



## **POLICY BRIEF**

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### **LEGISLATIVE RESOLUTIONS AND SELECTIVE COMPLIANCE BY MDAS: IMPLICATIONS FOR THE EFFECTIVENESS OF THE LEGISLATURE IN NIGERIA**

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#### **0.1 Summary**

This policy brief focused on issues of selective compliance with resolutions passed by the legislature and its negative implications on the image and effectiveness of the legislative institution in Nigeria. It is worrisome to note that members of the parliament still find it difficult to get the various Agencies of Government to implement legislative resolutions without having to lobby for it. The brief is designed to evaluate the factors relating to resolutions and compliance under four sub-themes. The first, highlights the existence and duties of the Legislative Compliance Committee. Second theme addresses some negative impacts of non-compliance on the image and effectiveness of the legislature. While the third sub-theme deals with the conclusion and recommendations. The brief recommends the following legislative actions and policy directions to strengthen and enable legislative Committees enforce compliance and implementation of its resolutions by the MDAs:

- Legislative resolutions, whether in form of summons or recommendations, should be tied to the specific Acts establishing respective MDAs, thereby making selective or non-compliance by MDAs easily discernable and punishable.
- Failure to comply within the time frame should attract sanctions including zero budgeting. The legislature should adopt this policy directions with a view to record higher compliance prospects;
- The legislature may engage professional legislative drafters to draft their resolutions using appropriate legal and legislative languages.
- Members and staff of the Legislative Compliance Committees should be trained to acquire the knowledge and skills required to enforce legislative resolutions and demand accountability and implementation from MDAs;
- Sociological and political factors hampering effective and efficient compliance with legislative resolutions by MDAs should be identified and factored into a non-compliance reduction policy of the legislative institution;
- The legislature may strengthen cooperative relationships between the Legislative Compliance Committee and MDAs. Compliance desks should be established at the various MDAs, while monitoring and evaluation team should be constituted by the Legislative Compliance Committee for routine follow-up on the level of compliance.



## 0.2 Introduction

Legislative resolutions are of essence to the effective and efficient working of the legislature. Globally, most legislative businesses culminate in resolutions for which actions are needed. Statistics show that legislatures across the globe records a minimum of 3 to 4 resolutions in every sitting<sup>1</sup>. Resolutions are powerful instrument by which legislative institutions exert and enforce regulatory and oversight influence over other arms of government and MDAs. The National Assembly is reported to pass an average of 24 resolutions in each legislative week<sup>2</sup>.

Several studies have based the yardstick for determining the performance of legislatures on the number of bills produced, laws enacted, motions passed, petitions presented, series of investigations carried out and committee reports produced. However, less attention has been paid to compliance and implementation of resolutions passed and transmitted to various government and private agencies. The National Assembly for the past two decades has made concerted effort aimed at strengthening its effectiveness and efficiency in terms of enforcing accountability, exposing corruption, fostering infrastructural development, protection of citizens' rights and interest amongst others. The establishment of critical institutions such as the Public Complaint Commission, National Assembly Budget Office and the National Institute for Legislative and Democratic Studies all attest to the commitment of the apex legislative institution to assert its authority in the governance system of the country. Several strategic Committees have also been created such as the Public Account, Public Petitions, Media and Information, Civil Society Engagement, Ethics and Privileges, and Legislative Compliance Committees amongst others, purposively to regulate the conduct of legislators, effectively discharge its functions and demand accountability from MDAs<sup>3</sup>. Despite all these efforts, the populace still perceive the legislative institution as weak, ineffective and a waste of public<sup>4</sup>.

## 0.3 Existence and Duties of the Legislative Compliance Committee

The House Committee on Legislative Compliance is one of the Standing Committees in the Houses of the National Assembly. The Committee was formed in 2007 based on the need for a task agent that will enforce compliance with the House Resolutions, against the backdrop that some of the government parastatals and agencies persistently and deliberately fail to comply with legislative resolutions. The Committee, which may not be very popular, is one of the busiest committees in the National Assembly. The Compliance

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<sup>1</sup> Adem, D., T. (2017). Drafting motions and summons. Being a paper presented at the “in-housetraining/workshop for senate staff”, 28<sup>th</sup> August – 6<sup>th</sup> September, 2017. Abuja:Unpublished.

<sup>2</sup> The Guardian (2018, April 6<sup>th</sup> ). ALTON drags National Assembly to court over oversight on Telcos [Article]. Retrieved from <https://guardian.ng/business-services/alton-drags-national-assembly-to-court-over-oversight-on-telcos/>

<sup>3</sup> Uzoechi, R., A. (2019). The scope and limitations of investigative powers of the National Assembly of the Federal Republic of Nigeria: An Appraisal. *African Journal of Constitutional and Administrative Law* 2

<sup>4</sup> Hamalai, L. (2014). Legislative Oversight of the executive. The National Assembly and Democratic Governance in Nigeria: Abuja. NILDS Publication.



Committee does not have a particular Ministry or Agency which it oversees, rather, it watches over all Government MDAs which the legislature oversees<sup>5</sup>. The core duties of the Committee include:

- Collate legislative resolutions passed during plenary sessions or Committee Hearings;
- Harmonize the positions of both Houses of the National Assembly on resolutions passed;
- Transmit the resolutions to the affected MDAs for compliance and implementation;
- Ensure timely compliance with the resolutions vis-a-vis addressing the issues raised;
- Submit reports of level of compliance to the leadership of the Committee for further legislative action.

Sundry duties of the Committee include: ensuring the implementation of all House Resolutions on Motions, Petitions and other resolutions; ensuring that Parliamentary Conferences, Trainings, Seminars and Capacity building are attended by all House delegations; following up and receiving reports of all House Delegations to Local and International Parliamentary Conferences, Seminars and cause the communiqué, decisions and agreements to be presented to, and acted upon by the House.

#### **0.4 Negative Impacts of Non-Compliance on the Image and Effectiveness of the Legislature**

The Nigerian apex lawmaking institution has had to struggle to win public trust stemming from serial image damaging scandals bordering on allegations of corruption, acceptance of bribes during oversight visits, rowdy sessions, low and poor participation during plenaries, evading of training conferences, poor representations to mention a few<sup>6</sup>. The situation has deteriorated to the extent that many government agencies often blatantly disregard legislative resolutions and summons without fear of any repercussion<sup>7</sup>. These have had adverse effects on the legislature,

- It has not allowed the legislature to constructively monitor and criticize the policies of the executive through their oversight function;
- It has continued to weaken the democratic process, good governance and responsible leadership;
- Slows the efficiency of the legislature to check the recklessness of other arms of government;
- Reduces the commitment and sense of duty of the members and staff of Legislative Committee;
- Affects healthy executive-legislature relationship;

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<sup>5</sup> Kayode, W. (2017). Legislative compliance; Compliance How? Workshop training for Legislative Aides. Abuja: Unpublished.

<sup>6</sup> Ojogwu, C., and Ashieka, C. (2011). National Assembly Handbook. Abuja: National Assembly. Punch Newspaper (2017, October 25<sup>th</sup>). Reps, NECA disagree over National Assembly's power to probe private firms [Article]. Retrieved from <https://punchng.com/reps-neca-disagree-over-nassemblies-power-to-probe-private-firms/>

<sup>7</sup> Hamalai, L. (2014). Legislative Oversight of the executive. The National Assembly and Democratic Governance in Nigeria: Abuja. NILDS Publication.



- Dwindles public confidence in the legislative institutions<sup>8</sup>.

#### **0.5 Areas for Legislative Consideration**

- i. The National Assembly may pass a legislation that makes non-compliance with its resolutions and decisions an offense
- ii. The communication channel between the Compliance Committee and MDAs may be strengthened through regular interface with the leadership of the institutions involved;
- iii. The National Assembly may adopt a policy of mandating all MDAs to establish Compliance Desks basically for the purpose of overseeing implementation of resolutions;
- iv. The Compliance Committee staff may be trained on the use of media to boost transparency of its activities;
- v. The National Assembly may adopt a policy direction that addresses the socio-political challenges hampering compliance to resolutions by MDAs.
- vi. All legislative resolutions should be time bound, and failure to comply within the time frame should attract sanctions, including zero budgeting for the following year.

#### **0.6 Conclusion**

This policy brief discussed the issues of selective or non-compliance with legislative resolutions and its negative implications on the image and effectiveness of the legislative institution in Nigeria. The brief highlighted some of the consequences of disregarding resolutions passed by the legislature. It showed that the democratic and governance process in the country is weakened, executive-legislature relationship worsened and characterized by unhealthy rivalry and public trust on the legislative institution is in near collapse as a result of the incessant disregard by MDAs for legislative resolutions.

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<sup>8</sup> Fisher, L. (2003). Congressional investigations: Subpoena and contempt power. Washington, D.C: Congressional Research Service.