

**LEGISLATIVE OVERSIGHT IN NIGERIA:  
AN ASSESSMENT OF THE ROLE OF NATIONAL ASSEMBLY  
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**Abstract**

*The 1999 Nigerian Constitution established a National Assembly that is designed to effectively and actively contribute to building and consolidating democracy. An important aspect of this democracy is that elected representatives of the people should oversee government actions and ensure that government remains accountable. Pursuant to this, the 1999 Constitution gives full expression to this principle in providing for an exclusive power of investigation and scrutiny by the National Assembly over the executive under sections 88 and 89. It is against this background that this paper reviews the critical successes of the National Assembly in scrutinising and monitoring the executive between 1999 and 2007. The paper assesses the challenges faced by the Parliament in the performance of this responsibility, as well as draws lessons and strategies for strengthening parliamentary oversight of the executive.*

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**Introduction**

The imperative of active legislature as an essential component of democracy in the 21st century has been largely accepted. It is perhaps for this reason that greater expectation is placed on the legislature to serve as an institution of restraint on the executive arm of government and an arena for crystallising popular participation in the broad governmental process. This defining feature of the legislature draws heavily from the relatively early influential and largely celebrated views of James Madison and Woodrow Wilson. James Madison in the *Federalist Paper 51* (1788) enunciated the significance of establishing “auxiliary precautions” in public affairs, and thus foresaw the necessity for a steady scrutiny of government. According to him:

... Ambition must be made to counteract ambition. It may be a reflection on human nature, that such devices should be necessary to control the abuses of government. But, what is government itself, but the greatest of all reflection on human nature? If men were angels, no government would be necessary. If angels were to govern men neither external nor internal controls of government would be necessary. In framing a government which is to be administered by men over men... experience has taught mankind the necessity of auxiliary precautions.

The term “auxiliary precautions” has become a common feature of governance encapsulated in array of checks- and- balances including oversight of the executive.

But perhaps the most pointed espousal which has automated modern day discourse on the imperatives of scrutiny of government affairs was provided by Woodrow Wilson (1901). Writing under the title, *Congressional Government: a Study in American Politics*, he stated inter-alia:

It is the proper duty of representative body to look diligently into every affair of government and to talk much about what it sees. It is meant to be the eyes and the voice, and to embody the wisdom and will of its constituents. Unless congress have and use every means of acquainting itself with the act and the disposition of the administrative agents of the government, the country must be helpless to learn how it is being served.

In the main, the scrutiny of the executive, or what is largely regarded in our extant legislative process as oversight, encapsulates a system of checks and balances that requires the legislature to keep a check on the executive so as to ensure it functions within the bounds of law and in an efficient and transparent manner. To this end the scrutiny of the executive includes a wide range of activities undertaken by the legislature to monitor, review and encourage compliance with constitutional obligation by the executive.

The Nigerian legislature has taken different forms since the country's independence in 1960 and has been disbanded or in more adequate term, decreed out of existence a number of times by the military rulers. The 1999 Constitution which ushered in the extant presidential system with effect from May, 1999, vested legislative powers of the nation in a bi-cameral National Assembly consisting of the Senate and the House of Representatives. It is in furtherance of this that the 1999 Constitution provides for legislative power of scrutiny and investigation over the executive, in addition to other “implied impressive array of enumerated powers.” For instance, the National Assembly is constitutionally authorised to appropriate funds; approve deployment of armies; approve declaration of war; consent to treaties; approve presidential nominees (senate); impeach the President and Vice-President. Reinforcing all these powers is the broad powers granted to the National Assembly to “make laws for the peace, order and good governance of the federation or any part thereof with respect to any matter included in the Exclusive Legislative list”.

### **Constitutional Provisions**

#### ***Power to Investigate***

as stated in Section 88 (1) of the Constitution, the National Assembly is empowered by resolution published in its journal or in the Official Gazette of the Government of the Federation to direct or cause to be directed an investigation into:

- (a) any matter or thing with respect to which it has power to make laws; and
- (b) the conduct of affairs of any person, authority, ministry or government department charged or intended to be charged with the duty of or responsible for:
  - (i) executing or administering laws enacted by the National assembly, and
  - (ii) disbursing or administering monies appropriated or to be appropriated by the National Assembly.

These powers of investigation as stated in Section 88 (2) are exercisable only to enable the National Assembly to:

- (a) make laws with respect to any matter within its legislative competence and correcting any defects in existing laws, and
- (b) expose corruption, inefficiency or waste in the execution or administration of laws within its legislative competence and in the disbursement of funds appropriated by it.

#### ***Power to Procure Evidence***

As stated in Section 89 (1) the National Assembly is empowered for the purpose of any investigation under Section 88 of the Constitution to:

- (a) 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;
  - (b) require such evidence to be given an oath;
  - (c) 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
  - (d) 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 or 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 summons, and also to impose such fine as may be prescribed for any such failure, refusal, neglect; and any fine so imposed shall be recoverable in the same manner as a fine imposed by court of law.
- (2) A summons or warrant issued under this section may be served or executed by any member of the Nigeria Police Force or by any person

authorised in that behalf by the President of Senate or the Speaker of the House of Representatives, as the case may require.

***Power to Receive the Audited Accounts of Government***

Section 85 (2) provides that “the public accounts of the Federation and all offices and courts of the Federation shall be audited and reported on by the Auditor-General who shall submit his reports to the National Assembly; and for that purpose, the Auditor-General or any person authorised by him in that behalf shall have access to all the books, records, returns and other documents relating to those accounts”.

***Power to Appropriate Funds***

Sections 80 to 83 of the Constitution provide the powers and controls of the National Assembly over public fund. Section 80 (4) does specifically provide that “no money shall be withdrawn from the Consolidated Revenue Fund or any other public fund of the Federation, except in the manner prescribed by the National Assembly”.

***Power of Impeachment, Removal and Confirmation***

Section 143 provides for the power of the National Assembly to remove the President or Vice-President from office for gross misconduct, which is defined as great violation or breach of the provisions of the Constitution. This provides the National Assembly with the ultimate oversight power. Other sections of the Constitution provides the National Assembly with powers to confirm the appointments of certain officers appointed by the executive and also to remove some of these officers as the need may arise. This also provides the National Assembly with oversight powers over these agents of government; however, the Constitution does not confer on the National Assembly the powers to remove Ministers, who are the main agents of government in charge of its major organs.

***Power to Make All Laws***

The Constitution (Section 4 (2)) vests power in the National Assembly to make laws for peace and good governance of the Federation or any part thereof with respect to any matter included in the Exclusive Legislative List.

**House and Senate Rules**

The rules of the House of Representatives and Senate provide for oversight of the executive particularly through the activities of the Committees. The relevant rules are:

**Senate Rules**

- (i) Senate rules grants the Committee on Appropriations and Finance power to consider appropriation bills, along with other committees as sub-committees with respect to ministries, department and agencies under their charge. The Committee can also determine the general fiscal and monetary policy of government (Rule 92, clause 4(a)).
- (ii) Senate rules requires that Ministries' Statutory Annual Reports and other statutory reports required by law must be submitted within three months from the closing date for the submission of the report unless reasons for the delay are given. The reports must also be submitted before the Committee on Appropriations and Finance and other committees consider a ministry's estimates (Rule 93, clauses (a) and (b)).
- (iii) Senate rules grants the Public Accounts Committee power to examine the accounts showing the sums granted by the Senate to meet public expenditure; together with the Auditor's report thereon and for this purpose can send for any person, papers, and records, to report from time to time to the Senate and to sit notwithstanding the adjournment of the Senate (Rule 97, clause 5(b)).
- (iv) Each Committee of the Senate is authorised at any time to consider such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities. Committees are empowered to retain the services of expert, professional, technical and clerical staff as may be deemed necessary to assist their functions (Rule 102, clause 1(b) and (i)).
- (v) Each Committee is expected to submit to Senate annual report of its activities (Rule 92, clause 4(a)).

**House Rules**

- (i) House rules grants the Committee on Appropriations power to consider appropriation bills, along with other committees as sub-committees with respect to ministries, department and agencies under their charge. The Committee can also determine the general fiscal and monetary policy of government (Order XII, Rule 16, clause 4(a)).
- (ii) House rules requires that Ministries' Statutory Annual Reports and other statutory reports required by law must be submitted within three months from the closing date for the submission of the report unless reasons for the delay are given. The reports must also be submitted before the Committee on Appropriations and Finance and other committees consider a ministry's estimates (Order XIII, Rule 1, clauses (a) and (b)).
- (iii) House rules grants the Public Accounts Committee power to examine the accounts showing the sums granted by the House to meet public expenditure;

together with the Auditor's report thereon and for this purpose can send for any person, papers, and records, to report from time to time to the House and to sit notwithstanding the adjournment of the House (Order XIV, Rule A1E, clauses 1 and 2).

- (iv) Each committee of the House is authorised at any time to consider such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities. Committees are empowered to retain the services of expert, professional, technical and clerical staff as may be deemed necessary to assist their functions (Order XIV, Rule B5, clause 8(1), (a)(i) and (i)).
- (v) Each committee is expected to submit to House annual report of its activities ((Order XIV, Rule B5, clause 8(1)(d)).

Apparently, the authority to monitor, investigate or scrutinise derives from these constitutional powers and Chamber rules which are in tandem with most legislatures that are known to exercise effective oversight over their executive counterparts. The National Assembly can only carry them out reasonably and responsibly by knowing what the executive is doing; how programmes are being administered, by whom, and at what cost; and whether officials are obeying the law and complying with legislative intent.

In practical reality, scrutiny of the executive by the legislature in Nigeria is perhaps not different from other young democracies just emerging from the throes of military dictatorship. The Nigerian National Assembly contends with a hyper-active executive arm of government that is quite unwilling to unbundle its considerable power, and which sees other arms of government more or less as extensions of the executive. To this extent, it is perhaps proper to suggest that despite the enumerated constitutional and chamber imperatives available to the National Assembly, it has in the past seven years had measured success in overseeing the government.

### **Oversight Process in Nigeria**

The framework under which the National Assembly undertakes the scrutiny of the executive arm is embodied in the oversight mechanisms that have been established to guarantee a measure of effectiveness and efficiency in holding the executive to account. Through the instrumentalities of Standing, select and Special Committees, the public accounts committee and the office of the auditor-general, the National Assembly has sought to monitor, review and investigate executive intentions and activities. The oversight covers such areas as policy, appropriation and accounts, instances of poor administration and non compliance with legislative intent and protection of individual rights and liberties.

### Policy Oversight

The executive arm of government established itself over the years as a dominant institution through the instrumentalities of military rule. However, since the return to democracy, the National Assembly has striven to make inputs in the national policy process. It has through its policy oversight responsibilities resisted, influenced, or amended some of the crucial pieces of legislations brought before it for consideration.

For instance, out of the 589 Bills read on the floor of the National Assembly from 1999 to January 2006, 92 were passed, and 82 of these assented to by the President. Two Bills were passed into law by two-third majority, while 8 are pending with the President for his assent.<sup>3</sup> Furthermore, from the 589 Bills read on the floor of the Assembly, 236 Bills representing 41.1% were initiated by the executive arm, while 353 Bills representing 59.9% were initiated by members. However, Out of the 92 Bills that were passed on the floor of the National Assembly, 83 were executive Bills while the remaining 9 were member Bills. Two reasons perhaps account for the executive success in getting its Bills passed. First, is that the executive is more cohesively organized and usually deploys the party machinery in getting its members who are in the majority to support government Bills. Second, is that majority of the executive Bills are regulatory legislations needed to leverage the massive economic and political reforms embarked by government after nearly thirty years of military rule. In addition, the military regime that preceded the restoration of democracy was conducted by decrees. Most of the decrees were out of alignment with democratic practice and, therefore, needed modifications to bring them into conformity with the constitution. As such, National Assembly members supported such changes. The table below shows the sectoral presentation of the Bills

Sector	No. of Bills	Percentage of Total
Regulatory	466	79.41%
Social	37	6%
Economy	34	5.7%
Infrastructure	11	1.86%
Foreign Affairs	41	6.96%
Total	589	100%

Even though the executive retains control over policy development, the National Assembly through its relevant committees has had to search-light such policies through intensive legislative scrutiny. One of such instrument is the public

hearings which has become a permanent feature in the legislative process and serves the purpose of expanding inputs from stakeholders.

However, the National Assembly has not always been successful in getting the executive to pander to its opinions and resolutions on general policy issues particularly those that do not require legislation for implementation. Several instances abound, but the most succinct case in the government decision to go ahead with the partial deregulation of the petroleum down stream sector despite motions and resolutions for a halt to such policy.

### **Oversight over Appropriation**

The most important source of influence of any legislative institution is its control of the public purse. Section 80 of the 1999 Constitution vests the power and control over public funds in the National Assembly. To this end, Subsection (1) makes it mandatory for all revenue or other moneys raised or received by the federation to be paid into and form one Consolidated Revenue Fund of the federation. Subsection (2) provides that funds can be withdrawn from the Consolidated Revenue Fund only on the authorisation of the National Assembly. Subsection (3) of the Constitution makes it clear that funds cannot be withdrawn from any other fund except as authorised by the National Assembly. Subsection (4) prescribes that no moneys shall be withdrawn except in the manner prescribed by the National Assembly.

The appropriation process is one of National Assembly's most important mechanisms of oversight. The power of the National Assembly to appropriate money and amend the budget submitted to it by the executive is a defining measure of its overall power. How has the National Assembly gone in the approval, review and monitoring of budgets since 2000?

The transition to democratically elected government in 1999 has substantially changed the Nigerian budget process. Before then, the budget process was characterised by executive dominance, poor financial management, poor implementation, and a general lack of transparency and accountability. The National Assembly had since budget 2000 changed all that in pursuance of the spirit of the constitution. It had during the first full appropriation process under the new constitutional democracy indicated that it would not merely serve as a rubber stamp to executive budget proposals and that it is poised to monitor what is approved. It is widely acknowledged that no other issue has in the past seven years generated much conflict between the National Assembly and the executive as the appropriation exercise. Apparently, in clear understanding that the parliament is the appropriate place to ensure that the budget best matches the nation needs with available



resources; members have had to insist on making input in arriving at sectoral allocations. In doing this, all budget approvals since 2000 have had to be delayed, sometimes, three months into the budget cycle and often with total budget figure different from that submitted by the executive.

This scenario notwithstanding, members complain that the appropriation process can only serve as a tool for effective oversight if ample time is allowed for budget debates. This can easily be overcome through the legislation of a budget cycle to be adhered to by both the executive and the National Assembly. In this regard, the draft budget should be submitted early enough to the National Assembly to allow for a proper and comprehensive review. The minimum time frame between the submission and passage of the budget should not be less than three months. National Assembly on its part should approve the budget prior to the commencement of the fiscal year. Furthermore, the National Assembly should encourage the compilation and debate on budget aggregates and performance indicators prior to the presentation of the budget by the President. This will create expectations and stimulate interest in the budget itself.

More importantly, within the limit of the powers exercised by the National Assembly, it is necessary that the budget process is made transparent and participatory. For now, the entire budget process is dominated by the executive, the legislature and their agencies. The involvement of the public is essentially restricted to clapping and cheering from the gallery of the House chambers during budget presentation by the President. Apart from this, the civil society organisations are now getting involved in budget performance appraisal and forecast for which the outcome of such exercise on budget policies is yet to be determined in concrete terms. Beyond the acknowledged performance of the National Assembly in the scrutiny of budget proposals, it has not been a similar story in terms of monitoring and evaluating budget performance. The National Assembly has had celebrated conflicts with the executive over non implementation of the budget as appropriated. It has severally passed resolutions to register its displeasure with the executive over unimplemented portions of the annual budget and in some instances threatened to impeachment the President on that score.

One popular mechanism which various committees use in monitoring the implementation of policies and legislations is the project and sights verification visits. Otherwise known as oversight visits, members use the occasion to carry out on-the-spot assessment of programmes and projects as approved by them. There are however inherent problems with the exercise. Firstly, most oversight visits are undertaken without adequate preparation and study on what to oversight on the site. In other words, there are usually no checklist of inputs, outputs, outcomes and impact benchmarks upon which a review could be anchored on. Secondly, the interactions

during such visits are solely dependent on information supplied by the agencies without any corresponding efforts to source independent information on the agencies activities. Thirdly, most reports from oversight visits are scanty and sometimes written in most unprofessional parlance and style. When such reports are considered and submitted to the relevant chamber during plenary, nothing is ever heard about such reports. In a specific instance, the House committee on poverty alleviation had its 2004 oversight report stated as follows:

The Committee's findings clearly show that NAPEP has performed below expectations. Therefore, the Committee strongly believes that there is need for an urgent, total reorganisation as well as change in NAPEP's policies and implementation procedures, in order that NAPEP can address the exigencies of the present level of poverty in the country.

Despite these weighty findings, there is no indication that any further action was taken to address the issues raised. In fact, there is no available evidence of correspondence between the committee and the agency. Fourthly, the statutory requirement for each ministry and agencies to submit annual reports to the National Assembly three months before budget considerations have at best been perfunctory. In the first place, there is currently no standard format for such report presentation. This has resulted in a situation where most members have limited information on the operations of agencies they oversee except when they pay oversight visits. Ordinarily, such a report ought to incorporate such reviews as agency policy direction, internal transformation, monetary receipts and disbursements, achievements, challenges, gaps and insights for the future.

At any rate, other tools of Legislative scrutiny have also been useful. Evidence abound that various committees have had reasons to summon and in some cases compelled the attendance of executive officials for explanations on issues of current concerns and development. Most of these public hearings have led to dramatic exposures that eventually crystallised into national embarrassment. Such cases as the national identity scandal, the MT African Pride ship and the ALSCON privatisation stand out as outstanding success stories.

The capacity of the committees to undertake the scrutiny of agencies under their purview requires not just the constitutional authority, but the human and financial resources to investigate, monitor and review. As it is now, most committees do not have office secretariats to accommodate the support staff and in some instances, committee secretaries are reshuffled frequently as to allow for specialisation in policy areas. In addition, there is the ever recurring paucity of funds to facilitate visits and procure information independently from the executive. Above all, a good number of the members are "unwilling to rock the boat" through what they

describe as oversight activism. For them, as members of the ruling party, it is a mark of party loyalty to protect the Government interest at any time it is under threat.

### **Oversight over Poor Administration and Non-Compliance with Legislative Intent**

All through the period of military rule, the culture of executive impunity and lawlessness prefaced much of government engagement with the rest of the Nigerian society. The 1999 Constitution has specifically sought to “expose” such cases through the investigatory instruments of the National Assembly and with a view to applying remedial actions. The National Assembly has responded and continues to respond to crucial national issues albeit with measured success in getting the executive to respond to their intents. Where the National Assembly has successfully investigated matters, their resolutions on such issues have more often than not been neglected by the executive without any serious sanctions, or appropriate response to such obvious contempt of its powers. A cursory look at some of the charges leveled against the President on the three occasions impeachment moves were made against him shows the frustration of the National Assembly in getting the executive comply with constitutional provisions and legislative intents. Such changes include:

A key question which the National Assembly will need to address is the extent to which non enforceability of its oversight recommendations and decisions impinge on their power to scrutinise the executive. The uncertainty surrounding this issue perhaps explain the several breaches by the executive whose response and attitude to matters of oversight decisions are lukewarm and more often than not dismissive. It is hardly possible to exercise effective oversight without power to follow up compliance with legislative intents.

### **Oversight over Individual Rights and Liberties**

The National Assembly through its Committees on Public petitions entertain petitions or

Complaint from the public bothering on issues such as illegal termination of appointment, wrongful dismissal, compulsory retirement, executive lawlessness, non-payment of retirement benefits, maltreatment of pensioners, regularisation of promotion, unsettled salaries and wages, illegal demolition of houses, etc. Although some of the public petitions were heard, determined and appropriate authorities made to act, the number of such cases attended to so far, are too few leverage on the cases of infringements. As the table below shows, out of the 746 petitions referred to the Committee on Public petitions of the House of Representatives between June 1999 and June 2006, only 81 have been considered by them.

S/NO	Legislative Period	No. of Petitions Referred to Committee	No. of Petitions Considered
1	June 1999 – June 2000	91	18
2	June 2000 – June 2001	176	16
3	June 2001 – June 2002	92	7
4	June 2002 – June 2003	36	2
5	June 2003 – June 2004	149	13
6	June 2004 – June 2005	131	19
7	June 2005 – June 2006	71	6
<b>Total</b>		<b>746</b>	<b>81</b>

**Source:** collated from information obtained from the Secretariat of the Committee On Public Petitions.

### Constraints

All legislatures in general and committees in particular can undertake effective and efficient scrutiny of the executive if constraints of resources and executive hyper activism are brought to minimum. While the National Assembly has without doubt striven to exercise its oversight responsibilities, it is also saddled with constraints which impede their work.

Politically, there is an unspoken weak incentive for undertaking effective scrutiny of the executive in Nigeria. A good number of legislators, particularly from the ruling Peoples Democratic Party (PDP) are usually unwilling to be seen and regarded as activists and reformist entrepreneurs when it comes to putting the executive on the spot over its actions or inactions. The major reason behind this is the emerging cases of low re-election rate among those who are perceived as "recalcitrant party members" always in support of vibrant oversight by the National Assembly. The experience in the past seven years is that the Peoples Democratic Party, which is the ruling party, and has overwhelming majority in the National Assembly, sees diligent oversight of the executive under their control as confrontational and in some instances as anti-party activity. This much was contained in a statement credited to Chief Ojo Maduekwe, one time Secretary of the Peoples Democratic Party (the ruling party in Nigeria), who threatened House of Representative members in his party, and who are part of those agitating for impeachment proceedings against the President. According to him, legislators who oppose party positions should learn from the experience of their predecessors who could not return to their seats for their obvious confrontation with the executive. Impliedly, this statement was made to pass intimidating message to legislators not to confront the executive under any guise. One other moment was in 2003 when President Obasanjo in his 2004 budget presentation gave a strong order to the National Assembly to keep off from the MDAs as he warned that the new regime

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would not tolerate oversight as a weapon of blackmail or channel for inducement. When these intimidatory messages are added to the excessive executive power, they constitute serious constraints to effective scrutiny of the executive.

The power of political parties in most developing democracies to select candidates for elections in the long run affects legislative behaviour of members. In this regard, Stanley Bach( 2000:9) has noted and correctly too that when the parliamentary careers of legislators depend on their placement on their party's list, the last thing they want to do is to engage in activity that challenges the policies and actions of their own party's government. The Constitution of Nigeria makes it very clear in Section 65 Subsection 2(b) that a person shall be qualified for election into the National Assembly if "he is a member of a political party and is sponsored by that party". This confers enormous powers on the parties to exercise full control on the nomination of candidates through party primaries and to moderate the behaviour of members. For example, only about 25% of the members of the House and 23% of the Senators made it back to the National Assembly in 2003. In the ongoing PDP primaries across the country, there is indication that over 40 out of the 75 PDP members in the Senate have lost their seats. Although, it is true that most of the legislators lost their seat for non-performance including their inability to properly provide checks over executive actions, a good number of the legislators lost their seat because of their perceived confrontational disposition towards the executive. However, despite this constraint, some members of the ruling political party continue to engage the executive in the understanding that the survival of democracy in Nigeria is more important than winning election. The principled opposition by a considerable number of PDP members to the *executive tenure elongation* or what is popularly called "third term bid" continues to reverberate as the defining index of National Assembly's independence from the executive.

Institutionally, several resource gaps challenge the National Assembly. Oversight of the executive by Legislative Committees is no doubt a technical and sometimes complicated engagement. They need trained and specialised support members of staff that have the capacity to organise and analyse sometimes complicated information and deliver them in understandable form to the legislators to facilitate legislations. In addition, robust research services have become sacrosanct in view of the sophistication and diversity of issues that they deal with and for which most part, added inputs are required. The committees in the National Assembly lack sufficient research services and are sometimes constrained by funds to draw on outside resources. The Research Department of the National Assembly has not been involved in providing targeted research inputs to the legislative process due largely to the limitations in capacity and orientation of the staff. This perhaps explains the recent establishment of a Policy Analysis and Research Project whose mandate includes among others to "builds its capacity to effectively initiate and

evaluate bills by providing the required research, analytical and dissemination resources". Again, the National Assembly lacks a budget office. As a consequence, it has restricted its focus on the appropriation process without developing the capacity to understand and challenge the basis of the appropriations presented to it. If the National Assembly intends to determine the financial priorities of government and to monitor the implementation of the budget effectively a budget office becomes imperative.

In addition to this, there are generally speaking no indications of specific oversight monitoring and reporting schedules for committees of the National Assembly. Committees are left to decide how they conduct oversight and are not required to submit their oversight plan for scrutiny and for records. Without such a required monitoring and scheduling plan it will be difficult to adequately, for example, budget for oversight activities for each legislative year.

Again, the National Assembly does not have a minimum benchmark for conducting oversight. There are no general guidelines for conducting oversight, except for the guidelines for conducting investigative hearings. There are no written rules for oversight, no schedule for oversight, no specific report requirement for oversight except as part of the general activities of a committee or of a special committee or of an investigative hearing that could all be encapsulated in "Oversight Rules" statutes of both Chambers of the National Assembly. This could further be backed by an oversight manual that would further expatiate on the rules and provide a step by step "how to do" oversight to guide the legislators, their staff, the executive, the general public. For this reason, oversight activities of the National Assembly do not appear to be systematic, well coordinated, and continuous to guarantee an effective watch over the executive. These are at best accomplished in a haphazard and episodic manner.

Above all, there are few facilities available for effective committee work. Currently, there are just too few Committee rooms in the National Assembly, which are far from adequate to serve the 124 Committees. As a result some important Committee meetings have had to be either put off or wait till there is available room for deliberation. In addition to the problem of space, the frequent transfers and postings of Committee Secretaries rob the Committees of personnel who may have developed competence and specialization in a given policy or agency portfolio.

The lack of diligence in information management has also resulted in a very poor perception and misrepresentation by both the media and public about oversight activities of committees. For now, oversight reports or even reports and decisions after public hearings are not made available to the public who ought to have access to them as of right. This delink in communication, in addition to the existing weak constituency relations between the legislators and the public automates the poor perception of the National Assembly as a representative institution.

**Conclusion**

Most legislatures that are known to exercise effective scrutiny over their executive usually possess the capacity to remove executive (through vote of no confidence and impeachment); power to get information from the executive (compel testimony, demand report, etc); effective control of the power of the purse; functional committees capable of knowledgeable monitoring and assessing executive behaviour. Unlike some African countries, the Nigerian Constitution has conferred on the National Assembly an impressive array of powers enough to undertake task of keeping a check on the executive. By intendment and practice, the National Assembly can not be construed as a rubber stamp of the executive despite calculated attempts to subvert their autonomy. The National Assembly has in several ways demonstrated independence and has acted consistently to check executive excesses despite their seeming overbearing disposition.

However, it must be acknowledged that several constraints bug down the performance of oversight in the National Assembly. These constraints constitute challenges that must be overcome as democracy consolidates. But beyond this, the pervasive perception within government that the oversight functions of the National Assembly is an intrusive weapon available to disgruntled party members and opposition to purposively humiliate, police and expose mistakes of government is patently wrong.

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