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### Review article

## The Nigerian legislature and the crisis of governance

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#### ABSTRACT

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Using descriptive method of data gathering: qualitative analysis of data from secondary source, the study x-rays the performance of the parliament at the federal and state levels between 1999 and 2016 to see whether it has enhanced good governance in the country. The study implicates corruption as the major reason for the ineffectiveness of this arm of government. It is therefore imperative to alter the nation's leadership recruitment process such that patriotically-minded and unblemished Nigerians will be attracted into politics and contest for parliamentary positions.

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### 1. Introduction

In any democracy or civilian regime the legislature, the first estate of the realm, is supposed to play a very crucial role in ensuring good governance at the Centre and state levels through its oversight or monitoring functions. In a presidential system the legislature ensures that the minority has its say and the majority has its way. In Nigeria, the reverse has been the case since 1999 when the military vacated the political scene for a civilian regime. The legislature has abdicated its roles because of the urge for primitive accumulation. Between 1999 and 2007, the Senate witnessed frequent change of presidents because of alleged corrupt practices. This was also recorded in the House of Representatives and in some state houses of assembly such as Delta, Ogun, Bayelsa, etc where the Speakers were impeached and removed in ludicrous manner. With this type of acrimony and bickering in the legislature occasioned by corrupt tendency, how could it have been effective in carrying out its statutory

oversight functions? Some state governors seized this opportunity and pocketed the legislators by throwing largesse at them, thereby deepening the underdevelopment of the states. Such governors were able to do anything except turning a man to woman.

The doctrine of separation of powers as idealized by the erudite political philosopher, Montesquieu, has never been practised to the letter in Nigeria since the legislature has been acting as the appendage or handbag of the executive as observed by maverick senator Arthur Nzeribe (Odisu, 2015). So there is nothing like checks and balances in the affairs of the State. Therefore, the crusade for good governance in Nigeria has unfortunately become a wild goose chase.

If the legislature has lived up to its billings, the *earth-quaking* frauds perpetrated by the immediate past regime that are now being unearthed by the Buhari regime could not have taken place. An effective legislature enhances a judicious use of state resources in a democracy through its powers of appropriation and oversight as observed by Anyang Nyong'o (1998). Did the national assembly closely monitor the application of the nation's resources between 2010 and May 2015? It is very difficult to accept that Nigeria is a democracy because the poor outing of the legislative arm since 1999 has been a mockery of democracy and a serious negation to democratic practice. This elicits the big difference between the concepts of civilian regime and democracy.

The nation's leadership recruitment process is also implicated on the poor performance of the lawmakers. Most of the legislators got the mandate in a largely flawed elections and alienated their constituents from themselves. Yet they would collect large sums of money in their name for unexecuted constituency projects. Most of the national assembly members have never introduced a bill nor raised any motion for years. Some had specialized in saying *yes* during voice vote without understanding what has been discussed. Equally worrisome is the fact that the upper chamber of the national assembly, the senate, has turned to a dumping ground or retirement home for governors who have probably failed to transform their states. Can such people make laws for the good governance of the country? The answer is an emphatic *No*. The responsible gentlemen who would have been very useful and more effective in the parliament are foreclosed from contesting because the electoral process is skewed in favour of moneybags. In supporting the assumption that the legislative arm has not done very well in the Nigerian project, I shall look at some of the actions or inactions of the national assembly and state assemblies since 1999 till date.

## 2. The national assembly

The national assembly comprises of the Senate and the House of Representatives. The senate has 109 members while the lower chamber is made up of 360 members. The senate had five presidents between 1999 and May 2007 consequent upon the fierce contestation and rivalry among the senators especially those from the south-east region for the *juicy office* thereby exposing their shallow commitment to the growth of Nigeria. It was a story of scandals, romance and grief. Huge amount of money was allegedly wasted to induce senators to unseat Dr. Chuba Okadigbo who appeared too radical for the presidency. Before Adolphus Wabara fell out with the presidency, a huge sum of tax payers' money was allegedly spent to pacify rebellious senators in order to suppress the agitation for his removal as senate president (Vanguard, June 7<sup>th</sup> 2009). The lower house was also not left out. Several abortive attempts were made to unseat Speaker Na' Abba. While all these were going on, the oversight function was pitifully relegated to the background. Lawmakers were seen fighting in the hallowed chambers. Some took the mace to their state. Law making was reduced to law breaking as if they were fighting for a turf. During plenary, most of the seats were always empty. Even now, attendance in the two chambers is still very poor despite not being on part time. This is in sharp contrast with the scintillating debates in the well-attended British Parliament and the US Congress that we watch on CNN.

Despite the outcry generated by the proposed procurement of SUVs for the senators and exotic cars for members of House of Representatives due to the excruciating economic crunch in the country, the senate still went ahead to purchase them at a very high cost of N35million each (Sugar Daily, April 10<sup>th</sup> 2016). Some years ago, the lower chamber under the leadership of Speaker Dimeji Bankole was accused of purchasing Peugeot cars at inflated price by a radical lawyer and human rights activist (Sahara Reporters, 2009). The former CBN governor, Sanusi Lamido, had said that 25% of the national budget was gulped by the national assembly. This was corroborated by Prof Sagay (2010) when he stated that the Nigerian lawmakers were the highest paid in the world by unlawfully approving jumbo pay for themselves which was a breach of public trust.

It is very obvious that the national assembly is more interested in making laws that favour its members. For instance, a controversial bill introduced by Senator Nwaboshi who represents Delta South to amend anti-corruption law (Code of Conduct Tribunal and Bureau Act) scaled second reading within 48 hours. If passed into law, corrupt public officials will not be tried with the Administration of Criminal Justice Act by the Code of Conduct Tribunal (Premium Times, April 14<sup>th</sup> 2016). But this is the same National Assembly that is yet to pass a highly applauded Petroleum Industry Bill (PIB) sent by the late President YarAdua in 2007. This bill, if passed into law, would have repositioned the petroleum sector for the benefit of all Nigerians. Oil firms were required by this proposed law to refine part of their crude oil in the country in order to end the perpetual problem of scarcity of fuel. It also gives the oil bearing communities a sense of ownership by allocating some percentage to them as token. It has been suggested in some quarters that the reason for not passing the bill was either because of ethnic prejudice or the oil firms that are uncomfortable with some of its provisions have sat on it with the alleged connivance of some principal officers of the national assembly.

The national assembly had carried out several probes in the past without useful results for obvious reasons. What was the outcome of the belated probe of the privatization process that gave out national assets to individuals at give-away prices? What was the outcome of Hon Farouk Lawan-led probe of petroleum subsidy? What was the outcome of the power sector probe by the lower chamber? Can we say with all honesty that the legislators are really representing the voters? The national assembly has not acted as a committee of distinguished Nigerians.

There are many things of interest to the electorate which the lawmakers are not thinking about. A good example is medical care. If you go to any general hospital you hardly find a doctor. Almost all the doctors have private clinics where they spend all the time at the detriment of patients who cannot get treatment at the private clinics because of the prohibitive and unholy charges. Some of the doctors who can be safely described as ghost workers are fond of referring minor cases from the government hospitals to their private clinics thereby compounding the problems of patients. Is the national assembly not aware of these problems? Is it a big deal making law to criminalize this conflict of interest? The excesses of the greedy doctors in the government hospitals can be checkmated by the legislature by enacting a law that criminalizes absenteeism and conflict of interest as sabotage or terrorism. While many more issues of national interest are crying for legislative attention, the national assembly is contemplating the passage of bills that would give some principal officers life pension and immunity. What can be more ridiculous than this? The recent allegation of budget padding in the national assembly had buttressed the view of the former president, Chief OlusegunObasanjo, that the federal legislature is made up of corrupt people (Thisday, July 26<sup>th</sup> 2016).

Interestingly, a new entrant into the Senate is making waves by sponsoring people-oriented bills within few weeks of his inauguration. He is the affable Senator OvieOmoAgege, representing Delta Central. He sponsored a bill that criminalizes sexual relationship between randy, morally bankrupt lecturers and female students (Universal Reporters, May 6<sup>th</sup> 2016). It has scaled second reading. He is also fighting to ensure that the Federal University of Petroleum Resources established several years ago in Delta State gets a legal backing. He is working hard to wake up the comatose Delta Steel Company, Aladja in Delta State whose privatization was greeted with public condemnation. This is the type of lawmaker Nigeria needs, not capitalists who fight for personal aggrandizement.

### **3. The houses of assembly**

Almost all the state houses of assembly had acted as mere rubber stamps for state chief executives because of greed. This was why speakers were frequently changed. Any speaker who was out of conceit with the governor was easily removed with the conspiratorial assistance of his colleagues. This had happened in Delta State as well as many other states. Consequently, the issue of governance was forgotten at the detriment of the poor masses.

Deputy Governors who ran out of favour with their principals were also childishly impeached and removed by the greedy and largely ineffectual legislators once money has changed hands. This had happened in Enugu State, jocularly referred to as Chicken Impeachment. The deputy governor, SundayOnyebuchi, was removed from office by the legislators because he had a poultry in the government house (Premium Times, August 26<sup>th</sup> 2014). Was that the problem of the electorate in Enugu State? The deputy governor of Bayelsa State, Pere Ebebiwas also removed from office by the lawmakers over disagreement with his principal, Timipre Sylva (Vanguard, June 28<sup>th</sup> 2010). In Bauchi State, the deputy governor, Garba Gadi, was thrown out of office because he refused to join his

principal, Isa Yuguda, in decamping from their party, ANPP to the PDP but was later reinstated by the court which declared his impeachment and removal illegal (Premium News, June 28<sup>th</sup> 2010).

A lot of money has been wasted by governors who put state legislature in their pockets. These funds could have been used in resurfacing some dilapidated roads, equipping some general hospitals, providing pipe-borne water in some communities, etc. After the inauguration of the house, what some governors did, was to throw largesse at the legislators to enable them do anything they like except changing a man to a woman. It was strongly alleged that a former state governor in the South-South region gave each of the state lawmakers N100 million to have them in his pocket. This is a nauseating mockery of the doctrine of separation of powers and checks and balances which checkmates the excesses of any arm of government thereby enhancing good governance. The reason for the huge frauds perpetrated by some governors in the past was because of the *husband and wife* relationship between the legislature and the executive which made the former abdicate its oversight responsibility. Anytime the relationship between the legislature and the executive at both levels is not frosty, the country is in trouble. Frosty relationship makes each arm of government to be more diligent in carrying out its duties and the result would be good governance. This is what the nation needs now.

Which good laws had the state legislators enacted in favour of the down-trodden masses? Their only concern then was to build shopping plazas, petrol stations, hotels and acquire exotic cars. This is still the concern of many state legislators now but their hopes may have been dashed by the dwindling allocation to the states due to the sharp drop in oil price. The governors are struggling to pay salaries of workers and that means no more largesse for legislators. The time has come for our lawmakers to think of what the state can venture into that can generate income and create employment. This can be packaged as a bill and passed to the executive for assent.

#### 4. Concluding remarks and policy recommendations

The national and state legislators have abandoned their statutory function of oversight because of greed. Some hardly visit their constituencies. Because of bourgeois tendency, the legislature at both levels became the handbag of the executive, especially between 2011 and 2015 which created the opportunity for the perpetration of frauds such as the arms scandal. This would not have happened if there was diligent monitoring by the national assembly. The actions and inactions of the legislature had made good governance elusive in Nigeria. Instead of making people-oriented laws, the legislature is now busy passing obnoxious bills in its favour. The much awaited PIB is still gathering dust in both the upper and lower chambers. The procurement of exotic SUVs and the proposed life pension for some officers of the national assembly in the face of economic difficulty in the country have clearly demonstrated that the lawmakers are not representing the voters. The only hope is that some new entrants who are patriotic may be able to change the focus of the national assembly by sponsoring pro-masses bills.

For the national assembly to be people-oriented, the leadership recruitment process needs to be altered to open the way for patriotic Nigerians to contest for legislative posts. The idea of purchasing nomination forms with huge amount of money is outrageous. This makes it possible for people with ill-gotten wealth who are bereft of ideas to always bulldoze their way to the parliament. Political sovereignty has to be tested in Nigeria. This would put indolent legislators on their toes if they know they can be easily recalled by their constituents through a referendum.

Stiff penalty for absence from plenary sessions should be introduced. Vacant seats in hallowed chambers during plenary do not portray the legislators as serious Nigerians. All the frivolous allowances paid to the legislators be stopped by the agency in charge of wages and salaries. This will discourage unserious people from going to the parliament. If the national assembly or a state assembly levels charges against the president or his deputy and a state governor or his deputy, the court must look into the matter and give a verdict before the affected executive can be removed from office. And all windows of appeal up to the Supreme Court must be exhausted. The idea of a few greedy legislators throwing a president or governor, elected by the majority of the people, out of office without the pronouncement of a competent court is laughable.

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