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EXPLORING THE LEGISLATIVE FRAMEWORK OF THE NIGERIAN NATIONAL ASSEMBLY

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Abstract

There seems to be a wide semblance of legislative framework among democratic countries across the globe. This is largely as a result of the significance of the institution to democratic rule and the uniformity of roles. However, while the legislature shapes the behaviours of individual legislators in advanced democracies, the Nigerian experience depicts otherwise. This has led to a situation of strong legislators and weak legislature. It is against this backdrop that this paper explored the legislative framework of the Nigerian National Assembly with the objective of identifying the factors responsible for the peculiar trajectory. The paper found these factors to include: impact of colonial experience, long years of military rule, corruption, incessant conflicts and ethnic rivalry, overriding influence of godfathers and money politics. It also identified a number of challenges fuelling this trajectory and concluded that there is hope of a democratic rebirth and renewed national legislature if there is a paradigm shift from the way politics is done in Nigeria. The paper recommended among others that there is need for the National Orientation Agency (NOA) and other relevant MDGs of government to embark on aggressive re-orientation of both politicians and the electorates especially to correct the misconception of the roles of the legislature.

Introduction

The internal dynamics and external relations of the legislature with other arms of government as well as other stakeholders in the lawmaking business go a long way in determining its effectiveness. The outcome of legislative performance is a combination of how the legislature is organized internally in terms legislative framework and its external relations. All over the world, there is semblance of legislative framework, institutional configuration and external relations of the legislatures with few variations. These variations are as a result of different socio-political and economic background of the countries. Most African democracies tailored their legislative framework along the experiences of some western democracies especially those who had political history with them. In the case of Nigeria, the legislative framework was hitherto a mirror of the British experience until 1966 when democratic rule was truncated by the first military coup. Upon restoration of democratic rule in 1979, the country switched to presidential system dropping the Britain-like parliament for the United States' model.

Despite mirroring the United States' model, there are number of variations between the Nigerian National Assembly and the United States' Congress. While the National Assembly as a national legislature is strictly delineated from the executive arm of government based on the principle of separation of power, there is fusion of power in the United States. In the United States, anybody who emerges as the executive Vice President automatically becomes the President of the Senate. Though, such person seldom presides over Senate sittings but can attend sittings and vote where there is a tie. The Senate has a President pro tempore, who presides over Senate sittings on behalf of the Vice-president. This is not the case in Nigeria as both Senate President and Speaker of the House of Representatives are both elected among the legislators.

Other areas of variations are the membership composition and qualification. The Senate in Nigeria is made up of three Senators from each of the thirty six states and one representing the Federal Capital Territory totaling 109 with 360 members of the House distributed among the states based on population strength. However, the United States has two Senators from each of the fifty states totaling 100 with 435 House members also based on population strength. Section 65(1) of the 1999 constitution (as amended) set the minimum age qualification to the National Assembly at thirty five years for Senate and thirty years for the House. However, Article I, section 2 and 3 of the United States' constitution set the minimum age qualification of twenty five years to the House and thirty years to the Senate.

The variation between the two systems did not extend to the legislative framework of the two countries in terms of legislative proceedings. Both systems adopt almost the same procedural rules and practices in their legislative business. However, while the United States' Congress is a strong institution that shape individual members, the reverse is the case in Nigeria. The Nigerian legislators are strong politicians who shape the institution and adapt it to any shape that best suit their present socio-political and economic wish. It is

against this backdrop that this paper attempts to explore the legislative framework of the Nigerian National Assembly and identify the factors responsible for shaping the institution. In doing this, the paper is divided into seven sections. The first, being the introduction, is followed by historical overview of the legislature in Nigeria. The third section deals with the institutional and constitutional framework of the Nigerian National Assembly and the fourth section dwells on the lawmaking process in the Nigerian National Assembly. Section five of the paper discusses the factors that shape the outlook and output of the National Assembly in Nigeria with the sixth section identifying the challenges facing the National Assembly. The last section concludes the paper.

Historical Overview of the Nigerian National Legislature

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. The essence of the Council was to advise and assist 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 been under a number of headships as presented in tables 1 and 2 below:

Table 1: **Chronological Presentation of Speakers of the House of Representatives**

S/No.	Name	Tenure Period
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; Bakare, 2017.

Table 2: **Chronological Presentation of Senate Presidents**

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. Iyorcha 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; Bakare, 2017.

From the tables 1 and 2 above, it is observed that the Fourth Republic witnessed higher rates of leadership turnover as a result of the political dynamics within the major political parties that characterized the period. 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 survive the muddy politics as they both served for barely a year before being 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 followed earned the legislature the nickname '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 the reason 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 effective chances of the legislature. This chiefly caused 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 of allegations that were politically blown out of proportion. For instance, Enwerem was impeached on allegation of outrageous furniture expenditure scandal while Okadigbo was axed because of '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 were 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.

Institutional and Constitutional Framework of the Nigerian National Assembly

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 the 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 representing 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 while that of the House of Representatives is pegged at thirty years. Both are required to 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 too 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 the 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.

Lawmaking Process in the Nigerian National Assembly

The process of making laws in the Nigerian National Assembly is not different from 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 (executive Bill), legislators (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 1 below:

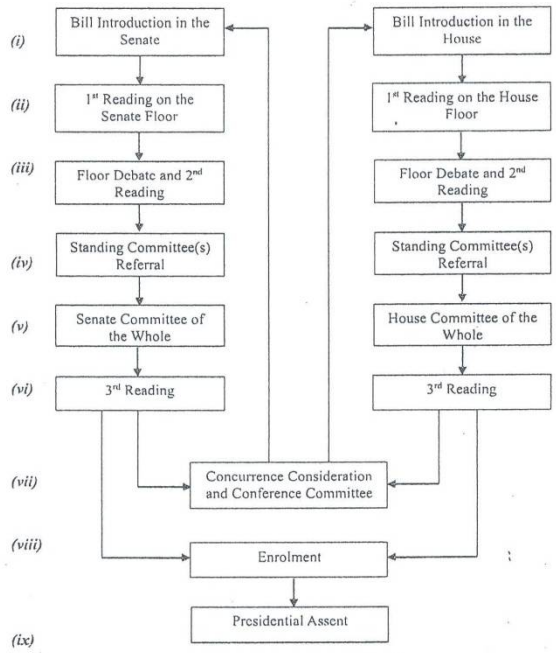

Figure 1: **Pictorial Analysis of How a Bill becomes Law in the Nigerian National Assembly**
Source: Bakare, 2017

As depicted in figure 1 above, 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, it can 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 it 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; sends 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 and essence of democracy in any polity (Davies, 1996; Saliu and Muhammed, 2010; Alabi and Fashagba, 2010; Ijaiya, 2010; Volden and Wiseman, 2013; Mayhew, 1974; Fashagba, 2010; Aiyede, 2006; Zwingina, 2006; Okoosi-Simbine, 2010; Egwu, 2005; Ishaya, 2010; Krehbiel, 1991; Cox and McCubbins, 2005; Arnold, 1990; 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.

Factors that Shape the Outlook and Output of the National Assembly in Nigeria

There are a number of factors that characterize Nigerian political landscape which consequently shape the outlook and output of the National Assembly. First, the prevailing political environment is a fallout of the long years of colonialism and its attendance shackles as depicted by the nature of politicking, socio-cultural delineation along tribal cleavages, pluralization of governance apparatus (indirect rule in the Northern and direct rule in the Southern protectorates) and the orientation of political leaders among others which led to the present day ethno-religious politics at the expense of issue politics. After series of nationalistic movements in form of resistance and provocative actions of the locals, the departing colonial master handed over power to a clique of local rulers who were trained to sustain the heritage and interest of the British capitalist and exploitative tendencies. Ever since, the political leaders have continued to perpetuate themselves in power (as inherited from the former colonial master) which consequently led to the present day circulation of elites.

One can hardly see a new blood in Nigeria government and politics, as the same set of people who succeeded the colonial officials in 1960 are still around supplemented by retired generals who in one way or the other participated actively in the long years of military rule. The aging ones are planting their offspring in politics riding on the legacy and empire of their fathers. Few people are building names for themselves while many are

benefitting from the niche carved by their late parents. In most cases, this become problematic for the legislature in the cause of their oversight function as people do have sympathy for the accused persons as a result of the respect for the antecedents of their father and usually cry foul and allege the legislature of both witch-hunting and paying the family with cruelty in return of the sacrifice of their forefathers.

Second, the country has witnessed about six decades of self rule since independence on October 1, 1960. Out of the decades of self rule, the military spent 29 years governing with decrees and disallowing popular and representative participation in politics. However, Nigerians have been able to decide their governing programmes for 27 years in three epochs (First, Second and Fourth Republics). The country had got to restart the democratic project afresh each time the military struck. The current dispensation being the fourth republic is the longest so far as Nigeria has had almost two decades of unbroken democratic rule since May 29, 1999 after the most prolonged military occupation and usurpation of the country's political machinery which lasted for about 16 years (1983-1999). These periods witnessed different political dimensions, tragedy and progress which in one way or the other is contributing to the circumstances surrounding the Nigerian legislature leaving an indelible mark on it (Alli, 2014).

Another factor that shapes the political environment of the country is the issue of corruption. It is argued that corruption is one of the greatest threats to Nigeria's democracy and national development (Imam and Mustapha 2008; Waziri, 2011; United Nations, 2004; Smith, 2007; Ribadu, 2006; Osoba, 1996 and Obadan, 2001). 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. 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). It is greatly influencing politicking in the country as it appears in different dimensions ranging from family, workplace, and community to political and governance arenas (Alabi and Fashagba, 2010). To a large extent, this has put the legislature in a tight corner as the constitution rests appreciable responsibility on the legislature to fight corruption. However, the legislatures both at the national and state levels are wallowing in the mud of corruption which it was meant to eradicate.

One important dimension of the political environment is the fact that the Nigeria's Fourth Republic, likewise previous Republics, has consistently witnessed a conflict ridden era in terms of relationship between the executive and legislature, both at the federal and state levels. In most cases, the consequences of the conflicts between the executive and legislature heats up the polity to the extent that the machinery of governance is plunged into a state of inactivity and low productivity which in turn discourage the attainment of good governance (Momodu and Matudi, 2013: 30). Hardly can we point to any legislative

assembly that holistically performs its functions without pitching tent against the executive. In some cases, the executive do avoid stiff competition by disallowing full scale practicability of the theory of separation of power and the corresponding doctrine of checks and balances by pocketing the legislature thereby turning it to a rubber stamp assembly.

Above all, the political environment is peculiar with the amount of influence and power wielded by the godfathers. The 'powerful' as described by Dahl (1976) not only determine who becomes member of the parliament but also what transpires in the parliament. This is not limited to Nigeria and by extension developing countries. According to Albert (2005: 81) political godfathers are found all over the world. They consist of rich men whose contributions to campaign funds of some candidates have helped the latter to win elections. Even in the developed world, such people invest heavily, most especially in the media, to shore up the image of their candidates while at the same time helping to discredit rival candidates. The Nigeria politicking is greatly influenced by these power brokers especially those who help others to win election, and expect the beneficiary to serve them in return. Sometimes, they channel their resources into criminal activities by hiring political thugs to drive home their political wish and avoid electoral loss by all means. The average Nigerian legislator is facing the dilemma of serving two lords at the same time. (S)He is faced with the option of either to protect the interest of the constituents who constitutionally own the mandate or the power brokers who facilitated his/her emergence as a legislator and have the power to determine his/her political future. It is in light of these trajectory specificities of the Nigeria's political environment that this study attempts to evaluate the actions of the legislators in line with the constitutional and moral expectations.

Challenges facing the National Assembly in Nigeria

There are numerous factors militating against effectiveness of the National Assembly in the fourth republic. However, few and cogent ones are discussed in this paper. These are: Poor capacity of most legislators, poor funding, lack of timeliness in the constitution for the President's presentation of budget, misconception of the roles of the legislature, and inter-organ suspicion and excessive rivalry between executive and legislature among others.

At inception of the fourth republic, it was obvious that most of the legislators lack adequate capacity to effectively perform their legislative duties. Series of trainings, workshops and seminars were organized both at home and abroad to mitigate this challenge. However, the challenge persisted till date. Most of the legislators lack the capacity to engage with bills especially the complex ones. This situation is not peculiar to Nigeria alone and it necessitated the global practices of hiring legislative aides who are experts in different field such as law, economics, democratic studies and sociology

among others, to give expertise support to legislators. However, this did not solve the problem in Nigeria as most of the legislators hire their legislative aides based on political patronage at the expense of expertise consideration. The National Assembly makes provision for each legislator to have five legislative aides (NILS, 2013) to assist them but some of them also hire their relatives who did not even surface in Abuja not to talk of performing any support service. To make up for this, some legislators engage the services of consultants but this is limited because of cost implications privately borne by the lawmakers.

Aside the poor lawmaking capacity, many legislators also lack the ability to optimally utilize the information and communications technology (ICT) equipment that ought to assist them and drastically reduce the challenges of lawmaking. Despite the series of training and procurement of ICT equipments (such as computers and internet facilities), most of them are not incline to the usage of these equipments. For instance, electronic voting machine installed in the gallery of the National Assembly is hardly put to use as voice voting is still popularly used. In addition, the legislators still conduct their businesses with huge pile of papers in the wake of the paradigm shift to paperless legislature where bills and other information are sent to legislators' email to reduce financial and time cost.

Inadequate funding is another challenge facing the National Assembly. As claimed by Sumaila (2013), the annual budget of the National Assembly hovers around N120-150 billion which is grossly inadequate for running the legislature. This is because the salaries and wages of the legislators and their legislative aides, management of National Assembly offices and constituency offices and consultancy of professionals and technical experts in various fields as well as running the agencies of the National Assembly, among others, are expected to be funded from the legislative budget. For instance, out of the 2013 budget of N4.9trillion, the National Assembly budget was N150billion, representing a meager 3.1% of the total national budget less than the budget of the agencies and parastatals under the executive like the CBN with N300billion budget. However, the public is made to believe that the legislature gulps about 25% of the budget which pitches the public against the legislators and paints the institution as an extravagant venture (Sumaila, 2013).

In respect of budget efficiency, the National Assembly is faced with the challenge of lack of timeliness in the constitution which allows the President to present it at his own convenience (mostly in November/December) and expect the National Assembly to pass it before the commencement of the new fiscal year. The failure to do this put the National Assembly at the receiving end of the knocks for budget delay. The corruption tendency of some people (including private and public officials) is not helping the situation. Some corrupt-minded people usually attempt to pervert the process for their selfish gains. All

these couple with other challenges does affect effectiveness and efficiency of the National Assembly in budget processing.

Misconception of the role of the legislature is another challenge hindering the fourth republic National Assembly. Most people do not understand the line of demarcation between the legislature and the executive in terms of their constitutional functions. The failure of the executive to provide all basic needs of the people and the consequent high poverty prevalence in the country make many Nigerians to turn to the legislators (given their proximity to the grassroots) to solve their material needs which distract them from lawmaking duties and encourage them to engage in sharp practices that will fetch them money to take care of their responsibilities in their constituencies. These are responsible for the desperate involvement of the legislators in the award and execution of constituency projects thereby denting the institution's image.

There is also a wide gap between the executive and legislature to the extent that both arms see themselves as rivals and not different parts of same system. This promotes suspicion and consequently leads to excessive politicking, confrontations and rivalry between them. To a large extent, the rivalry creates unfavourable environment for development and good governance, with the legislature always receiving the blame from the people.

Conclusion.

From the foregoing analysis, the paper has established the fact that the legislative framework of the Nigerian National Assembly is highly influenced by a number of factors such as the consequent impact of colonial experience, long years of military rule, corruption, incessant conflicts and ethnic rivalry, overriding influence of godfathers and money politics, among others. It also identified a number of challenges militating against the effectiveness of the National Assembly which include: poor capacity of most legislators, poor funding, lack of timeliness in the constitution for the President's presentation of budget, misconception of the roles of the legislature, and inter-organ suspicion and excessive rivalry between executive and legislature among others. For a meaningful development of the legislature, we recommend that there is need for the National Orientation Agency (NOA) and other relevant MDGs of government to embark on aggressive re-orientation of both politicians and the electorates especially to correct the misconception of the roles of the legislature. In addition, the anti-corruption efforts of the Buhari-led administration should be expanded in scope. The other two arms of government (executive and judiciary) should key into the fight and same should be replicated at the state and local government levels. Once corruption is eradicated or drastically reduced in the legislature, the legislative framework will produce a better output capable of entrenching good governance for the benefits of Nigerians. In addition, there is need for the redefinition of the executive-legislative relations in Nigeria as frosty relationship presently existing between the two arms will do the country no good. It is on

this note that we conclude that there is hope of a democratic rebirth and renewed national legislature if these recommendations are considered coupled with a paradigm shift from the way politics is done in Nigeria.

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