

*Operational and Structural Challenges of Standing Committees in the National Assembly: Perspectives and Options*

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**Abstract**

Committees are ubiquitous; they can be found in all types of legislatures. They figure out significantly on all continents and in most countries of the world, increasingly playing a large role in the day-to-day work of parliaments. The Nigerian National Assembly has in place a robust Committee system. In recent times however, there have been questions on the implications of the number and size of Committees, frequency in the dissolution and reconstitution of Committees and the general operations of Committees in the National Assembly. It is in light of these that this paper examines the emergence, characteristics, structure and operations of the committee system in the Nigerian National Assembly (NASS). Our review of the structure and operations of committees in the National Assembly shows that there are some challenges. The paper suggests that to strengthen the activities of Standing Committees, there is need to re-structure their number and size in order to bring them in line with reality and address other operational deficits bordering on leadership and resource gaps.

**1.0 Introduction**

Legislatures are multifunctional in character due largely to their composition, nature and diversity. They interact frequently and extensively with all segments of the society, deliberate on policy proposals, enact laws and finally oversee executive actions in various fields of administration. This character more than any, accentuates the expectations of the represented, makes the Legislatures the bulwark of democracy and compels them to assume the first and in some instances the last hope of the Constituents. While the Executive has in all instances vast administrative machinery manned by experts and civil servants at its disposal to carry out its mandates, the Legislature is handicapped in this regards. To undertake the enormous responsibilities trust on it with efficiency and speed, the legislature needs a mechanism/structure of its own in which matters may be referred for examination and report prior to consideration of the whole House.

Indeed as the demands on a modern parliament are numerous and it is not possible for the whole House to consider all the details necessary for performing the proper function of a legislature as it were, the most practical machinery devised for this purpose is the setting up of a number of Committees composed of small number of members of the legislature. The utilitarian rationalization underpinning the composition of legislative

committees is thus hinged on efficiency and speed, as well as serving as sources of specialist knowledge.

Parliamentary committee as a small unit or group of MPs set up within the parliamentary system allows parliament to perform several functions simultaneously, and also provides the opportunity for more detailed investigation and discussions before findings and outcomes of these committee meetings are presented as committee reports to the broader group for debate and conclusions.

The system of Committees facilitates the consideration of issues which, as involving points of detail or questions of technical nature, are not possible for the House as a whole to discuss at length. The committee system, while ensuring a fuller and more comprehensive examination of matters, also results in saving the precious time of the House for discussion of important matters and prevents Parliament from getting lost in insignificant details, thereby, losing hold on matters of policy and broad principles. While the composition of the Committees generally reflects the composition of the House, their proceedings are less formal and the procedure more flexible than the House. This leads to a more comprehensive and judicious consideration of the issues entrusted to the Committees.

In essence, the relevance of committee system is that they perform the role of specialized study groups in providing details on issues brought before them. They facilitate efficient delivery of core legislative responsibilities, which is why committee system is considered as the powerhouses of the Legislature (PARP 2010). In all, the division of the whole house into smaller units has the basic objective of promoting efficiency in the performance of the legislative and other related roles of the assembly. This is the underlying reason for the utility of committee system in virtually all forms of liberal representative democracy (Fashagba 2009). In summary, the committees are designed to:

- Promote legislative efficiency and effectiveness,
- Make for detailed examination of bills and other legislative assignments,
- Provide for legislative oversight of the Executive branch of government and other matters related thereto,
- Promote public participation in the legislative process through public hearings, interactive sessions, and investigations, among others.

Although the centrality of Legislative committees now appears to be a global phenomenon there are variations in the structure, number and powers of Committees across legislative provinces. Yet they cannot be considered to be altogether different, since Legislatures across different political systems share certain common attributes, especially in respect of their characteristics and nature of functions they perform. Committees often share at least some of the following attributes:

- They have developed a degree of expertise in a given policy area often through continuing involvement and stable memberships, and this expertise is both recognized and valued by their colleagues;

The Committee of the Whole House, to start with, somewhat served as the *clearing house* on Bills unless expressly indicated otherwise through a Motion to that effect as indicated in the standing Order 44; below:

When a Bill has been read a second time, it shall stand committed to a Committee of the whole House, unless the House on Motion may commit it to a Standing Committee or a Select Committee...(Ojo 1997, 226).

In the case of the Standing Committees, standing, Order 59 (1) made provision that:

At the beginning of every session the Committee of the Selection shall appoint three Standing Committees, to be known as Standing Committees A, B, and C for the consideration of public bills.

In retrospect, the three standing committees in the first republic were dormant as there was hardly any instance when Bills or any matter stood referred to a standing committee. Perhaps, this was the reason for the observation that *there was little expertise in specific policy areas by any of the committees*. Accordingly, Ojo notes, "the House invariably resolved itself into the Committee of the whole House after the second reading of any Bill" (Ojo 1997:226).

Under the second republic, Parliamentary committees owed their origin to and gained legitimacy from two sources: the Constitution of the Federal Republic of Nigeria, and the *Rules of Procedure of Parliament (Rules)*. As such, the 1979 Constitution provided explicitly under section 58 (1), that:

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

In line with this provision, the National Assembly made provisions for the establishment of a system of committees under its standing Orders/Rules. For instance, the Senate standing Rule 39 (1) of 1980 provided that:

When a Bill has been read a second time, it shall stand committed to a Standing Committee, unless the Senate on Motion made commits it to the Committee of the whole Senate. Such Motion shall not require notice, but must be made immediately after the Bill is read a second time and must be proposed by the Senate in charge.

For the first time, the functions of the standing Committees with corresponding jurisdiction over MDAs were spelt out in the standing Rules/Orders. For example, for the House Committee on Finance and Economic Development, the Order stated that the Committee's jurisdiction shall cover:

Fiscal and budgetary matter, government investment in Banks and ~~Secretary~~ corporations and agencies, insurance, insurance of government property, ~~interest~~

making process (Ahmadu and Ajiboye, 2004:87). It is however important to remark that legislative Committees in the Presidential democracy are naturally more powerful than legislative Committees in Parliamentary democracy. The comparative advantage enjoyed by legislative Committees in the presidential system is as a result of the practice of separation of powers which allows for a less partisan atmosphere in which Members can consider legislative proposals and conduct enquiry with less control from the executive arm of government. This is not the case under the Parliamentary system in which the legislative and executive powers are fused.

Among other ancillary mandates, the Committees of the National Assembly have the powers to:

- Examine matters within their specified mandate or matters referred to them by the House;
- Report to the House from time to time
- Send for persons, papers and reports;
- Sit while the House is sitting or stand adjourned;
- Print necessary papers and evidence;
- Delegate to sub-committees any of their powers except the power to report to the House;
- Hire experts and consultants;
- Undertake investigatory or inspection tours;
- Organize workshop and seminars on subject matters under their jurisdiction; and
- Organize or institute hearings on any matter referred to them.

Although, Standing Committees of the National Assembly enjoy extensive powers, most of which are bestowed by the Standing Rules/Orders, these are not comparable to that of the United States Congressional Committees. Whilst for instance the Congressional Committees have considerable leverage to kill a Bill referred to them by refusing to report on them, the Committees of the National Assembly are required to submit reports on Bills and other assignments to the House.

In a general sense, the standing Committees of the National Assembly have since 1999, undertaken the following responsibilities with varying decree of success:

- I. Scrutiny of bills and measures assigned to them by their parent House in detailed manner;
- II. Conduct of hearings on bills, crimes/scandals and other matters assigned, and thereby provide mechanism for expression of viewpoints by groups and individuals on matters of public interest;
- III. Conduct of oversight on executive agencies under their jurisdictions;
- IV. Performance of adjudicative functions by settling disputes and investigating crimes
- V. Consideration of annual budget estimates of the executive agencies under their legislative jurisdictions;

**Table 1: Number of Committees in Selected National Legislatures**

<b>Legislature</b>	<b>Size</b>	<b>Number of Committees</b>
German Bundestag	662	24
French National Assembly	577	6
Indian Lok Shaba	545	18
Japan Diet	511	20
US House of Representative	435	19
Thai House of Representatives	360	15
Romanian Chamber of Deputies	341	14
Canadian House of Commons	295	20
Argentine House of Representatives	254	38
Portuguese National Assembly	230	12
Senegalese National Assembly	120	11
Nigerian House of Representatives	360	84
UK House of Commons	650	47

*Sources: Based on NDI Report (1996, 2000)*

The 1999 Constitution of the Federal Republic of Nigeria provides under **Section 62** for the establishment of Committees in the National Assembly without specifying the number. Relying on this lacuna and on the pretext of meeting the exigencies of legislative responsibilities, what followed since 1999 is the proliferation of Committees on all conceivable subjects/policy domains. For instance the House of Representatives Committees have grown from 60 in 1999 -2003, 73 in 2003-2007, and 84 in 2007-2011 to 91 in 2011. One of the noticeable problems arising from the unfettered mushrooming of committees is jurisdictional conflicts. The jurisdictional fragmentation of many of these committees seem ludicrous as exemplified in the splitting of such committees as Committee on Federal Capital Territory (FCT) in the House of Representatives into House Committee FCT and House Committee FCT (Area Councils), House Committee on foreign Affairs into House Committee on Foreign Affairs and Committee on Diaspora or the splitting of Air force, Army, Navy, alongside Defense, National Security and Intelligence into five separate committees.

It is true that when a committee is made of small number of people and the body enjoys some degree of continuity over a relatively long period of time, a degree of specialization results (Smith, 1980). But, Gondin insists that committees should, however, be large enough to be reasonably representative of the primary assembly, yet small enough not to become unwieldy for dealing with details. The Standing Orders/Rules of the two Chambers of National Assembly provide for the composition of Committees. For instance, the Senate standing Orders of 2007 stipulates that membership of all Committees shall not be less than nine (9) and not more than thirteen (13) Senators; no Senator shall serve in more than five (5) Committees; no Committee chairman shall serve in more than two (2) other Committees; and no member of the Committee of Selection shall be a Committee chairman.

However, the size and assignment of members to Committees have continued to pose a challenge in the effectiveness of National Assembly Committees. The state of affairs has been fruitfully and elaborately capture by Ojabgohunmi (2004) when he observed that the membership of many committees, especially in the House of Representative, ranges between 25 and 40, is too large. The Standing Orders provides that no member shall belong to more than five Committees. Only very few members belong to less than five Committees. This is one of the factors responsible for bloated committees. Another underlying factor responsible for over-sized committee is the provisions of the Standing Rules/Orders of the two houses which permits political parties to nominate members of committee in accordance with their strength in the parliament. The implication of this is that parties tend to ensure that many of their members are sent to Committee they consider strategic. An obvious consequence of over-sized committee membership is that a large number of members have no time for the business of their Committees, thus creating problem of quorum at meetings. The standing rules/orders stipulate that the quorum at the Committee meetings shall be one-third of the membership.

Ancillary to the challenges of number and size in the National Assembly is the problem of instability of the Committees as reflected in the frequency of the dissolution and reconstitution of Committees and the general operations of Committees. It is a widely accepted view that stability in the membership of a committee serve to develop specialized knowledge among legislators and staff in respective policy and programme domain. When Committee members serve consistently in committees over several legislative sessions, they acquire considerable expertise to facilitate effectiveness and efficiency in dealing with matters brought before them. Unfortunately, most Committees in the National Assembly have not enjoyed this membership stability. In reality, Committees in Senate and House of Representatives were dissolved and reconstituted twice in 1999 – 2003, and also in 2003 -2007. Even when the dissolution and reconstitution glee stopped from 2007, there is no mechanism in place to ensure that re-elected members are retained in the committees they previously served as a way of developing legislative specialization.

#### 4.0 OPTIONS FOR THE WAY FORWARD

More often than not, the structure and operational procedures of committees are not matters of constitutional design. They are established under the Standing Orders of parliament and reflect the evolution of each parliament's practice. As such in matters of the operations of Standing Committees, legislative bodies must adapt to stresses and strains in their internal environments if they wish to remain effective. Towards curtailing the inherent structural and operational challenges faced by Committees of the National Assembly, the following options are suggested:

1. The number, the size and the composition of Standing Committees should be drastically reduced despite the existing pressures on the leadership to proliferate them for political reasons. In their present form, the Committees are over stretched, unwieldy, unstable, under resourced and in some instance lacking in expertise. Rather than expend the available lean financial resources on servicing committees that could well serve as sub-committees, such funds should be harnessed to bring operational efficiency to a compressed number of committees. It is an imperative that committees are streamlined not only to promote specialization amongst Legislators, but to bring more seriousness in the attendance of committee business by members. The reduction in the number of Standing Committees should target replicated committees and such others as Women in Parliament, Inter/Intra-Party Affairs, Inter-parliamentary, etc.) that are run as formal committees which however should not be considering the fact they are mostly non-formal working groups.
2. Amongst key operational challenges in managing committees in the National Assembly is the recurring leadership deficit observable with Committee Chairmen. Yet, the skills of the chairpersons of committees in managing activities and meetings of the committees have a tremendous impact on output. In this regard, it is suggested that mandatory trainings on leading and managing committees be mounted for all who are appointed as chairmen of Committees. In addition to this, ranking experience in both Chambers should be used in the appointment of Chairmen of Committee.
3. If a committee is to perform its functions satisfactorily, it must be assured of sufficient administrative and research support for its work. However, there has generally been very little effort in the National Assembly to ensure that adequate resources of staff and material are available for the work of the many committees. If the committees are to be made more operationally effective, National Assembly will need to
  - Estimate the staff and material requirements for each existing committees and provide those resources accordingly;
  - Ensure that the staff appointed are sufficiently trained for all aspects of their work, from preparing agenda as required by the chairman or committee to keeping records and summoning witnesses;

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