

LAW INFORMATION BRIEF

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Initiatives to Reduce Wastages and Enhance Efficiency in Law Making Process



Parliaments are the indispensable institutions of representative democracies around the world. Whatever their country-specific rules, their role remains the same: to represent the people and ensure that public policy is informed by the citizens on whose lives they impact. Effective parliaments shape policies and laws which respond to the needs of citizens, and support sustainable and equitable development. No two parliaments are the same. They differ in form, role and functioning. They are shaped by the history and culture of each individual country. Yet they all share the same ambition: to give people a voice in the management of public affairs.

The focus of this brief is on initiatives to reduce wastages and enhance efficiency in law making process in comparison with other Jurisdictions, with a view to draw lessons for Nigeria from the practices of other Parliaments in order to improve the law making process of the Nigerian National Assembly. This has become apparent owing to the issue of quality of Bills and the recurrent denial of Assent by the President of the Federal Republic of Nigeria on various technical grounds.

Notably, some of the issues and challenges facing the National Assembly, they include but not limited to the following –

- Introduction of large number of bills, the implication of which is the inability of the National Assembly to process a plethora of Bills against the backdrop of limited time and capacity;
- Introduction of Bills that lack quality research and adequate foundation;
- Lack of adequate capacity by some legislators to engage with Bills, especially the complex ones;
- Inadequate experts, i.e. professional legislative aides to aid legislators in adequately researching briefs for debates in the chamber;
- Delay in the passage of Vital Bills;
- The low rate of turnover at the National Assembly impacts negatively in the law making process, it takes some time to build the capacity of new legislators to the level that they can contribute meaningfully to the law making process, only to have them leave office, thus the cycle of training new legislators goes on without any positive impact on the Legislature;
- The Information and Communications Technology (ICT) requirements of a modern Legislature have not fully taken roots at the National Assembly. The importance of ICT cannot be overemphasized in this era, as it will aid in facilitating and expediting the work of the

legislature while also being cost-effective.¹

Comparative Analysis in Bill Processing Activities: Kenya, South Africa, US, UK, Finland, Australia and Nigeria

The challenge relating to processing of Bills and wastage is not unique to Nigeria. It is prevalent in many parliaments around the world. A review of the bills and resolutions introduced to the 115th US Congress



(Jan 3, 2017 – Jan 3, 2019) shows that out of a total of 13, 556 Bills and resolutions introduced, only 443 (3%) became enacted laws.² In the United Kingdom,



¹ J Dan-Azumi and T Gbahabo, L Hamalai (eds.), 16 Years of Law Making 4th -7th National Assembly: An analysis of Bills Processed, Vol. 4 (Abuja: National Institute for Legislative Studies) pg. 85

² <https://www.govtrack.us/congress/bills/statistics> Accessed 1 April 2019

for the 2010-2015 Parliament, a total of 701 bills were introduced out of which 152 received Royal Assent.³ In the Australian Parliament, however, does remarkably well with regard bill processing.



A total of 652 Bills were introduced in the 44th Parliament (2013 -2016) (588 in the House of Representatives and 103 in the Senate). Out of these, 379 became Acts.⁴

Within the African context, data was sourced from Kenyan and South African Parliaments respectively. Kenya stands as one of the oldest democracies in Africa. Between 2015 and 2018, the Kenyan Parliament had before



it, 164 Bills and passed 40 (24.4% in a span of 4 years). South Africa recorded a similar performance as Kenya; between 2015 and 2018,⁵ the South African Parliament had before it, 185 Bills and passed 47 (25.4% in a span of 4years).⁶



These percentages were derived from the number of passed Bills against the number of bills introduced to the Parliament in the span of the years indicated.

According to a study by the Cape Town based Parliamentary Monitoring Group,⁷



Bills that were introduced to the South African Parliament from January 2006 until

³ House of Commons BRIEFING PAPER, Number 02283, 3 July 2017.

⁴ Australian Parliamentary Library Estimates.

⁵ Data from Kenyan National Assembly Bills, 2015, 2016, 2017 and 2018. <http://kenyalaw.org/kl/index.php?id=7938> Accessed 3 October 2018.

⁶ Data from the Parliament of the Republic of South Africa on Legislation.

[https://www.parliament.gov.za/legislation?sorts\[date\]=-1&page=2&offset=10](https://www.parliament.gov.za/legislation?sorts[date]=-1&page=2&offset=10) Accessed 3 October 2018.

⁷ Parliamentary Monitoring Group, “Legislative Performance/Output in Parliament” (2018) <http://pmg-assets.s3-website-eu-west-1.amazonaws.com/BillsStudy.pdf> Accessed 3 October 2018.

December 2017 were 486, and 391 of these Bills were adopted, 13 lapsed, 5 were rejected, 32 were withdrawn and 45 Bills were still under consideration at the time undergoing the study. For the period under review, the efficiency percentage proved that 80% of the 486 Bills introduced, were successfully adopted by Parliament.

Further in the UK Parliament, the passage of a run of the mill Bill through both Houses of Parliament on average takes up to a year. Money Bills take less time, because they are subject to a different procedure. Under emergency procedures, legislative bill can even be passed even quicker; even in a matter of days, however, it is difficult to assess the total time devoted to a legislative project with precision. An interesting practice in the UK is the putting together of “bill teams”, made up of skilled staff, to assist Committees in processing legislation introduced; this no doubt hasten the Bill process.⁸

In Finland, the National legislative body makes use of a system for flagging legislation according to the level of priority and urgency that should be afforded – these categories are high, medium and low prioritization, and attended to accordingly, ensuring efficiency in processing Bills. Australia uses a similar system as Finland by categorizing the level of priority of each bill, in the legislative programme.⁹

The South African Parliament also categorizes its bills, and prioritizes and ensures the easy passage of Money bills, i.e. bills dealing with appropriating public funds, taxes, levies, duties.¹⁰

As has been earlier stated, the use of ICT in this era cannot be overemphasized. This has also taken root in developed parliaments, such as Australia, Canada, and Finland; and it has been posited by a member of the Finnish Parliament, “the legislative process cannot work anymore without the use of ICT.”¹¹

In the Nigerian instance, data from the 8th Assembly shows that between June 2015 to June 2018, Senate passed 214 bills out of 790 introduced to it, while the House of Representatives passed 224 bill out of the 1527 bills introduced to it. Out of these 438 bills, only 111 were passed post-concurrence. In fact, only 51 bills out of a total bills passed by both chambers were assented to by the President.



Source Of Inspiration For Enhancing The Efficiency Of The Dutch Legislative Process” (Leiden: The Hague 2012) https://www.wodc.nl/binaries/2096-volledige-tekst_tcm28-72027.pdf Accessed 4 October 2018. p. 29

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ *Ibid.*

¹¹ W Voermans, Hans-Martien ten Napel (eds.), “Legislative processes in transition Comparative Study Of The Legislative Processes In Finland, Slovenia And The United Kingdom As A

Whereas 978 Bills were introduced from 2012 -2015 and 277 passed¹² (28.3% in a span of 3 years) while 60 was assented to by the President. This comparison highlights a decline in terms of percentage in the effectiveness and efficiency of the National Assembly with regards to Bill Processes.

Find in the table and chart below, graphic illustrations on the comparison between the 7th and 8th Assembly.

Assemblies	Total Number of Bills Received	Total Number of Bills Passed (Post Concurrence)	Total Number of Bills Assented to
7 th Assembly	978	277	60
8 th Assembly	2317	111	51

Fig (1)

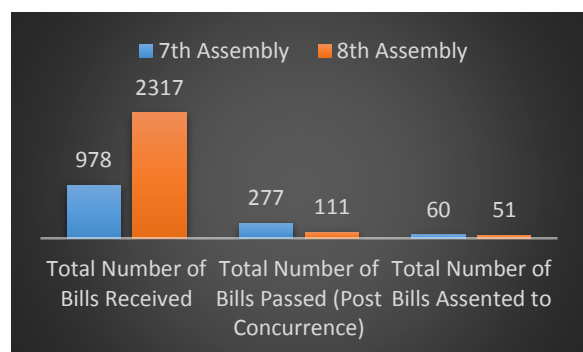


Fig (2)

Initiatives adopted to reduce Wastages in the Law Making Process in Nigeria

Having identified the challenges faced by the National Assembly in its law making function, the following initiatives are recommended as follows –

- Scrutiny before the introduction of the Bills to each house of the National Assembly** – This process will aid by identifying whether the proposed bill is in conflict with any Act in existence or any judicial pronouncements. Additionally, with specific regard to establishment bills, scrutiny will determine whether an amendment of an existing Act will suffice or whether the bill should be completely discarded to avoid duplicity and/or multiplication of government parastatals with similar mandate and function. To this effect, the Department of Legislative Support Services of NILDS may be enabled to work closely with Rules and Business committees of NASS to improve on Bill Scrutiny. NILDS may also implement intensive training programmes for Scrutiny Department of House of Representatives and similar department in the Senate. Selected staff of the Scrutiny Department may also work as interns for a period of 6 months on all scrutiny assignments in NILDS.
- Scrutiny during Committee Considerations** – This process will monitor the changes made in the bill at the committee stage to determine and ensure its relevance on the overall bill; this will no doubt save time and resources at the stage of concurrence.
- Scrutiny after Committee Considerations** – This entails

¹² J Dan-Azumi and T Gbahabo, L Hamalai, op. cit, p. 85.

scrutiny of bill after concurrence but before the transmission of the Bill to the President of the FRN for Assent, to check for drafting errors, misspellings, punctuation, grammatical and typographical errors.

- **Standardisation of Bills and a Drafting Manual** – The standard in many advanced democracies is to subject all bills to scrutiny before they are presented in the House. In some parliaments including the US congress, there is a provision for specialist units that provide assistance in drafting and standardizing legislative documents that include new bills and resolutions, amendments, motions, reports of conference committees, etc. this is called Office of the Legislative Counsel in the US. NILDS has already prepared and published a

legislative drafting manual in this regard and is before the council for consideration.

- **Strengthening Inter-Chamber Cooperation** – Given the Constitutional necessity of conciliation and its significant impact on policy outcomes, a more robust structure is needed to ensure synergy between the Senate and the House of Representatives in order to reduce waste. In Fact, in the US, rather than delegating conciliation to conference committees, party leadership often chooses to engage in high-level closed-door negotiations to resolve inter-chamber differences.
- **Improved Budgeting** – More often than not, lack of efficiency has resulted from budgetary constraints. To speed up the process, greater funding for committees and experts/consultants is required.