The Nigerian Experience in Legislative Practice, Process, and Legislation

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Abstract

Nigeria has a relatively short history of viable legislative institutions and popular government. Nigeria was one territory among many into which the British-style political institutions and practices were transplanted. The parliamentary system and a federal structure were bequeathed to the nation. The 1960 Constitution provided for the fusion of legislative and executive powers. The 1963 Republican Constitution largely incorporated provisions of the 1960 Constitution. This sufficed until the military incursion into the constitutional and democratic governance between 1966 and 1979 when specifically, the legislature, as an effective institution was suspended and appropriated by the military authorities. There was yet another military take-over of government in 1983 consequent upon which the 1979 Constitution was suspended with recourse to the promulgation of Decrees and Edicts. Nigeria exited authoritarian dictatorship for civilian rule in May 1999. The 1999 Constitution provides for a bicameral, and a unicameral legislature at the national and the state levels respectively and enjoins separation of powers and checks and balances. Studies abound on the relevance and significance of the legislature, as it holds far-reaching implications for the people and the system of rule. It is on this premise that this paper historicizes and contextualizes the Nigerian experience in legislative practices and legislation. Using qualitative method, the paper is a follow-up to existing works on legislative studies within the context of the shared features of post-colonial and post-conflict systems of its kind including transactional politics, the defective state system, poverty and inequality, and the desperate quest for power.

Key Words: Nigeria, Legislature, Federal, Decrees and Legislation

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Introduction

Representative government is seen as the establishment of the legitimate authority of the state within a democratic polity (Hans, 2000). Legislatures are symbols and agencies of popular representation. The legislature is the critical unit that joins society to the legal structure of authority in the state. It is the most organised theatre of political action and a veritable avenue for the mobilization of peoples’ consent for the system of rule. Legislators play an essential role of standing for the people by providing a formidable defence against executive tyranny (Hague and Harrop, 2004). This presupposes that the legislature’s performance is to be rightly measured vis-à-vis people’s expectations. As critical units of a political...
entity, the legislature is expected to make the values, goals and attitude of a social system authoritative in the form of legislation. The combination of these variables better explain why the legislatures constitute desirable subjects and objects of analysis in contemporary democratic governance discourse (Almond, et al 1996). The legislature is an institutional representation of the popular will that legitimizes the system of rule. The two major environments of the legislature, that is, the legislature-executive relations and the legislature-electorate relations provide the structural context for the assessment, characterization and classification of legislative institutions. The identified network of relationship is essential in understanding and explaining the nature and character of the legislature in the foremost tasks of lawmaking, representation and oversight. Legislators must think highly of their responsibilities as trustees of the electorate. They are expected to perform an intermediary role between the government and the people whose wishes and desires must take precedence (Muheeb, 2016).

As Olson noted, in a representative government, the legislature as an institution is not an extension of the executive but a partner working with the executive for public good (Olson, 1980). The significance attached to the legislature derived from the extensive powers vested in the legislative institution and the broad range of functions it is expected to perform, which include, but not limited to representation, deliberation, law-making, exercise of power of the purse, education, socialization and recruitment, interest articulation, aggregation and harmonization, and as a potent check on other arms of government through oversight, scrutiny and investigation (Baldwin, 2013, Anyaegbunam, 2010, Hague and Harrop, 2004, Olsen, 2004; and 1980, Mahler, 2003, Akinsanya and Idang, 2002, and Almond, et al, 1996). The extent to which the legislature represents the interest of the people both in the conduct of members’ vis-à-vis their relationship with other actor-institutions in the governmental process, particularly the executive are crucial to the nature and character of the legislature (Muheeb, 2016a, & 2016b). Representation signifies an individual or sizeable number of individuals acting on behalf of a larger group of individuals, as a feasible mechanism for harmonising interests. Expectedly, representatives are to project the opinions and choices of the individuals who elected them. Consequently, a representative must be responsible to no one but the electorate because each representative in the legislative assembly is autonomous in relation to other representatives and to the executive (Hans, 2000).

In contemporary legislative discourse, renewed emphasis on legislative scrutiny and oversight appears to have further enhanced the prominence of the legislature as a watchdog over the executive. Legislative oversight entails monitoring and reviewing the actions of the executive and aligning executive performance with the rules and dictates of the governance process. Through oversight, the legislature ensures that the executive gives account of its actions or policies, as and when necessary. The legislature also ensures that the executive make amends for any fault or error and take steps to prevent its reoccurrence in the future. Deliberation functions of the legislature suggest that the organ is vested with the right to make laws (legislation) and where and, when necessary, alter executive proposals. It entails giving due consideration to issues of public importance to the generality of the people. The executive initiates and forward bills to the legislature while the latter reviews and work on them as deemed fit.
Legislators, as representatives of the people, a fact which qualifies them as trustees of the society, are expected to bring to bear their intra- and inter-institutional networking knowledge, competence and expertise on issues brought before them. In this manner, important issues are exhaustively debated and deliberated upon, setting the tone for consequent policy outcome. This implies that bills are scrutinized and authorised by the legislature, as law-making is clearly deliberative, involving extensive consultation, serial readings and debates modifying in the process executive proposals (Hague and Harrop, 2004).

Baldwin posits that virtually all legislative institutions are constitutionally designated for giving assent to binding measures of public policy, that assent being given on behalf of a political community that extends beyond the government elite responsible for formulating those measures (Baldwin, 2013). While stressing the importance of representative government with broad powers and authority derived from the people, Born and Urscheler nonetheless recognise the variations in the functioning of the legislature particularly as regards the interplay of forces in the shaping of legislature-executive relations. Consequently, they posit that there are no universal standards or best practices for legislative oversight; more so that accepted substantive and procedural principles and practices as well as legislative structures in one established democracy may be a radical departure from what is obtainable in another system (Born and Urscheler, 2002). This is in conflict with the emphasis on the minimum standard to which the legislature must conform (Muheeb, 2016).

Structure of the Legislature

Legislatures vary in structure, form, shape, sizes, power functions, autonomy, procedures and traditions. The size and diversity of a country plays a significant role in determining the size and form of its legislature. However, the two most prominent classifications of the legislature in the literature are: unicameral and bicameral legislatures. At the national level, both types are characteristically reflective of such variables as; diversity, hegemony, party politics, political arrangement, forms of government and regime type, among others. Unicameral legislatures are one-House or one-Chamber legislatures common to most one-party states like Israel. In some federal systems like Nigeria, the sub-units (states and local governments) have each a single chamber legislature. Bicameral legislature, on the other hand, presupposes two chambers, often referred to as the lower and the upper chambers. The Constitution of the Federal Republic of Nigeria 1999 vests legislative powers in the Senate and the House of Representatives being the upper and lower chambers respectively. This is by the provisions in Section 4(1) of the Constitution. Article 1 section 1 of the US Constitution equally vests legislative powers on Congress, which consists of the Senate and House of Representatives. Germany has the Bundestag and the Bundestag as upper and lower chambers as well, while the British Parliament comprises of the House of Lords and House of Commons. Baldwin (2013) observes that while Demark (the Folketing) and New Zealand (the House of Representatives) are unicameral legislatures; others France (the National Assembly and the Senate), Russia (the State Duma and the Council of the Federation) are bicameral legislatures. According
to the Inter-Parliamentary Union there are no fewer than 114 unicameral and 79 bicameral functional legislatures around the world.

Countries opt for either of unicameral or bicameral legislative structure not necessarily based on the size of their population. Choice of structure could be a function of the political and constitutional history and development of each country. For example, the People’s Republic of China with a population of more than 1.3 billion has a unicameral legislature with a statutory 3,000 members (though currently 2,978 members), while bicameral legislature suffices in Antigua and Barbuda with a population of some 87,884 consisting of the House of Representatives (with 19 members) and the Senate (with 17 members). Baldwin also noted that some countries like Denmark in 1953, Sweden in 1970 and Peru in 1993 were previously bicameral but have moved to unicameral structure. Others like Tunisia in 2005 were unicameral and subsequently moved to a bicameral structure. Again, Turkey was unicameral from 1921, became bicameral in 1961 and reverted to unicameral structure in 1982. Structure in this regard is the result of the political and constitutional history and development of each country (Baldwin, 2013).

Baldwin (2013) also noted that there are the highly disciplined, tightly controlled legislatures of one-party authoritarian states such as the former Soviet Union, the German Democratic Republic (East Germany) and other Soviet bloc countries or those that can be seen today in the People’s Republic of China (the National People’s Congress) and the Islamic Republic of Iran (the Islamic Parliament of Iran, or Majles). There are unruly, fragmented legislatures like the Knesset in Israel, in which executive control often appears difficult if not impossible to establish. The working relationship between the House of Representatives and the Senate in the United States, particularly when one party has a majority in one chamber and a different party is in majority position in the other can lead to an inability to get anything through the legislative process, producing ‘legislative logjam’. The legislative term 2010-12 witnessed such logjam when the Republicans controlled the House and the democrats controlled the Senate and the executive under President Obama had difficulty getting government policies and programmes (like the Obama Healthcare programme tagged Obama Care) requiring legislative backing through the Congress.

A functional representative legislature holds far-reaching implications for the people as well as the system of rule. Recourse to the legislature on virtually every issue best captures the very essence of representation and the legislature. Such words as: assemblies, congress and/or parliament could be used interchangeably to denote the legislature as applicable to different climes. The legislature in the USA comprises of the House of Representatives and the Senate, both of which make/up the US Congress. The British Parliament, which comprises the House of Lords and the House of Common constitute the British legislative arm of government (Hague and Harrop, 2004). The word ‘assemblies’ often refer to legislatures at the national or sub-national levels of government in Nigeria. According to Baldwin (2013), legislatures are known by different names from one polity to another. The word ‘Parliament’ suffices in
the United Kingdom, ‘State General’ in the Netherlands, ‘Cortes Generales’ in Spain, ‘Federal Assembly’ in Russia, ‘Diet’ in Japan, ‘Supreme Council’ in Ukraine, and ‘Congress’ in the United States.iv

Significance attached to the Legislature

Following Muheeb (2016), the legislature is generally considered strategic. The importance attached to the nomenclature can be understood when viewed against the determination of even authoritarian regimes that desire to have or label institutions with the term ‘legislature.’ This is notwithstanding structural deficiencies in membership composition, selection processes and in the use to which institutions so designated are deployed. In specific terms, scholars observed that the legislature is accorded greater recognition in the US by virtue of the extensive statutory powers vested in it as against the executive represented by the President. Constitutions of countries largely establish the fundamentals and determine the specific character of the legislature expected to function independent of other branches of government. This is the case in the United States and other systems that are held as models of democracy (Squire et al, 1997; Ritchie, 1997; Kreppel, 2004).

Hague and Harrop provide useful statistics to highlight the widespread acceptability and recognition of the legislature as an essential unit of popular government. They observe, for example, that as at 1990, only fourteen (14) out of one hundred and sixty-four (164) independent states had no assemblies at all. The preponderance of legislature-designate institution is a reflection of the recognition attached to it. The significance of these legislatures is to be found largely in what they statutorily stand for rather than what they do (Hague and Harrop 2004). Legislatures occupy a pride of place even in authoritarian regimes where they often function only as shadow institutions performing symbolic roles with often short legislative sessions. Legislatures in authoritarian regimes are largely comprised of government nominees and appointees. Echoing Mezey’s (1979) classification, legislatures in non-democratic systems merely play a marginal or minimal role in policy-making. Legislators pose little or no threat to the executive pursuing parochial interests and concentrating on raising grievances and sometimes perfecting strategies for the criminal appropriation of public resources for private gains at the expense of issues of public importance (Hague and Harrop, 2004). While the above classification may be useful, this is not to argue that the reverse is entirely the case in democratic systems.

As noted elsewhere, executive dispositions in non-democratic regimes notwithstanding, legislatures are still of immense significance, as they: (i) represents a formidable institution and an essential indicator of legitimacy for the political regime; (ii) serves as an avenue for integrating moderate opponents into the regime, providing a forum for negotiating issues that do not threaten the executive’s key interests; and (iii) serves as a point of contact between the state and the society. It also provides an avenue for the ventilation of grievances and harmonisation of interests without threatening the system of rule. Regardless of the structure and implication for the regime, the legislature provides a credible platform for potential
recruits to the political elite from among members who are presumed to have undergone useful reliability test on the floor of the legislature (Hague and Harrop, 2004) (Muheeb, 2016).

**The Legislature and the Locus of Power**

According to Baldwin (2013), legislatures perform varied functions both intended and unintended. Notwithstanding similarities in basic functions of legislatures, each legislative institution reflects the distinct country-specific peculiarities that impact on performances that invariably account for variation in the operational efficiencies of legislatures around the world. Nevertheless, findings attest to the reality that the executive rather than the legislature wields the real power in the governmental process. Legislatures are more or less subordinate institutions within the framework of extant constitutional and political systems. This is more so that instances of wholly independent and unrestricted policy-making legislatures are rare with the possible exception of the United States Congress. For example, whereas the President of the United States can exercise executive power through issuing executive orders, as Commander-in-Chief; he cannot control the congress in the same way as a British Prime Minister can possibly do of the House of Common (though not necessarily the House of Lords). However, the U.S. President’s ability to lead or influence the Congress is lessened even more if his party does not control either or both of the Houses, as President Obama found when the Democrats lost control of the House of Representatives in the mid-term elections of 2010.

Baldwin reiterates that regardless of the circumstances of legislatures, most legislatures can be identified as either policy-influencing legislatures or legislatures with only marginal policy effect. The popular age-long truism however is that legislatures are on the decline in comparison with, and as a direct result of the increased power of executives. Legislatures have had to contend with ‘chronic ailments’ that tend to undermines legislative institutions. The literature is awash with reasons for this downward trend and Baldwin advanced specific causes for the decline to include: the emergence of organized, and disciplined political parties; the increasing activity and scope of government at both the national and the international level and the correspondent increase in the size of governmental bureaucracies; the increasing capacity of an executive to act with dispatch and respond timely to developments in formulating policy and providing leadership on the national stage and in the international arena; the rise of pressure group politics; the power of the media and its tendency to portray politics in terms of personalities. Baldwin summed up the legislatures dilemmas in terms both of internal organization and procedures and of the external constraints that are normally placed upon such institutions in a modern democracy.

He acknowledged the vices associated with the admittance of Eastern Europe into the European union and the attendant executive, administrative and legislative consequences. For example, the EU legislative preferences virtually take precedence over and above national government initiatives and policy directives (Baldwin 2013). There is also the increasing tendency on the part of the citizenry to place emphasis on the
executive both in channeling their grievances and in demanding accountability. In developing democracies like Nigeria, executive advantage of the exclusive control over state instruments of coercion particularly the police and allied state security services has undermined legislatures. In spite of improved institutional capacity of legislatures, the increasingly assertive executives and centrally controlled state administration and chaotic party politics have been major disincentives. As shall be discussed further in subsequent section of this chapter, Baldwin was, however, quick to add that this is not without exception though, as the vibrancy of the Irish legislature attests. The record of successes of the parliament of Ireland in holding the executive accountable points to an increased ability on the part of legislatures to tilt the pendulum. There has been an overall increase in the level of parliamentary activity by the Taoiseach, Head of government of the Republic of Ireland over time, suggesting a greater degree of accountability in the Irish system than was previously the case (Baldwin, 2013).

The ‘Operation of Legislatures’

As noted elsewhere, the extent to which a legislature is able to exercise power and exert influence is dependent upon a variety of variables, including: the institutional nature of the system within which it operates, for example either presidential or parliamentary, unitary or federal, electoral factors, for example the nature of the electoral system, the use of different systems for the choice of the head of the executive and for the legislature, and the staggering of executive and legislative elections; its position as outlined in the constitution and the extent of its constitutional authority; its working practices and the extent of its political independence from the executive; the extent to which it is affected by the nature of the party system; its standing in the eye of the public; and its organisational coherence, particularly the independence and strength of its committee system and the professionalism of its membership (Muheeb, 2015, 2016b, and Baldwin, 2013). Baldwin also brought the United Kingdom Parliamentary experience to bear to reinforce his argument, pointing to the importance of such factors as: the party balance, particularly whether one party forms a majority government or whether coalition or minority governments are the norm; the size of the majority; the perceptions among MPs of the authority and popularity of the Prime minister; the skills of the Prime Minister in managing Parliament; the skills and abilities of parliamentary business managers (such as the Chief Whip); the prevalence of ‘divisive issues’; the quality of the institutional structures by which Parliament can scrutinize the executive; the unity and quality of the opposition; and national and international events. These are essential considerations when assessing the nature and status of the relationship between the legislature and the executive to determine whether it is the legislature or the executive that has the upper hand (Baldwin, 2013).

It is however important to note that influence can be exerted ‘behind the scenes’, primarily in private meetings with other political actors, and when the interests of the executive and the legislature align, it may be difficult to determine to what extent the executive is leading the legislature or responding to it (Muheeb, 2015, 2016b, and Baldwin, 2013). Also of importance is the fact that, electorates have increasingly looked to the executives for succor and governments have often been found wanting. This
has tended to bring political institutions and political actors under criticism, weakening legislatures in the process. Against the background of the growing complexity of contemporary governance, the policies and aspirations of even the most powerful political entities, legislatures or executives are vulnerable to development and decisions elsewhere over which they have little influence and less control, as the global economic crisis starting from 2008 readily attests. This fact, among others, including the increasing interface with ICT and the ease of cross border movement for improved life chances poses significant threats to the ambitions and jurisdictions of national political entities, be they legislatures or executives. They risk loosing credibility by holding on religiously to claim of competence in the face of biting hardship and limited economic choices (Muheeb, 2015, 2016a, 2016b, 2005, and Baldwin, 2013).

In the final analysis, Baldwin argument suffices. The reality of the position of a legislature in a political system is dependent upon the prevailing history, traditions and special circumstances of such system. The operation of the legislature in such system goes beyond mere assessing the position and capacity of the legislative vis-à-vis the executive. Even in instances where the balance of power undeniably favours an executive it is not to the point of total subordination, as there are evidences concrete legislative input and impact. The executive-legislative relationship is relative on lawmaking, representation and oversight, being the three crucial roles of the legislature, except in the most extreme cases of executive dominance (Baldwin, 2013). Thus, what can be identified when assessing legislatures is ‘a complex set of inter-relationship often involving the capacity to influence, as opposed to determine; the ability to advise, rather than to command; the facility to criticize but not to obstruct; the competence to scrutinize rather than to initiate; and the desire to ensure that light is shed upon what is going on rather than to have things covered by a veil of secrecy.’ Therefore, there is ample justification to align with Baldwin that many modern legislatures are better equipped than previously to function effectively in their onerous tasks. Regardless of possible shortcomings, legislatures remain the linchpin joining the people to the political system of a polity, the intermediaries in the peaceful transfer of executive power, the articulators of grievances, the agencies of oversight and forums for scrutiny of the executive (Baldwin, 2013).

**Lawmaking and Legislation**

Following Muheeb (2016b), the history of modern legislature in Nigeria could be said to have started with the Legislative Council established in 1862 by the British colonial powers to legislate for the Colony of Lagos. The Legislative Council was composed of the Colonial Governor, six officials, two Europeans, and two Nigerians, who were unofficial members. The Council only functioned in an advisory capacity to the Governor. Nigerian Council, which existed side by side with the Legislative Council, was established following the amalgamation of the Colony of Lagos with the Southern and Northern Protectorates in 1914. The Nigerian Council was put in place to reflect the expanded size of the federation largely in terms of representation of the various units in its composition. It was larger than the Legislative Council but had only advisory powers, with neither executive nor legislative authorities.
The Clifford Constitution of 1922 established new Legislative Council of 46 members. It was the first Legislative Council with elected members. The new Legislative Council was empowered to legislate for the peace, order and good government of the Colony of Lagos and the Southern Province. The Governor legislated for the Northern Province by proclamation. The Richards Constitution of 1946 replaced the Legislative Council with Central Legislative Council. The Central Legislative Council had an enlarged membership, which featured an unofficial majority. The Council was empowered to make laws for the entire country but subject to the reserve power of the Governor. The constitution also made provision for regional assemblies by dividing the country into North, East and West. While the Northern Regional Council was bicameral, the West and East were each unicameral. The Northern Regional Assembly comprised the House of Chiefs and the House of Assembly. The Regional Assemblies largely served in an advisory capacity and also nominated those who would represent their various regions at the Central Legislative Council (Muheeb, 2016b).

The Macpherson Constitution of 1951 was the product of the Ibadan general conference of January 1950. It replaced the Central Legislative Council with the House of Representatives. The constitution strengthened the regional Legislative Council put in place by the Richards Constitution with an elected Nigerian majority. The regional councils were to make laws on a range of issues but subject to ratification by the Central Legislative Council. The regional councils were to also serve as electoral colleges for both the council of ministers as well as the Central Legislative Council, the House of Representatives. The Central Legislative Council had powers to legislate on all matters affecting the entire country, including appropriation and those matters that were under the purview of the regional councils. The Council was comprised of the Governor as President, 6 European officials, including the Lieutenant Governors, 136 Representatives elected by the Regional Houses; (68 by the Northern Regional Assembly, 34 each by the Western and the Eastern Regional Assemblies, and 6 special members appointed by the Governor to represent interests and communities which had inadequate presence in the House of Representatives). The House of Representatives then had no powers over bills relating to public revenue and public service.

The constitution provided for a bicameral legislature in the North and West with a House of Chiefs and a House of Assembly. The Eastern Region had only one house, the House of Assembly. Notwithstanding the desire for regional autonomy, it must be noted that regional bills could only become laws with the consent and approval of the Central Legislative Council. The Governor was empowered to make laws with the advice and consent of the House of Representatives under the Macpherson Constitution; he was also given reserved powers in areas like public finance, foreign policy, and public service. To maintain the legislative supremacy of the Governor, the House of Representatives was given pseudo-supremacy of vetoing legislation made by the Regional Houses of Assembly.

The Lyltleton Constitution of 1954 retained the House of Representatives, but without the Governor presiding. Instead, the House of Representatives had a Speaker, 3 ex-officio members, and 184
Representatives elected from the various constituencies in Nigeria. With direct election of members by the constituencies, the regional assemblies ceased to be electoral colleges for the Central Legislative Council. The House of Representatives was empowered to make laws for the country and discuss financial matters. Legislative powers were divided along three legislative lists namely, exclusive, concurrent and residual. Exclusive Legislative List contained about 68 items on which the House of Representatives had powers to make laws. These include, defence, currency issuance, foreign relations, and so on. The Concurrent List included those issues on which the House of Representatives and the Regional Houses of Assembly had concurrent legislative powers, like education and basic facilities. However, federal laws and powers would take precedence in the event of conflict of interest. The Residual List made up of items on which the Regional Legislatures had the final say in passing a bill into law.

Ojo (1997) recalled that from January, 1955, Nigeria’s premier legislature, the House of Representatives started the conduct of its legislative affairs under a “Speaker” appointed for the first time, as the affairs of the legislature were being conducted along strict parliamentary lines neither subservience to the former President of the House, then the Governor nor subjected to mere ‘rule of thumb’. Thus, Nigeria adopted in full measure, the parliamentary system of government. The Parliament consisted of the Governor-General, as the Queen’s Representative, the Senate and the House of Representatives without any of which, a legislative measure could not become an Act or a Law. Any measure originating in a bill in any of the Houses, Senate or House of Representatives, must have the concurrence of the other House after which it must go to the Governor-General for assent. It then became an Act of Parliament. The 1960 Constitution was a replica of British system tagged “Parliament” rather than “Assembly” or “Congress”.

The First Republic 1960-1966

The 1960 Constitution established a Parliament made up of a House of Representatives of 320 elected members and a Senate of 44 nominated members. This was in keeping with the practice of the House of Lords in the United Kingdom. In line with the federal system or government, which the imperialists had favoured with the Richards and Macpherson Constitutions, the 1960 Constitution also provided for a bicameral legislature at the Regional level with “Houses of Assembly and Houses of Chiefs” to distinguished them from the central legislative body tagged “Parliament” consisting of the Senate and the House of Representatives. The 1960 Constitution made provisions for the central legislature in its Chapter IV, giving details of its composition (Part 1), Procedure in Parliament (Part 2), Summoning, prorogation and dissolution of Parliament (Part 3) and its legislative powers (Part 4). Part 4 (Section 69-83) listed the legislative powers of Parliament as including powers of parliament to make laws “for peace, order and good government of the Federation” in regard to matters in the exclusive legislative list and the concurrent legislative list as well as in relation to emergencies in respect of any area of the country and in respect of any subjects whatsoever. Parliament would also make laws in respect of money (grants and loans) as well as imposition of taxes and in respect of treaties. Thus, two legislative lists were established
– the Exclusive Legislative List of 44 items for the Parliament and the Concurrent Legislative List consisting of 28 items on which both the Parliament and the Regional Houses of Assembly were empowered to make laws. In addition, the Parliament was conferred with emergency powers.

The Republican Constitution of 1963 was not a complete departure from the 1960 Constitution as all the changes it made were to the effect that the Queen of England had ceased to be Nigeria’s Head of State as well as sit in the Legislative Houses. The fundamental change from a monarchy to a republic was the major alteration of to the 1960 Constitution; making the contents of both the 1960 and 1963 constitutions generally the same. The parliamentary system of government was still retained, as the three arms of government, the judiciary, the legislature, and the executive continued to function as of old and the same Standing Orders of the legislature was in use. Highlights of the changes effected in the 1963 Republican Constitution included the fact that the Queen’s Representative ceased to be the Head of State but now replaced by a President elected by representatives in parliament to reflect the new independent and republican status of the federation. The contents of both constitutions including parliamentary procedure were largely the same both under the monarchy from 1960 to September 1963 and as a Republic from October 1963 to January 1966 when the military took over (Ojo, 1997). The standing order was based on the provision of Section 65(1) of the 1960 and 1963 Constitutions in the following terms. Section stated thus: “65(1) subject to the provisions of this Constitution, each House of Parliament may regulate its own procedure.” This Section conferred the parliament with the power to make laws in accordance with the provisions under Section 69 of the constitution in respect of the legislature as follows:

(1) Parliament shall have power to make laws

a) for the peace, order and good government of Nigeria (other than the Federal Territory) or any part thereof with respect to any matter included in the legislative lists; and
b) for the peace, order and good government of the Federal Territory with respect to any matter, whether or not it is included in the legislative list.

(2) The power of Parliament to make laws for the peace, order and good government of the Regions with respect to any matter included in the Exclusive Legislative list shall (save as provided in Section 78 of this constitution) be to the exclusion of the legislatures of the Regions: Provided that nothing in this subsection shall preclude the legislature of a Region from making provision for grants or loans from or the imposition of charges upon any of the public funds of that Region or the imposition of charges upon the revenues and assets of that Region for any purpose notwithstanding that it relates to a matter in the Exclusive Legislative List.

(3) In addition and without prejudice to the powers conferred by subsection (1) of this section, Parliament shall have the powers to make laws conferred by Sections 5, 70 to 74, 80 to 83 and 126 of this constitution (which relate to matters not included in the Legislative Lists).”
The specific powers for the internal working of the legislature to enable it perform the legislative tasks specified above were contained in Part 2 of Chapter V – Procedure in Parliament and included: Oaths to be taken by members of Parliament, Presiding in Senate, Presiding in House of Representatives, Quorum in Houses of Parliament, Mode of exercising legislative power, Restrictions with regard to certain financial measures, Limitation of powers of senate and Regulation of Procedure in Houses of parliament (Sections 55 - 65). Therefore, the House of Representatives in 1962, issued the “Standing Orders of the House of Representatives 1962” and the Senate followed suit in relation to its own legislative procedure. The two procedures were virtually similar, save that the house of representatives was the more powerful of the two since it alone had powers to initiate money bills (which power the Senate did not have). vii

However, Ojo’s observations on some identifiable shortcomings of the parliamentary system as regards its negation of the full application of the principle of separation of powers suffice. The Prime Minister and his Ministers, both of Cabinet and non-Cabinet status, as well as their Parliamentary Secretaries were all legislators before being appointed Ministers. They must have won their seats in the elections into the House of Representatives, or must have been nominated as Senators. Again, most of the legislative measures including Bills and Resolutions coming before the parliament emanated from the Council of Ministers and were introduced by the appropriate Ministers. A few bills and resolutions in form of Motions were also brought before the House by floor or ordinary members. Such measures must however, have the consent of the Council of Minister in order for the bills and resolutions to succeed. The Minister of Finance usually assumed leadership of the House or of government business from 1960 to 1966. All financial measures including the appropriation and finance bills must originate in the House of Representatives as provided for under Section 62(2) of the 1960 and 1963 Constitutions (Ojo, 1997).

In line with parliamentary tradition and as earlier noted, the real power resided with the Prime Minister who doubled as the Head of government. The Governor-General or President from October 1963 was the Head of State who followed the advice of the Prime Minister and would not likely veto the laws passed by both legislative Houses. Any important measure of the government, which failed to pass in the House and any Motion of no Confidence, which succeeded, would result in bringing down the government before the completion of the five-year term of office. The government and opposition legislators would then have to seek a new mandate from the people. Since the government controlled the majority in the legislature, either of these measures usually promoted by the opposition hardly ever succeeded. Thus there was a thin line between the executive and the legislature. The executive remained dissolved with the legislature and the latter stood dissolved whenever the government resigned. Instructively, the executive so controlled the legislature that the latter became completely subordinated to the former, almost becoming a rubber-stamp legislature (Ojo, 1997). These were to later provide justifications for the jettisoning of parliamentary for presidential system of rule as shall be discussed in the subsequent section of this chapter.
The Military, the Legislature, Lawmaking and Legislation (1966-1979)

The Nigeria’s post independence history is incomplete without reference to the successive military regimes that was the hallmark of the nations socio-political and economic landscape from the late 60s to the late 90s. After gaining independence from the United Kingdom in 1960, Nigeria’s parliamentary democracy came to an abrupt end on January 15, 1966, with the military incursion into politics. There was military intervention in constitutional and democratic governance between 1966 and 1979 when, specifically, the Legislature as an effective arm of government was suspended or completely abolished (Ojo, 1997). The legislature was dissolved and the constitutional provisions, Chapter V relating to the legislature were suspended. Legislative powers were then exercised by the Military through the Supreme Military Council (SMC). Following Ojo’s (1997) account, the Supreme Military Council was first constituted under Decree No. 1 of 1966 and it exercised legislative powers over the entire federation. The first law made by the new Rulers was Constitution (Suspension and Modification) Decree No. 1 1966 of 17 January 1966. The Decree suspended certain provisions of the constitution. The Constitution (Suspension and Modification) Decree vested the Supreme Military Council with both legislative and executive powers. The Federal Laws were tagged Decrees while Laws made by appointed Regional Governors under the Decree (No. 1) were to be known as Edicts. The Regional Military Governor’s powers to make laws were limited to Residual matters, that were not within the legislative lists and any matter within the Concurrent list, with the prior consent of the Head of the Federal Military Government. The Decree (No. 1 of 1966) further proclaimed that where an Edict made by a military governor was inconsistent with a Decree or with an Act of Parliament or with the Constitution of a Region, the Edict was void to the extent of the inconsistency.

Ojo recalled that the 100-day re-arrangement of the country from a federation to a unitary state was ephemeral, as the regime of General Irons was overthrown by a counter coup, leaders of which accepted Lt.-Col. Yakubu Gowon on 29 July 1966. The new regime headed by Gowon reverted the country back to status quo prior to the January 15 1966military coup by another the constitution (Suspension and Modification) (No. 9) Decree of 1966. The country witnessed ceaseless agitations for restructuring of the country along unitary arrangement. In order to avert a looming civil war and restore normalcy between the federal government and the promoter of secession and the head of the Eastern Regional government Col. Ojukwu in 1967; a meeting of the military leaders held at Aburi in Ghana culminating in a number of agreements, one of which was the promulgation of the constitution (Suspension and Modification) Decree (No. 1 - 10) of 1966 which reduced considerably the legislative powers of the federal government. The Federal Government later back-pedalled supposedly to save the country from impending disintegration. Thus, the constitution (Repeal and Restoration) Decree No. 13 of 1967 repealed the Constitution (Suspension and Modification) Decree No. 8 of 1967, thereby reviving a number of Decrees, including the first Decree of the federal Military Government, that is, the Constitution (Suspension and Modification) Decree No. 1 of 1966. The legislative powers of the federal military government and those of the regional military governors were thereby fully restored. The SMC continued to make laws by Decrees while the state governors who were also members of the SMC issued Edicts after clearing with the Federal Military Government even after the end of the 30 months civil war in 1970 (Ojo, 1997).
Nigeria again witnessed the dawn of another military regime on 29 July 1975 when General Murtala Mohammed ousted the Gowon regime. The Murtala Mohammed Government in 1975 re-enacted the Constitution (Basic Provisions) Decree, (without really repealing the 1966 (No. 1) Decree), a new Decree which inter-alia reconstituted the SMC and vested it with the legislative powers and put machinery in motion for transition to democratic rule. Murtala life was cut short in a failed coup attempt of 1976. The coming of Obasanjo following the assassination of Murtala did not terminate the Murtala’s programme of action including the transition to civil rule programme. By 1976, the then military government heeded the call of Nigerians for a return to civilian constitutional and democratic governance through a transition to civil rule programme. Accordingly, a Constitution Drafting Committee (CDC) was appointed to review not only the 1963 Constitution but to also look at what other constitutional practices and lessons in other parts of the world could be used as input in crafting a constitutional system suited to the Nigerian environment. For effective leadership, national unity and the need to develop bargaining and consensus approaches to politics and decision-making, the CDC recommended a departure from the Westminster parliamentary system of government and the adoption of the American executive presidential system (Muheeb, 2016).

The Civilian, the Legislature, and Lawmaking (1979-1983)

The CDC recommendations were debated by the Constituent Assembly members before their coming into force on October 1, 1979 as Constitution of the Federal Republic of Nigeria. The federal government proclaimed a new Constitution for the country, based on the presidential system of government. Among other provisions, the Constitution acknowledged the creation of 19 states, established a bicameral National Assembly consisting of the Senate and the House of Representatives, and unicameral legislative Houses of Assembly for the States in the Federation. The functions of the legislature include law-making, representation and checking, supervising and controlling the administration. The Constitution of the Federal Republic of Nigeria 1979 established a bicameral National Assembly as recommended by the CDC and unicameral legislative Houses of Assembly in the States. There were two legislative lists: (i) the Exclusive Legislative List and (ii) the Concurrent Legislative List defining the powers of the National Assembly on Exclusive Legislative matters and the concurrent powers with the Houses of Assembly in the states on Concurrent Legislative items. Lt. General Olusegun Obasanjo handed over power to President Shehu Shagari who was declared the winner of the national elections in the military midwifed military to civilian transition in 1979.

The constitutional provisions for the legislature under the presidential system of government were quite similar to those for the legislature under the previous parliamentary system with provisions for a bicameral legislature for the Centre – Senate and House of Representatives as was the case under the Parliamentary system of the first Republic. The legislature also developed its own Standing Orders called ‘Rules’ in the House of Representatives and ‘Standing Rules’ in the Senate. The Standing Orders of the
parliament of the 1st Republic (1960-1966) and the Rules of the Assembly of the 2nd Republic (1979-1983) derived their power and authority from the same sources namely, Constitutional and statutory provisions, the unwritten rules (practices and conventions of the legislature), the written rules (standing orders) and Rulings from the presiding officers. To enable the legislature perform the tasks enumerated in the exclusive legislative list, the 1979 also outlined the procedure in the legislature to include Oaths of Members (Section 48), Presiding at Sittings (Section 49), Quorum (Section 50), Languages (Section 51), Voting (Section 52), Mode of Bills (Sections 54 and 55), Regulation of Procedure (Section 56), Committees (Section 58) and Sittings (Section 59).

On legislative powers, the 1979 presidential constitution further stated as follows that:

1) 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.

2) The National Assembly shall have power to make laws for the peace, order and good government of the Federation or any part thereof with respect to any matter included in the Exclusive Legislative List set out in Part I of the Second Schedule to this Constitution.

3) The power of the National Assembly to make laws for the peace, order and good government of the Federation with respect to any matter included in the Exclusive Legislative List shall, save as otherwise provided in this Constitution, be to the exclusion of the House of Assembly of States.

4) In addition and without prejudice to the powers conferred by subsection (2) of this section, the National Assembly shall have power to make laws with respect to the following matters, that is to say:
   a) Any matter in the Concurrent Legislative List set out in the first column of Part II of the Second Schedule to this Constitution to the extent prescribed in the second column opposite thereto; and
   b) Any other matter with respect to which it is empowered to make laws in accordance with the provisions of this Constitution.

5) If any law enacted by the House of Assembly of a State is inconsistent with any law validly made by the National Assembly, the law made by the National Assembly shall prevail, and that other law shall to the extent of the inconsistency be void.

6) The legislative powers of a State of the Federation shall be vested in the House of Assembly of the State.

7) The House of Assembly of a State shall have power to make laws for the peace, order and good government of the State or any part thereof with respect to the following matters:
   a) any matter not included in the Exclusive Legislative List set out in Part I of the Second Schedule to this Constitution;
   b) any matter included in the Concurrent Legislative List set out in the first column of Part II of the Second Schedule to this Constitution to the extent prescribed in the second column opposite thereto; and
   c) any other matter with respect to which it is empowered to make laws in accordance with the provisions of this Constitution.

8) Save as otherwise provided by this Constitution, the exercise of legislative powers by the National Assembly or by a House of Assembly shall be subject to the jurisdiction of courts of law and of judicial tribunals established by law; and accordingly, the National Assembly or a House
of Assembly shall not enact any law that ousts or purports to oust the jurisdiction of a court of law or of a judicial tribunal established by law.

9) Notwithstanding the foregoing provisions of this Section, the National Assembly shall not, in relation to any criminal offence whatsoever, have power to make any law, which shall have retroactive effect.

The Second Phase of Military Rule 1984-1999

There was yet another military take-over of government in December 1983 consequent upon which the 1979 Constitution was suspended, the National Assembly abrogated and the military exercised legislative powers by way of promulgating military decrees. As a build to the earlier discussion on the military rule and characteristic of the military regimes, both the legislative and executive functions were inseparable and combined in the same authority. Lawmaking was by Decrees and Edicts. Usually under the military regime, a Decree became law when the Head of the federal Military Government signed it while an Edict also became law when signed by the Military Governor. In the same vein, the executive authority of the Federal republic of Nigeria was vested in the Head of the Federal Military Government and was exercised by occupant of that office in consultation with the SMC. Lawmaking under the military regimes encompasses the Office of the Head of State, the Composition and operation of the Federal Executive Council, the Supreme Military Council and later, the Armed Forces Ruling Council, and the National Council of States as well as the promulgation of Decrees and Edicts.

The same personalities were involved in lawmaking and in the execution of the law. For example, it would be recalled that members of the Federal Executive Council (FEC) were also members of the lawmaking body (the SMC) under the Gowon regime of 1966 – 1975. The Obasanjo regime had the FEC, the SMC and the Armed Forces Ruling Council (AFRC). Ojo recalled that members of the Federal Executive Council were excluded from membership of the SMC and the AFRC. Like the previous military regimes, the Supreme Military Council (SMC) performed the roles of lawmakers and implementation of the laws under the Buhari/Idiagbon regime of 1994 – 1985. The SMC, rechristened the Armed Forces Ruling Council (AFRC) under the Babangida regime was both a legislative and an executive body except that members of the Executive Council (like the Murtala/Olusegun Regime in 1975, Commissioners/Ministers ceased to attend meetings of the SMC, later AFRC). The Head of State (rechristened the President under Babangida regime), Commander-in-Chief was Chairman of both the AFRC and the Federal Executive Council/National Council of Ministers (Siollun, 2013, and Ojo, 1997).

The military promulgated the Constitution (Suspension and Modification) Decree No. 1 of 1984 with the re-emergence of the military in January 1984. The Decree was a resuscitation of the Constitution (Basic Provisions) Decree No. 32 of 1975 and of the Decree No. 1 (Suspension and Modification) of 1966. While Sections 1 and 2 of the Decree No.1 of 1984 suspended some and modified other provisions of the
Constitution, Sections 3 and 4 outlined the powers of the Military Government to make laws. According to Ojo, (1997), Decree No. 17 of 27th August 1985 states in Section 2 subsection (5) and (6) as follows:

“(5) The powers vested in the President of the Federal Republic of Nigeria, Federal Military Government or Supreme Military Council, as the case may be, specified in the sections of the Constitution of the Federal Republic of Nigeria 1979, as amended by the Principal Decree, set out in Schedule 1 to this Decree shall vest in the President, Commander-in-Chief of the Armed Forces

(6) The powers vested in the National Assembly, Federal Military Government or Supreme Military Council, as the case may be, specified in the sections of the Constitution of the federal Republic of Nigeria 1979, as amended by the Principal Decree, set out in Schedule 2 to this Decree shall vest in the Armed Forces Ruling Council.”

Ojo further observes that there was the equation of Military Council to a Legislative Body. In what amounted to a sharp contrast with the civilian legislative procedure for passing laws, the Decrees of the Military Government further declare that: “No question as to the validity of this or any other Decree or of any Edict shall be entertained by any court of law in Nigeria” (cf. “Constitution (Basic Provisions) No. 32 of 1975, Section 4”).

The Lawmaking Powers of the Federal Military Government

1) The Federal Military Government shall have power to make laws for the peace, order and good government of Nigeria or any part thereof with respect to any matter whatsoever.
2) The Military Governor of a State
   a) shall not have power to make laws with respect to any matter included in the Exclusive Legislative list; and
   b) except with the prior consent of the Federal Military Government, shall not make any law with respect to any matter included in the Concurrent Legislative List
3) Subject to subsection (2) above and to the Federal Constitution, the Military Governor of a State shall have power to make laws for the peace, order and good government of that State.
4) If any law
   a) enacted before 16th January, 1966 by the legislature of a Region, or having effect as if so enacted, or
   b) made after that date by the Military Governor of a Region, or State, is inconsistent with any law
   I. validly made by Parliament before that date, or having effect as if so made, or
   II. made by the Federal Military Government on or after that date, the law made as mentioned in paragraph (1) or (2) above shall prevail and the Regional or State law shall, to the extent of the inconsistency, be void.
5) Nothing in subsection (2) of this Section shall
   a) preclude the Military Governor of a State from making provision for grants or loans from or the imposition of charges upon any of the public funds of that State or the imposition of charges upon the revenues and assets of that State for any purpose, notwithstanding that it relates to a matter included in the Exclusive Legislative List;
or

b) require the Military Governor of a State to obtain the consent of the Federal Military Government to his making such provision as aforesaid for any purpose, notwithstanding that it relates to a matter included in the Concurrent Legislative List.

6) The question whether a law made by the Military Governor of a State with respect to a matter included in the Concurrent Legislative List was made with the consent required by subsection (2) (b) above shall not be enquired into any court of law.

7) In this section “the Exclusive Legislative List” and “the Concurrent Legislative List” have the same meanings as in the Constitution of the Federation.

Mode of Exercising Legislative Powers

1. The power of the Federal Military Government to make laws shall be exercised by means of Decrees signed by the Head of the Federal Military Government.

2. The power of the Military Governor of a State to make laws shall be exercised by means of Edicts signed by him.

3. A Decree or Edict may be made known to the public by means of a sound or television broadcast, or by publication, in writing, or in any other manner.

4. In so far as a Decree published on any date in the Federal Gazette makes provision with respect to the same matters as a Decree which
   a) was made known to the public on or before that date; but
   b) has not been published in the Federal Gazette the Decree published in the Federal Gazette shall prevail

5. In so far as an Edict published on any date in the Gazette of the State to which it applies makes provision with respect to the same matters as an Edict which;
   a) was made known to the public on or before that date; but
   b) has not been published in the Gazette, the Edict published in the Gazette shall prevail

6. Any Decree made by the Military Governor of a Region before 16th February 1966 shall, notwithstanding anything in this Section (but subject to Section 1 of this Decree), be seemed to be, and to have taken effect as, an Edict; and referred to an Edict shall be construed accordingly.

The aborted Third Republic

The Constitution Review Committee (CRC) was set up in 1987 to re-examine the 1979 Constitution. The CRC recommended a retention of the 1979 Constitutional stipulations and therefore a 1989 Constitution was promulgated which established a National Assembly in the same way it was done under the 1979 Constitution. Going by the provisions under Sections 56, 57(4) and 98 of the 1989 Constitution, a bill that has been passed by the National Assembly or an Act of the National Assembly shall becomes law after assent of the President, and a bill passed by House of Assembly of a State shall becomes law only after assent of the Governor in accordance with the provision of the Constitution. Where the President or Governor withholds assent, otherwise known as vetoing, the bill is returned to the Assembly and the bill, if again passed by the assembly by two-thirds majority, “shall become law” and the assent of the President or Governor, as the case may be, “shall not be required”. The entire transition to civil rule
programme midwifed by the Babangida regime was brought an abrupt end in August 1993 as a result of the aborted June 12 1993 presidential elections, which took place under the 1989 Constitution. The legislature was short-lived though but both the national and subnational Assemblies were accused of conniving with the executive in stifling the legislative institutions through impeachment campaigns against principal officer until another military regime of General Sani Abacha took over in November 1993 and again disbanded the legislature. The Military retained power but the continued agitation for the return to civil rule informed the convening of a National Constitutional Conference in 1994 with a Report in 1995. Again, the Constitutional Conference retained the pattern established under the 1979 Constitution, namely: a bicameral National Assembly consisting of a Senate and a House of Representatives with exclusive and concurrent legislative powers. The military administration led by General Abdulsalami Abubakar commissioned a Constitution Review Committee whose recommendations brought about the promulgated 1999 Constitution of the Federal Republic of Nigeria (Muheeb, 2016).

The Re-emergence of the legislature (1999-2015)

Nigeria exited authoritarian dictatorship to embrace civilian rule in May 1999 with the successful inauguration of the Obasanjo administration after prolonged popular pro-democracy agitation and several attempts at democratization. As noted elsewhere, the military to civilian transition ushered elected officials into the executive and legislative institutions both at the national level and the component units for a renewable term of four years under the provisions of the 1999 federal Constitution. It is noteworthy that the 1999 Constitution largely incorporated the provisions of the 1979 Constitution. The 1999 Constitution provides for an executive presidency, a bicameral legislature of two chambers, the Senate and House of Representatives at the national level and a unicameral assembly, a State House of Assembly in each of the thirty-six States of the Federation. There is an Exclusive Legislative List of 68 items and a Concurrent List defining the extent of Federal and State Legislative powers. Section 4(1-7) clearly defined the legislative powers of the National Assembly and the State Houses of Assembly. As regards National Assembly, Section 4 of the Constitution states clearly that:

1) 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.
2) The National Assembly shall have power to make laws for the peace, order and good government of the Federation or any part thereof with respect to any matter included in the Exclusive Legislative List set out in Part I of the Second Schedule to this Constitution.
3) The power of the National Assembly to make laws for the peace, order and good government of the Federation with respect to any matter included in the Exclusive Legislative List shall, save as otherwise provided in this Constitution, be to the exclusion of the Houses of Assembly of States.
4) In addition and without prejudice to the powers conferred by subsection (2) of this section, the National Assembly shall have power to make laws with respect to the following matters, that is to say:
   a) any matter in the Concurrent Legislative List set out in the first column of Part II of the Second Schedule to this Constitution to the extent prescribed in the second column opposite thereto; and
b) any other matter with respect to which it is empowered to make laws in accordance with the provisions of this Constitution

5) If any Law enacted by the House of Assembly of a State is inconsistent with any law validly made by the National Assembly, the law made by the National Assembly shall prevail, and that other Law shall, to the extent of the inconsistency, be void.

6) The legislative powers of a State of the Federation shall be vested in the House of Assembly of the State.

The Legislature and Lawmaking in the Fourth Republic 1999 – 2015

Chapter V, Sections 47-89 and 90–129 outline details on, the composition and staff of the legislature, procedure for summoning and dissolution of the legislature, qualification for membership and right of attendance, election into the legislature as well as legislative powers and control over public funds including right to the conduct or investigations and to seek evidence within the confines of legislative oversight. Section 4 of the 1999 Constitution, therefore, enjoins separation of powers and checks and balances. The powers conferred on the legislature in the Constitution are exercisable only for the purpose of enabling the legislature to: make laws with respect to any matter within its legislative competence and to correct any defects in existing laws; and expose corruption, inefficiency or waste in the execution or administration of laws within its legislative competence and in the disbursement or administration of funds appropriated by it (Nyong, 2000).

The Constitution enjoins the principle of separation of powers and personnel, which entails provisions limiting executive influence in and on the legislature. These include provisions that clearly define the direction of legislative-executive relationship vis-à-vis the principle of checks and balances. For example, Section 100(1-5) of the Constitution requires that a bill passed by a State House of Assembly be presented to the Governor for assent and for the Assembly to by-pass the Governor’s assent when and where such action is delayed or denied. Section 101 granted the Assembly power to be self-regulatory. Section 105(3) granted the Governor power to issue a proclamation for the holding of the first session of the House of Assembly or for its dissolution as and when necessary. These are similar to Sections 58 and 64 as regards National Assembly. Sections 60 and 101 grant the legislature at the National and state levels concurrent rights to be self-regulatory. Section 188 empowers a State House of Assembly to remove, as a measure of last resort, an erring Governor or Deputy Governor as the case may be, in line with these provisions. This is similar to provisions under Section 143, which empowers the National Assembly to remove an erring President or Vice-President. Thus, the 1999 Constitution made adequate provisions for the effective functioning of, and a representative legislature.
Composition of the National Assembly

The composition of the Senate is based on equal representation of the States of the Federation, irrespective of size. There are 109 Senators comprising 3 each from each of the 36 States of the Federation and 1 Senator representing the Federal Capital Territory. In line with Sections 47 of the Constitution on leadership composition, and in fulfillment of Section 60, which grant the National Assembly rights to be self-regulatory, the leadership of the Senate comprises of the President, and Deputy President at the helm. Other Principal Officers include: the Majority Leader, Chief Whip, Deputy Majority Leader, Deputy Chief Whip, Minority Leader, Minority Whip, Deputy Minority Leader and Deputy Minority Whip. There are 54 Standing Committees, each headed by a Chairman appointed by the Senate President. Similarly, the House of Representatives consists of 360 members elected based on proportional representation of population of each of the 360 States of the Federation and the Federal Capital Territory. The leadership of the House of Representatives consists of the Speaker and the Deputy Speaker. Other Principal Officers include: the House Majority Leader, Chief Whip, Deputy Majority Leader, Deputy Chief Whip, Minority Leader, Minority Whip, Deputy Minority Leader and Deputy Minority Whip. There are 84 Standing Committees in all, each headed by a Chairman appointed by the Speaker.

The Legislative Process in the Nigeria’s National Assembly

According to Nigeria’s National Assembly website, a Bill for a law or an Act of the National Assembly undergoes a definite process requiring extensive deliberation, serial reading, and consideration of the many interests and implications of the bill. The processes and the tasks involved are usually in stages. Stage One involves the identification of the need for a bill. A Bill could be entirely new with novel idea and insight not yet covered by an existing law. It could also be an amendment to an existing law, which may be thought to be inadequate either because of some changes in government policies or changes in the society. The existing law could also be considered to be an infringement on another legal framework, thus necessitating changes requiring legislative actions. An individual within or outside the legislature can initiate a Bill. However, only a Member of the Senate or House of Representatives can introduce a Bill on the floor of the House or the Senate. Bills are grouped into three categories namely: Executive, Member and Private Bills. A Bill is like a proposal that has to be deliberated upon and passed into law by the legislature. In processing Executive Bills, the presidency is expected to forward a prepared copy to the Speaker of the House and the Senate President with a cover memo from the President. Bills from the Executive arm of government could be deliberated upon concurrently in both the Senate and the House of Representatives. A Bill from Members of the House of Representatives is presented to the Speaker while the one from Senate is presented to the Senate President. Bills from member of the Assembly and Private individuals are first deliberated upon in the chamber of its origin before it is forwarded to the other chamber for passage.

All Bills are marked according to their chamber of origin. For example, a Bill from the House of Representatives is marked HB (House Bill) while the one from the Senate is marked SB (Senate Bill).
Executive Bill is marked with "Executive" printed on the title page of the Bill. On the receipts of a Bill, the Speaker forwards it to the Rules and Business Committee while the Senate President sends it to the Committee on Rules and Procedure. These Committees have preliminary view of the Bill to determine whether it meets the standards in draft and presentation. Otherwise, it is forwarded to the Legal Department of the National Assembly for re-drafting and further advice. The Committee thereafter forward the bill for gazetting and for subsequent stages involving the: **First, Second and Third Readings**. Executive bills are gazetted or published in the House/Senate Journal once, while those introduced by Members are published three times before they can be presented to the House/Senate for consideration. The House Rules and Business Committee or the Senate Committee on Rules and Procedures is also expected to determine the day and the time a Bill is to be discussed in the House/Senate. All Bills must receive three readings before they can be passed into law and the readings must be on different days. Some bills can receive accelerated consideration based on urgency, and significance and related considerations, in which case, rules of the House/Senate are to be suspended or set aside to accommodate the special circumstances.\(^x\)

**Stage Two** involves serial readings of the Bill. The Clerk of the House or the Senate usually does the **First Reading** of bills scheduled on the House/Senate Calendar. S/he reads the short title of the bill and then proceeds to "table" it, in which the Clerk places the bill on the table before the Speaker/Senate President. There is no debate on the bill on the floor of the House/Senate at this stage, as the first reading simply notifies Members that a particular bill has been introduced and received. The **Second Reading** involves a debate, which commences with a motion by the Senate or House Leader that the Bill be read the second time, if it is an Executive Bill. The motion must be seconded (supported) by any of the other parties' leaders. When it is not seconded, the bill cannot be debated but in most cases, Executive bills are allowed, as a matter of courtesy to proceed to a second reading. However, the sponsor of the bill would move the motion that it be read the second time if the bill is by a Member of the House or the Senate and the motion must be seconded (supported) by another Member of the House or Senate.\(^{xi}\) Also, when a bill by a Member cannot get the support of another Member in the House or Senate, it cannot be debated and it stands rejected. The individual moving the motion, be it Executive or Member bill, is expected to highlight the objectives, general principles and subject matter of the bill. He is also expected to state the benefits of the bill if passed into law. If the House agrees to the motion, the Clerk will read the long title of the bill, after which Members signify their intention to speak on the bill. Speakers on a bill are usually allocated time of about five or seven minutes to speak. Either of two things could follow at this stage namely: the bill may receive the support of the majority of the House/Senate and be allowed to move to the next stage. Once it gets the needed support, it moves to the Committee stage. The bill may be "Negatived" (killed) if it does not get the support of the majority of the House or Senate Members. When a bill is killed, it is taken off the table and cannot be discussed until it is re-introduced at a later date. After the debate on the general principles of the bill, it is referred to the appropriate Standing Committee. The Senate President/ Speaker of the House is empowered by the rules of both Senate and the House to determine the relevant committee(s) to which the bill would be referred.\(^{xii}\)
The **Committee Stage** is that moment when the committee assigned to further action on a Bill examines it critically. The House and the Senate, each has two types of committees namely the Committee of the Whole House, and the Standing Committees. The Deputy Speaker of the House acts as the chairperson if the Committee of the Whole House is to discuss a Bill. The Speaker would vacate his/her seat for the Clerk’s seat at this point. The chamber’s symbol of authority, the mace would occupy the lower table for the Committee of the Whole House deliberation to commence. In the case of the Senate, the Senate President acts as the chairperson of the Committee of the Whole House and thus presides over sittings. When the Deputy Speaker or the Senate President presides over the Committee of the Whole House, s/he stops being addressed as the Deputy Speaker or the Senate President. Rather, S/he is to be addressed as "Mr. Chairman Sir" or "Chairperson Ma" for the period of the Committee session. As for the Standing Committees, the Chairpersons, appointed by the Senate President/ Speaker of the House presides over the committee or, in his/her absence, the Deputy step-in instead.

The assigned **Standing Committee** examines all aspects of the Bill clause-by-clause and point-by-point. They also organise public hearings on the Bill either at the National Assembly Complex or any other location the Committee deems appropriate. The public hearing would afford interested member(s) of the public or expert(s) opportunity to make intervention and contribute to the public debate of the bill. However, while members of the public can offer suggestion(s) on any aspect of the Bill, only a Member of the Committee can propose amendment to the Bill. Amendments must be in line with, and relevant to the principle and the subject matter of the Bill as agreed to at the second reading stage. It is pertinent to stress that a bill could touch on areas of two or more Standing Committees. The committee with dominant issues is assigned the bill while others will form subcommittees to consider their areas of interests and report to the main committee. The main committee will collate all suggestions and amendments of the "sub-committees" and report to the House/Senate.

Standing Committee on a Bill report back to the **Committee of the Whole House/Senate** in plenary after the committee has concluded its work with or without amendments. The Committee must ensure that the House Rules and Business Committee or Senate Committee on Rules and Procedure include the Bill on the House/Senate Calendar for the hearing of the committee's report. It is important to stress that Committee of the Whole House must also report back to the House/ Senate. The Speaker or the Senate President takes his/her former seat and the mace is returned to its original position Committee of the Whole House is reporting back on the Bill. Whether it is the Standing Committee or the Committee of the Whole House that considered a Bill, at committee stage, chairperson is expected via a motion to report progress on the Bill and the Clerk of each chamber prepares a clean copy of the Bill for members. For the **Third reading** thereafter, a motion maybe moved that the bill be read the third time either immediately or at a later date and passed after each chamber has certified the contents of the clean copy to be accurate. Amendment cannot be entertained after the third reading stage. If a Member wishes to amend or modify a provision contained in the bill or to introduce a new provision, s/he must give notice of his/her intention "That the bill be re-committed" before the motion for the third reading is moved. If the motion is agreed
upon, the House/Senate will dissolve itself into Committee of the Whole House/Senate immediately or at a later date to discuss the amendments; and after all necessary amendments, the House or the Senate will thereafter proceed on the third reading and pass the Bill.\textsuperscript{xv}

On \textbf{Stage Three}, a clean printed copy of the Bill, incorporating all amendments will be produced, signed by the Clerk and endorsed by the Speaker/Senate President when it has been read the third time and passed. The copy will then be forwarded to the Clerk of the House or Senate as the case may be. The copy will be accompanied with a message requiring the concurrence (passage of the Bill or agreement) of the receiving chamber (House or Senate). In the case of the Executive Bill, both chambers will just exchange copies of the Bill since they both received copies and discussed the Bill almost the same time. When a Bill is sent to either chamber for concurrence, three things may happen: the receiving chamber may agree with the provisions of the Bill and pass it; the chamber may not agree to some part of the Bill and make amendments;\textsuperscript{xvi} or the chamber may not agree with the Bill and therefore, reject it in its entirety. This situation is however rare and has never been witnessed in Nigeria. The \textit{Joint Conference Committee} is constituted when there are differences in a Bill passed by both legislative chambers. Membership of the Committee is based on equality, usually six members from each chamber with a senator acting as chairperson.\textsuperscript{xvii}

The mandate of the Committee is to harmonise the differences between the two chambers on the bill. They cannot introduce any new matter into the Bill at the joint conference committee. The decision of the committee on those areas of differences is bidding on the chambers. Failure to accept the decision of Joint Conference Committee may lead to a joint sitting of both the Senate and the House with the Senate President presiding on the area of contention. The report of the Joint Conference Committee is presented in both Chambers for consideration. If both Chambers adopt the report, all the original papers are sent to the Clerk of the Chamber where the Bill originated. The Clerk puts together all the amendments and produces a clean copy of the Bill, which is sent to the Clerk of the National Assembly who then sends it to President for his signature. At the conference committee stage, members or select members of the Committees, which considered the Bill, originally meet and deliberate only on the areas of disagreement between the two Chambers.\textsuperscript{xviii}

\textbf{Stage Four} involves the presidential assent, as the Bill does not become law without presidential assent. The Clerk of the National Assembly will “enrol” the bill for the President's signature. Enrolment is the production of a clean copy for the assent of the President. The Clerk of the National Assembly produces the clean copy, certifies it and forwards it to the President. In line with constitutional provisions, the President has thirty days to give his assent. If s/he disagrees with the provision of the bill or some aspects of it, s/he can veto by withholding his/her signature. Within the 30 days the President must communicate to the National Assembly his/her feelings and comments about the Bill. The President must state the areas S/he wants amended before s/he signs the bill. If the National Assembly agrees with the President the Bill
can be withdrawn for deliberation on the amendments suggested by the President. As noted earlier, the National Assembly is empowered by the Constitution to overrule the veto of the President. If, after 30 days, the President refuses to sign the bill and the National Assembly is not in support of the President's amendments, the two Chambers can recall the Bill and re-pass it with two-thirds majority vote. If the Bill is passed in the form it was sent to the President by two-third majority vote in both Chambers, the Bill automatically becomes a law even without the signature of the President.xix

Record of Bills Tabled before the National Assembly 1999-2015

By and large, in addition to a number of motions, the record of which was not readily available, no fewer than One Thousand Three Hundred and Sixty-Seven (1367) Bills were reportedly tabled before the fourth, fifth, sixth and the seventh National Assemblies 1999 – 2015, as available on the Nigeria’s National Assembly website. Seventy-Four (74) Bills were reportedly tabled before the 1999-2003 Assembly (table 1), Two Hundred and Ninety-Eight (298) Bills were reportedly tabled before the 2003-2007 Fifth Assembly (table 2), Seven Hundred and Fifty-Seven (757) Bills were recorded against the 2007-2011 Sixth Assembly (table 3), and Two Hundred and Thirty-Eight (238) Bills were recorded against the 2011-2015 Seventh National Assembly.

An Assessment of the Legislature and Law-making 1999-2015

As stated elsewhere (Muheeb, 2016a, 2016b, and 2016c), the prolonged years of authoritarian rule devoid of legislative institution afforded the executive the benefit of sustained viability, established order of public service, visibility and prominence over the legislature. The political instability occasioned by military incursion, disrupted the immediate post-independence representative rule and the nurturing of a vibrant and enduring legislative and democratic culture. Hence, the preponderance of political actors’ crave for conquest, command, obedience and loyalty as opposed to cordiality, mutuality, tolerance, bargaining and compromise that could have enhance institutional cohesion. This state of affairs was bolstered by the politics of godfatherism, in which prospective public office seekers weaved their political aspirations around personalities and individuals with political and financial prowess to deliver victory by whatever means possible including taking the most extreme measures to grab power. The politics of personality has had damnable consequences for the much desired effective inter-institutional relationship, quality representation and effective government beginning 1999. The military background of the Republic tainted the disposition of political actors as exhibited by President Obasanjo in his disposition towards other political and governmental institutions and component units of the federation (El-Rufai 2013 and Bugaje, 2003). Nevertheless, the National Assembly recorded considerable successes in lawmaking and representation. It has risen up to the challenge of democratic consolidation when viewed against an empowered executive through prolonged military rule. In addition to scrutinising and passing annual budgets and supplementary appropriation bills, the legislature made inputs into the budgetary process, sometimes adjusting budget proposals made by the executive when and where considered necessary to meet exigent needs.
Following Muheeb (2016a, 2016b and 2016c), the National Assembly for the legislative term 1999-2003 exhibited traits of institutions in transition in the ways and manners it disposed of its legislative responsibilities and the ease with which it fell prey to occasional executive antics of the Obasanjo presidency. Principal officers in both chambers of the National Assembly were victims of impeachment campaigns on sundry allegations including financial impropriety, abuse of office and allied misconduct depriving the two chambers the benefit of cohesion, leadership and institutional stability. In the heat of the overbearing influence of the executive in what was popularly referred to as the era of ‘banana peel’, neither the Senate nor the House of Representatives was able to maintain its autonomy by managing its affairs independent of external interference particularly from the executive. The chambers were enmeshed in both intra and inter-institutional politics with harvest of scandals and brinksmanship on account of inexperience in legislative practices and processes. There was the preponderance of single party majority with Peoples Democratic Party (PDP) at majority advantage.

Thus, political party and executive dominance suffice, as legislators rode on the influence of influential party leaders with enormous goodwill to secure membership of the legislature and this cut across the most prominent political parties namely, the PDP, AD and APP. This culminated in poor perception of roles and responsibilities by the lawmakers who supplanted loyalty to the system of rule by loyalty to primordial causes. Being political parties’ and executives’ appendages, the National Assembly became susceptible to external manipulation. There was competition between the legislators and executive officials on sundry issues like the execution of constituency projects (Muheeb, 2016a, and 2016b). The legislature was not self-regulatory but institutionally weak. Although, there were adequate constitutional provision for the legislature to perform, but it fell short of the requisite human and material resources to initiate and sustain independent action. Comparatively, the magnitude of intra-institutional conflicts was not comparable to full-blown crises witnessed across the State assemblies though, yet infightings festered among the transitional National Assemblies of 1999-2003, and 2003-2007. They manifested in the ease and frequency of deployment of impeachment, which accounted for the high turnover of leadership and principal officers (Muheeb, 2016a, and 2016b).

The legislature nonetheless, recorded considerable success in law-making. In addition to a number of crucial motions, the record of which was not readily available to this author, no fewer than Two Hundred and Forty-Eight (248) Bills were reportedly enacted by the fourth, fifth, sixth and the seventh National Assemblies 1999 – 2015, as available on the Nigeria’s National Assembly website. This figure represents 18.14% of the total number 1367 of Bills table before the National Assembly during the period under review. From this figure, not less than Thirty Bills (30) representing 41% of a total of 74 Bills received were reportedly enacted by the 1999-2003 Assembly (table 5). Ninety-Four (94) Bills representing 32% of a total of 298 Bills received were reportedly enacted by the 2003-2007 Fifth Assembly (table 6), Seventy (70) Bills representing 9.24% of a total of 757 Bills received were reportedly enacted by the
2007-2011 Sixth Assembly (table 7), and Fifty-Four (54) Bills representing 23% of a total of 238 Bills received were enacted by the 2011-2015 Seventh National Assembly.

The legislature complemented the PDP led federal government’s economic reform initiatives with the passing of such bills as the Sovereign Wealth bill, the Freedom of Information (FOI) bill, Money Laundering and Anti-Terrorism bills, Income Tax bill and other crucial Bills that were of significance to the economy (Oluwole, 2011). Aiyede (2006) recalls that the National Assembly passed the Niger-Delta Development Commission bill and the Corrupt Practices and Other Related Offences Act into laws on the strength of their two-thirds majority power even against Presidential assent on both Bills by Obasanjo. The legislature played prominent roles in shaping the business environment. The National Assembly particularly helped to resolve sensitive issues of national importance including long pending Onshore - Offshore Dichotomy that has been a subject of controversy between the federal government, the component units and the oil producing areas. The National Assembly however could not ensure the passage of the all-important Petroleum Industry Bill (PIB), which holds greater promises for the oil and gas sector of the economy, being a legal framework capable of addressing the rot in the industry.

Stakeholders and prospective beneficiaries, particularly the oil producing communities readily hold the National Assembly responsible for deliberately stalling the passage of the Bill largely for reasons of politics and primordial sentiments. While the PIB has since been stocked in the National Assembly years after, the oil and gas sector has been enmeshed in corruption. It called into question several managers of government business and intervened in critical transactions involving government and private concerns, including multinationals and corporate entities. However, the post Obasanjo administration’s collapse of some privatized companies and establishments prompted the subsequent seventh Senate to investigate the circumstances of failure of some privatized government companies. Curious that most of the privatized companies became moribund shortly after the exercise, the Sixth Senate raised a special committee to probe the ways and manners the Bureau of Public Enterprises (BPE) conducted the privatization of companies. After months of investigation, which saw committee members traversing some parts of the country in search of facts, the Senate Committee observed purported shady deals perpetrated in the guise of privatization exercise in addition to other recommendations.

In the heat of the overbearing influence of the executive, the National Assembly was unable to maintain its independence by managing its affairs as it appeared helpless while Senate President AdolphusWabara was forced to resign on an allegation of corruption championed by the EFCC and allegedly instigated by the Presidency. As noted earlier, prior to April 2005, the executive played crucial roles in producing and removing the principal officers of the National Assembly, particularly the Senate. The Senate redeemed its image by its independent position and applauded disposition on former President Olusegun Obasanjo’s Third Term bid in 2007 under the leadership of Senator Ken Nnamani. The institutional cohesion and relative stability that the Senate enjoyed between April 2005 and May 2007 was attributable to the
circumstances of emergence of Senator Nnamani having been freely elected by his colleagues with what appeared to be inconsequential interference from the executive. Senator Ken Nnamani replaced Senator Adolphus Wabara, who was generally believed to be an executive stooge (Oluwole, 2011). The National Assembly consolidated its position despite several attempts by the executive and insinuations to that effect, by checking the excesses of the executive. It resisted being a willing tool in the hands of the executive. It demonstrated strong will in making considerable inputs into the budgetary process, sometimes, at its discretion, adjusting budget proposals made by the executive to meet exigent needs. The legislature also demonstrated uncommon political will by leveraging on its two-thirds majority power to pass two bills – the Niger-Delta Development Commission bill of year 2000 and the Corrupt Practices and Other Related Offences Act 2003, having been unable to get the Presidential assent on both Bills (Muheeb, 2016a and 2016b).

The National Assembly also resolved sensitive issues of national importance like the Onshore-Offshore Dichotomy Bill and the Third Term or Tenure Extension Bill. Thus far, without the legislative arm, the executive could have assumed dictatorial tendencies (Aiyede, 2006). Going by Oluwole’s (2011) account, the legislature worked assiduously towards effecting comprehensive amendments to the 1999 Constitution and the Electoral Act 2010. The legislature has been a major stabilizer in the nation’s fragile democracy. The National Assembly has to its credit the invocation of the Doctrine of Necessity that launched President Goodluck Jonathan to power as the Nigeria’s President following the death of the incumbent, Alhaji Umar Yar’Adua. Passing such bills as the Sovereign Wealth bill, the FOI bill, Money Laundering and Anti-Terrorism bills, Income Tax bill and other crucial ones that would affect the economy and Nigerians positively, speak volumes of the significant contributions of the legislature to national development (Oluwole, 2011). The two chamber of the National Assembly have since been maintaining consistent leadership stability and away from the initial compromising posture, it has been more assertive not withstanding pockets insinuations of executive inducements and occasional blackmail (Muheeb, 2016a and 2016b).

The National Assembly also resolved sensitive issues of national significance. Going by Oluwole’s (2011) account, the legislature worked towards effecting comprehensive amendments to the 1999 Constitution but failed to see it through. Aiyede (2006) recall that the two chambers of the National Assembly, the Senate and the House of Representatives engaged each other in an avoidable controversy that lasted for months over procedural issues bothering on the headship of the Joint Review Committee of both chambers. They eventually adopted separate approaches to the amendment exercise owing to their inability to reach a mutually agreeable understanding. The legislature however, exhibited independent disposition on Obasanjo’s Third Term bid in 2007 by successfully dismissing the Third Term or Tenure Extension Bill (Aiyede, 2006). The legislature however lost out in its efforts to amend the constitution inspite of the huge financial resources committed to the exercise. The legislature eventually dismissed the entire constitution amendment exercise in protest over the incorporation of Tenure Extension clauses. Its
seemingly lackadaisical disposition to the amendment of the 1999 Constitution was however a negation of the seriousness such national assignment requires.

On lawmaking, much of the landmark Bills to the credit of the legislature have been highlighted in previous sections of this chapter and to avoid a repeat, other Bills of national importance would be touched on in this section. The passage of the Anti-Same Sex Bill, sponsored by Senator Domingo Obende (Edo North) prohibiting marriage of people of the same sex in all parts of Nigeria was quite remarkable among a number of other Bills during the Seventh Assembly. Deliberation on the bill and its eventual passage by the Seventh Assembly was highly controversial as lawmakers were subjected to intense pressure from the international community for legislative actions on the Bill to be jettisoned. The lawmakers were however resolute in seeing to the eventual passage of the Bill, which has since been assented to by President Jonathan thus making gay and lesbian marriage in Nigeria illegal. Another Bill, which stipulates capital punishment for anyone found guilty of terrorist acts was also successful pursued.

The Terrorism Prohibition Bill was passed in 2013 and was assented to by the president. The Pension Reform (Amendment) Bill 2014, which phased out the old Pension Reform Act promulgated during the Obasanjo regime was meant to eliminate all forms of bottlenecks associated with delays in payments and attendant frustration experienced by retirees in the course of waiting endlessly for and during verification and allied exercises. The amendment in the new bill, which has since been signed into law requires retirees to register with Retirement Savings Account (RSAs) into which their employers and employers will jointly contribute pension on a monthly basis. The monies managed by pension administrators can only be assessed after retirement. The Bill also reduces the years of experience of the Director-General of Pension Commission (PENCOM) from 20 to 15 years.

Drawbacks in Lawmaking

The National Assembly however failed in seeing to the passage of the Petroleum Industry Bill (PIB), which holds greater promises for the oil and gas sector of the nation’s economy being a legal framework capable of addressing the rot in the oil industry. The National Assembly has been accused of deliberately stalling the passage of the Bill largely for reasons of brinksmanship. The bill passed through Second Reading in Senate on March 7 2013, thereafter referred to the National assembly Joint Committee on Petroleum (Upstream, Downstream and Gas), and was expected to return for passage within six weeks but has since been stocked years after. The petroleum sector continues to be rocked by corruption. The National Assembly, particularly the House of Representatives was among other distractions, enmeshed in institutional politics that was a disincentive to effective deliberation and lawmaking. For example, the repeated adjournments of the House of Representatives sittings on October 28 to reconvene on
December 3 2014 were somewhat self-serving and discomforting. This was more so that members of the National Assembly including the Senate and House of Representatives had barely returned from a two-month vacation mid-September 2014. It also truncated the House’s initial resolve to give accelerated attention to some of the long-pending Bills of national and international significance before it. Some of these Bills included: the Petroleum Industry Bill (PIB); Cybercrime Bill; Violence Against Persons Prohibition Bill; Anti-terrorism and Asset Forfeiture Bill, and the Constitution Review Process (Muheeb, 2016b).

The November 20 2014 Police invasion of the National Assembly was the peak of the crisis of confidence between the executive and the legislature that put legislative business of the National Assembly on hold for a significant part of the legislative year. The indiscriminate deployment of the Police by the executive debarred the lawmakers from conducting their legitimate legislative businesses of lawmaking and representation. The siege on the National Assembly without the knowledge of the principal officers, particularly the Senate President in such a manner as widely reported in the print and electronic media was antithetical to the principle of separation of powers as well as the spirit and letters of the Constitution as regards lawmaking and oversight. The Police unwarranted action in this author’s estimation was symptomatic of executive’s attempts at muzzling a seemingly uncooperative legislature. This was in the same manner that national issues were considered from the angle of partisanship. Some national issues like the extension of emergency rule in the North-East were debated on the floor of the Senate or the House from geographical or political affiliation point of view irrespective of the consequences on the electorate.

**Concluding Remarks**

There is no gainsaying the fact that the legislature has undergone several dramatic changes in major functions, composition, operational efficiency and administrative infrastructure since the commencement of the Fourth Republic in 1999. Inspite of the complexity of its operational environment, particularly the increasingly fluid party platforms, the palpable determination to be self-regulatory is reassuring with sustained reform of requisite legal framework as well as palpable commitment to internalising best practices. Viewed against the background of a false start in 1999, the legislature has played quite significant roles in stabilizing the polity, validating its democratic identity and updating its representative credentials. During the period 1999-2003, the Fourth legislature was almost ineffective, as it was practically overshadowed by the executive. It has continued to improve subsequently through Fifth, Sixth into the Seventh legislature at the national and subnational levels. Although the legislature’s increasing reinvigoration contributed significantly to the increasing recurrent expenditure across levels; yet, there are adequate justifications for the optimism that a constitutional representative government through enduring legislative institutions is being entrenched (Muheeb, 2016a).
Barkan’s (2008) edited volume on: *Legislative Power in Emerging African Democracies*, which revolves around the question of whether more democracy leads to stronger legislatures, or stronger legislatures lead to more democracy attests to the significant improvement in the National Assembly’s representative credentials. The study acknowledged that, when viewed against other legislatures across sub-Saharan Africa, the Nigeria’s National Assembly was becoming relatively stronger, as the country strive to consolidate its democratization process. The complementary role of the National Assembly Service Commission in making the legislature self-regulatory cannot be overemphasized. Much the same was the institution of the Institute of Legislative Studies for capacity building and allied services to the legislature. The legislature demonstrated its resolve to hold executive accountable resulting in the deployment of impeachment threat, without which the executive would possibly have assumed dictatorial tendencies. Barkan’s (2008) volume nonetheless canvassed for the reformation of the legislatures. It opines that building legislative capacity requires changes to the rules that structure legislative-executive relations coupled with provision of commensurate resources both to the legislature as an institution and to the legislators as individuals. The transformation of the legislature also requires a revisit of the issue of campaign finance. The pursuit of election and re-election into the legislatures often makes legislators vulnerable to financial inducements from the executive and patronage from overbearing party leaders, which invariably hinders legislators’ independence in the discharge of their official duties to the detriment of their mandates (Muheeb, 2016a).

References:


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See Hugh Corder, SarasJagwanth, FredSoltau: Report on Parliamentary Oversight and Accountability, Faculty of Law, University of Cape Town, July 1999


Endnotes

i In other words, oversight traverses a far wider range of activity than does the concept of accountability. After deliberations, they are also expected to undertake visitation to monitor the performance of the budget for their respective constituents. (See Hugh Corder, Saras Jagwanth, Fred Soltau: Report on Parliamentary Oversight and Accountability, Faculty of Law, University of Cape Town, July 1999)

ii The legislature has the responsibility to conduct public hearing and/or public debate on issues and bills brought before it. It can initiate the review of existing laws and constitution. It is not expected to place any limit on the extent of its interaction with the members of the public on national issues they want amended or altered in the constitution. It must ensure transparency and accountability while responding to people’s demands through their elected representatives, who owe the people a duty to brief them on their exercise through visits to their respective constituencies.

iii This is by virtue of the provision under Section 4(6) of the 1999 Constitution of the Federal Republic of Nigeria. Similar provisions are embedded in the Constitution of similar federal systems like the United States of America, Canada and Germany.

iv ibid

v James Madison, an architect of the American constitution, declared that in a Republican government, the legislative power takes precedence and necessarily predominates.

vi “The ruler can say to visiting dignitaries, Look! We too have an assembly, just like the British House of Commons and the American Congress!”

vii “The contents and sources of parliamentary procedure consisted of four elements namely, Constitutional and statutory provisions, the unwritten rules (practices and conventions of the legislature), the written rules (standing orders) and Rulings from the Chair which were first recorded and by constant usage added to the Standing Orders. The last three sources, however, must not in any way be found to be unconstitutional. The most important source was no doubt the written rules – the ‘Standing Orders’. Ojo Timothy Ibikunle. 1997. The Nigerian Legislature: Historical Survey. Badagry Lagos: Administrative Staff College of Nigeria. Pp60-183


ix ibid

x ibid

xi ibid

xii ibid

xiii ibid

xiv For example, all committees are always involved in the "Appropriation Bill" (Budget) but they act as sub-committees to the Appropriation Committee in the House/Senate. In other words, they report back to the
Appropriation Committee with their changes or amendments. [http://nass.gov.ng/page/the-legislative-process accessed 19/06/2016]

xvIn this case, the Chamber from which the bill originated may agree with the amendments or recommendations. But if the amendments are not agreeable to the Chamber, then a Conference Committee of the two chambers will be constituted to work out any disagreement. [http://nass.gov.ng/page/the-legislative-process accessed 19/06/2016]

xviiThe sitting of the Joint Conference Committee may be open or closed to the public. This will depend on the subject matter under discussion and the view of majority of the Joint Conference Committee members. [http://nass.gov.ng/page/the-legislative-process accessed 19/06/2016]


xxviiiBy the then Speaker, RtHonourable Aminu Waziri Tambuwal following the institutional politics that attended his defection from the ruling PDP to the main opposition APC against the 2015 genera elections.