

Analysis of the Challenges of Legislative Oversight on Good Governance in Nigeria

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Abstract

This study examined the constitutional provisions of the National Assembly to use oversight function and also discussed cases of lack of transparency, accountability and effectiveness in the discharge of legislative-oversight in Nigeria. The study equally identified challenges of the National Assembly in carrying out oversight function in the study area. These were with the view to providing information on the impact of legislative oversight on good governance in the country. Data were collected through secondary source from relevant books, 1999 constitution of the Federal Republic of Nigeria, journals, National Assembly hanzard and media articles, and were content analyzed. The study showed that relevant provisions of the 1999 constitution empowered the National Assembly to undertake effective oversight in Nigeria. The study equally found that oversight function of the legislature has not been transparent and effective because it has been abused overtime. The study equally found that the National Assembly oversight function is hampered by a number of challenges such as corruption, party politics, self-serving behavior, absence of trust, and flexing of muscle for supremacy with the executive organ of government. The study concludes that the National Assembly has not strengthened good governance by use of its oversight function.

Keywords: National Assembly, Oversight, Good Governance, Transparency, Accountability

Introduction

One of the fundamental functions of the National Assembly in Nigeria; besides law making and amendment, is the oversight function. The oversight function of the legislature is to hold all state's institutions accountable with a view to promoting accountability and transparency. The Nigeria's National Assembly has not done enough to meet people's expectations in its use of oversight functions (Abiola, 2012; Nwagwu, 2014; Oye, 2018). Besides, there have been allegations of corrupt practices against some members of the Assembly which have made the case to appear as if "the probers have become the ones being probed" (Obasanjo, 2012:24). However, with allegations of corruption against the national lawmakers; transparency and accountability which are the core indicators of good governance are being undermined.

Section 4, (1), (2), (6) and (7) of the 1999 constitution of the Federal Republic of Nigeria vests the legislative powers in the National Assembly, as well as its sub-national entities, the state Houses of Assembly. Section 4 (2) specifically empowers the National Assembly to make laws for the peace, order and good governance of the country. Section 4 (1) part II of the 1999 Federal Republic of Nigeria constitution states:

...the legislative powers of the federal republic of Nigeria shall be vested in a National Assembly for the Federation which shall consist of a Senate and a House of Representatives.

Thus, the oversight power of the legislature is to hold all state's institutions accountable. According to Bello-Imam (2004), the oversight function of the legislature is crucial in making and reviewing the actions of the executive organ of government.

In most democracies and particularly in Nigeria, the goal of the oversight is to make sure that public policy serves the public interest (Obiyan, 2011). Essentially, the oversight functions of the legislature put the executive in check and carry the balancing effect for good governance. As noted by Obadan (2003), Ndoma-Egba (2012) and Adeola (2017), one prominent area of oversight is fiscal policy. Parliament has a responsibility to use public policy in a manner that would promote good governance. To ensure this, government finances are put under the scrutiny of legislative process. The performance of the National Assembly with respect to its oversight function has attracted different views, given its relevance to the ideal of good governance for the Nigerian state. Hence, this study appraises the role of the legislature in its oversight function; focusing on the extent to which the institution is transparent, accountable, and credible in its operation since June 3, 1999 when the Fourth Republic was inaugurated in Nigeria. Primary data was sourced from government publications, such as 1999 (amended) constitution of the federal republic of Nigeria, hanzard of the National Assembly, bills as well as other documents. Extant literature from books, journals, and newspapers, provided the bulk of secondary data. Data collected were analyzed using content analysis.

Objectives of the Study

The specific objectives of this study are to:

- (i) examine the constitutional provisions of the National Assembly to use oversight function in Nigeria;
- (ii) discuss cases of lack of transparency, accountability and effectiveness in the discharge of legislative oversight in the study area; and
- (iii) identify challenges of the National Assembly in carrying out oversight function in Nigeria

Methodology

This study is a descriptive one. Data were collected through secondary source from relevant books, 1999 constitution of the Federal Republic of Nigeria, print and online journals, National Assembly hanzard, government publications, and media articles. They were content analyzed.

Legislative Oversight

To oversee is to survey or watch over somebody or something with a view to ensuring that an assigned job or activity has been effectively, efficiently and economically executed (Adekanye, 2004). This is always to make sure that the excesses of the executive are checked to enhance transparency and accountability in governance (Andrew, 2011, Nwagwu, 2014 and Tegbe, 2018). The oversight function of the legislature is not just a supervision of what the executive branch of government has done but it is also supervision of the executive's proposals (Maffio, 2002 and Olafioye, 2017). Therefore, legislative oversight is the power of the legislature to review, monitor, and supervise government agencies, programmes, activities, and policy implementation strategies of the executive arm of government. Oversight function is to ensure that the legislative arm of government sustains the principles of good governance, remains responsive, transparent and accountable to the electorates. Oversight function is to ensure that activities of the executive arm of government and its agencies are kept under scrutiny by the legislature. According to Stair-Hall (2011) and Ogbonnaya et al (2014) legislative oversight refers to the review, monitoring, and supervision of the executive arm of government, including ministries, departments, and agencies programmes, activities, and policy implementation by the National Assembly. The legislature exercises this power largely by its committee system. The legislative power is derived from the constitution and House and Senate rules; which is an integral part of the Nigeria's system of checks and balances.

The focus of legislative oversight is to ensure executive compliance with the law; gathers information for making laws, educate the public and evaluate executive performance. Because, legislative oversight is a way by which legislature holds executive accountable for its actions, especially in implementing laws passed by the legislative branch, it helps to recognize and prevent inefficiency in government (World Bank, 2002). According to Miral & Vilma (1999: 33), "deeper and more specialized oversight aids help in identifying agencies and functions that are duplicative, overlapping and those needing re-definition, re-direction, re-distribution and or re-structuring for better service delivery".

Oversight function has the tendency of determining whether the party responsible for government policy is administering the laws fairly and equitably (Rocky, 2005; Okoosi-Simbine, 2010 and Bridget, 2016). It has been contended that legislative oversight is often undertaken not only to correct administrative lacunas but to establish support for, or opposition to particular policies or individuals. According to Meredith (2005) and Obiyan (2007), the ultimate goal of oversight is to ensure that every public policy enacted into law and implemented by government serves the public interest. Thus, legislative oversight can be exercised to prod the executive into taking timely, proper and correct action. Put differently by Stair-Hall (2011), the oversight function of the legislature is to ensure the followings:

- (i) improvement in efficiency, economy, and effectiveness of governmental operations;
- (ii) evaluation of programmes and performance;
- (iii) detection and prevention of poor administration, waste, abuse, arbitrary and capricious behavior;
- (iv) protection of civil liberties and constitutional rights;
- (v) informing the general public and ensuring that executive policies reflect the public interest;
- (vi) gathering information to develop new legislative proposals or to amend existing ones;
- (vii) ensuring administrative compliance with legislative intent; and prevention of executive encroachment on legislative authorities and prerogatives.

Summarily, oversight function can enhance checks and balances, fiscal discipline, good governance, accountability and transparency in public offices. Accountability is promoted in government by ensuring efficiency and cost effectiveness. It helps the members of the public to be more aware of what the executive branch of government is doing, whether their interests are being served or not.

The National Assembly; that is the Senate and House of Representatives are responsible for over sighting the executive arm of government, its ministries, departments and agencies at the national level. Three senators represent each state and the Federal Capital Territory, Abuja, is represented by one senator. Members of the House of Representatives are allocated to state by population (FGN, 2000). In all, there are 109 senators and 360 members of the House of

Representatives in Nigeria. The House of Assembly over sights the executive and its agencies in each state of the federation.

The term, governance, originated from the Greek word *Kubemao* which means to steer or propel. According to World Bank (2006a), governance is the exercise of political authority and the use of institutional resources to manage society's problems and affairs. Development is central to governance and this is why Ariyo (1999:23) remarks that "effective management of the economy is the overall concern of governance". Governance to us simply means the efficiency and effectiveness of a government in promoting the economic well-being of its people. By good governance, we mean a kind of governance that is participatory, transparent, accountable, rooted on rule of law, effective and fair (Farrel, 2009). It is simply an improved quality of governance. From the above descriptions, good governance refers mainly to an improved quality of governance. According to Obadina (2008:33), "good governance can be measured by service delivery, openness, transparency; and participation in public affairs". Bad governance is generally characterized by problems, such as pervasive corruption, lack of public accountability and the "capture" of public services by the elites, for personal benefit and so on.

Transparency is an act of being open, truthful and plain. This is a situation whereby government expenses, projects and affairs are verifiable by people outside the government (Obadan, 2003). Accountability, on its part, can be defined as a social relationship where an actor (an individual or agency) feels an obligation to explain and justify his or her conduct to some significant other person/s or agency/ies. Accountability is the hallmark of modern democratic governance.

Theoretical Frameworks

The theoretical frameworks of this study shall be explained with the use of structural-functionalism of Gabriel Almond (1966) and David Easton input-output analysis variant of the general system. But then, it is important to explain the basic principles of Montesquieu (1748) separation of powers as essential element of presidential democracy. Montesquieu original thesis of separation of powers stipulates that the three principal organs of government must be functionally but distinctly separated in order to prevent tyranny or misrule. In a related version, Willoughby (1936) argued that: The accumulation of all powers, legislative, executive and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.

John Locke also amplified this doctrine of separation of powers when he indicated the dangers of oppressive and arbitrary rule if the different functions of government were exercised by a single person or institution.

Checks and balances are complementary to the doctrine of separation of powers and mean that power should be used to check power. It demands that each of the three organs of government should be a watchdog of the others. Constitutionally, it is the duty of the legislature to act as a check over the executive and the judiciary. It is also the constitutional duty of the legislature to ensure that state resources are deployed by the executive efficiently and in an effective manner. Section 88 of the 1999 Constitution supports the above proposition. Due to the doctrines of checks and balances and separation of powers, it is the National Assembly that controls the power of the purse through authorization of legislation and appropriation of federal spending. The oversight power of the House of Representatives or the Senate is therefore an essential check in monitoring the executive, holding the agencies accountable and controlling public policy.

On the other hand, structural-functionalism views all political systems as having certain basic structures which perform essential functions without which the system cannot survive. This theory focuses largely on explaining the functions a political system must perform in order to survive and defines structures which can most effectively perform the functions. Almond (1966) in his structural-functional analysis model, describes structures as "observable activities which make up a political system". Elucidating further, Almond notes that, where there is a government in place, if you find a regular function, then there is a structure which performs such function.

Taking a cue from the above, the executive is an essential structure of government that is expected to give policy direction, prepare budget to finance it and implement same. In contrast, the legislature as a structure is expected to legislate on such policy, review, approve the budget and regularly monitor the executive so as to ensure transparency, probity and accountability in the system. This theory allows stability to reign and makes the system to run well without much hitch and in the best national interest.

Discussion of Findings

Constitutional Provisions on the Use of Oversight Function in Nigeria

The 1999 constitution of Nigeria provides the National Assembly with various tools. Section 62 (1 - 4) strengthens the National Assembly to set up committees in the discharge of its oversight function to expose corruption, inefficiency and waste. In the same vein, Section 89 empowers the National Assembly to invite 'anybody' perceived to have evidence as regards an investigation. It equally empowers the National Assembly to request any document or thing in possession of anybody as regards an investigation.

The Committee System

At the legislative level, a committee is regarded as a 'human group' of the entire legislative assembly (Ayodele, 2004). According to Nwuche (2015:13), "a committee analyzes the contents of all legislative instruments, synthesizes them and forwards its findings to the full House for consideration". National Assembly ad-hoc committees are not often chosen based on academic qualification but on longevity in the House, expertise, experience, and contributions on issues at hand. Section 62 (1 - 4) of the Nigerian constitution provides for legislative committees at the National Assembly. The Senate or the House of Representatives may appoint a committee of its members for such special or general purpose as in its opinion would be better regulated and managed by means of such a committee, and may by resolution, regulation or otherwise, as it thinks fit, delegate any functions exercisable by it to any such committee.

The number of members of a committee appointed under this section, their terms of office and quorum shall be fixed by the House appointing it.

The Senate and the House of Representatives shall appoint a joint committee on finance consisting of an equal number of persons appointed by each House and may appoint any other joint committee under the provisions of this section.

Nothing in this section shall be construed as authorizing such House to delegate to a committee the power to decide whether a bill shall be passed into law or to determine any matter which it is empowered to determine by resolution under the provisions of this Constitution, but the committee may be authorized to make recommendations to the House on any such matter.

If these committees function properly, they were designed to strengthen the oversight power of the National Assembly (Hazan, 2001 and Bright, 2018). In addition, the responsibilities of the committees includes physical inspections of projects, conversing with people, assessing the impact of delivery and developing reports for adoption by committees which contain recommendations for the Houses to consider. The committees are often privileged to obtain direct information on the outcomes of the projects. In the course of its routine activities, these Committees have the powers to engage experts' knowledge and analysis (Bello-Imam & Obadan, 2004). A committee conducts its business on behalf of the House and must therefore report back to the House on matters referred to it for consideration and report.

Public Hearing

Section 88 of the Constitution empowers the National Assembly to conduct investigation on matters it has power to legislate upon. This power is with a view to exposing corruption, inefficiency or waste. In carrying out a probe or investigation, the National Assembly can invite 'anybody' who is perceived to be linked with the issue on ground. The use of public hearing by the National Assembly is also a regular tool to arrive at consensus or what could be done on a particular national issue. The Senate or House of Representatives can put up a committee; mandate it to conduct a public hearing by visiting federal constituencies where referendum will be conducted, debate allowed and position papers submitted. The submitted opinions are thereafter collated and interpreted to give policy direction. The practice is to submit such decision to the legislature for endorsement before it is finally sent back to the President for his assent. Sometimes as well, people's opinions could be sought on what to 'be done' or step to be taken as regards a contentious issue. Public opinions have been conducted in areas such as the fuel subsidy removal, state creation, resource control and new number plates (Hazan, 2001 and Ekweremadu, 2018).

Plenary Debates

Plenary debates are a further means to bring important information to the attention of the executive. In plenary debates, certain mechanisms for conducting oversight are used which include question time, the consideration of committee reports, showcasing, scrutinizing and debating the implementation of policy and budget votes (Ayodele, 2004, Oye, 2018 and Bright, 2018).

Power of Summon and Warrant

Section 89 of the 1999 Federal Republic of Nigeria empowers the National Assembly to 'invite' anybody that is perceived to have any evidence as regards an investigation. This same power also enables the National Assembly to request any document to facilitate an investigation. The section states that the National Assembly has the power to:

For the purposes of any investigation under section 88 of this Constitution and subject to the provisions thereof, the Senate or the House of Representatives or a committee appointed in accordance with section 62 of this Constitution shall have power to:

procure all such evidence, written or oral, direct or circumstantial as it may think necessary or desirable, and examine all persons as witnesses whose evidence may be material or relevant to the subject matter; require such evidence to be given on oath; summon any person in Nigeria to give evidence at any place or produce any document or other thing in his possession or under his control, and examine him as a witness and require him to produce any document or other thing in his possession or under his control, subject to all just exceptions; and issue a warrant to compel the attendance of any person who, after having been summoned to attend, fails, refuses or neglects to do so and does not excuse such failure, refusal or neglect to the satisfaction of the House of the committee in question, and order him to pay all costs which may have been occasioned in compelling his attendance or by reason of his failure, refusal or neglect to obey the summons, and also to impose such fine as may be prescribed for any such failure, refusal or neglect; and any fine so imposed shall be recoverable in the same manner as a fine imposed by a court of law Section 89(1a-b).

A summon or warrant issued under this section may be served or executed by any member of the Nigeria Police Force or by any person authorized in that behalf by the President of the Senate or the Speaker of the House of Representatives, as the case may require.

This power provides sufficient oversight environment for National Assembly. Access to information is important to the exercise of oversight with a view to ensuring compliance with extant rules and legislation.

Resolution

This is a motion introduced in either the House of Representatives or the Senate, but unlike bills, have limit in effect. According to Ihedioha (2012:21), “there could be simple, concurrent or joint resolution”. A simple resolution deals with the operation of either the House of Representatives or the Senate alone and it is considered only by the chamber in which it was introduced. Simple resolutions are not binding in nature and do not require the approval of the other chamber. A concurrent resolution relates to the operation of the National Assembly that affects both chambers. A joint resolution unlike the simple and concurrent is a motion mutually passed by both chambers even though it can come from either chamber. A piece of legislation introduced as a bill can be amended by a joint resolution of both chambers (FGN, 2000). It has a legal status but it is not binding.

Cases of lack of Transparency, Accountability and Effectiveness in the Discharge of Legislative Oversight

This section showcases various cases of lack of transparency, accountability, and effectiveness in the discharge of legislative oversight. It also shows the effect of this on the integrity of the legislative institution. Section 88 of the constitution empowers the National Assembly the power to conduct investigation into areas of its competency in public policy. The essence is to ensure prudent management of national resources. The oversight power is required to be exercised by a resolution published in the National Assembly’s journals or in the Official Gazette of the Government of the Federation. It is expected that all monies which are appropriated by the lawmakers as an Act of the parliament, having followed the due process of making an Act need to be effectively monitored. The oversight power does not allow the legislature to usurp the functions of the other organs of government, as this could hamper the principles of separation of power. As a result, the power of the National Assembly to carry out oversight functions does not preclude fair play and justice.

The principle of fair play should apply in all situations and to all proceedings, no matter who conducts the investigation and for whatever purpose. We can then argue that ‘no power’ should rival that of the judiciary and this is why judicial functions are assigned to the judiciary in the constitution. However, the idea of passing frivolous resolutions is a challenge to the principles of separation of power. While the legislature is empowered to perform oversight function in all honesty, it must be carried out in such a way that the executive is not cowed by the former, no matter how powerful.

National Assembly, during the administration of President Goodluck Jonathan, passed resolutions for the removal of certain appointees of the President (Odilim, 2012 and Wale, 2012). For instance, Bola Onagoruwa, ex-Director General, Bureau of Public Enterprises (BPE); Harold Demuren of the Nigerian Civil Aviation Authority (NCAA); and Abdulrasheed Maina, Chairman, Pension Reform Task Team were removed by the National Assembly resolutions. A legislature that is an epitome of integrity can use resolution with and be backed up by members of the public (Kron & Oshlon, 2009 and AbdulRafiu, 2008). If the legislature is short of the above, no matter what it discovered in the course of its oversight activities is likely to be seen as an empty claim for pecuniary gain. While there are incorruptible lawmakers between 1999 and 2018 at the National Assembly, some of the national lawmakers are culpable of corruption allegation, which have eroded their integrity, credibility and by extension, the oversight role they do.

Many people are of the opinion that the members of the National Assembly often embark on oversight functions for mischievous and selfish interest. For instance, Obiyan (2011) has argued that mischievous use of oversight power involves subtle threats of the executive and other public officials to obtaining unmerited private benefits. He posits that studies and observations have shown that selfish and mischievous uses of oversight are major limitations of the legislature in Nigeria. Instances of this claim abound. For instance, Mr. Femi Otedola alleged that the House of

Representatives' Committee directed to investigate the alleged frauds on fuel subsidy demanded bribe from the accused individuals (Oriola, 2012 and Olafioye, 2017).

In 2004, the Senate Committee on Public Account headed by Mamman Ali probed the activities of Nasir el-Rufai, former Minister of Federal Capital Territory, FCT, and concluded that he erred in appointing and placing two of his aides on outrageous salaries (Tajudeen, 2010). Although Ali claimed that the affected aides, Aisha Kolo and Abdul Muktar were made to refund the money, the probed minister dismissed the report saying the Senate Committee was merely being vindictive over his revelation that Ibrahim Mantu, former Deputy Senate President, and Jonathan Zwingina, former Deputy Senate Leader, demanded a ₦54million bribe to clear him as Minister (Seidu, 2010), although the Senate later dismissed the allegation saying it was only to ridicule its reputation. In 2005, Adolphus Wabara, former President of the Senate was removed over the allegation of N55million bribe sought from Fabian Osuji, a former Minister of Education, to appropriate more allocation to his ministry (Bolaji, 2012 and Oriola, 2012). Former President Olusegun Obasanjo has severally accused both Houses of the National Assembly of corruption. He alleged that the National Assembly members often smuggled into the budgets, items not provided for by ministries. According to him:

...they connive with contractors of constituency projects and take kick-backs and yet they have the guts to accuse other people of corruption (Obasanjo, 2012:33).

Obasanjo also remarked that most oversight functions of the Nigerian national lawmakers are to satisfy their whims and caprices. In a similar vein, Obiyan (2011) noted that since 1999 there have been allegations of seeking financial inducements and up review by the lawmakers before they pass the appropriation sum. According to him, in 2011 budget; the National Assembly increased the proposed budget sent by the executive by close to a trillion naira. In the same budget, the National Assembly increased its own share substantially. He argued that issues of ethics and probity can easily be raised about the action of the National Assembly in reviewing its own allocation upward.

By increasing the budget sum much, the legislature is subverting the role of the executive to give policy direction (Obiyan, 2011).

Also in 2018, President Muhammed Buhari accused the National Assembly of smuggling colossal sum of money into the 2018 appropriation act without executive knowledge and that the money was meant to benefit the national lawmakers (Tegbe, 2018). Similarly, the Committee of the House of Representatives that was directed to probe the National Integrated Power Project (NIPP) in 2008 was also embroiled in bribery scandal (Juliana, 2008). The bribery scandal led to the removal of Hon. Ndudi Elumelu, as the first Chairman of the House of Representatives Committee on Power (Fola, 2008). While there were complaints about the failure of the House committee to properly handle the energy probe, some of the members of the committee protested the allegation of corruption leveled against them by the conduct of the chairman.

Also, during the House of Representatives Ad-hoc Committee probe of Capital Market, Ms. Aruma Oteh, and the Director General of Securities and Exchange Commission openly accused Mr. Herman Hembe led House Committee of requesting for bribe (Odilim, 2012). The allegations and counter – allegations between the duos led to re-composition of another committee. There were calls by the House of Representatives on former president Jonathan to sack Oteh. Perhaps, because former President Goodluck Jonathan was not disposed to the resolution of the lower House, Oteh was not replaced but Securities and Exchange Commission was not allocated any fund in the 2013 appropriation bill. Oteh was later given a clean bill by Jonathan and the way the issue went cast a smear on transparency, accountability and credibility of some national lawmakers.

In 2012, after the fuel-subsidy removal strike; the House of Representatives convened an emergency session after which it set up the Ad-hoc Committee to verify the subsidy requirements for the year. The committee investigated twenty-eight oil marketers and indicted about eighteen. In the process, Mr. Femi Otedola, the Chairman, Zenon Petroleum and Gas indicted Hon. Farouk Lawan and his team of collecting \$620,000 cash from him to delist his company, Zenon Petroleum and Gas from the indicted ones. Mr. Otedola claimed the money he gave was marked with the knowledge of the State Security Agency. Hon. Farouk Lawan, initially denied collecting the money but later confessed that he took the money with the knowledge of the Police and intended to later use it as evidence to prosecute Mr. Otedola (Yusuff, 2012 and Oriola, 2012). It has been severally argued that the persistent agitation for the removal of the acting chairman of Economic and Financial Crimes Commission (EFCC), Ibrahim Magu, by the Senate was for inordinate interest of national lawmakers and to cover their atrocities (Bright, 2018 and Oye, 2018).

Above the foregoing, the issue of the salary of the members of the National Assembly still remains secret and contentious. Nigerians have made several efforts to find out the total take home of the distinguished Senators and members of the House of Representatives, but till today, the issue of their salaries still remains unknown by the public until recently. It was Senator Shehu Sanni, who revealed that the total take home of a Senator was almost thirteen million and five hundred thousand (3.5million) naira aside of each Senator's quarterly allowances (Oye, 2018:34). Can the legislature be credible when they have ignored all entreaties to show what they are actually earning from the public

tilt? In essence, the refusal of the national lawmakers to transparently discuss this issue is affecting the oversight functions of the National Assembly. In addition, the issue of constituency projects has negatively affected the integrity of the legislature. The national lawmakers often scramble for increase of constituency allowances when what they actually do for their constituencies are not often justifiable with amount of money they collected.

The National Assembly has attracted the attention of Nigerians because of squabbles over allowances and membership of “lucrative committees” (Bolaji, 2012 and Bridget, 2016). At another instance, the legislators wanted their quarterly allowances increased by 100 per cent. Sanusi Lamido Sanusi, former Governor of the Central Bank of Nigeria shocked the nation when he disclosed that the National Assembly alone takes 25.41 per cent of the federal government’s total overhead and still request for more (Anayochukwu, 2013). With all these, one may not have much confidence in the oversight role of the national lawmakers, given the various allegations of corruption against them. It is true the constitution empowers the National Assembly to approve national budgets. But, there have been serious contests between the executive and the legislature over who has the power to prepare budgets. The contest is not about whether expenditures contained in the bills are desirable or not, but about whether the National Assembly has the power to include more expenditures in the proposed budget. For instance, in 2011, the National Assembly increased the budget proposed by the President from N4.22 trillion to N4.97 trillion, and increased its recurrent allocation from N111.23 billion to N232.73 billion, an increase of more than 100 per cent (Olaniyi, 2012). All these are serious indictments on the part of the National Assembly which affect its transparency, accountability and credibility to do a meaningful oversight.

The credibility of the National Assembly appears questionable when it approves supplementary budget for agencies and ministries in December. It is not to say that supplementary budgets could not be passed at the tail end of the year, but a situation whereby the executive should be presenting fresh budget to the National Assembly but still grabbles with supplementary budget around December might not be unconnected with ‘ineptitude of the legislature’. If a budget is appropriately implemented, just 70 per cent, for instance, bringing a supplementary budget in December is of no use. Instead, the balance of the unspent 30 per cent can be carried over to the next year as new budget. But, this should not definitely be 100 percent proposal or approval in December again.

Challenges of the National Assembly’s Oversight Function

Several factors have made it difficult for parliamentarians to transparently, effectively and creditably perform their oversight functions. One of the factors is the absence of trust in the lawmakers. Absence of trust makes oversight to be perceived by the public as blackmail, selective and cheap means to amass wealth by the lawmakers. Also, the lukewarm attitude with which resolutions of the National Assembly are being treated cripples the legislature’s oversight. About 80 per cent of the work of the National Assembly is based on resolutions and most often, there is flagrant disregard of several resolutions passed by the legislature. Passage of frivolous resolutions such as continuous demand for the removal of Ibrahim Magu, the acting chairman of Economic and Financial Crimes Commission makes mockery of National Assembly’s resolution. One would expect the national legislature to quickly seek judicial interpretation of its power on approval of key appointments.

Inadequate funding also hampers effective legislative oversight. There are frequent allegations of non-release of funds meant for legislative use. The legislature has accused the executive of deliberately starving it of funds which has affected prompt payment of its allowances, and effective supervision of projects to ascertain progress and budgetary performance.

In addition, the Assembly that was seated at the transition to the fourth republic, on 29th May, 1999 faced the challenge of poor experience. Between 1999 and 2007, most legislators are elected for the first time with no background experience in managing independent lawmaking, committee activities, and oversight role. According to Ihedioha (2012:23), “only 36 of the 109 Senators returned in 2003; only 26 in 2007 while 89 of the 360 members of the House of Representatives were returned in 2007”. Besides, the operations of the National Assembly were also hampered by inadequate premises, insufficient staff, and a few research facilities (Ihedioha, 2012, Nigerian National Assembly, 2009 and Ekweremadu, 2018).

Another reason that is responsible for the failure of the National Assembly in its oversight function is procedural problem. This factor permits the House leaders to reshuffle committees and nominate their cronies into juicy committees. Many members resort to subversion of the house activities when removed or fail to be nominated to juicy committees. In addition, the turnover of leadership has also affected the performance of the National Assembly oversight function. The leadership failure has led to the ouster of about five leaders in the Senate and House of Representatives in the past eighteen years while several others are currently under investigation.

Also, challenge of integrity is also an hindrance of oversight function. When people of questionable behavior are made members of a committee, hardly would its outcome be embraced by members of the public. For instance, if somebody with a criminal charge in a court of law such as when Senator Iyiola Omisore was facing a murder case in 2003 (until he was acquitted by the court), and was a member of a committee. Or, Hon. Farouk Lawan who was having a case to settle with EFCC in an Abuja Federal High court and was the Chairman, House Committee on Education. Whatever genuine findings such alleged “questionable personalities” came up with is likely to be unacceptable. Also, if there is an

allegation of fake certificate against a lawmaker as was the case with Hon. Salisu Buhari with 'Toronto Certificate', the voice of such legislator cannot be heard (Punch, 2012).

Since 1999, except in the 2011 and 2015 general elections, most national lawmakers are perceived as products of rigged elections (Seidu, 2010 and Oye, 2018). As a result, many lawmakers cannot stand tall to do a meaningful oversight. The moral burden makes members of the public to cast aspersion on legislators with stolen electoral victory. Elongated electoral battle is also a relevant factor. When electoral litigation that affects a member of the National Assembly drags on unnecessary, it will affect the performance of oversight function by whoever is currently enjoying the mandate. For instance, almost after two years of legal battle, Senator Ben Obi of PDP replaced Ikechukwu Abana for the Anambra Central seat (Oludele, 2007). This is unduly overstretched.

Corruption and financial allegations against lawmakers also affect their oversight duties. Any genuine move by such legislator(s) is likely to be misconstrued as attempt to extort the concerned parties. Existence of facilities no doubt enhances effective legislative oversight, but where they are lacking; oversight function is likely to be slowed down. This can be given as part of the reasons why the fourth National Assembly could not record much achievements in the realm of its oversight when compared with the fifth sixth and seventh National Assembly. On several occasions, accusations of undue insubordination have been pointed at the direction of political parties. Between 1999 and 2007, Chief Olusegun Obasango got more involved in issues that are pure legislative affairs. If this is compared with late Yar'dua, former president Goodluck Jonathan and the incumbent Muhammed Buhari regimes, there is improvement.

Conclusion

The legislature is empowered with enormous constitutional provisions to oversight the executive and other public officials but sometimes mischievously use the power for personal benefits which erode its transparency, accountability and credibility. Between June 3, 1999 and May 29, 2018, the National Assembly had embarked on a number of oversight functions but has not used its constitutional powers and institutional structure to improve good governance in Nigeria. Party politics, corruption, absence of trust, and absence of relevant facilities inhibit effective legislative oversight while provision of relevant facilities and funds, recruitment of more staff, and training and retraining of the legislators and their aides promote effective oversight. The legislative organ of government must therefore utilize its oversight functions effectively to strengthen Nigeria's governance project by being transparent, accountable, and credible at all times as worthy representatives of the people.

Recommendations

Given the challenges of oversight function in Nigeria, the National Assembly is expected to display skillful mastery of oversight function. Powers of the legislature should not be used with vindictively. The legislature should be robust and courageous to effectively check the excesses of the executive. It should be able to effectively position itself to undertake proper investigations through its various committees. The National Assembly should also learn to take its job more seriously. It can do that by identifying more areas where the agencies of government are drifting and set the records straight. The legislature should exercise its powers not to encroach on the powers of the executive arm of government. Each organ of government should maintain and respect its sphere.

Effective oversight also requires the political will on the part of parliamentarians to use the oversight mechanisms optimally. The parliament should regularly assess and check its oversight capabilities and its weapons. Seminars should be more organized in selected areas of the economy such as health, education, and foreign affairs. More generally, civil society groups must not remain armchair critics but partner in progress of the governance project, and should be more supportive of internal mechanisms for financial transparency and monitoring of the legislators. Senate and House of Representatives committees should not be constantly threatened with removal. This will ensure that members fully have the capacity to execute their oversight function. All chairmen of committees should be legislators with proven competence in their chosen fields. Political parties should learn to be civil by allowing the legislature a free hand to nominate its leadership, committees, and operate.

Nigeria's anti-graft agencies, that is, the Economic and Financial Crimes Commission (EFCC) and the Independent Corrupt Practices and Other Related Offences Commission (ICPC) should be more vibrant in dispensing their mandates. Both givers and takers of bribe are liable for corruption and should be prosecuted unconditionally. The slow pace with which a number of corrupt prosecutions involving members of the National Assembly are been handled need to be re-visited. Courts need to dispense judgment as quick as possible and without fear or favor.

The best practices in the world require that parliaments are adequately supported by other institutions to enable them perform their mandates. Therefore, parliament should strive to pursue this world standard. The true test of democracy is the extent to which parliament can go to ensure that government remains accountable to the people. The extent to which parliament is successful in effectively holding the executive accountable will ultimately depend on the level to which committees and individual members of parliament actively exercise their oversight role.

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