed up with the rate of the menace in Nigeria. Successive governments cannot but therefore respond to both domestic and international pressures to confront corruption with all possible strategies available. Paradoxically, the fight against the scourge can best be described as driftwood without compass or direction. At a point in time, there may be concrete evidence that the anti-corruption project is moving forward. At another point, events show how confused Nigerian leaders are in

the war on corruption. The lack of political will and selective prosecution more often than not are responsible for the woeful tale of the country's experience.

In 1998 during the military era, Nigeria with corruption index of 1.9 was ranked the 4th most corrupt country out of 85 countries. In 2001, democratic Nigeria with corruption index of 1.0 ranked 2nd most corrupt country out of 91 countries, coming above only Bangladesh that ranked most corrupt (Transparency International [TI], <https://www.transparency.org/>). Disturbed by the trend, the Obasanjo's administration presented two executive Bills to the 4th National Assembly seeking to establish the Economic and Financial Crimes Commission (EFCC) and Corrupt Practices and other Related Offences Commission (ICPC). The Bills, after series of political negotiations and considerations were passed, signed into law and the Commissions were established to complement the existing anti-graft agencies established by the 1999 constitution (as amended).

Some of the major objectives of the anti-graft laws and functions of the Commissions include: to prohibit and prescribe punishment for corrupt practices; to investigate and prosecute economic and financial crimes; to adopt measures to eradicate the commission of economic and financial crimes; to carry out and sustaining rigorous public and enlightenment campaign against economic and financial crimes within and outside Nigeria among others (FRN, 2002 and 2004).

The fight against corruption in Nigeria has not been without hiccups. The first litmus test which the Commissions faced was the suit filed by the Ondo state government to challenge the constitutionality of the Act. In the much celebrated case of Attorney General of Ondo State & Ors *vs.* Attorney General of the Federation & Ors. The Ondo State government challenged the power of the Federal Government to legislate on corruption. The Supreme Court in a landmark

judgment upheld the constitutionality of the Act and held *inter alia* that the Independent Corrupt and other Related Offences Commission Act is an enactment for the peace, order and good governance of the Federal Republic of Nigeria. Any legislation on corruption and abuse of power must be of concern to every Nigerian notwithstanding that its operation will affect property and civil rights of citizens in a state. Such an enactment like all enactment of the National Assembly will be of paramount force (Supreme Court, 2002). Subsequently, there were other damaging comments on the activities of the anti graft agencies, especially the popular argument that the then President Olusegun Obasanjo uses the agencies to settle political scores with opposition politicians and deviant allies (Obasanjo, 2003).

On impact of the laws, Nigeria with corruption index of 1.4 ranking 132 out of 133 in 2003 (making the country 2nd most corrupt) later attracted corruption index of 28 and ranked 136 out of 176 countries standing at 40th most corrupt in 2016 (Transparency International, <https://www.transparency.org/>). The figures show stronger evidence of reduction in corruption prevalence in the country. Therefore, going by the ratio of 2:91 (2001) before the Acts and 40:176 (2016) after the Acts, there is continuous reduction in corruption index and ranking. Though the menace of corruption is still perceived to be high in the country but, one can agree to the fact that the Acts have positive impact.

6.2.2 Child Right Act 2003

Over the years, the prevalence of child abuse is very high with little attention to address it. Most of the interventions of government, NGOs and donor agencies have been on the aspects of malnutrition and disease control, overlooking the other aspects of torture, neglect, maltreatment, and exploitation. The situation became worse with high rate of purposeful neglect

and abandonment of handicapped children as a result of traditional child rearing practices. In addition, rapid socioeconomic and political changes led to the various forms of child abuse such as abandonment of normal infants by unmarried or very poor mothers in cities, increased child labour and exploitation of children from rural areas in urban elite families, and abuse of children in urban nuclear families by child-minders (Okeahialam, 1984). The ugly situation could be attributed to many factors, some of which include high rate unemployment, poverty, rural developmental neglect and corruption among others.

For this to be corrected, the government discovered that the causal factors need to be addressed. In view of this, the Child Right Bill was introduced, passed and assented into law in 2003. The purpose and objective of the law is to provide and protect the Rights of the Nigerian child which include the right to: survival and development; a name; freedom of association and peaceful assembly; private and family life; freedom of movement; freedom from discrimination; dignity of the child; leisure, recreation and cultural activities; health and heal services; parental care, protection and maintenance; free, compulsory and universal primary education, among others (NILS, 2013). The law is expected to perform both prohibitive and mandatory functions. The essence is to identify and prescribe punishment for the violation of the Rights of the Nigerian child.

The first challenge (out of many) that hindered the enforcement of the law came from the refusal of many states to domesticate the law (Ekeanyanwu, 2016), except in few states like Lagos. The consequence of this is the growing prevalence of child abuse, which according to the global survey conducted by the Economist Intelligence Unit in 2012, rated Nigeria as one of the worst countries in the world for children or for a child to be born (Olupohunda, 2016).

According to the findings of the ‘2014 Nigeria Violence Against Children Survey’ conducted by the National Population Commission with the support of the United States Centre for Disease Control and UNICEF, there is a high prevalence of violence against children in all the states in Nigeria (Kai Kai, 2017). The report revealed that approximately 10 million out of school children and three-quarters of the suicide bombers in the north east are girls. According to the Human Rights Watch, one million children in the north-east have no access to education (The Cable, 2013a). Approximately 6 out of 10 children experienced some form of violence and 50 percent of all children in Nigeria experienced physical violence. 1 in 4 girls and 1 in 10 boys experience sexual violence, while 1 in 6 girls and 1 in 5 boys experience emotional violence by a parent, caregiver or adult relative (Edeh, 2017). It was revealed that only 4 percent of the abused children actually get the needed help (Olupohunda, 2016).

In another dimension, the menace of child marriage is disturbing. It is observed that one in two under-age girls in Nigeria are married (Afri-Dev, 2015), mostly out of their own willingness and volition. According to the National Nutrition Health Survey conducted in 2013 by the Africa Health, Human and Social Development Information Service, about 800,000 children under five years die yearly and about 12.3 million children suffer from chronic malnutrition, out of which 300,000 are at risk of dying. In addition, 19.4 per cent of children under five years old are underweight (The Cable, 2013b). The consequence of the maltreatment and neglect of the children had led many of them to become hoodlums and miscreants, terrorizing their host community after they had earlier fled their homes. They often start by stealing food items in order to feed themselves having been denied by their parents or guardian. In most cases, their penchant for stealing increase as they grow old and some of them become

sophisticated notorious robbers, drug peddlers and kidnappers thereby becoming threats to national security.

The study's 'after-the-Act observation' shows that the law has no significant positive effect as the menace of child abuse continues unabated. The law which was targeted at prohibiting violence against children is failing in this respect by not holding government and the society as a whole responsible to put end to violence against the Nigerian children.

6.2.3 Federal Road Maintenance Agency (Establishment) Act 2002

Studies have shown that there is close correlation between effective transportation and economic development (Mensah, 2014; Khan, 1956; Ofoegbu, 2013; Igbokwe, 2009; Odeleye, 2000; and Izuwah, 2017 among others). However, out of the four means of transportation (road, rail, ocean and air) available to Nigerians, road transport seems more patronized. This notion was buttressed by the report of the Federal Office of Statistics in 1998 that road transport contributed about 92 percent of the total contribution of the transport sector to the GDP (Odeleye, 2000). The argument is premised on the fact that effective and efficient transportation provides socio-economic advantages which has multiplier effects on the living condition of the people as well as the economic development of the country. In response to this position, Mensah (2014) opined that any government that deprives its citizens of effective and efficient transportation infrastructure has successfully caused them to miss out on several economic activities. This is unconnected from the fact that good road networks afford the people especially farmers the opportunity to transport their farm produce to the market thereby improving the food security of the country. In addition, it will also lead to increase employment and investments making both the people and government to be better off.

Despite the utility of the road transportation to the socio-economic development of Nigeria, successive governments (both at federal and state levels) have neglected the sector. Before the advent of democratic rule in 1999, the military regimes abandoned the repair of road networks by budgeting less than N10Billion annually for the 195,000 km road network. Comparatively, this amount is far less than Zambia's annual road budget of about \$1Billion for total road network of 7,000km (Akuki, 2015). This led to deplorable roads across the country which was inherited by the civilian administration.

Recognizing the importance of good road networks to national development, the Olusegun Obasanjo led administration in conjunction with the National Assembly enacted the Federal Roads Maintenance Agency (Establishment) Act in 2002. The objective of the law is to establish an agency with the statutory mandate of ensuring effective and efficient maintenance of all existing federal trunk roads and set guidelines for the working of concession contracts; plan and manage the development and implementation of the road safety standards; and make policy recommendations to the federal government on matters relating to the maintenance of federal trunk roads.

Notwithstanding the establishment of FERMA by the Act since 2002, the Nigerian federal road networks spanning about 35,000km (Akuki, 2015) are still in deplorable conditions thus becoming the major causes of road crashes (Ajijah, 2017) and economic decay. The agency that is expected to fix the roads is failing in its statutory role and the NASS is doing little or nothing to arrest the situation. As at 2017 for instance, between Forest, Abuja-Jos road to Mararaban Jamaar in Jos South, there are 1,674 potholes (Fadogba, 2017). The conditions of other roads are not different and they have become cause of deaths to many Nigerians (Ashiru, 2017) and economic hardship. For instance 12, 077 road crashes were recorded in 2015 out of

which 5,400 people died (Premium Times, September 7, 2016). In 2016, 11, 363 road crashes were recorded (Vanguard, March 23, 2017). On the average, 15 people are killed daily through road crashes (Ogundipe and Ndukwe, 2016) which were all as a result of bad roads.

From the foregoing analysis, it can be inferred that road transportation is the most popular means of transport in Nigeria, and the impact of the FERMA law seems not to have positive impact on the lives of Nigerians. This is premised on the fact that the deplorable conditions of roads often lead to high rate of deaths, high cost of food and other essential needs and loss of economic gains in term of profit and time as a result of uneasy movement of goods and services.

6.2.4 Freedom of Information Act 2011

The UNDP (1997) identified nine characteristics of good governance out of which transparency and accountability are included. The argument is that governance cannot be regarded to be ‘good’ if such lack transparency and accountability among others factors. By the former, it is expected that the people of a polity must have direct access to information on how their affairs are run. The mechanisms of governance such as the institutions and processes must be built on transparency. On the other hand, the public officials must be accountable to the people by not only making the decision-making process open to public scrutiny but must also give periodic stewardship account to the people. Carothers and Brechenmacher (2014) also alluded to this notion when they argued that in recent years there has been a widespread consensus among the international development organizations that the principles of accountability and transparency (together with participation and inclusion) have become universal features crucial for development of any nation. To this end, most countries have been

working to key into this consensus by striving to make governance information available to the people.

However, the case is different in Nigeria as governance was entirely shrouded in secrecy. This was as a result of the potency of the Official Secrecy Act of 1962 which made it difficult to distinguish between information which warrant and which does not warrant secrecy. In view of this, the secrecy law enjoys blanket application to cover almost every document, especially active records that emanate from the government or its agencies (Diso, 2006). To this end, most Nigerians know nothing about government dealings and could not ask as there was no enabling law to that effect; especially under the military regimes.

In 1993, three civil society organizations: Media Right Agenda (MRA), Civil Liberties Organization (CLO) and Nigeria Union of Journalists (NUJ) formed a coalition to push for the enactment of an enabling law that will make governance information accessible (MRA, 2000) and in line with the prevailing trajectory in the international community (Banisar, 2004). After several politicking, negotiation and consensus, the Freedom of Information (FOI) Act was enacted in 2011 with the following objectives: (i) making public records and information more freely available; (ii) providing for public access to public records and information; (iii) protecting public records and information to the extent consistent with public interest and the protection of personal privacy; (iv) protecting serving officers from adverse consequences for disclosing certain kinds of official information; and (v) establishing procedures for the achievement of those purposes.

The anxiety that greeted the passage of the Bill and its enactment to law has waned over the years. The Act is failing to produce the desired results of openness in governance chiefly as a

result of the failure to repeal the Official Secrecy Act 1962. In addition, the FOI Act gives press freedom with one hand and retrieved it with the other. For instance about 10 sections of the law still dwell on non-disclosure of information (Afolayan, 2012). No serious procedural codes are put in place to ensure smooth implementation of the Act thus leading to concealing of information by government officials. The situations in the country suggest that the government is deliberately neglecting public sensitization and awareness about the FOI law.

The conduct of government business is still shrouded in secrecy despite the enactment of the law. Generated income, cost of contract, taxes received, loot recovered and detailed expenditures of government are not known to Nigerians. In addition, the remunerations of public officials (both elected and appointed) are not known to the public. There have been series of requests and clamour that the National Assembly should release the details of their salaries and allowances to the knowledge of the public but the legislators are not yielding. Despite the FOI law, it took the Socio-Economic Rights and Accountability Project (SERAP) to file litigation in the law court to get a judgment from Justice Rilwan Aikawa (of the Federal High Court in Lagos) to compel the both Senate President, Bukola Sakari and the House Speaker, Yakubu Dogara to account for the spending of N500 Billion running cost for the legislative body between 2006 and 2016. In addition to this, the judgment mandated the presiding officers to disclose monthly salary and allowances of each member (Vanguard, October 29, 2017). To this end, the law has no positive impact in promoting good governance in Nigeria.

6.2.5 Pension Reform Act 2004 (repealed 2014)

Man is expected by nature to be dependent twice in the life cycle: the beginning (early childhood) and the later stage (old age). While the parents are expected to cater for the man's

needs at the former stage, the employer is expected to take charge at the latter stage having used youthful/working age to serve such employer. Wahab (2013) attested to this notion by arguing that it is the primary responsibility of the government and not the family to provide old-age security and well being of the citizens. In view of this, the government or private employer is expected to pay a sum of money in form of pension to the retired workers to take care of themselves at old age when they are no longer physically fit to do any work. However, the pension administration system in Nigeria is faced with myriads of challenges among which are delayed or non-payment of pension entitlements, misappropriation of pension funds by the pension managers and administrators, variation in pension amount in comparison to inflation, frequent verification of pensioners leading to pensioners dying during verification exercises among others (Apere, 2015).

Consequently, pensioners in Nigeria are known for their unhealthy appearances, nursing of life-threatening illness, old age terminal diseases coupled with severe hunger. This informs why many civil servants constantly engage in age falsification to delay or postpone their retirement date. This also fuels corrupt and sharp practices among the Nigerian workforce with the intent of amassing wealth in preparation for life after service.

To address the challenges facing the old pension system in the country, the government enacted the Pension Reform Act in 2004 with the intent of establishing a contributory pension scheme for employees in the public and private sectors to: (i) ensure that every person who worked in either the public service or private sector receives his retirement benefits as at when due; (ii) assist improvident individuals by ensuring that they save in order to cater for their livelihood during old age; and (iii) establish a uniform set of rules, regulations and standards for

the administration and payment of retirement benefits for the public service and private sector (NILS, 2013: 64).

However, despite the reform, the experiences of retirees in Nigeria after long years of serving the country are nothing to write home about. The Act fails to entrench easy access to retirement benefits as a result of continued delay in the remittance of monthly contributions to employees' Retirement Savings Accounts (RSAs), under the new 'Contributory Pension Scheme' (CPS) and the payment of their accrued rights, under the old 'Defined Benefits Scheme' (DBS) by employers which has over the year complicated pensioners' situation (Tolu-Kusimo, 2015). The liabilities of both categories of pension stood at about N100 Billion (The Nation, November 17, 2015). This contravenes the Pension Reform Act. In addition, it is reported that people who retire on level 12 earn N2,000 monthly (The Punch, July 24, 2017). The most prominent challenge of the old system which is the delay in pension payment still persists with the new law in place. This is so grave to the extent that after twelve years of retirement, some pensioners are yet to receive their pension benefits and gratuities (Tolu-Kusimo, 2015).

Given the prevalence of sufferings, sicknesses, deaths of pensioners and uneasy access to entitlements after retirement among others, it may not be out of point to conclude that the Pension Reform Act is less impactful on the people. The legislators seem to realize the ineffectiveness of this Act, thus Honourable Busayo Oluwole Oke had since initiated a Bill (among other Bills) which seek to amend some sections of the Pension Reform Act 2014. One of the aims of the amendments is to exclude members of the Nigeria Police Force, Nigeria Custom Service, the Nigeria Security and Civil Defence Corps, Nigerian Prison Service, Economic and Financial Crimes Commission and the Nigeria Immigration Service from the Contributory Pension Scheme and returned them to the Defined Benefits System, where all the pension

liabilities will be footed by the Federal Government from annual budgetary allocations (Punch, September 24, 2017). From previous experience of the DBS, one may not be out of point to argue that the amendment will further compound the problems of the pension system because it will increase the pension liability of the federal government given its fluctuating revenue and unstable economic growth.

6.2.6 Fiscal Responsibility Act 2007

In analyzing the economic cycle, all countries are expected to experience four stages of ups and downs in the growth of income and spending. These stages are: expansion, peak, contraction and trough. During the first stage, the economy undergoes rapid growth and increased production output. These consequently bring about increase income or what can be referred to as revenue boom. This is followed by the peak period when the growth and revenue boom reaches the maximum output. The law of diminishing returns sets in during the third stage where the economy experiences slow growth and declining production output. The economy during the fourth stage begins to recover from the recession caused by the contraction stage. Riley (2017) in his wisdom explained the economic cycle and argued that all countries must experience the four stages of boom, slowdown, recession and recovery. However, the World Bank (2014) observed that since economic crisis is inevitable at one point or the other, all governments must consider implementing reforms that includes developing prudent fiscal and monetary policies among others. This implies that governments must save enough wealth during boom time to take care of the recession stage.

Experiences in Nigerian administrations have shown that successive governments lack the political and economic will to save during revenue boom. The past administrations are

known for their notorious extravagant and wasteful spending as well as imprudent management of public funds. The previous administrations especially the military regimes seem to have less sympathy for achieving development goals, thus engaged in wasteful spending of the country's wealth. In an attempt to address the situation, the Fiscal Responsibility Act was enacted in 2007 to provide for prudent management of national resources, ensure accountability and transparency in managing public funds and effective enforcement of development goals.

Despite the enactment of the law to ensure that developmental goals as embodied in the MDGs are met, Nigeria as at the end of the 2015 target date could not boast of meeting any of the MDGs. 69% of the populace still live in abject poverty, only 6 out of 10 eligible children are in school for the universal primary education. As at 2008, child mortality rate stood at 201 deaths per 1000 live births, with maternal mortality at 545 deaths per 100,000 births. Malaria continues to be the most deadly illness with average of 300,000 deaths each year. Access to clean water and safe environment are a myth and the national ecological fund established to address the environmental challenges of erosion, flooding and climate change are constantly misappropriated (Vintagesam, 2013 and Odunyemi, 2015). This law ought to have turned the country to a paradise on earth if holistically implemented. However, its implementation did not meet the objectives that necessitated the enactment of the law. Therefore, the effort seems fruitless.

6.2.7 Small and Medium Scale Enterprises Development Agency (Establishment) Act 2003

Youth restiveness, high unemployment rate, increasing crime rate, advance fee fraud, commercial alms begging, prevalence of abject poverty among others are characteristics used to describe Nigeria (Onoge, 1988; Ajufo, 2013; International Labour Organization, 2007; and Adebayo, 2013). All these social vices are resultant effects of high rate of unemployment.

However, since it is practically impossible for any government to employ all her citizens, it is expected that government should at the least, provide the enabling environment for private sector development. The Nigerian government has engaged in series of activities to encourage entrepreneurial development to reduce the bloating unemployment rate. Sadly, most of the businesses floated by the people were unable to survive the harsh business environment.

In order to address this challenge, the Small and Medium Scale Industries Development Agency (Establishment) Act was initiated in the Senate on November 14, 2000, passed on November 20, 2001 and signed into law on June 19, 2003. The purpose of the Act is to establish the Small and Medium Scale Industries Development Agency which is expected to: (i) initiate and articulate ideas for small and medium scale industries policy thrusts; (ii) serve as a vanguard agency and focal point for rural industrialization, poverty alleviation and eradication; technology acquisition and adaptation, job creation and sustainable livelihood; (iii) promote and facilitate development programmes, instruments and support services to accelerate development, modernization, networking and linkage of small and medium scale industries; (iv) mobilize internal and external resources, including technical assistance for small and medium scale industries, their support institutions; trade associations, and non-governmental organization; (v) oversee, co-coordinate and monitor development in the small and medium industries sector; (vi) design, package and promote small and medium scale industrial projects; (vii) provide industrial extension services to small and medium scale industries, fabricators of machinery and beneficiaries of micro-credit loans.

Other purposes of the Act include to: establish liaison between research institutes, local fabricators and small and medium scale industries; link small scale industrialists to sources of finance, technology, technical skill development and management; facilitate and promote and

development of standard designs and quality assurance for machinery and equipment, and commercializing them to end-users; promote and provide access to industrial infrastructure, including estates and layouts; and incubators; provide necessary assistance to small and medium scale industries in the marketing of their products; promote sub-contracting, clustering and networking relationship; provide and promote strategic linkages within small and medium scale industries; encourage and promote strategic linkages within small and medium scale industries, and between small and medium scale industries and large scale industries; establish and co-ordinate the institutional development and activities of Industrial Development Centres in Nigeria; and provision of and facilitating technical and managerial training to small and medium scale industries among others (FRN, 2003).

Despite the expectation that SMEDAN as an Agency will bridge the gap of unemployment and provide enabling environment for SMSEs to flourish, the reverse is the case. For instance, there were increasing demands for consumer products which create a large market for the SMSEs, yet, most of them are operating on the margin and the remaining have closed shop as a result of the harsh economic environment (Osolor, 2016). They are faced with a load of challenges which include: financial problems, strategic planning problems, lack of manpower and training, inadequate infrastructure, socio-cultural problems, unstable policy environment, multiple taxation among others (Mba and Cletus, 2014). The unemployment rate continues to increase at a geometric and alarming rate. The Agency that was established by the law to address these challenges is itself wallowing in the depth of poor funding, weak oversight, inept leadership etc. The high rate of unemployment and alarming rate of business collapsing yearly are signs that all is not well with the SMSEDA Act.

6.2.8 Nigeria Sovereign Investment Authority (Establishment etc) Act 2011

The Nigerian economic system is highly oil-based, thereby rendering the non-oil sector somewhat irrelevant (except the tax sub-sector). As a result of this, the recent drop in oil price in the world market led to dwindling foreign reserve, high inflation, and high exchange rate among others. The consequence was the decay in infrastructure in the country as maintenance becomes difficult when oil price drops. In addressing these challenges, the Nigeria Sovereign Investment Authority (Establishment etc) Act was enacted in 2011 to receive, manage and invest Nigeria's Sovereign Wealth Fund in a diversified portfolio and build a savings base to enhance development and stabilize the economy in times of economic stress. The NSIA is also expected to prepare mechanisms for the development of critical infrastructure that will support economic diversification, growth and job creation in the country (NILS, 2013).

In 2014, The Nigeria Sovereign Investment Authority (NSIA), an agency that manages Nigeria's Sovereign Wealth Funds, (SWF) generated N15.77 Billion. In 2015, it recorded a 67% increase in generated income with N26.3 Billion for the year (Nnorom, 2016). However, despite the improvement in the performance of the agency, its boasted achievement did not shield the country from plunging into economic crisis as provided for in the law establishing it. The Buhari led administration also neglected the stern provision of the law by appointing Jide Zeitlin, a man of questionable character (who had been exposed in allegation of dishonest business dealing by a New Delhi Court in India) as the Board Chairman of the agency (Sahara Reporters, May 13, 2017). Most importantly, the fact that Nigeria could not evade the emergence of economic recession after a boom is a clear indication of the low impact which the law has on the country. (See Table A3 on appendix III for the snapshot analysis of discussed impact).

To this end, it may not be out of place to opine that the laws made by the National Assembly within the period under review seem not to impact directly on the lives of the people. This position is premised on the fact that the country is bedeviled with numerous social and welfare challenges. In as much as all laws enacted are important, one expects that the National Assembly ought to enact more social development laws given the plethora of social and welfare decadence prevailing in the country. In addition to this, most of the laws enacted have no positive impact on the people. This could be attributed to two factors. Either the content of the laws are not auspicious or the executive who are constitutionally saddled with the implementation responsibility did not do enough to bring out the best of the laws on the people. This is because, about fifty seven years after independence, the country is still grappling with high unemployment rate; high mortality rate, incessant endemic diseases outbreaks, and majority of the citizens are living in abject poverty, while illiteracy level is nothing to write home about among others; all of which can better be addressed through enactment of social laws.

The fact that the laws made have no significant direct impact on the people may be partly attributed to poor and negative public perception. An average Nigeria sees the National Assembly as an assemblage of politicians who are only interested in protecting their selfish interest at the expense of the public by milking the national resources dry, thus becomes Nigeria's number one enemy (Nnamdi, 2017). The dust raised by the negative public perception of the National Assembly has refused to settle since 1999. This is largely because the National Assembly is seen as a conduit pipe through which public fund is siphoned (Oladesu, 2016), especially under the banner of constituency project fund and extraneous allowances that are shrouded in secrecy despite public outcry for the institution's finances to be made public. Though, the legislators are aware of the negative perception and described it as worrisome

(Umoru, 2016). It is worthy to note that the legislature is not doing enough to correct it. Instead, the National Assembly features in the news on issues inimical to development and democratic survival. Prominent are the issues of corruption scandals, insensitivity and irresponsiveness to the needs of the people at critical periods (such as purchasing bullet proof vehicles during recession when government finds it difficult to pay workers' salaries), and refusal to pass important Bills like the Petroleum Industry Bill among others.

6.3 Remunerating the Nigerian Legislators: Unraveling the Contentious Issues

Having assessed the lawmaking performance of the National Assembly and the impact of the enacted laws on the people, it becomes necessary to look into how much the legislators earn in order to take position on whether they are been overpaid or underpaid. On a general note, it is arguable that no legislature in the world can be effective if such lack adequate funding. However, the definition of the 'adequacy' of the funding is debatable. Whether the funding is high or low, adequate or inadequate, it is expected that the output of the legislature should be commensurate with the hard earned tax-payers' money expended on it. The pattern of funding the legislature varies in countries depending on the socio-economic status, the type of legislature adopted (unicameral or bicameral) and the size of the legislature and sometimes the tenure system.

In Nigeria, Section 70 of the 1999 Constitution (as amended) provides that the salary and allowances of the members of the National Assembly shall be as determined by the Revenue Mobilization Allocation and Fiscal Commission (RMAFC). However, it is widely believed as argued by Amaefule (2015) that the salaries and allowances of legislators are not limited to the ones officially stated, rather there are others that accrued through self-appropriation and corruption. Comparing the remuneration of Nigerian legislators with their counterparts in other

democracies is also a trending issue of public discourse. For instance, A Senator and House Member in the United States are annually entitled to \$3,409,422 and \$1,429,909 respectively while those of Nigeria get \$184,961 and \$166,739 respectively. Two reasons can be attributed for the gap. One, the economies of the two countries is incomparable. Two, all allowances of the United States' legislators are captured in the pay while that of Nigeria is partly captured. For example, 'estacode', tour duty, and medical allowances, among others, are not captured as they are paid as the need arises. In view of this, making a cross-country comparison of legislators' salaries and allowances may be technically difficult. As a result, this study only focuses on Nigeria's legislators' salaries and allowances vis-à-vis their output (as analyzed earlier) in order to take a stand on whether it is a venture of extravagance or that of essentiality.

Table 6.2: Breakdown of Nigerian Legislators' Salaries and Allowances

ANNUAL	Senators (N)	House of Representatives (N)
Basic salary	2,026,400.00	1,986,212.50
Vehicle Fuelling/Maintenance	1,520,000.00	1,489,000.00
Constituency	5,000,000.00	1,985,000.00
Domestic Staff	1,519,000.00	1,488,000.00
Personal Assistant	506,600.00	493,303.00
Entertainment	607,920.00	595,563.00
Recess	202,640.00	198,521.00
Utilities	607,920.00	397,042.00
Newspapers/Periodicals	303,960.00	297,781.00
House Maintenance	101,320.00	99,260.00
Wardrobe	506,600.00	496,303.00
Estacode	\$950.00**	\$900.00**
Tour Duty	\$37,000.00**	\$35,000.00**
TOTAL	12,902,360.00	9,525,985.50

*** Not added to total

OTHERS

TENURE (Every 4 Years)	Senators (N)	House of Representatives (N)
Accommodation	4,000,000.00	3,970,000.00
Vehicle Loan	8,000,000.00	7,940,000.00
Furniture	6,000,000.00	5,956,000.00
Severance Gratuity	6,090,000.00	5,956,000.00
TOTAL	24,090,000.00	23,822,000.00

Source: NILS, 2015 (as reproduced from Revenue Mobilization Allocation and Fiscal Commission –RMAFC’s website <http://www.rmafc.gov.ng/>)

From the table 6.2 above, it is observed that the annual remuneration (including salaries and yearly allowances) of a Nigerian Senator is pegged at N12, 902,360.00. Aside this, A Senator is also entitled to N24, 090,000.00 (a once and for all pay). On the other hand, a member of the House is entitled to N9, 525,985.50 annually as salaries and allowances with N23, 822,000.00 as a one-time pay. The amount spent on Nigerian legislators is calculated below:

A Senator:

$$\begin{aligned} & \text{N12, 902,360.00} \times 4 \text{ (tenure years)} = \text{N51, 609,440.00} \\ & \text{N51, 609,440.00} + \text{N24, 090,000.00} = \text{N75, 699,440.00}^{**} \end{aligned}$$

The 109 Senators:

$$\text{N75, 699,440.00} \times 109 = \text{N8, 251,238,960.00}^{**}$$

A House of Representatives Member:

$$\begin{aligned} & \text{N9, 525,985.50} \times 4 \text{ years} = \text{N38, 103,942.00}^{**} \\ & \text{N38, 103,942.00} + \text{N23, 822,000.00} = \text{N61, 925,942.00}^{**} \end{aligned}$$

The 360 House of Representatives Member:

$$\text{N61, 925,942.00} \times 360 = \text{N22, 293,339,120.00}^{**}$$

***Excluding estacode and tour duty allowances*

This shows that the entire legislature (109 Senators and 360 House members) gulped N30, 544,578,080.00 (i.e. N8, 251,238,960.00 + N22, 293,339,120.00) excluding estacode and tour duty allowances which is paid based on the number of overseas travels and duty tours (which include oversight tours)

Though, contrary to the information in public domain that the Nigerian legislature is the highest funded, it is observed that there are some legislatures that enjoy more funding even in countries that are less economically viable than Nigeria (for example, Kenya, Tanzania and Philippines among others). However, the issue with legislative funding in Nigeria is not in terms of total officially documented earnings but the earnings that are self-appropriated outside the

purview of the Revenue Mobilization Allocation and Fiscal Commission (RMAFC), an organization solely saddled with the responsibility of fixing the emoluments of public servants. It is officially stated that no lawmaker earn ‘Constituency Development Fund’ (CDF) which makes the total earning to be \$184,961 and \$166,739 for each Senator and House member respectively which is less than what is obtainable in countries like India (\$474,484), Tanzania (230,961), Kenya (\$968,013), Philippines Senate (\$4,497,957) and Australia (\$646,230) whose legislators earn the CDF (NILS, 2015), but in reality the Nigerian lawmakers are known to earn quarterly allocations for constituency projects known as constituency allowance which is different from the CDF as well as 18 different regular and irregular allowances totaling N5,472,436,419.5 for the 358 House members (excluding Speaker and his deputy) and N1,994,788,160 for the 107 Senators (excluding Senate President and his deputy) annually (Amaefule, 2015). This was recently corroborated by the Hon. Abdulmumin Jibrin who disclosed that each member of the House of Representatives earns about N10million monthly (Adesanya, 2016).

The position of Hon. Abdulmumin Jibrin on the unofficial earnings of the legislators is one too many. There are several claims on the guesstimate figures of the annual salaries and allowances noted by prominent persons that could not be out-rightly discountenanced. For instance, Prof. Itse Sagay, who is the Presidential Adviser on Anti-corruption to President Muhammadu Buhari, claimed that information available to him shows that a Nigerian Senator earns about N29 million a month and over N3 Billion a year (Adebayo, 2017b). The breakdown of the figure shows that the basic salary is pegged at N2, 484,245.50 as against the official N2, 026,400.00 stated by the RMAFC. While the difference in the figure seems marginal, there are some that are widely different with some allowances not captured by the official pay but claimed to be payable to the legislators by Sagay. For example, while the official newspaper allowance is

put at N303, 960.00 for a Senator and N297,781.00 for House member, Sagay claimed that a Senator gets a whopping N1, 242, 122.70 for newspapers annually. In addition, the RMAFC in its official payment breakdown did not make provision for hardship allowance; Sagay claimed that a Senator takes N1, 242, 122.70 for such (see table A4 on appendix IV for detail of the Sagay's breakdown). Another report of the bogus remuneration of the legislators worthy of note is the one put forward by the Economic Confidential (2016). According to the table as shown in appendix V, the NGO claimed that aside the official remuneration packages of the federal legislators, they corruptly appropriated non-regular allowances for themselves. The table also shows the overall entitlements of the principal officers of both chambers. Despite public outcry and press triggering the Freedom of Information Act in this regard, the National Assembly remains adamant to public declaration of the actual entitlements of the legislature. The refusal to publicly declare the legislative pays is a sign that they are earning more than the legally appropriated pays (Mahmud, 2017).

However, in as much as these claims among several others cannot be discountenanced, their validity seems questionable. For instance, the average budgetary allocation of the National Assembly stands at N150 Billion yearly. But taking the figure by Prof. Sagay that a Senator earns N3 Billion a year, it means that the National Assembly will need N981 Billion to pay the 109 Senators (excluding the 360 House members, civil servants, legislative aides and running cost etc.); a figure that is almost seven times the total annual budget. In view of this, where is the National Assembly generating extra fund to offset the self-appropriated pay? It is interesting to note that the legislators had on several occasions continue to refute the claims but little is done to absolve the institution of the alleged scandalous remuneration. After several requests that the National Assembly publish its financial dealings, the Senate President (Bukola Saraki) ordered

the breakdown of the budget of the legislature to be published on line. However, the breakdown did not show precisely how much each legislator earns. In reaction to the open challenge once made by the Governor of Kaduna State, Nasir El-Rufai that the Speaker of the House of Representatives, Rt. Hon. Yakubu Dogara should make the details of the National Assembly's N115 Billion budget public, the Speaker published his pay slip for two months which shows that he receives N402,500 monthly (Aytogo, 2017). The authenticity of the pay slip is questionable on the ground that the official remuneration as fixed by the RMAFC as his entitlement as a House member (excluding his allowances as a principal officer) is more than what was shown (see appendix VI for the pay slips).

From the above analysis, premised on the official pay, it may not be out of point to argue that the salaries and allowances of Nigerian legislators is not an extravagant one but as essential one given the fact that they are usually faced with enormous financial requests from their constituency members, friends, party leaders and members, community development associations and family members among others, as claimed by Ganiyu (2016) and Akinderu-Fatai (2016). However, it becomes an extravagant venture when one considers the days of working vis-à-vis the pay. Section 63 of the 1999 Constitution (as amended) requires both chambers to sit for a period of not less than 181 days each in a year. This means that the chambers will make at least 724 sittings in their 4-year tenure. A Senator receives an average of N104, 557.24 per sitting, N313, 671.72 in one week and N1, 254,686.88 in a month; an amount no Professor can make in two months. On the other hand, a member of the House receives an average of N85, 533.07 per sitting, N256, 599.21 weekly and N1, 026,396.84 monthly; an amount that can be used to pay the monthly salaries of about 35 graduate civil servants in a State like Kwara among others in Nigeria whose average salary scale is around N30,000/month.

6.4 Challenges Militating Against the Effectiveness of the Nigerian National Assembly in the Lawmaking Process

From the foregoing analysis, one can observed that the National Assembly is faced with enormous challenges that are militating against its effectiveness. First, the data analysis in the previous chapters established the fact that the legislature is fairly effective in terms of lawmaking. However, the gaps between the Bills received to Bills passed; and Bills passed to Bills signed into law are too wide which is consequently denying Nigerians the benefits which the Bills that were not passed or assented could have brought to the fore. Another disturbing aspect is legislative tradition of the lack of continuity in the legislative processes of one Assembly to the succeeding Assembly (as attested to by all respondents), as all Bills that were not passed become dead as soon as the tenure of the sponsoring Assembly ended. New members will have to re-sponsor such Bills which in most cases seldom happen, except if the sponsor is returned to the succeeding Assembly. In this case, the process will have to begin afresh not minding the stage of the Bill in the terminated Assembly. This opportunity is very rare as the rate of turnover is very high due to the nature and character of Nigeria's political environment.

The study also observed that some legislators did not sponsor any Bill throughout the tenure of the Assembly; yet were paid all and the same salaries and allowances with their colleagues who sponsored Bills. Furthermore, many of those that sponsored Bills never cared or lacked the capacity to lobby and push their Bills through the lawmaking cycle, thereby making the gap between received Bills and passed Bills to be very wide. In spite of the enormous resources expended on the lawmaking process, most of the passed Bills were not signed into laws by the President and the National Assembly take little or no step in this direction despite having the options of lobbying the executive or invoking legislative veto.

Another challenge hindering the effectiveness of the National Assembly is the poor legislative-executive working relations. The executive-legislative relations in Nigeria since 1999 have been characterized by circumstances inimical to inclusive and complementary governance. At one point, it is characterized by mutual suspicion and at the other; it is enmeshed in asymmetric relationship leading to hegemony and power struggle. While the National Assembly may have passed a Bill with utmost developmental sincerity, the executive may see such Bill as a ploy for the legislature to handicap the executive or derail its governance direction. A prominent example of such is the Freedom of Information Bill, which was previously passed during the Obasanjo administration but which he refused assent.

In view of the incessant frictions mostly brought about by the suspicious executive-legislative relationship and power struggle, there is lack of appropriate mediating mechanism to address the impasse. The judiciary which by virtue of the principle of separation of powers and doctrine of checks and balances ought to mediate seldom rise to this challenge. This is premised on the fact that the judiciary is guided by the principle of non-interference in matters not brought before it. In most cases, the causes of friction between the executive and the legislature are those of personality ego which they only use politicking to settle. The political party that can also fit into the umpire role always side with the executive given the proximity between them. In some cases, the ruling party may also lack the moral and political right to wade into executive-legislative feud that are caused by party or interest differences. Where they have the opportunity to do so, most of the party chiefs lack the capacity to objectively and justly mediate and settle such crisis.

The wide negative perception of the citizens towards the legislature is another serious challenge facing the National Assembly. Most people already condemn the institution as they

hardly expect anything good from it. For every good deed of the National Assembly, such good deed is rarely appreciated but negative action or inaction is highly publicized to tarnish the image of this arm of government. This is largely because the performance level of the legislature in term of lawmaking activities is not known to the people. The National Assembly website which ought to display Bill progression is not functioning as such.

The above negative perception is not unconnected with the secrecy of the complete emolument of the Nigerian legislators. Despite public outcry and the recent court judgments that the National Assembly should make its salaries and allowances public, the legislators still hold their pay slips very close to their chest leaving the guesstimate game to be rife among the people. This highly increases the negative perception of the institution as an association of self centered people who are only interested in the improvement of their living condition at the expense of Nigerians. The legislators sometimes behave as if they are unaware of the negative public image. For instance, they display some public performance such as flamboyant spending on luxury things and purchase of expensive properties which the public view as extravagant life styles as a result of their exorbitant remuneration and corruption.

Where the executive signed a passed Bill into law, its implementation more often than not, suffers weak enforcement or sometimes non-implementation. This to a large extent poses a threat to effectiveness of the National Assembly. As seen in the section on the analysis of the impact of laws on the people, it can be inferred that the people will continue to suffer causes which the full implementation of a law ought to have addressed. Since the legislature has no power to implement laws, the people still take the lawmakers to be responsible for their woes for not making a good law to that effect. This serves as a great challenge to legislative effectiveness in the country.

Other challenges facing the National Assembly include but not limited to the high prevalence of corruption and sharp practices of the legislators who were alleged to be demanding for financial benefits from MDAs to approve their budget or during oversight functions. There is also the challenge of internal power struggle and personality rivalry among members which are brought about by circumstances such as seniority status, individual socio-economic status, party identification (whether ruling or opposition), constituency status (whether representing a rural, urban or mega city constituency), individual behavioral and personality traits, religious and ethnic identification among others. There is also the challenge of local politics that usually pitch the state governor against the federal legislators which in most cases can be nationalized. A good example is the feud between the Governor of Kogi State, Yahya Bello and Senator Dino Melaye. All these challenges are regarded as independent variables that negatively influence the legislative effectiveness status of the National Assembly (see chapter 5 for other variables).

CHAPTER SEVEN

SUMMARY, RECOMMENDATIONS AND CONCLUSION

7.1 Summary

The study assessed the legislative effectiveness of the Nigeria's National Assembly with focus on the lawmaking function between 1999 and 2011; covering three Assemblies (4th, 5th, and 6th Assemblies). The study is organized into seven chapters. The first chapter gives the general background of the study. The study is built on the notion that the legislature is the key institution that epitomizes the existence of democracy in a polity as a result of its central position in the understanding of democratic experience. The significance of the legislature stems out of the fact that its functions of lawmaking, representation, oversight and budgeting among others are indispensable in the promotion of good governance. To this end, the level of effectiveness or otherwise of the legislature in performing these functions (especially lawmaking) significantly determine the status of governance whether 'good' or 'bad'. In view of this, the study identified a number of problems threatening the survival of democracy in Nigeria that are associated with the National Assembly. These include the huge budgetary allocation to the institution with perceived little productivity to show for the cost of running the legislature; the negative public perception of the institution amidst the call for transparency in its financial transactions; and above all, the alleged dereliction of duty by the legislators leading to people's denial of the dividends of democracy in terms of making laws that will be impactful on the lives of the people.

Premised on this background, the study raised some research questions aimed at guiding the study in ascertaining the empirical level of effectiveness or otherwise of the National Assembly toward engendering good governance and sustaining Nigeria's democracy. These

questions are: how effective is the National Assembly in the performance of its lawmaking function between 1999 and 2011? What are the factors that promote or hinder the effectiveness of the National Assembly in its lawmaking function? And how have some of the laws enacted by the National Assembly impacted on the promotion of good governance in Nigeria? The general and specific objectives of the study are tailored along these research questions. In achieving these, a number of hypotheses were formulated to guide the research. The significance of the study is seen from its contribution to knowledge especially through the development of the ILES assessment toolkit and benchmark suitable for measuring legislative effectiveness in Nigeria and Africa in general.

The scope of the study is limited to lawmaking functions in determining the effectiveness of the National Assembly over a period covering three Assemblies (1999 – 2011) as a result of the significance of lawmaking among other functions. The study is quick to admit that the outcome of the study with regard to its position on the effectiveness status of the National Assembly will not be generalized to cover all the four cardinal functions. The study faced some challenges such as difficulty in the collection of data from the National Assembly library, getting audience with former and serving legislators for the purpose of conducting interview, and paucity of fund as a result of the unsuccessfulness of the TETFund application. However, these challenges were adequately mitigated using alternative means to avoid invalidating the outcome of the study.

The second chapter deals extensively with the review of literature on the legislature and legislative effectiveness. The chapter begins with the acknowledgment of the fact that several literature exist across the world on legislative studies and also own up that several works are in

progress on the subject in the research environment. While it is practically impossible to review all of these works, the study reviewed few ones especially those centrally related to the scope of the study under the following themes: the concept and origin of legislature; power of the legislature in a democracy; rights, privileges and immunity of the legislature; composition and pattern of funding legislatures in contemporary democracies; a review of the concept of legislative effectiveness; the problem of measuring legislative effectiveness and the methods adopted; global legislative effectiveness measuring toolkits, benchmarks and indicators with emphasis on: the IPU self-assessment toolkit for parliaments, the UNDP parliamentary assessment strategies, the Parliamentary Centre's parliamentary report card and related indicators of parliamentary performance in the budget process, the USAID and SUNY-CLD parliamentary performance scorecard.

The study reviewed a number of definitions of the legislature and observed that scholars and practitioners view the concept from different epistemological standpoints. While the study appreciated the dexterity of these scholars and practitioners in defining the concept, it attempts to bridge the gap by offering a more encompassing conceptualization by defining the legislature from the combined epistemological standpoint as a statutorily recognized institution, constitutionally charged with the responsibility to make laws, represent the interests of the people, scrutinize policies and actions (or inaction) of other arms of government and approve budget among other functions for the purpose of promoting good governance.

The chapter also discusses the power of the legislature in a democracy by giving insight into the arguments of the advocates of *parliamentarianism*: Stepan and Skach (1993), Linz and Valenzuela (1994) among others; *presidentialism*: Horowitz (1996) and Mainwaring and Shugart

(1997); and the *semi-presidentialism*, prominent of which is Duverger (1980). In addition, the chapter dwelled on the review of the concept of legislative effectiveness and the problematic of its measurement. The study adopted the institutionalism approach as its theoretical framework.

Chapter three of the study is dedicated to research methodology. The chapter gives a comprehensive analysis of the data collection procedure, research design, sampling, and measurement instruments used for the study. The study employed the sequential mixed method research design using both primary and secondary data. The research method was designed to enables horizontal and vertical assessment of both chambers of the National Assembly using the ILES model that is specifically built for this study. The horizontal method compares the 4th, 5th and 6th Assemblies while the vertical method compares the 4th, 5th and 6th Senate and 4th, 5th and 6th House of Representatives respectively to test the validity of the hypotheses. The need for causal explanations to the research findings prompted the adoption of purposive interview to corroborate or reject the outcomes. Where the responses from the interviewed former and serving legislators corroborate, the causal factors were identified but where they contradict, such are pigeon holed for further research. While the primary data for the study were sourced from purposive interview, the secondary data were sourced from official documents of the National Assembly, publications of the National Institute for Legislative Studies, scholarly journal and newspapers' articles, as well as textbooks.

The fourth chapter discusses the historical overview and institutional framework of the Nigerian National Assembly. It traces the emergence of national legislature to 1922 when the Legislative Council was established to replace the Lagos Legislative Council that was previously established in 1862 to legislate for the colony of Lagos. The institutional framework anchored on the provisions of all successive constitutions between 1922 and 1999. While section 4 of the

1999 constitution (as amended) grants the National Assembly the power to make laws for good governance of the country, section 62, 65 – 66 provides for the legislative procedural framework. In addition, the last section deals with the lawmaking process in the Nigerian National Assembly. It is noted that the process of making laws in the legislature is tedious, cumbersome, energy sapping and time consuming. All these prepared the ground for the better understanding of the data analysis and discussion of findings in chapters five and six.

In an attempt to assess the legislative effectiveness of the National Assembly, the study uses two parameters: (i) number and contents of Bills and (ii) the cost of running the legislature. Chapter five of the study treats the ‘head’ of the first parameter (number of Bills) while chapter six treats the ‘tail’ of the first parameter (contents of Bills) as well as the second parameter (cost of running the National Assembly). The following findings were observed:

- i. There is continuous increase in Bill sponsorship in the three Assemblies of the Senate but Bill passage dropped during the 6th Assembly. The same trend was observed in the House of Representatives and this is attributed to the high turnover rate during the 2007 general elections.
- ii. While the Senate has the capacity to sponsor more Bills, the House on the other hand has greater capacity in Bill pushing. Out of the 778 Bills sponsored by the Senate, only 120 Bills were passed constituting 15.4% while the House of Representatives passed 229 Bills out of 805 sponsored Bills constituting 28.5% thereby validating *hypothesis i*
- iii. The National Assembly is more effective in the second half (i.e. last two years of the four years tenure) than the first half (i.e. first two years). This is as a result of the fact that the National Assembly is usually preoccupied with training and

setting legislating agenda during the first half and only settled for lawmaking business in the second half. This validates the *hypothesis ii*.

- iv. Based on the ILES model and the benchmark (ranging from ‘poorly ineffective’ to ‘perfectly effective’), on one hand, the 4th Senate with ILES of 0.17 was ‘ineffective’; 5th Senate with ILES of 0.32 was ‘fairly effective’ and the 6th Senate with 0.26 was also ‘fairly effective’. On the other hand, the 4th House with 0.20 ILES shows that the chamber was ‘ineffective’. The 5th House with 0.25 ILES was ‘fairly effective’ and the 6th House with the ILES of 0.31 was also ‘fairly effective’ in lawmaking.
- v. On the average, the 4th National Assembly with 0.2 ILES was ‘ineffective’ in lawmaking. While the 5th National Assembly with 0.25 ILES was ‘fairly effective’, the 6th National Assembly scored 0.31 ILES and was also ‘fairly effective’.
- vi. There is continuous increase in the House’s ILES but the Senate recorded a diminishing status in the 6th Assembly. This trajectory validates *hypothesis iii* for the House and rejects it for the Senate.
- vii. Combining the output of both chambers as the lawmaking productivity of the Assembly shows continuous growth in effectiveness status from ILES 0.2 in 4th Assembly to 0.25 and 0.31 in the 5th and 6th Assemblies respectively. This validates *hypothesis iii* for the National Assembly. The average ILES of 0.25 for the three Assemblies shows that the National Assembly is ‘fairly effective’ in lawmaking within the period under review though the level of pushing its passed Bills into Laws is relatively below expectation.

- viii. Conclusively, the study found six factors that significantly influence the legislative effectiveness of the National Assembly. Of the six factors, cognate experience, educational qualification, turnover, innate ability, Committee chairmanship and ideological consideration ranked 1st, 2nd, 3rd, 4th, 5th and 6th respectively.

Chapter six of the study is divided into three sections. The first section deals with the analysis of the impact of the laws enacted by the National Assembly on the people (objective iii). The second section dwells on the remuneration of the legislators (parameter 2) while the third section discusses the challenges militating against the effectiveness of the Nigerian National Assembly in the lawmaking process. The study therefore identifies the challenges hindering legislative effectiveness of the National Assembly to include: too wide difference between initiated and passed Bills, passiveness of some legislators in lawmaking, unhealthy executive-legislative relations, lack of vibrant mediating mechanism to resolve executive-legislative impasse, negative public perception, secrecy of legislators' emoluments, non-implementation and weak enforcement of enacted laws. Other challenges facing the National Assembly as identified in chapter six are: high prevalence of corruption and sharp practices of the legislators who were alleged to be demanding for financial benefits from MDAs to approve their budget or during oversight functions; the challenge of internal power struggle and personality rivalry among members which were brought about by the circumstances such as seniority status, individual socio-economic status, party identification (whether ruling or opposition), constituency status (whether representing a rural, urban or mega city constituency), individual behavioral and personality traits, religious and ethnic identification among others; and the challenge of local politics that usually pitch the state governor against the federal legislators

which in most cases are nationalized. All these challenges hinder the effectiveness of the National Assembly in addition to those variables identified in chapter 5 of the study. In view of the findings and challenges, the study makes appropriate implementable recommendations to make the National Assembly more effective. These are outlined in the next section of this chapter.

7.2 Recommendations

Based on the findings, the study recommended that:

- i. While the study admits that the legislators are usually trained at the beginning of each Assembly, there is need to do more in this regard to further enhance adequate capacity building, training and re-orientation of the legislators toward effective performance through adequate knowledge about Bill conceiving, legislative drafting and politics of Bill pushing. The necessity of this stems out of the gap between the number of Bills sponsored and number of Bills passed which shows that most legislators lack the ability and capacity to push through their Bills.
- ii. To solve the problem of the automatic death of Bills that are not passed at the end of the outgoing Assembly, we proposed that a mechanism should be put in place to ensure Bills continuity in the succeeding Assembly. For instance, if the sponsor(s) of a Bill does not return to the new Assembly, such Bill(s) should be collated and taken over by a designated personality created for that purpose. For example, a personality could be created to take charge perhaps, personified by the Majority Leader of the House/Senate who automatically becomes the sponsor of such Bills. However, such should not be counted for him/her as a person during assessment in order to prevent

him from having undue advantage over others especially in ranking as suggested above.

- iii. The study also recommend that there should be frequent interactions between the legislature and the executive through the presidential advisers on National Assembly and inter-parties relations to reduce the number of Bills awaiting presidential assent. These interactions should cover Bill progression activities and motions to enable the executive have prior knowledge of all the Bills and motions under consideration in the National Assembly. This will also enable the National Assembly to have prior knowledge of executive disposition/position on issues under discussion and factor such into consideration in line with mutual inclusiveness (without undermining the independence) of the arms and institutions of government. Carrying the executive along and giving consideration to its policy direction will urge the executive to implement the motions and resolutions of the legislature that are hitherto not binding under the force of law. This will also reduce the tendencies of executive refusal to sign passed Bills into laws thereby increasing the output of the legislature and entrench good governance in Nigeria.
- iv. Since political feud is inevitable between the executive and the legislature, the ruling and major opposition political parties should brace up and increase their capacity to mediate in the occasional frictions that may arise. The political party should also set up an early warning mechanism to detect a potential friction at the brewing stage before becoming a full blown crisis and manage it at the early stage in a win-win situation.

- v. The study also opined that the National Assembly should consider massive and continuous public re-orientation of the power, roles and functions of the institution. Many Nigerians are unaware of the starting and end point of the power bestowed on the National Assembly by the constitution. Perhaps, this is the reason why people perceive them to be engaging in excessive politicking and needless confrontation with the executive during lawmaking and oversight functions. A case in point was the issue of Presidential proclamation of a state of emergency in the North-East States during the peak of offensive against the *Boko Haram* insurgency. Section 305 (i-ii) confers such power on the President but with the caveat mandating the President to transmit the proclamation which must include the details of the emergency to both chambers. The two chambers are thus expected to meet to consider the situation and take a decision to approve or disapprove the Proclamation. Many people were unaware of this caveat before they started condemning the legislature when it attempted to scrutinize the ground for the proclamation.
- vi. Since most Nigerians will not have access to the National Assembly to observe legislative activities, there is need for the management of the National Assembly to provide and regularly update a technological Bill progression method/chart on the National Assembly website to make its activities open to the public. Live broadcast of plenary, Committee sittings, public hearings and other legislative activities should be aired and opportunities should be given to the public to send in their input (as feedback) through the website. This will reduce the cost of public participation in legislative activities as there will not be need to travel to Abuja before participating. This will also enable people to monitor the effectiveness level of their legislators and

prompt the lawmakers to perform effectively. Though, the efforts of the NTA Parliament and other television and radio broadcasts are appreciated in apprising the public about legislative activities, more needed to be done on the website in terms of live streaming of legislative activities because most of the television and radio broadcasts are recorded reports.

7.3 Conclusion

The outcome of the assessment of the legislative effectiveness of the National Assembly with reference to lawmaking function evidently shows that the performance output of the legislature is greatly influenced by the institutional framework and the political environment where the legislature is situated. In view of this, the study found that despite the myriad of challenges facing the legislature as identified in the work, it is fairly effective in lawmaking performance though with high prospects to perform better if the recommendations are implemented. On a general note, the study submitted that the National Assembly is not effective premised on the fact that the selected Acts (studied in this study) did not significantly impact positively on the people. It should be recalled that the study noted earlier that the outcome of this research cannot be generalized for overall assessment of the National Assembly. This is because the study only uses lawmaking function leaving out the other three cardinal functions (oversight, representation and budgeting) for future research. Therefore, the conclusion that the Nigerian National Assembly is fairly effective is with regard to lawmaking function.

7.4 Suggestions for Further Research

The study admits some gaps that could not be covered as a result of the scope of the study, time and space limitations as well as the impossibility of covering all issues in a single work. In view of this, the study recommends these gaps to be filled in future research by the researcher or other interested researchers. One, it suggests that three different researches be done on the remaining cardinal functions. That is, the effectiveness of the National Assembly should be assessed on its oversight, representation and budgeting functions. Upon completion of these works, the reports of the four works should be consolidated and commissioned into one comprehensive and all-encompassing one that will be empirically nuanced to give general pronouncement of the effectiveness status of the National Assembly within the period of study. The research should also be extended to cover the 7th Assembly (2011 – 2015). Second, the study further suggests that the ILES model developed in this work be adopted to assess the legislative effectiveness of all the 36 States Houses of Assembly.

Third, premised on the position of this study that cognate experience of legislators influences legislative productivity (as independent variable), a further research is needed in this respect to examine the variations (if any) that the five categories of cognate experience may have on the legislative outcome. This will enable clearer assessment and identification of which of the categories is likely to enhance or not enhance effectiveness. Lastly, the fundamental question raised in the analysis of the second parameter in the second section of chapter six is worthy further research. Going by the figure advanced by Prof. Sagay that a Senator earns N3 Billion a year, signifying that the National Assembly will need about N981 Billion to pay the 109 Senators (excluding the 360 House members, civil servants, legislative aides and running cost etc.); a figure that is almost seven times the annual budget of around N150billion (or less). If this is true,

there is need to inquire into where the National Assembly is generating extra fund outside budgetary provisions to offset the self-appropriated pay.

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Appendix I

Table 2.1: **List of Selected Unicameral Legislatures:**

Country (with Population size)	Name of Chamber	Number of Seats
Angola (25,868,000)	National Assembly	220
Croatia (4,225,316)	<i>Hrvatski sabor</i> (Croatian Assembly)	151
Denmark (5,707,251)	<i>Folketing</i>	179
Estonia (1,311,759)	<i>Riigikogu</i>	101
Iceland (332,529)	<i>Althing</i>	63
Iran (79,181,000)	<i>Majlisi Shuraye Eslami</i> (Islamic Consultative Assembly)	290
Israel (8,489,400)	Knesset	120
Liechtenstein (37,623)	Landtag (Diet)	25
Ukraine (42,721,954)	Supreme Council	450

Source: *Author's computation with data from IPU, Wikipedia and Countries' legislatures' websites.*
Population figures are Countries' 2015 official estimates.

Table 2.2: **List of Selected Bicameral Legislatures:**

Country (with Population size)	Compound Name of Chambers	Upper Chamber (Number of Seats)	Lower Chamber (Number of Seats)
Brazil (205,962,000)	National Congress	Senate (81)	Chamber of Deputies (513)
Austria (8,699,730)	Parliament/ Federal Assembly	<i>Bundestrat</i> (62)	<i>Nationalrat</i> (183)
United States (323,312,000)	Congress	Senate (100)	House of Representatives (435)
Nigeria (186,989,000)	National Assembly	Senate (109)	House of Representatives (360)
South Africa (54,956,900)	Parliament	National Council of Provinces (90)	National Assembly (400)
Sudan (39,598,700)	National Legislature	<i>Majlis Welayat</i> (50)	<i>Majlis Watani</i> (450)
Japan (126,980,000)	National Diet	House of Councillors (242)	House of Representatives (480)

Source: *Author's computation with data from IPU, Wikipedia and Countries' legislatures' websites.*
Population figures are Countries' 2015 official estimates.

Appendix II

Legislative Effectiveness Score (LES)

Volden and Wiseman (2009 and 2013) developed the LES model to measure the effectiveness of individual legislators in the United States' 93rd – 110th Congresses. The model was built on the four key underlying concepts of their definition that legislative effectiveness is the proven ability to advance a member's agenda items through the legislative process and into law. They categorized all Bills into three depending on their importance: *commemorative/symbolic* (C), *substantive* (S), or *substantively significant* (SS). Afterwards, the five stages of legislative process were considered. The model contains fifteen (15) series of indicators that provide information about legislative effectiveness. These entail five for each major stage of the legislative process across each of three categories of legislation. Specifically, it considers how many Bills each legislator introduces, and how many of those Bills receive action in committee, pass out of committee and receive action on the floor of the House, pass the House, and ultimately become law. These five indicators are constructed separately for Bills that are *commemorative*, for Bills that are *substantive*, and for Bills that are both *substantive and significant*.

In combination, these fifteen indicators then form the basis for each member's Legislative Effectiveness Score (LES). These fifteen indicators are put together by Volden and Wiseman (2009:12; 2013:16) to come up with the LES model stated in equation A1 below:

Legislative Effectiveness Score (LES) formula for Individual Legislator

$$LES_{it} = \left(\frac{\alpha BILL_{it}^C + \beta BILL_{it}^S + \gamma BILL_{it}^{SS}}{\alpha \sum_{j=1}^N BILL_{jt}^C + \beta \sum_{j=1}^N BILL_{jt}^S + \gamma \sum_{j=1}^N BILL_{jt}^{SS}} + \frac{\alpha AIC_{it}^C + \beta AIC_{it}^S + \gamma AIC_{it}^{SS}}{\alpha \sum_{j=1}^N AIC_{jt}^C + \beta \sum_{j=1}^N AIC_{jt}^S + \gamma \sum_{j=1}^N AIC_{jt}^{SS}} + \frac{\alpha ABC_{it}^C + \beta ABC_{it}^S + \gamma ABC_{it}^{SS}}{\alpha \sum_{j=1}^N ABC_{jt}^C + \beta \sum_{j=1}^N ABC_{jt}^S + \gamma \sum_{j=1}^N ABC_{jt}^{SS}} + \frac{\alpha PASS_{it}^C + \beta PASS_{it}^S + \gamma PASS_{it}^{SS}}{\alpha \sum_{j=1}^N PASS_{jt}^C + \beta \sum_{j=1}^N PASS_{jt}^S + \gamma \sum_{j=1}^N PASS_{jt}^{SS}} + \frac{\alpha LAW_{it}^C + \beta LAW_{it}^S + \gamma LAW_{it}^{SS}}{\alpha \sum_{j=1}^N LAW_{jt}^C + \beta \sum_{j=1}^N LAW_{jt}^S + \gamma \sum_{j=1}^N LAW_{jt}^{SS}} \right) \left[\frac{N}{5} \right]$$

.....equation A1

Where:

α : is the weight assigned to commemorative Bills i.e. 1

β : is the weight assigned to substantive Bills i.e. 5

γ : is the weight assigned to substantively significant Bill i.e. 10

i : individual legislator

t : each chamber (i.e. House of Representatives or Senate)

jt : total Bills of all legislators in a chamber (with reference to the five stages of Bill)

c : commemorative Bills

s : substantive Bills

ss : substantively significant Bills

N : total number of legislators in a chamber

$\frac{N}{5}$: normalizes the average LES to take a value of 1 in each chamber

$\sum_{j=1}^N$: the sum total of Bills taking all variables into consideration.

BILL: Bills introduced

AIC: Bills receiving action in committee

ABC: Bills receiving action beyond committee

PASS: Bills passed by the parliament for presidential assent

LAW: Bills signed into law.

Volden and Wiseman (the proponents of this model) argued that two features of this construction are worth noting. *First*, because of the substantial differences in the number of Bills that are likely to be introduced and the number of Bills that advance to further stages, the operationalization is made to necessarily give greater weight to members who are more successful in later stages of the process (for instance, having a Bill pass the House or become law) than earlier stages of the process (e.g., Bill introduction or action in committee). Thus a member, who introduces a large variety of Bills mainly for symbolic purposes, but with little interest in moving them through the legislative process, will receive a quite low LES. The LES measure also captures intermediate stages, in addition to the introductory and concluding stages in the legislative process.

Second, premised on the above observation, varying weights is assigned thus: $\alpha = 1$, $\beta = 5$ and $\gamma = 10$, signifying that substantively significant legislation exerts ten times the weight on the LES as commemorative legislation and twice as much as normal substantive legislation. These weights were chosen to reflect the fact that advancing a substantively significant Bill is more difficult than moving general substantive legislation; and likewise, that advancing substantive legislation is a stronger indicator of legislative effectiveness than moving commemorative/symbolic legislation (Volden and Wiseman, 2013:16-17).

Appendix III: Interview Guide

INTERVIEW ON ASSESSMENT OF LEGISLATIVE EFFECTIVENESS IN NIGERIA

Designed by: BAKARE, Adebola Rafiu

Department of Political Science, University of Ilorin, Ilorin, Nigeria.

Interviewer Name(s): _____

Respondent selection:

Meet the respondent as scheduled; tick SEX STATUS: Male [] Female [] and introduce yourself using the following wordings:

Interviewer: Sir/Ma, my name is _____, I am working on a Ph.D. research being carried out by Mr. Bakare Adebola of the Department of Political Science, University of Ilorin. This research is being conducted to identify and understand the challenges facing the legislators in their effort at performing their statutory lawmaking functions toward attaining legislative effectiveness and best practices as obtained in developed democracies. This research has nothing to do with government other than to enable the researcher make case for improvement of the legislative practices where necessary and encourage the sustenance of the good work being done. The interview will take approximately 30 minutes and all answers you provide will be strictly used for research purposes. You may refuse to answer a particular question if you feel like. Are you willing to give me audience to be interviewed?

Whatever the answer, fill appropriate in the table below:

ANS: NO []. Ask why and record here _____
YES, [] If 'Yes', continue the interview

PRELIMINARY: Interviewer - Fill the following information. Where necessary, ask the respondent to supply the information.

Respondent Name:

--

Respondent Status:

Ask the respondent to state his/her antecedents (work experience including political office)

--

Date of Interview:

--

Venue of Interview:

Time of Interview: Start time:

End time:

Observers: Interviewer should record the name and status of persons present but not part of the interview e.g. legislators (other than the respondent), legislative aide, family member, friends and associates.

- i.
- ii.
- iii.
- iv.

SECTION 1: GOVERNANCE AND LEGISLATIVE BEHAVIOURS (do not read this heading)

Interviewer: (Read this out) I will like to begin by asking about legislative behaviour in relationship to governance.

i. Interviewer (Read this out): Talking about legislative duties. Which of the following in your opinion do you think is the most important legislative responsibility (NB: Interviewer: Read out options and accept only one answer).	
*Listen to constituents and represent their needs	
*Deliver jobs or development to the constituents	
*Make laws for the good governance of the country	
*Make policies for the good of majority even if at the detriment of your constituents	
*Monitor the executive closely	
*Appropriate money and ensure full budget implementation with meticulous monitoring	

ii. Interviewer (Ask): Which is the most dear to you with regard to spending your time and resources? (Read options out and accept only one answer)	
i.	In the constituency office solving developmental/personal problems of your constituents
ii.	In the parliament making laws for good governance
iii.	On the field performing oversight function

iii. Interviewer (Ask): If there are bills on the following, which one do you think requires urgency and speedy attention? (Read out options with examples and accept only one answer)	
i.	Economy: e.g. Taxes, wages, unemployment, poverty etc.
ii.	Government Social Services: e.g. Education, infrastructure, agriculture, health etc.
iii.	Governance: e.g. Crime and security, corruption, political violence, ethnic tension etc.
iv.	Regulatory Policies: e.g. establishment & regulation of private & public institutions
v.	Cultural Policies: e.g. Protection & sustenance of cultural heritage: museum, traditional festivals, local language promotion
vi.	Foreign Policy: e.g. International relations

iv. Interviewer (Read this out): From your experience and observation as a legislator, where lies the loyalty of majority of the legislators in the chamber? <i>(Read options out and accept only one answer. If his/her answer is outside the options, record it in the blank space on the right side of the table)</i>	
To the principal officers	
To Political parties	
To Godfathers and Governors of respective states	
To the executive (President)	

SECTION 2: ASSESSING LEGISLATIVE EFFECTIVENESS *(do not read this heading)*

Interviewer: *Allow the respondent to talk freely in this section. If need be, you may ask snowballing questions that cropped out of his/her answers to the stated questions. In this case, the Research Assistant II should record such question(s) and answer(s) in the separate papers provided. **NB:** This should not be taken as license to deviate from the billed questions, please. (Do not read this out).*

Read this out: Sir/Ma, Let's talk about the performance of legislative activities and the challenges facing the parliament in this regard. Please, feel free to air your opinion. As earlier promised, your responses will be strictly used for research purposes only.

Q2.1: Interviewer: Does executive bills attract priority consideration over members' bills

--

Q2.2: Interviewer: It is widely alleged that the executive sometimes give incentives to some legislators to support a particular direction of policy making. An example was the case of Obasanjo's third term agenda. To the best of your knowledge, is this true?

--

Q2.3: Interviewer: Is it needful to mobilize support for a bill by the sponsor for easy passage?

--

Q2.4: Interviewer: Is it true that legislators lobby each other (sometimes materially) to get a bill passed?

Answer: YES [☐] NO [☐] Can't say [☐]

If 'Yes', ask the respondent to give insight into how it is done (*Do not read this*)

Q2.5: Interviewer: How easy or difficult is it for a legislator to draft and sponsor a bill; and ensure its smooth passage to law?

Q2.6: Interviewer: It is widely believed that bills sponsored by ruling party legislators are more likely to be successfully passed than those of the minority party legislators. Is this a true reflection of what transpires in the National Assembly?

Answer: YES [☐] NO [☐] Can't say [☐]

If 'Yes', ask the respondent to give more insight into it. If 'No', ask the next question (*Do not read this*)

Q2.7: Interviewer: Does seniority consideration aid bill survival?

Answer: YES [☐] NO [☐] Can't say [☐]

If 'Yes', ask the respondent to give more insight into it. If 'No', ask the next question (*Do not read this*)

Q2.8: Interviewer: Since bulk of legislative works is done at committee level; does being the chairman or member of a committee that will consider one's bill aid the bill's survival or speedy consideration?

Answer: YES [☐] NO [☐] Can't say [☐]

If 'Yes', ask the respondent to give more insight into it. (*Do not read this*)

Q2.9: Interviewer (*Read*): The following are probable factors that make a legislator to be effective than others, identify the ones you agree with.

(*Read options out and allow the respondent to pick as many answers as possible.*

Tick the options he/she agrees with, and leave the disagree options blank)

Educational Qualification	
Cognate experience	
Gender consideration	
Political party platform	
Seniority consideration	
Ideological consideration	
Innate ability	
Social/Interest group membership e.g. Integrity group	
Electoral connection	
Committee chairmanship	

Q2.10: Interviewer: Is there any relationship between bill survival and number of sponsors i.e. Does bills sponsored by more than one legislator have the chance of survival than single-sponsored bills?

--

Q2.11: Interviewer: After the transition to a new Assembly, what is the fate of a bill which the sponsor does not return to the new Assembly?

--

Q2.12: Interviewer: On concurrence of bills, is there separation of jurisdiction between the two chambers on specific areas or must all bills passed by the Senate go to the House for concurrence passage?

--

Q2.13: Interviewer: What inform the delay in the consideration of members' bills sent for concurrence in the other chambers whereas those of the Executive tend to be given urgent consideration?

Q2.14: Interviewer: From available data, the Senate sponsored more bills on average than the House, but the House passed more bills than the Senate. What inform this trajectory?

Q2.15: Interviewer: Some bills were passed within relative short gestation periods, while others were not. For example, the African Union Treaty (Ratification) Bill 2003 was passed in 2 days and the Freedom of Information Bill was passed in 1,233 days. Some analysts believe that this trend is deliberate on the part of the lawmakers since bills are targeted at different objectives of notable importance. Is this true? And what are the factors that cause delays in bill passage?

Q2.16: Interviewer: From the data available to us, we observe that there is consistent drop in legislative activities in term of bill sponsorship during election years whereas Executive bills increase in election years. What inform this trend?

Q2.17: Interviewer: The Legislature usually passed notable resolutions on national socio-economic and political issues. However, the Executive is not obliged to implement them. What is your take on this?

Q2.18: Interviewer: How can you rate the performance of the legislature in the following area: <i>(Read options out and accept only one answer for each of the subheading)</i>					
S/N		Unfavourable	Fair	Good	Excellent
i.	Lawmaking				
ii.	Oversight				
iii.	Representativeness				
iv.	Budgeting				

Q2.19: Interviewer: Sir/Ma, Let's talk about what we observed to be the determining factor of people's assessment of the legislature. What can you say about the allegation that legislators are overpaid in comparison with the demand of your work, commitment and personal needs?

Q2.20: Interviewer: What are the challenges militating against efficiency and effectiveness of the legislature?

Q2.21: Interviewer: How do you think that these challenges can be mitigated?

Interviewer: *Read this out:* We have come to the end of the interview session, do you have one or two comments to make on issues that we did not cover but are relevant to the discussion?

If 'Yes', allow the respondent to freely talk. If 'No', read the concluding remarks.

Interviewer: *Read this out:* Thank you very much for participating in this survey. Your answers will greatly contribute to this research. If you have any further questions, information or comments on this research or related matters, please feel free to contact the researcher on this number: **08055803641**, OR e-mail address: **bolaonboard1@gmail.com**

Appendix IV

List of the Special and Standing Committees in the National Assembly

Senate

1. Agriculture
2. Air Force
3. Anti-Corruption & Financial Crimes
4. Appropriations
5. Army
6. Aviation
7. Banking, Insurance & Other Financial Institutions
8. Capital Market
9. Communications
10. Constitutional Review
11. Cooperation & Integration in Africa & NEPAD
12. Culture and Tourism
13. Customs, Excise & Tarrif
14. Defence
15. Diaspora & Civil Societies
16. Downstream Petroleum
17. Drugs & Narcotics
18. Ecology & Climate Change
19. Education (Basic & Secondary)
20. Employment, Labour & Productivity
21. Environment
22. Establishment & Public Service
23. **Ethics and Privileges**
24. Federal Capital Territory
25. Federal Character & Inter Governmental Affairs
26. FERMA
27. Finance
28. Foreign Affairs
29. Gas
30. Health
31. Housing
32. ICT & Cybercrime
33. Independent National Electoral Commission
34. Industry
35. Information & National Orientation
36. Inter-Parliamentary Affairs
37. Interior
38. Judiciary Human Rights & Legal Matters
39. Land Transport
40. Local & Foreign Debts
41. Marine Transport
42. Media & Public Affairs

43. National Identity & National Population
44. National Planning & Economic Affairs
45. National Security and Intelligence
46. Navy
47. Niger Delta
48. Police Affairs
49. Poverty Alleviation & Social Welfare
50. Power
51. Primary Health Care & Communicable Diseases
52. Privatisation
53. **Public Accounts**
54. Public Procurement
55. **Rules and Business**
56. Science & Technology
57. **Senate Services**
58. Solid Minerals
59. Special Duties
60. Sports
61. States & Local Government
62. Sustainable Development Goals
63. Tertiary Institutions & TETFUND
64. Trade & Investment
65. Upstream Petroleum
66. Water Resources
67. Women Affairs
68. Works

House of Representatives

1. Agricultural Colleges and Institutions
2. Agricultural Production and Services
3. Aids, Loans and Debts Management
4. Airforce
5. Anti-Corruption
6. Appropriations
7. Army
8. Aviation
9. Banking and Currency
10. Basic Education and Services
11. Capital Market and Institutions
12. Civil Societies and Development Partners
13. Climate Change
14. Co-operation and Integration in Africa
15. Commerce
16. Constituency Outreach
17. Culture and Tourism
18. Customs and Excise

19. Defence
20. Delegated Legislation
21. Diaspora Matters
22. Drugs and Narcotics
23. Electoral Matters and Political Party Matters
24. Emergency and Disaster Preparedness
25. Environment and Habitat
26. **Ethics and Privileges**
27. FCT Area Councils and Ancillary Matters
28. FCT Judiciary
29. Federal Capital Territory
30. Federal Character
31. Federal Judiciary
32. Federal Road Safety Commission (FRSC)
33. Federal Roads Maintenance Agency (FERMA)
34. Finance
35. Financial Crimes
36. FOI
37. Foreign Affairs
38. Gas Resources
39. Governmental Affairs
40. Health Institutions
41. Healthcare Services
42. HIV, AIDS, Tuberculosis and Malaria Control
43. **House Services**
44. Housing
45. Human Rights
46. IDPs, Refugees and Initiatives on North East
47. Industry
48. Information National Orientation, Ethics and Values
49. Information Technology
50. Insurance and Actuarial Matters
51. Inter Parliamentary Relations
52. Interior
53. Justice
54. Labour, Employment and Productivity
55. Lake Chad
56. Land Transport
57. Legislative Budget and Research
58. Legislative Compliance
59. Local Content
60. Maritime Safety, Education and Administration
61. **Media and Public Affairs**
62. National Planning and Economic Development
63. Navy
64. Niger Delta Affairs

65. Niger Delta Development Commission
66. Pensions
67. Petroleum Resources (Downstream)
68. Petroleum Resources (Upstream)
69. Police Affairs
70. Population
71. Ports, Harbours and Waterways
72. Poverty Alleviation
73. Power
74. Privatization and Commercialization
75. **Public Accounts**
76. **Public Petitions**
77. Public Procurement
78. Public Safety and Intelligence
79. Public Service Matters
80. **Rules and Business**
81. Rural Development
82. Science and Technology
83. Solid Minerals
84. Special Duties
85. Sports
86. Steel
87. Sustainable Development Goals
88. Telecommunications
89. Tertiary Education and Services
90. Treaties, Protocols and Agreements
91. Urban Development and Regional Planning
92. Water Resources
93. Women Affairs and Social Development
94. Women in Parliament
95. Works
96. Youth Development

Source: National Assembly Official Website (Accessed November 22, 2017)

Note: Special Committees in bold

Appendix V

Table A3: Impact Analysis of Selected Acts of the National Assembly

Act	Abridged Objectives	Pre-Act Situation	Post-Act Situation	Remark
Economic and Financial Crimes Commission (Establishment) Act 2002 Corrupt Practices and other Related Offences (ICPC) Act 2003	To prohibit and prescribe punishment for corrupt practices; to investigate and prosecute economic and financial crimes	In 1998 during military era, Nigeria with corruption index of 1.9 ranked 4 th most corrupt country out of 85 countries. In 2001, democratic Nigeria with corruption index of 1.0 ranked 2 nd most corrupt country out of 91 countries, coming above only Bangladesh that ranked most corrupt.	After the establishment of EFCC and ICPC (among other anti-graft agencies) to fight corruption, Nigeria with corruption index of 1.4 and ranked 132 out of 133 in 2003 making the country 2 nd most corrupt. In 2016, Nigeria with corruption index of 28 ranked 136 out of 176 countries standing at 40 th most corrupt (data from Transparency International official website)	Going by the ratio of 2:91 (2001) before the Acts and 40:176 (2016) after the Acts, there is continuous reduction in corruption index and ranking. Though the menace of corruption is still perceived to be high in the country but, one can agree to the fact that the Acts have positive impact.
Child Right Act 2003	To provide and protect the Rights of Nigerian children and prescribe punishment for violation of such Rights	There was high prevalence of purposeful neglect and abandonment of handicapped children as a result of traditional child rearing practices. In addition, rapid socioeconomic and political changes led to the various forms of child abuse such as abandonment of normal infants by unmarried or very poor mothers in cities, increased child labour and exploitation of children from rural areas in urban elite families, and abuse of children in urban nuclear	According to the findings of the '2014 Nigeria Violence Against Children Survey' conducted by the National Population Commission with the support of the United States Centre for Disease Control and UNICEF, there is a high prevalence of violence against children in all the states in Nigeria (Kai Kai, 2017). Approximately 6 out of 10 children experienced some form of violence and 50 percent of all children in Nigeria experienced physical violence. 1 in 4 girls and 1 in 10 boys experience sexual violence, while 1 in 6 girls and 1 in 5 boys experience emotional violence by a parent,	The after-the-Act observed data shows that the Bill has no significant positive effect as the menace of child abuse continues unabated.

		families by child-minders (Okeahialam, 1984).	caregiver or adult relative (Edeh, 2017).	
Federal Road Maintenance Agency (Establishment) Act 2002	To ensure effective and efficient maintenance of all federal roads and set guidelines for concession contracts	Before the advent of democratic rule in 1999, the military regimes abandoned the repair of road networks by budgeting less than N10Billion annually. An amount that is far less than what Zambia, which is a smaller country with a total road network of 7,000km with annual road budget of about \$1Billion (Akuki, 2015). This led to deplorable roads across the country.	Despite the establishment of FRMA by the Act since 2002, the Nigerian road networks spanning about 35,000km (Akuki, 2015) are still in deplorable conditions thus becoming the major causes of road crashes (Ajijah, 2017) and economic decay. The agency that is expected to fix the roads is failing in its statutory role and the NASS is doing little or nothing to arrest the situation. For instance between Forest, Abuja-Jos road to Mararaban Jamaar in Jos South, there are 1,674 potholes (Fadogba, 2017). The conditions of other roads are indifferent and they have become cause of deaths to most Nigerians (Ashiru, 2017) and economic hardship. For instance 12, 077 road crashes were recorded in 2015 out of which 5,400 people died (Premium Times, September 7, 2016). In 2016 alone, 11, 363 road crashes were recorded (Vanguard, March 23, 2017). On the average, 15 people are killed daily by road crashes (Ogundipe and Ndukwe, 2016) which were all as a result of bad roads.	Since road transportation is the most popular means of transport in Nigeria, the impact of the FRMA law seems not positive on the lives of Nigerians. This is premised on the fact that the deplorable conditions of roads often lead to high rate of deaths, high cost of food and other essential needs and loss of economic gains in term of profit and time as a result of uneasy movement of goods and services.
Freedom of Information Act 2011	To make public records and information more freely available and ensure easy	Governance in Nigeria was entirely shrouded in secrecy. This was as a result of the potency of the Official Secrecy Act of 1962 which made it difficult to distinguish between information which warrant and does not warrant secrecy. In view	The anxiousness that greeted the passage of the Bill and its enactment to law has doused over the years. The Act is failing to produce the desired results of openness in governance chiefly as a result of the failure to repeal the Official Secrecy Act 1962. In addition, the FOI Act gives press freedom	The conduct of government business is still shrouded in secrecy despite the enactment of the law. Generated income, cost of contract, taxes

	and unhindered access to such records; to protect the public servants from adverse consequences of disclosing such information to the public	of this, the secrecy law enjoys blanket application to cover almost every document, especially active records that emanate from the government or its agencies (Diso, 2006). To this end, most Nigerians know nothing about government dealings	with one hand and retrieved it with the other. For instance about 10 sections of the law still dwell on non-disclosure of information (Afolayan, 2012). No serious procedural codes are put in place to ensure smooth implementation of the Act thus leading to concealing of information by government officials. The situations in the country suggest that the government is deliberately neglecting public sensitization and awareness about the FOI law.	received, loot recovered and detail expenditures of government are not known to Nigerians. To this end, the law has no positive impact
Pension Reform Act 2004 (repealed 2014)	To ensure that everybody who worked either in Nigeria's public service or private sector receives his retirement benefits as at when due, under a uniform set of rules and standards	Pensioners in Nigeria are known with their haggard dressing, unhealthy appearances, nursing of life threatening illness, heart problems, old age terminal diseases coupled with severe hunger and wretchedness. This prompted many civil servants to constantly engage in age falsification to delay postpone their retirement date. This also fuels corrupt and sharp practices among the Nigerian workforce with the intent of amassing wealth in preparation for life after service.	The experiences of retirees in Nigeria after long years of serving the country are nothing to write home about even after the enactment of the Pension Reform Act. The Act fails to entrench easy access to retirement benefits as a result of continued delay in the remittance of monthly contributions to employees' Retirement Savings Accounts (RSAs), under the new 'Contributory Pension Scheme' (CPS) and the payment of their accrued rights, under the old 'Defined Benefits Scheme' (DBS) by employers which has over the year complicate their situation (Tolu-Kusimo, 2015). The liabilities of both categories of pension stood at about N100 Billion (The Nation, November 17, 2015). This contravenes the Pension Reform Act. In addition, it is reported that people who retire	Given the prevalence of sufferings, sicknesses deaths of pensioners and uneasy access to entitlements after retirement among others, it may not be out of point to conclude that the Pension Reform Act is less impactful on the people.

			on level 12 earn N2,000 monthly (The Punch, July 24, 2017)	
Fiscal Responsibility Act 2007	To provides for prudent management of national resources and ensure effective enforcement of development goals	The past administrations are known for their notorious extravagant and wasteful spending as well as imprudent management of public fund to entrench good governance and bring development to the country. The previous administrations especially the military regimes seem to have less sympathy for achieving development goals, thus necessitated the initiation of the Bill.	Despite the enactment of the law to ensure that developmental goals as embodied in the MDGs are met, Nigeria as at the end of the 2015 target date could not boast of meeting any of the MDGs. 69% of the populace still live in abject poverty, only 6 out of 10 eligible children are in school for the universal primary education. As at 2008, the child mortality rate stood at 201 deaths per 1000 live births, while maternal mortality stood at 545 deaths per 100,000 births. Malaria continues to be the most deadly illness with average of 300,000 deaths each year. Access to clean water and safe environment are myth and the national ecological fund established to address the environmental challenges of erosion, flooding and climate change are constantly misappropriated (Vintagesam, 2013 and Odunyemi 2015).	This law ought to have turned the country to a paradise on earth if holistically implemented. However, its implementation did not meet the objectives that necessitated the law and as stated in Bill. Therefore, the effort is fruitless.
Small and Medium Scale Enterprises Development Agency (Establishment) Act 2003	To promote the establishment of SMSEs and render essential supports to ensure their survival.	Youth restiveness, high unemployment rate, increasing crime rate, advance fee fraud, commercial alms begging, prevalence of abject poverty among others are characteristics used to describe Nigeria.	Since government could not employ everybody, the SMSEs are expected to bridge the gap of unemployment. To encourage this, the SMSEs Agency was established to provide enabling environment for SMSEs to flourish. However, despite the increasing demand for consumer products which create a large market for the SMSEs, most of them are operating on the margin and the remaining have closed shop as a result of the harsh economic environment	The high rate of unemployment and alarming rate of business collapsing yearly are signs that all is not well with the SMSEDA Act.

			(Osolor, 2016). They are faced with heap of challenges which include: financial problems, strategic planning problems, lack of manpower and training, inadequate infrastructure, socio-cultural problems, unstable policy environment, multiple taxation among others (Mba and Cletus, 2014). The Agency that was established by the law to address these challenges is itself wallowing in the depth of poor funding, weak oversight, inept leadership etc.	
Nigeria Sovereign Investment Authority (Establishment etc) Act 2011	To receive, manage and invest Nigeria's Sovereign Wealth Fund and build a savings base to enhance development and stabilize the economy in times of economic stress.	Dwindling foreign reserve, import oriented economy and mono oil based revenue led to decay infrastructure in the country as maintenance become difficult when oil price drops.	In 2014, The Nigeria Sovereign Investment Authority (NSIA), an agency that manages Nigeria's Sovereign Wealth Funds, (SWF) generated N15.77 Billion. In 2015, it recorded a 67% increase in generated income with N26.3 Billion for the year (Nnorom, 2016). However, despite the improvement in the performance of the agency, its boasted achievement did not shield the country from plunging into economic crisis as provided for in the law establishing it. The Buhari led administration also neglected the stern provision of the law by appointing Jide Zeitlin, a man of questionable character (who had been exposed of allegation of dishonest business dealing by a New Delhi Court in India) as the Board Chairman of the agency (Sahara Reporters, May 13, 2017).	The fact that Nigeria could not evade the emergence of economic recession after a boom is a clear indication of the less impact which the law has on the country.

Source: Authors compilation from different sources as identified in the table.

Appendix VI

Table A4: Breakdown of Remuneration of a Nigerian Senator as alleged by Prof. Itse Sagay

S/No.	Heading	Amount (N)
1	Basic salary	2,484,245.50
2	hardship allowance	1,242, 122.70
3	constituency allowance	4, 968, 509.00
4	furniture allowance	7, 452, 736.50
5	newspaper allowance	1, 242, 122.70
6	Wardrobe allowance	621,061.37
7	recess allowance	248, 424.55
8	accommodation	4,968,509.00
9	utilities	828,081.83
10	domestic staff	1,863,184.12
11	entertainment	828,081.83
12	personal assistant	621,061.37
13	vehicle maintenance allowance	1,863,184.12
14	leave allowance	248,424.55
15	severance gratuity	7, 425,736.50
16	motor vehicle allowance	9, 936,982.00

Source: Author's tabulation with data from Adebayo, 2017.

Appendix VII

Official Remuneration Packages for Federal Legislators in Nigeria

SENATOR: Official Salary and Allowances of Senators of Federal Republic of Nigeria								
Category	Percentage (ABS)	Senate President	Deputy Sen President	Senator	Sen Majority Leader	Sen Miority Leader	Sen Chief whip	Sen Com'ttee Chair/Vice
Annual Basic		2,484,242.50	2,309,166.75	2,026,400.00	2,026,400.00	2,026,400.00	2,026,400.00	2,026,400.00
Vehicle Fuel /Maintenance	75%	TBP	TBP	1,519,800.00	1,519,800.00	1,519,800.00	1,519,800.00	1,519,800.00
Personal Aide	25%	TBP	TBP	506,600.00	506,600.00	506,600.00	506,600.00	506,600.00
House Mainte	5%	TBP	TBP	101,320.00	101,320.00	101,320.00	101,320.00	101,320.00
Domestic Staff	75%	TBP	TBP	1,519,800.00	1,519,800.00	1,519,800.00	1,519,800.00	1,519,800.00
Entertainment	30%	TBP	TBP	607,920.00	607,920.00	607,920.00	607,920.00	607,920.00
Utilities	30%	TBP	TBP	607,920.00	607,920.00	607,920.00	607,920.00	607,920.00
Constituency	250%	6,210,606.25	5,772,916.88	5,066,000.00	5,066,000.00	5,066,000.00	5,066,000.00	5,066,000.00
Robe	25%	TBP	TBP	506,600.00	506,600.00	506,600.00	506,600.00	506,600.00
Newspapers	15%	TBP	TBP	303,960.00	303,960.00	303,960.00	303,960.00	303,960.00
Responsibility	10%,7%,5%	NA	NA	NA	202,640.00	141,848.00	101,320.00	101,230.00
Annual Total		8,694,848.75	8,082,083.63	12,766,320.00	12,968,960.00	12,908,168.00	12,867,640.00	12,867,550.00
Monthly Total		724,570.73	673,506.97	1,063,860.00	1,080,746.67	1,075,680.67	1,072,303.33	1,072,295.83
Table by the Economic Confidential www.economicconfidential.com								
House of Representatives: Official Salary and Allowances of Members of the House								
Category	Percentage (ABS)	Speaker, House of Rep	Deputy Speaker of the House	Member of the House of Rep	Majority Leader of the House	Minority Leader of the House	Chief whip of the House of Rep	Chair/Vice, Committee House of Rep
Annual Basic		2,477,110.00	2,287,034.25	1,985,212.50	1,985,212.50	1,985,212.50	1,985,212.50	1,985,212.50
Vehicle Fuel &Maintenance	75%	TBP	TBP	1,488,909.38	1,488,909.38	1,488,909.38	1,488,909.38	1,488,909.38
Personal Aide	25%	TBP	TBP	496,303.13	496,303.13	496,303.13	496,303.13	496,303.13
House Mainte	5%	TBP	TBP	99,260.63	99,260.63	99,260.63	99,260.63	99,260.63
Domestic Staff	75%	TBP	TBP	1,488,909.38	1,488,909.38	1,488,909.38	1,488,909.38	1,488,909.38
Entertainment	30%	TBP	TBP	595,563.75	595,563.75	595,563.75	595,563.75	595,563.75
Utilities	30%	TBP	TBP	595,563.75	595,563.75	595,563.75	595,563.75	595,563.75
Constituency	100%	2,477,110.00	2,287,034.25	1,985,212.50	1,985,212.50	1,985,212.50	1,985,212.50	1,985,212.50
Robe	25%	TBP	TBP	496,303.13	496,303.13	496,303.13	496,303.13	496,303.13
Newspapers	15%	TBP	TBP	297,781.88	297,781.88	297,781.88	297,781.88	297,781.88
Responsibility	10%,7%,5%,5%	NA	NA	NA	198,521.25	138,964.86	99,260.63	99,260.63
Annual Total		4,954,220.00	4,574,068.50	9,529,020.00	9,727,541.25	9,667,984.86	9,628,280.63	9,628,280.63
Monthly Total		412,851.67	381,172.38	794,085.00	810,628.44	805,665.41	802,356.72	802,356.72
Table by the Economic Confidential www.economicconfidential.com								

Non-Regular Allowances for Federal Legislators									
S/N	CATEGORY	Annual Basic Salary (ABS)	Accommodation	Furniture (Once in 4yrs)	Annual Leave	Severance Gratuity after Tenure	Vehicle Loan Optional	Duty Tour Per Night (N)	Estacode Per Night
	Percentage(ABS)		200%	300%	10%	300%	400%		
SENATE									
1	Senate President	2,484,242.50	TBP	TBP	248,424.25	7,452,727.50	9,936,970.00	37,000.00	\$1,300
2	Deputy Sen President	2,309,166.75	TBP	TBP	230,916.68	6,927,500.25	9,236,667.00	32,000.00	\$790
3	Senator	2,026,400.00	4,052,800.00	6,079,200.00	202,640.00	6,079,200.00	8,105,600.00	23,000.00	\$600
HOUSE OF REPRESENTATIVE									
1	Speaker, House of Reps	2,477,110.00	TBP	TBP	247,711.00	7,431,330.00	9,908,440.00	35,000.00	\$1,000
2	Dep Speaker Reps	2,287,034.25	TBP	TBP	228,703.43	6,861,102.75	9,148,137.00	30,000.00	\$750
3	Members House of Reps	1,985,212.50	3,970,425.00	5,955,637.50	198,521.25	5,955,637.50	7,940,850.00	21,000.00	\$550
Table by the Economic Confidential www.economicconfidential.com									

Appendix VIII

Two Months Pay Slips of Rt. Hon. Yakubu Dogara (Speaker, 8th House of Representatives)

HOUSE OF REPRESENTATIVES PAYROLL SYSTEM

Payroll for the Month of DECEMBER 2016

File N 2015/040 Name SPEAKER Yakubu, Dogara Department: DHORS - HOUSE OF REPRESENTA
Grade Level: C08 Bank SKYE - SKYE BANK PLC., ABUJA Account No. [REDACTED]

		Incomes	Deductions
0110-0011	Basic Salary	206,425.83	0.00
0120-0021F	Constituency	175,461.96	0.00
0120-0021I	Recess	20,642.58	0.00
7100-6120	Pay As You Earn	0.00	55,952.50
Totals this month:		402,530.37	55,952.50
Net Pay:		346,577.87	

HOUSE OF REPRESENTATIVES PAYROLL SYSTEM

Payroll for the Month of JANUARY 2017

File N 2015/040 Name SPEAKER Yakubu, Dogara Department: DHORS - HOUSE OF REPRESENTA
Grade Level: C08 Bank SKYE - SKYE BANK PLC., ABUJA Account No. [REDACTED]

		Incomes	Deductions
10-0011	Basic Salary	206,425.83	0.00
20-0021F	Constituency	175,461.96	0.00
20-0021I	Recess	20,642.58	0.00
00-6120	Pay As You Earn	0.00	55,952.50
Totals this month:		402,530.37	55,952.50
Net Pay:		346,577.87	