Key Legislations in Nigeria, 1999 – 2015: Potentials for Impact and Challenges

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ABSTRACT

While all legislations enacted by the National Assembly are binding and important, there are many laws that are significant for their span or because they point to a major and official decisive moment for the country. Since the return to democratic governance in 1999, the National Assembly has passed several critical legislations aimed at transforming state institutions that have become moribund under successive military regimes and influencing particular attitudes and social behaviours on a large scale. This paper critically assesses such "landmark legislations" in Nigeria that were passed from 1999 to 2016 in terms of their potentials for positive impacts on development and democratic re-engineering. These legislations cover such areas as finance and the economy, politics, security, corruption, democracy and governance, and the social sector among others. Also, some of the challenges faced in their implementation are discussed.

Keywords: law making, National Assembly, democratic governance, institutions

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1. INTRODUCTION

The trend of legislation by the National Assembly and the focus on socio-political re-engineering is not unique to Nigeria. Indeed, as Boadi (1998) shows, many African countries that re-democratised in the 1980s and thereafter have had to tackle rots and conflicts left behind by military administrators. Since 1999 therefore, one major focus of the National Assembly is providing the requisite platform to transform state institutions that have become moribund under successive military regimes.

Decades of military rule characterized by poor economic management, unbridled corruption and rent-seeking are hostile to both domestic and foreign investments (Okonjo-Iweala, 2007). In response to the multiple challenges that confronted the country in the preceding decades, between 1999 and 2007, there was a concerted and frenzied attempt by President Obasanjo to implement reforms in the economic and social sectors. Similarly, decades of poor maintenance, underinvestment and absolute criminality have left the country with an outrageous infrastructure deficit. As a matter of fact, it has been said that infrastructural deficit, which stands at over $200 billion has been one of the most significant challenges to Nigeria's economic growth (Ohia, 2011).

Secondly, corruption, which is generally conceived in terms of abuse power or trust for narrow self-interests (Akanbi, 2004; Lipset & Lenz, 2000; Sen, 1999) or deliberate perversion of standards of behaviour, legally, professionally and ethically either in private or public affairs (Oyebode, 2002) remains topical on issues of governance and development. It is widely accepted to be a product of several social, political, economic and historical circumstances (Maathi, 1999; Mogae, 1999; Ogbonna, 2004). Nigeria as a country has been plagued by the challenge of corruption for decades to the extent that it has become institutionalised (Daloz, 2002; Erubami & Young 2003; Lewis, 1996). Losses to Nigeria through corruption between 1966 and 1999 have been estimated to be about $400 billion. Some of the immediate consequences of corruption in Nigeria include ineptitude, low rates of foreign investments, rising fiscal deficits, economic contraction and social disorder. Significantly, Nigeria's bloated bureaucracy and the political class as well as their associates in the private sector have perpetually been found to be at the centre of official corruption. Rents seeking and double dealing have become entrenched and seemingly acceptable practices.

Thirdly, public sector management in Nigeria since independence has struggled to deliver the much expected macroeconomic stability. Fiscal profligacy has emerged as a major contributor to corruption and macroeconomic instability. Lack of fiscal discipline has, over the years, resulted in wastefulness, corruption and macroeconomic instability. Be they internal or external, financial reforms and the attendant policy prescriptions are often meant to systematically amend or restructure policies or laws that regulate the financial sector (Chinedu & Muoghalu, 2004). The focus of these reforms in Nigeria has been on liberalising the banking sector to ensure that it guarantees competition, safeguards the system, acts as an intermediary in stimulating economic development and ensures macroeconomic stability and real growth (Iganiga, 2010). Government's intermediary role is due, largely, to the inability of market mechanisms to guarantee efficient allocation of resources and ensure equilibrium and fair distribution of income.

Finally, Nigeria's return to democratic rule in May, 1999 heightened expectations of development and political stability. Yet, there has been an unprecedented spike in violent conflicts and loss of lives comparable in number only to the period of Nigeria's civil war. The heightening of militancy in the Niger-Delta and religious extremism in the north-east has, in the last ten years, dampened those earlier democratic prospects. The major threats to national security include widespread cases of terrorism in the North East perpetrated by the Boko Haram sect and the Militancy in the Niger-Delta.

It is these challenges, among others, that law-making in the National Assembly in the last sixteen (16) has sought to address. This paper critically assesses such "landmark legislations" in Nigeria that were passed from 1999 to 2016 in terms of their potentials for positive impacts on development and democratic re-engineering. These legislations cover such areas as finance and the economy, politics, security, corruption, democracy and governance, and the social sector among others. Also, some of the challenges faced in their implementation are discussed.

2. THEORETICAL FRAMEWORK

There is ample literature on legislative performance with special focus on legislative output (Arter, 2007). This includes Polsby's spectrum of legislative power which range from "arena" legislatures who are incapable altering legislation (e.g. UK) and "transformative" legislatures, which are also 'policy making' and capable of not only creating legislations but also can alter them (e.g. US) (Polsby, 1975).

Mezey (1979), further developed specific categories of legislative influence, particularly the influence of the legislature on the policy-making process either through the exercise of its formal powers or the extent to which it a given legislature has support from the political elite. Based on this classification, legislatures with adequate powers and high level of support have been termed as 'active' legislatures. These can be contrasted with 'reactive' legislatures who have modest powers. At the lower end of the pyramid are 'vulnerable', 'marginal' or 'minimal' legislatures who have modest to no powers to influence policy. In Mezey's framework, very few legislatures, like the US Congress, qualify to be considered as 'active' legislatures while others in the developed democracies, like the UK, fall under the 'reactive' category. However, the bulk of legislatures in developing countries, including Nigeria, can at best be considered 'marginal' and at worse 'minimal'. Mezey's classification has been criticized for neglecting 'outputs' in their assessment of impact of legislatures. Also, it has been observed that these frameworks do not have systematic indicators and hence no objective measures of impact (Russell & Bentoni, 2009).

Typologies of parliament such as Mezey's bring to the fore the fundamental challenge in comparing legislatures (Arter, 2006; Hopkin, 2002; Landman, 2000; Sartori, 1970)1970). This is owing to the fact that legislatures operate within varying contexts including different constitutional arrangements, political culture and sometimes divergent societies. These apart, comparing formal powers of legislatures in any reliable and objective manner has also been found to be challenging as it often results in conflating "capacity" and "performance" of legislatures (Arter, 2006).

Fundamentally too, it has been argued that assessing policy impact of individual legislatures is arduous and time consuming as it demands thorough and detailed study beyond rudimentary measures often used which include analysis of number of bills passed, number of oversight visits undertaken, committee reports published, etc. (Oppenheimer, 1983). Secondly, several scholars have argued that legislative influence is best understood within the give-and-take relationship that exists between the legislature and the government. Thus, much of the work and output of legislatures are 'reactive' in nature rather than 'preventative' (Norton, 1993; Thomas, 2003).

More to comparing legislatures and their relative influence on policy, several studies have also looked at the question of 'what to measure'. Rather than

view the parliament as an organic whole, some scholars have instead disaggregated the parliament into various actors within it, e.g. committees, and attempted to measure their influence, perceived or real, through empirical analysis (Wright, 2004, p. 871). Thus, the focus is not just on outputs but on the processes leading to the output, e.g. committee deliberations.

Given that one of the core functions of any legislature is lawmaking, legislative achievements are often the best and logical entry point in assessing policy impact of the legislature. Thus, several studies have examined number of bills passed, ratio of executive bills to member bills, and the rate of passage of each (Arter, 2004; Capano & Giuliani, 2001; Keeler, 1993; Maurer, 2003). Nonetheless, this approach to measuring impact has often been considered simplistic, misleading and subjective (Clinton & Lapinski, 2006; Mayhew, 1991). Suffice it to say that Price (1972) contends that the distinction between 'executive' and 'member' bills is misleading as responsibility for these bills is often shared. In general, however, the literature on legislative impact is still very much underdeveloped and the search for more precise tools to measure legislative impact remains ongoing (Damgaard & Jensen, 2006; Kerrouche, 2006; Newell, 2006; Pettai & Madise, 2006). It has been observed that due to differences between parliamentary and presidential systems, US legislative studies literature focuses more on the impact of individual lawmaker rather than of the Congress as a composite (Frantzich, 1979; Ganghof & Brauninger, 2006). More recent studies focusing on the European Parliament have attempted to go further and assess importance of amendments, their source and level of their acceptance (Kreppel, 2002; Tsebelis & Kalandrakis, 1999).

As can be seen from the above, much of the literature has focussed on legislative performance by looking at 'outputs'. There is very little in the literature by way measuring long-term impact of laws made by the legislature. Secondly, the bulk of the studies centred on legislatures in advanced democracies (US, UK and Europe) and a few others on developing legislatures in Latin America. There is therefore a dearth of studies on performance of legislatures in Africa. Some studies have been made on performance of legislative functions by committees in the Nigerian National Assembly (Hamalai, 2010). There have also been scant studies on the impact on individual lawmakers or specific group of lawmakers (e.g. women legislators) on certain policy outcomes (Powley, 2006).

However, there is abundant and wide ranging interdisciplinary literature on the relationship between lawmaking, law and social change. Law has been perceived as a tool for social engineering (Gordon, 1998; Pound, 1965). This is mainly owing to the fact that law is profoundly connected with economic, political, and social spheres. In many instances, law is understood to be a 'passive agent of change' due to its intricate interaction with other non-legal societal factors such as a politics and culture (Law, 2002). However, there is an inter-dependence between law and society in that law itself is equally shaped by society (Cochrane, 1971, p. 9).

3. TRAJECTORY OF LAWMAKING IN NIGERIA: 1999 – 2015

One of the core functions of the Nigerian National Assembly (NASS) is lawmaking and the primary instrument for this is the Legislative Bill as expressed in Section 58(1) of the 1999 Constitution (as amended). This function has been exercised by NASS since the commencement of the democratic dispensation in 1999. In the following sections, some of the key legislations of the National Assembly from the 4th to the 7th National Assemblies spanning the period, 1999 – 2015, will be reviewed to determine their significance, potentials for impact and challenges relating to enforcement since their enactment.

3.1 Social/Economic Sector Legislations

In order to ensure speedy diversification of the economy through industrialization, the Small and Medium Scale Industries Agency Act (2003) took on a special significance given that SMEs have increasingly been recognised as essential to economic growth and national development particularly in developing countries. This is particularly critical in Nigeria, given the under-developed nature of the private sector and the role that SMEs are anticipated to play in generating employment, enabling economic recovery and spurring national development. A corollary legislation is the Tertiary Education Trust Fund (Establishment, ETC) Act, 2011, which provides a legal framework to manage and disburse tax to government owned tertiary institutions in the country.

The health sector too has been the target of reforms geared towards addressing fundamental deficiencies in health care systems that affect all health care services. The argument for health sector reform is predicated on the poor health status of the population and the poor rating of Nigeria's health system itself. The Medical Laboratory Science Council of Nigeria Act (2003) seeks to regulate the practice of medical laboratory science in the

country with a view to promoting good health while the National Health Act (NHAct) 2014 establishes the Nigerian National Health System and strengthens health management and health service delivery in Nigeria to ensure that health outcomes are enhanced. Prior to that, the government established the National Agency for the Control of AIDS (formerly National Action Committee on AIDS) in February 2000 as a legal and institutional framework to combat the HIV/AIDS.

Other critical social legislations include the Minimum Wage (Amendment) Act 2011, which raises the national minimum wage from ₦8, 000 to ₦18, 000. It has significant impact on the quality of lives of public officials, especially the low income earners. The Sovereign Investment Authority (Establishment, etc.) Act, 2011 provides for Nigeria to save for the rainy day and develop infrastructure. The Pension Reform Act is equally of vital importance. For a couple of decades, retirement became a nightmare for public servants as their retirement benefits were not forthcoming as and when due. Many pensioners have been reported to have died on queues while waiting endlessly for entitlements that were not forthcoming. The Pension Reform Act 2014 repealed the Pension Reform Act No. 2 of 2004 (repealed Act). It re-structured the administration of pension in Nigeria to specifically reduce mismanagement. The reforms have yielded positive and broad effects on employers and employees of both the public and private sector. Protecting children and vulnerable groups in society have also featured prominently in the last 16 years of lawmaking in Nigeria. The Child Rights Act (2003) was passed in 2003 to safeguard the rights of children. This is consistent with the Convention on the Rights of the Child which envisages greater protection of children from discrimination and an active role for them in decision-making. Just as with the wider global community where over 194 countries have ratified the Convention, 21 out of Nigeria's 36 States have fully implemented the Child Right's Act with the view to changing the 'objectification' of children.

3.2 Infrastructure

Responding to infrastructure needs of the country, the Infrastructure Concession Regulatory Commission (Establishment, etc.) Act 2005 was passed by the National Assembly to tackle the massive infrastructure deficit and decaying infrastructure in Nigeria. To facilitate a rapid turnaround, the country's infrastructural insufficiency, Public Private Partnerships (PPP) was encouraged and a guideline for engagement with private sector actors was provided. Similarly, the Federal Roads Maintenance Agency Act (2007) has the important objective of maintaining federal trunk roads.

Related infrastructure challenge is Nigeria's problematic power sector. With a population of over 170 million people, electricity generation in Nigeria stands at 8,644 MW. The available capacity is far less and approximated to be 3,718 MW. The sheer inadequacy of this is better understood when compared to South Africa which, with one-third of Nigeria's population, generates over 52,000 MW. With 106.21 KWh per head, Nigeria is so poorly ranked on per capita consumption basis that it is behind Gabon (900.00); Ghana (283.65); Cameroon (176.01); and Kenya (124.68). The result of this huge gap between the demand for electricity and the available capacity is a substantial power shortage and investment in self-generation by industrial as well as residential consumers. The economic implication of this on manufacturing in Nigeria has been estimated to be $12 million weekly. To address these and other related challenges, a framework for reform of the sector was established by the National Assembly through the Electric Power Sector Reform Act 2005. The legislation specifically restructured and privatized the National Electricity Power Authority (NEPA) and incorporated the Power Holding Company of Nigeria on the 31st of May, 2005.

The petroleum industry in Nigeria is the largest industry. Oil provides approximately 90 percent of foreign exchange earnings and about 80 percent of government revenue and contributes to the growth rate of Gross Domestic Product (GDP) (Ayanruoh, 2013). The petroleum industry has been a significant factor driving the rest of the economy. Given its relevance therefore, the National Assembly put in place a framework to regulate supply and distribution of petroleum products with the passage of the Petroleum Products Pricing Regulatory Agency (Establishment etc.) Act, 2003. Critically too, in addition to strengthening the downstream sub-sector, the legislation provides for a sustainable and self-financing structure for the sector.

There is a growing recognition that sustainable development and space science and technology are linked (UN, 2012). Space technology and data generated from it is increasingly utilized by policymakers in disaster management, national security, agriculture, environmental protection and natural resource management. Since 1976, Nigeria has pursued the attainment of indigenous space capability to foster its socio-economic development. The National Space Research and Development Agency Act 2010 is geared towards ensuring that Nigeria fully harnesses the potential of space technology, and thus formally establishes the National Space Research

and Development Agency, for national socio-economic development. From its inception, NASRDA embarked on a technical initiative by building know-how amongst indigenous Nigerian engineers in space technology. This culminated in the launch of Nigeria's first satellite called NigeriaSat-1 which has already contributed to generating data used for environment and disaster management.

3.3 Corruption/Anti-Corruption/Transparency/Accountability

The significance of the Freedom of Information Act, 2011 is not in doubt. By providing for access to unclassified public records and information, the Act has the potential of boosting transparency and accountability in governance and invariably good governance. Against the background of huge losses to government through corruption in public procurement, the Public Procurement Act is indispensable. The Public Procurement Act 2007 was prompted in large part by need for increased transparency in public financial management and procurement advocated for by the World Bank. Primarily, the Act put in place more stringent regulations to avoid the wanton waste and corruption that have characterized public procurement. It also introduced a mechanism for monitoring and oversight. Additionally, it harmonized procurement practices across government ministries, agencies and departments.

A related and crucial legislation is the Independent Corrupt Practices (and other related offences) Commission (ICPC) Act 2000 which created an anti-corruption commission (ICPC) and empowered it with prevention, investigation and prosecution of a broad range of offences. In fact, the powers of the Commission are so wide-ranging that they include powers to tap telephone lines and freeze bank accounts of suspects. The significance of the Independent Corrupt Practices and Other Related Offences Act derives from Nigeria's unenviable high ranking on Transparency International's Corruption Perception Index. As deterrence, stiff penalties including long prison sentences are prescribed by the Act. In the first three years of its existence, the ICPC received thousands of petitions and investigated many, leading to prosecutions, including of prominent Nigerian politicians and top government officials.

Thus, both the BPP Act and the ICPC Act, along with the agencies Bureau of Public Procurement and EFCC, all aim at reduce corruption to a tolerable level in Nigeria. In 2002, the National Assembly passed the Economic and Financial Crimes Commission (EFCC) (Establishment) Act. This inter-agency commission is charged with co-coordinating and enforcing all laws in

Nigeria that pertain to economic and financial crimes, including fraud, money laundering, counterfeiting, contract scam, and forgery of financial instruments, among others.

Significant steps were also taken to curtail corruption in Nigeria's oil and gas industry which has been largely seen as an opportunity to encourage corruption. The Nigeria Extractive Industries Transparency Initiative Act (2007) is meant to enthrone a more open, transparent extractive (oil, gas and mining) industry and to hold governments accountable for public revenue.

3.4 Financial Reforms

In order to complement the EFCC Act in striving towards good economic governance, the National Assembly has equally taken steps to ensure monetary and financial stability and restoring people's confidence especially in Nigerian banks. Thus, reforming the banking industry has been a focal interest of the Legislature since 2004 with the Central Bank of Nigeria as the pivot. Other efforts at tightening financial controls and improving transparency include the Money Laundering (Prohibition) Act 2011 which makes wide-ranging provisions to prohibit funding of terrorism, and the laundering of the proceeds of crime or illegal acts.

The Fiscal Responsibility Act (FRA) of 2007 is designed to implement prudent fiscal policies, transparent public finances. It also outlines structures and means for the accumulation of public debt (Ushie, 2010). Reform of tax regime has also been an important aspect of Nigeria's financial reforms since 2004. The Federal Inland Revenue Service (Establishment) Act 2007 precisely targets reform of tax administration in Nigeria. The agency's revenue generation profile is only surpassed by that of the Nigerian National Petroleum Company (NNPC).

Also, in recognition of the important role that debt management plays in prudent economic management, the National Assembly passed the Debt Management Office (Establishment) Act in 2003. During its twelve (12) years of statutory existence, the DMO has made some strides on the nation's debt profile including the following: exit from burdensome Paris Club debt in 2005/2006 and bringing about a decline in aggregate public Debt Stock from USD 46.269bn to USD 17.35bn within a 1 year period; regular and sustainable servicing of debt; favourable Debt Composition and Debt Structure; revival of the Domestic Bond Market in 2003 and introduction framework, products and processes that have become reference points for the market; issuing of a USD Bond in the ICM in January 2011; and actively

supporting implementation of a framework that ensures that debts are effectively managed even at State level.

3.5 Constitutional and Electoral Amendment

Constitutionalism requires that a democratic and accountable government has constitutional limits that checks its power and creates the framework for governing a democracy. Constitutionalism requires that a democratic government is not only accountable but also has an effective regulatory framework that sets out constitutional limits that checks its power. In Nigeria's political re-engineering, constitutional alteration has featured prominently in the last 16 years.

The first Alteration Bill passed by the National Assembly on June 3, 2010 was principally focused on strengthening the independence and autonomy of the National Assembly and the Independent National Electoral Commission by granting them financial autonomy. Similarly, the 2nd Alteration Bill reinforced the conduct of national elections by stipulating clear time-lines to be adhered to by the electoral commission. The 3rd Alteration Bill established the National Industrial Court in 2010 to regulate labour relations and practice in Nigeria and delineate jurisdiction of courts on labour matters.

The fourth Alteration Bill was passed by the National Assembly in 2015. As with the first alteration, the Bill provided for a repositioning of local governments administration in Nigeria by strengthening their autonomy and clearly spelling out their powers and responsibilities. Further provisions were made to grant additional powers to the Independent National Electoral Commission (INEC) to exercise more control over political parties and the registration/de-registration of candidates. However, the Bill failed to get presidential assent. President Jonathan alleged that the Bill failed to fulfil the mandatory requirement for its passage. Hinged on constitutional reform in is electoral reform. The different electoral reform Acts took into cognisance Nigeria's tortuous history of political transitions under military regimes.

3.6 Security

Nigeria became one of the first countries in Africa to conform to the United Nation's Conventions and Protocols on combating terrorism and a compliant of almost all existing conventions, protocols and resolutions on combating the financing of terrorism and anti-money laundry (US Department. of State, 2007). By stipulating capital punishment for anyone found culpable of terrorist acts, The Terrorism Prohibition Act, 2013, hopes to deter persons and groups from carrying out terrorist activities. Other security legislations enacted in the period under review include the Nigeria Security and Civil

Defence Corps (Amendment) Act, No.6 of 2007 which seeks to provide protection, crisis resolution and security to public infrastructures. Similar provisions were put in place by the Cybercrime Act, 2015, to promote cyber security, prevent the abuse of ICT in workplaces and vandalism of telecommunication equipment.

The Act is meant to protect critical national information infrastructure as well as promoting cyber security and the protection of computer systems and networks electronic communications, data and computer programmes intellectual property and privacy rights.

3.7 The Legislature and the Judiciary

The legislature has also made some laws to improve efficiency of its operations and service delivery. The National Institute for Legislative Studies Act 2011 has the potential of ensuring a highly strengthened capacity of Nigerian legislators for lawmaking and deepening of democracy not only in Nigeria but also in the West African sub-region and the continent as a whole. Modelled on the Congressional Research Service (CRS), the Institute is intended to be Nigeria's main legislative capacity building agency and provide technical support to the National Assembly, State Houses of Assembly and regional parliaments through research and publications on democratic governance, and legislative practice and procedures. The Institute is relevant, given the growing complexity of legislative work and the information and research needs of lawmakers.

As noted earlier, the Third Alteration Act of 2010 is considered a major milestone in judicial reform efforts of the nation. By virtue of the Act, the status of the National Industrial Court was elevated and its powers expanded to give it exclusive jurisdiction over labour disputes. Similarly, the Court is structured such that it ensures speedy disposal of disputes.

Earlier, the Supreme Court (Additional Original Jurisdiction) Act 2002 had been passed by the National Assembly in order to further strengthen the judiciary by conferring additional original jurisdiction to the country's apex court, the Supreme Court. Given Nigeria's ever maturing democracy and the potential for conflicts between the various arms of government, the Act empowers the Supreme Court to adjudicate disputes between the Executive (the President) and the National Assembly, the National Assembly and State Houses of Assembly as well as the national legislature and any State of the Federation.

4. CHALLENGES AND POTENTIALS FOR POSITIVE IMPACT

No doubt, the good intentions of these legislations are very laudable and meant at re-engineering Nigeria after decades of military dictatorship. However, two fundamental issues arise from lawmaking in Nigeria over the last sixteen years: the first relates to implementation while the second has to do with relevance of laws made by the National Assembly.

The implementation of the provisions of some of the Acts has turned out to be, at the least, challenging. For instance, in spite of the existence of the Federal Road Maintenance Agency for close to a decade in the country, most federal trunk roads have collapsed, hence requiring repairs or total rehabilitation in most cases. The highly lauded FOI Act which heralded a new era in public access to information held by public authorities has failed, to a large extent, to lead to accountability and 'open society' envisaged. It has been made ineffectual by government bureaucracy and reluctance on the part of public officials to respond to information requests and the absence of enforcement mechanisms. In the case of the Economic and Financial Crimes Commission (EFCC), its efforts have mainly been centred on prosecuting highly placed individuals in society, including former state governors, former Inspector General of Police, some legislators (Senators and Members of the House of Representatives), big businessmen and several bank chief executives. Notwithstanding, conviction rates by the Commission have been very low owing to insufficient groundwork and evidence gathering, limited investigative ability, lack of focus, inadequate staffing and resourcing and tendency to be hijacked by the executive for political purposes.

It is widely agreed that Small and Medium Enterprises Development Agency of Nigeria (SMEDAN) has the power to transform the Small and Medium Scale Industries in Nigeria into a productive and effective entity (Abdulfatai, Abdulrazak, & Abdulkadir, 2014). However, despite being in existence since 2003, SMEDAN has largely failed to stimulate the growth, consolidation and sustainability of small and medium enterprises in Nigeria. For instance, formal credit schemes have not been able to adequately address the fundamental problems which have constrained small scale enterprises' access to credit.

Additionally, the legislations targeting reform of the power sector have not yielded significant results. In the ten (10) years of the enactment of the Electric Power Sector Reform Act (2005), which aims at liberalising the power sector and bringing about improved performance, Nigeria continues to face power shortages due to poor operational performance, lack of foreign investment, the absence of a sustained and deliberately deployed long term

power development strategy, under-exploitation of the nation's abundant energy endowments and the inadequate implementation of reforms.

In some instances, however, some of the laws made by the National Assembly have led to the establishment of numerous agencies with overlapping jurisdictions. This has led to conflicts, inefficiency and bloating of government bureaucracy with its attendant drain on resources. For instance, the Nigerian Extractive Industries Transparency Initiative Act of 2007 has been described as being too ambitious and open-ended and that some of its designated functions are duplicative. In fact, in 2012, the Oronsaye Presidential Committee on the Rationalisation and Restructuring of Federal Government Parastatals, Commissions and Agencies, recommended a systematic restructuring and extensive reform of the public sector including the merger/and or outright scraping of several government parastatals, commissions and agencies. These include the EFCC, ICPC, and the Nigeria Security and Civil Defence Corps. The Committee also noted the multiplicity of agencies tasked with providing basic education such as the Universal Basic Education Commission (UBEC), the Nomadic Education Commission (NEC), and the National Commission for Mass Literacy, Adult and Non-Formal Education (NCMLA). In case of UBEC, progress has been slow in achieving its lofty objectives as it has been characterised by challenges that include, but are not limited to, inadequate funding, inaccurate data for planning, lack of enough competent teachers, poor implementation of the new UBE curriculum, and poor public enlightenment among others (Anaduak & Okafor, 2013).

At other times, some of the laws made by the National Assembly generated controversies and were, in some instances, challenged in courts. Thus lawmaking itself, as an exercise targeting socio-political re-engineering, grew in the 'doing,' i.e. constant refinement based on input from the public, key stakeholders and the courts. One such area relates to electoral reforms as discussed above. The different electoral reform Acts took into cognisance Nigeria's tortuous history of political transitions under military regimes. The 2001 Electoral Act was plagued with political and legal controversies leading to the 2007 Electoral Act which benefited tremendously from input by the Independent National Electoral Commission following its post-election review exercise (Akinduro, 2012). Overall, these Electoral Acts are crucial to ensuring free and fair elections and acceptable political behaviour.

The second set of challenge relates to the relevance of laws made by the National Assembly during this period under review. A report in the Vanguard Newspaper (Vanguard, October 10, 2009), pointed to the strong reservations expressed by many Senators on a bill to amend the Police Act. The Amendment Bill aimed at conferring powers on the Police to protect electoral officers, materials, and to secure lives and property during elections. Many Senators noted during the debate that the intentions of the bill were at the core of police duties and that the constraints against the police did not relate to laws but rather to their determination to implement existing laws. The Senate leader then sought to withdraw the Bill. A critical consideration of bills such as the type under focus is thus in the right direction.

For some time now, strong concerns have been expressed by stakeholders about the non-passage of the Petroleum Industry Bill (PIB) which has been in public discourse and with the National Assembly. The media, politicians, industry operators, professionals, among others, have expressed displeasure about the foot-dragging on the Bill which has notable objectives geared towards changing the fortunes of the oil industry for the better. The bill seeks, among others, to: ensure smooth petroleum operations; further improve and develop the process of petroleum resources exploration; ensure the commercialization and deregulation of oil and gas entities and the downstream petroleum sector; and stimulate the development of Nigerian content in the petroleum industry. A 2012 version of the Bill was passed in March 2013 by the Senate. Previous versions of the bill were not successful at the National Assembly due to political reasons and controversies among Members.

The executive has observed that the delay and uncertainty surrounding the passage of the Petroleum Industry Bill could serve as a major clog in the country's ability to attract foreign investment in the medium term, especially because investors may be postponing their decision to commit financial resources until they are certain about the new mode of engagements in the sector. It further felt that the delayed passage of the Bill would continue to cast a shadow over the sector, aggravating the state of uncertainty in the oil and gas-related activities. Indeed, the Guardian Newspaper editorial of May 12, 2013 observed that "the interminable delay in passing the Petroleum Industry Bill and the consequent uncertainty over the tax treatment of investment in the sector has seen close to $100 billion in investment put on hold by international and Nigerian oil companies over the last five years". It is hoped that the 8th Assembly will reintroduce and pass the Petroleum

Industry Bill, and the corresponding law enacted during the life span of the Assembly, as the proposed law would serve as a boost to the oil and gas sector and hold high promise for a positive outlook in the sector.

5. CONCLUSION

It has been observed that in general, African legislatures are weak in the exercise of power, particularly in comparison with the executive. This has largely been due to poor capacity, executive interference, and impeding legal framework among others. Nonetheless, African legislatures have continued to mature and grow in power and independence. In Nigeria, despite glaring and daunting challenges, the National Assembly has continued to forge an identity for itself, assert its position and hold the executive accountable. It has also prioritized the promotion of legislations that engender reforms so as to meet the aspirations of the citizens for a just, prosperous, safe and secure society. Some of the key legislations that have significantly shaped Nigeria were considered in this paper. They include legislations aimed at reforming the social sector, curbing corruption, a problem that has persistently undermined development efforts in Nigeria, strengthening government institutions such as the Electoral Commission, restructuring and improving the oil and gas sector. The bulk of the laws were aimed at reforming the economy and society given long years of military rule.

However, and in light of some of the challenges relating to implementation discussed above, there is the need for a more robust legislative oversight by the National Assembly. Laws must not only be made, but also need to be adequately monitored for compliance. Similarly, there has to be a shift of focus from the proliferation of agencies of government with similar functions to consolidation and streamlining of existing agencies for maximum efficiency. Secondly, with regards to the relevance of laws made by the National Assembly, it is critical that action should be focused on bills that will make meaningful impact on the living conditions of Nigerian citizens, and foster the growth and development of the country. Bills must be assessed on the basis of their relevance and potential impact on the target beneficiaries.

References

Abdulfatai, S., Abdulrazak, O., & Abdulkadir, B. A. (2014). A Critical Evaluation of the Legal Framework For SME'S Loan Redemption In Nigeria. *IIUMLJ, 93*.

Akanbi, M. (2004). Corruption, Accountability and Good Governance. In H. A. Saliu (Ed.), *Nigeria under Democratic Rule, 1999-2003* (Vol. 1). Ibadan, Nigeria: University Press PLC.

Akinduro, O. (2012). *Legal Framework* (3 ed.).

Anaduak, U. S., & Okafor, C. F. (2013). The Universal Basic Education (UBE) Programme in Nigeria: Problems and Prospects. *The Journal of Research in National Development, 11*(1).

Arter, D. (2004). The Scottish Committees and the Goal of a 'New Politics': A Verdict on the First Four Years of the Devolved Scottish Parliament. *Journal of Contemporary European Studies, 12*(1), 71-91.

Arter, D. (2006). Comparing the Legislative Performances of Legislatures. *The Journal of Legislative Studies, 12*(3-4), 245-257.

Arter, D. (2007). Introduction: Comparing the legislative performance of legislatures. *The Journal of Legislative Studies, 12*(3-4), 245-257.

Ayanruoh, F. (2013). *The Challenges of the Nigerian electric power sector reform*. Retrieved from http://www.vanguardngr.com/2013/02/the-challenges-of-the-nigerian-electric-power-sector-reform-1/

Capano, G., & Giuliani, M. (2001). Governing Without Surviving? An Italian Paradox: Law-Making in Italy, 1987-2001. *The Journal of Legislative Studies, 7*(4), 13-36.

Chinedu, B. E., & Muoghalu, M. I. (2004). Financial Reforms and Commercial Banks Operators in Nigeria: A comparison of Two Decades. *Union Digest, 8*(2).

Clinton, J. D., & Lapinski, J. S. (2006). Measuring Legislative Accomplishment, 1877-1994. *American Journal of Political Science, 50*(1), 232-249.

Cochrane, G. (1971). *Development Anthropology*. New York: Oxford University Press.

Daloz, J. P. (2002). *Elites et représentations politiques: La culture de l'échange inégal au Nigeria*. Pessac: Presses Universitaires de Bordeaux.

Damgaard, E., & Jensen, H. (2006). Assessing strength and weakness in legislatures: The case of Denmark. *Journal of Legislative Studies, 12*, 426-442.

Erubami, M., & Young , R. I. (2003). *Nigeria's corruption and related economic behaviour in their global context*. Retrieved from Ibadan:

Frantzich, S. (1979). Who Makes Our Laws? The Legislative Effectiveness of Members of the U. S. Congress. *Legislative Studies Quarterly, 4*(3), 409-428.

Ganghof, S., & Brauninger, T. (2006). Government Status and Legislative Behaviour: Partisan Veto Players in Australia, Denmark, Finland and Germany. *Party Politics, 12*(4), 521-539.

Gordon, R. W. (1998). Some Critical Theories of Law and Their Critics. In D. Kairys (Ed.), *The Politics of Law: A Progressive Critique* (3 ed., pp. 641–661).

Hamalai, L. (Ed.) (2010). *Committees in the Nigerian National Assembly: A Study of Performance of Legislative Functions 2003-2010* (Vol. 1). Abuja: Yaliam Press.

Hopkin, J. (2002). Comparative Methods. In D. Marsh & G. Stoker (Eds.), *Theory and Methods in Political Science*. Basingstoke: Palgrave Macmillan.

Iganiga, B. O. (2010). Evaluation of the Nigerian Financial Sector Reforms Using Behavioural Models. *J. Economics, 1*(2), 65-75.

Keeler, J. T. S. (1993). Executive Power and Policy-making Patterns in France: Gauging the Impact of Fifth Republic Institutions. *West European Politics, 16*(4), 518-544.

Kerrouche, E. (2006). The French Assemblée Nationale: The Case of a Weak Legislature? *The Journal of Legislative Studies, 12*(3), 336-365.

Kreppel, A. (2002). Moving Beyond Procedure: An Empirical Analysis of European Parliament Legislative Influence. *Comparative Political Studies, 35*(7), 784-813.

Landman, T. (2000). *Issues and Methods in Comparative Politics: An Introduction*. London: Routledge.

Law, W.-W. (2002). Legislation, education reform and social transformation: the People's Republic of China's experience. *International Journal of Educational Development, 22*(6), 579-602. doi:http://dx.doi.org/10.1016/S0738-0593(01)00029-3

Lewis, M. P. (1996). From prebendalism to predation: Political economy of decline in Nigeria. *Journal of Modern African Studies, xxxiv*(1), 79-103.

Lipset, S. M., & Lenz, G. S. (Eds.). (2000). *Corruption, Culture and Markets*. New York: Basic Books.

Maathi, W. (1999). *Developing Anti-Corruption Strategies in a Changing World: Global Challenges to Civil Society*. Paper presented at the 9th International Anti-Corruption Conference, (IACC), Durban, South Africa.

Maurer, A. (2003). The Legislative Powers and Impact of the European Parliament. *Journal of Common Market Studies, 41*(2), 227-247.

Mayhew, D. R. (1991). *Divided We Govern: Party Control, Lawmaking and Investigations, 1946-1990*. New Haven: Yale University Press.

Mezey, M. (1979). *Comparative Legislatures*. Durham, NC: Duke University Press.

Mogae, F. (1999). *Corruption and the North South Dilemma*. Paper presented at the 9th ACC, Durban, South Africa. www.transparency.org/iacc/9thiacc/papers.htm/#links

Newell, J. (2006). Characterising the Italian parliament: Legislative change in longitudinal perspective. *Journal of Legislative Studies, 12*(3), 386-403.

Norton, P. (1993). *Does Parliament Matter?* New York

London: Harvester Wheatsheaf.

Ogbonna, M. I. (Ed.) (2004). *The ICPC and the Fight Against Corruption* (Vol. 1). Ibadan, Nigeria: University Press PLC.

Ohia, U. (2011). Infrastructure Concession in Nigeria: Challenges and Opportunities. Retrieved from https://uchebush.wordpress.com/2011/08/24/infrastructure-concession-in-nigeria-challenges-and-opportunities-by-uche-ohia/

Okonjo-Iweala, N. (2007). The state of economic reforms in Nigeria *panel discussion proceeding* (Vol. No. 6). Washington DC: Okonjo-Iweala, N.

Oppenheimer, B. I. (1983). How Legislatures Shape Policy and Budgets. *Legislative Studies Quarterly, 8*(4), 551-597.

Oyebode, A. (Ed.) (2002). *The Anti-Corruption Act: A Necessary Instrument for Growth of our Nascent Democracy*: The Law Society, University of Ilorin, Nigeria.

Pettai, V., & Madise, U. (2006). The Baltic parliaments: Legislative performance from independence to EU accession. *Journal of Legislative Studies, 12*(3), 291-310.

Polsby, N. W. (1975). Legislatures. In F. Greenstein & N. Polsby (Eds.), *Handbook of Political Science*. Reading, MA: Addison-Wesley.

Pound, R. (1965). Contemporary Juristic Theory In D. lloyd (Ed.), *Introduction to Jurisprudence* (2 ed., pp. 247-252). London: Stevens and Sons.

Powley, E. (2006). *Rwanda: The Impact of Women Legislators on Policy Outcomes Affecting Children and Families*. Retrieved from

Price, D. (1972). *Who Makes the Laws? Creativity and Power in Senate Committees*. Cambridge, MA: Schenkman.

Russell, M., & Bentoni, M. (2009). *Assessing the Policy Impact of Parliament: Methodological Challenges and Possible Future Approaches*. Paper presented at the PSA Legislative Studies Specialist Group Conference, London.

Sartori, G. (1970). Concept Misinformation in Comparative Politics. *The American Political Science Review, 6*(4), 1033-1053.

Sen, A. (1999). *Development as Freedom*. New York: Anchor Books.

Thomas, P. (2003). Comparing the Lawmaking Roles of the Senate and the House of Commons. In S. Joyal (Ed.), *Protecting Canadian Democracy*. Montréal: McGill-Queens University Press.

Tsebelis, G., & Kalandrakis, A. (1999). The European Parliament and Environmental Legislation: The Case of Chemicals. *European Journal of Political Research, 36*(1), 119-154.

UN. (2012). *Importance of Space Technology for Sustainable Development among Issues Highlighted, as Fourth Committee Takes up Peaceful Uses of Outer Space*. Retrieved from http://www.un.org/press/en/2002/gaspd239.doc.htm

Wright, T. (2004). Prospects for Parliamentary Reform. *Parliamentary Affairs*, *57*(4), 867-876.

Changing Pattern of Membership of Nigeria's National Assembly

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Abstract

It has become a familiar trend that every governor aspires to be in the National Assembly after an eight-year-tenure as head of the executive arm of government in their respective states. To many of the ex-governors, as found out in this paper, the Senate is another platform through which they could continue to provide service and actualize their political goal as far as local and national politics is concerned. The paper contends that there is nothing wrong about former governors aspiring to be senators but that what is important is that they should be in the Senate to serve the interest of their constituencies as opposed to their personal interests. It concludes that if the experiences of former governors in managing the affairs of their states for eight years is put into good use and backed with patriotic intentions, they would be a great asset to the National Assembly as a democratic institution.

Key Words: Legislature, Executive, Retirement, Law-making, Governors

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Introduction

Democracy is embedded in a complex architecture of norms which is embodied in, and implemented by, an ensemble of institutions including the multiparty system, an independent judiciary, free press, and an electoral system. The stability of a democratic order in any country is ultimately determined by the extent to which such institutions are able to function in a sustainable manner (Ninsin 2006: 59). The state -as a political entity in which those institutions are entrenched- continues to function as the macro governance ecology within which people strive for self fulfillment through its institutional mechanisms or arrangements. These institutional arrangements and apparatuses of democratic governance include the horizontal organs of government – (Executive, Legislature and Judiciary). Without these organs, the *raison d'etre* of democracy and governance would be a mirage (Akindele et al 2012:175). Curiously however, most of the studies on consolidation of democratic governance in developing countries place less prominence on the significance of the legislature in addressing challenges of democracy. This may be due to the perceived declining role of this institution of politics. Ideally, and as inferred above, "democratic governance operates with democratic institutions like political parties, the Judiciary and the legislature, which are adduced by classical democratic theory as bulwarks of democracy. The dominant role of the legislature in democratic governance is much stressed" (Lafenwa, 2009:6).

Modern democracies are characterised by shared decision-making by the legislative and executive branches. Generally, a country's constitution formally structures this interaction. The Legislature constitutes a cardinal part of the major pillars of the governance process in the democratic political systems of today's world. According to Loewenberg, Patterson and Jewell (1983), the legislature is a body which promulgates laws, which authenticates and legitimises commands as to what citizens of a state can do or cannot do. Basic components or characteristics of legislature include: equal status of members, law-making and representation based on free and periodic elections.

Despite the need for strong legislatures, many legislatures are overwhelmingly dominated by the executive branch; a problem that is especially prevalent in emerging democracies. While democratic elections in these countries may result in multiparty legislatures, they rarely yield strong democratic institutions (NDI, 2000:4). In addition to this observation, as aptly applicable to Nigerian democratic governance, there is a new trend of former state governors' desire to extend their public service to the parliament- by direct participation, having in many instances, sponsored

other people to the National Assembly in previous elections while holding sway as chief executive officers in their respective states.

Thus, over the years, it has become almost predictable that most governors want to transit from the government houses to the upper legislative chamber at the expiration of their terms. The growing trend has made many analysts and political observers come to the conclusion that the Senate has become a haven for retired but not tired politicians. Some of these state helmsmen, in the past, succeeded in their mission, while others did not (Baita, 2014). But the trend is now generating concerns among Nigerians who question the real intentions of the governors going to the Senate. Therefore, they seek to know whether the mission of the ex-governors is indeed for active lawmaking or a mere move to secure a platform for continuous relevance either on the national scene or in their respective states (Ogunmade, 2013). Even though it is backed by the 1999 Constitution, many believe that it is a trend seemingly obtainable only in a country like Nigeria where continuous occupation of public offices and posturing for consistent political relevance is placed above merit and performance (Eme and Okeke, 2015:5095). This paper seeks to unravel the rationale for the concerns being expressed by these *analysts and political observers*, and the actual intention of the former governors within the contexts of lawmaking, representation and legal framework. It is divided into six sections. After this introduction is a conceptual note on Nigeria's National Assembly. Section three discusses reasons for governors' aspiration to be members of the Senate while in specific term, the ex-governor-senators' preference between law-making and money-making is established in section four. Given the central role of strong democratic institutions to political development and good governance, section five examines the expected intervention of stakeholders in strengthening these institutions, particularly, the legislature. Section six concludes the paper.

Nigeria's National Assembly: A General Assessment

The legislature is one of the basic structures of any political system. It is known by a variety of names in different countries. Some states identify their legislature as Congress, Parliament, Duma or Knesset. Others designate it as Diet, Assembly, etc (Laxmikanth, 2006). The legislature of any country is a binding force that transforms the politics and governance of that state into a scenario that maximally addresses the yearnings and aspirations of the downtrodden. The organ that epitomizes the concept of democracy is the legislature. Sagay (2010) avers that "it is the place where the public sees democracy in action in the form of debates, and consideration of motions, resolutions and bills". The legislature is a fundamental component of democratic government. Indeed, the need for strong legislatures is reflected

in the very meaning of democracy: "rule by the people." In order for the people to rule, they require a mechanism to represent their wishes—to make (or influence) policies in their name and oversee the implementation of those policies. Legislatures serve these critical functions. Even though the representatives are often unable to influence the policy outcomes of the government, they do provide their constituents with access to the system and a voice in the process, whether it is in support or dissent.

The Nigeria's National Assembly is made up of the Senate called the Red Chambers with 109 Senators and the House of Representatives called the Green Chambers with 360 Honourable Members (Reps). It is categorized, on the basis of republic, as follows: First Republic National Assembly (1960-1966), Second Republic National Assembly (1979-1983), Third Republic National Assembly (1990-1991/2), Fourth National Assembly (1999-2003), Fifth National Assembly (2003-2007), Sixth National Assembly (2007-2011), Seventh National Assembly (2011-2015) and Eight National Assembly (2015-2019). The Third Republic National Assembly (1990-1991/2) was a diarchic parliament put in place by the Gen. Ibrahim Babangida's military regime, which was ousted by the Sani Abacha military coup of 1993.

The core legislative power of the National Assembly consists of the 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 1 of the Second Schedule to the Constitution; and any other matter with respect to which it is empowered to make laws in accordance with the provisions of the Constitution. The phrase "peace, order and good government" has been described as a legal formula for expressing the widest plenitude of legislative power exercisable by a sovereign legislature (Nwabueze, 1993 cited in Kazeem, 2013:83).

The National Assembly, like many other organs of the Nigerian government, is based in the federal capital territory, Abuja. In Nigeria, the constitutional responsibilities of the legislature include making laws for the peace, progress and good governance of the country. The two houses also influence government policies through motions and resolutions. Some responsibilities are, however, exclusive to the Senate. These include the Screening and confirmation of members of the Federal Executive, (known as Ministers), ambassadorial nominees and other appointees recognized by the Constitution, for example, Commissioners of the Independent National Electoral Commission (INEC). On account of these exclusive responsibilities, the Senate is regarded as the Upper House of the National

Assembly, and the House, the Lower. The Senate President is the Chairman of the National Assembly.

Though the Presidential system of government draws a clear line between the Legislature and Executive under the principle of separation of powers, members of the Legislative arm have been struggling since the introduction of the presidential system of government in 1979 to be "more relevant" among their constituents by being able to bring home amenities to help in improving their quality of life. They have often run into odds with the Executive branch because their strategy of constituency projects is seen as a Legislative trespass into an area reserved for the Executive.

While assessing the performance of the legislature in the Fourth Republic, Akomolede and Akomolede (2012:67), posit that majority of the members are driven more by selfish desires of wealth accumulation than the patriotic desire of leaving enduring legislative legacies by taking cue from other advanced jurisdictions of the world. As rightly observed by Umeagbalasi, et al (2015), the lawmakers at times, arrogate to themselves the executive functions through constituency projects execution and demand for the sack of head of any government agency that dares to question their overbearing influence. As a result of these, the National Assembly and the State Houses of Assembly in Nigeria, fathered by the Fourth Republic National and State Legislative Chambers, have turned into business enterprises and parliamentary bazaar chambers.

According to Okoosi-Simbine (2007, 1–92), "if Nigeria is to sustain democratic rule, one of the important institutions to pay attention to at all levels of government is the legislature, the organization through which citizen opinion acquires political significance in a democratic government." However, as important as the function of the Legislature in the realization of the democratic process of a nation, the Nigerian Legislature is yet to enhance democratic practice in the country. Instead, the legislators in Nigeria seem to have dissipated so much energy on securing better condition of service for their members in cash and kind to the detriment of the people who elected them into office (Gberevbie, 2014:142). The financial practices of the houses and the near lack of decorum in which the activities are conducted have also smeared the image of the legislature such that one begins to wonder whether or not its role is supportive of good governance. Leaders of the house have been accused and indeed impeached for financial scam while on a number of occasions, the law-makers have resorted to self-help on the floor of the house to settle issues of serious legislative importance (Akomolede and Akomolede, 2012:65). It is often rumoured that bills hardly sail through the legislature until members have had their hands greased (Oyewo, 2007 cited

in ibid, 2012:66). The implication of this, therefore, is that debates on such bills either at the plenary or committee levels cannot be subjected to thorough scrutiny in the best interest of Nigerians who are the objects of such bills eventually when they become laws.

Indeed, since the beginning of this Republic, the National Assembly seems to constantly represent an assemblage of politicians with unrivaled exploitative tendencies when compared with other parliaments globally. Obasanjo (2014) opines that apart from shrouding the remunerations of the National Assembly in opaqueness and without transparency, they indulge in extorting money from departments, contractors and ministries in two ways, on the so-called oversight responsibility. According to Obasanjo, they do so while on visits to their projects and programmes and in the process of budget approval when they build up budgets for departments and ministries for those who agree to give it back to them in contracts that they do not execute. They do similar things in their so-called inquiries.

In spite of these shortcomings however, there are a number of times the National Assembly has proved to be a stabilizing factor in the political trajectory of the country. One instance significantly features here: At the peak of the power tussle that ensued as a result of late Umaru Musa Yar'Adua illhealth during his administration, the National Assembly of Nigeria, on February 9, 2010, by a resolution adopted by both Chambers of the National Assembly, following a request by the Governors' Forum, empowered the Vice-President of Nigeria to act as the President and Commander-in-Chief of the Nigerian Armed Forces as a result of the protracted illness of the substantive president, he was unable to discharge the function of the office as required by the Constitution. The doctrine of necessity was adopted by the National Assembly as a political solution to the constitutional logjam created by the failure of the president to follow the constitutional process and to avoid the lacuna created by his long absence from office. The doctrine was also used as a necessary measure to save Nigeria from imminent collapse in the face of the constitutional lapses and human contributions to the constitutional flaws. Perhaps, the doctrine of necessity applied by the Senate could be regarded as the greatest achievement of Senate of the Federal Republic of Nigeria as an institution.

Ex-Governors and Careers in the National Assembly after Tenure

Political scientists have explained why politics, which is a vocation, has become a career for the 'professional' politicians. While some aspirants perceive their next political office as a call to service to the state, others perceive the corridor of power as an avenue for private accumulation. The former works hard to erect lasting legacies. The latter merely strives for

relevance and pecks of office (Salaudeen, 2013). After eight years of tenure in their respective states, the ex-governors have found the Senate as another institution for public service. For this reason, they have always employed every means to ensure their bids for the Senate materialise during election while they are still sitting as governors (Adebayo, 2011). In the 2011 elections for instance, virtually all the governors who were rounding up their eight years tenure offered themselves for the senatorial election in a bid to continue their political activities. While some succeeded, majority of others failed due likely to the intra party crisis which did not favour them because of the sudden overwhelming influence of the opposition parties in the states where such governors contested the election like the cases of Oyinlola, Daniel and Fayose in Osun, Ogun and Ekiti States, respectively.

In nearly all democracies, leaders of the executive branch (i.e., presidents, prime ministers, cabinet ministers) typically command much of the political power, control the financial resources, possess staff dedicated to developing policies and implementing laws, produce the bulk of legislation, manage government contracts and administer government programmes. The question now arises: after wielding such enormous power and influence, usually after eight years, why do Nigerian executive governors target the National Assembly to further their political interests? As explained by Oke (2015), before the 2007 elections, the idea of governors running to the Senate after governing their states looked unattractive but the trend has since changed. This was possible because between 1999- when the country returned to democracy- and 2007, the first round of constitutionally guaranteed two-term tenure of eight years had been completed. For instance, the 6th National Assembly (2007-2011) had five former governors, namely: George Akume who was former Governor of Benue State; Chimaroke Nnamani (former Governor of Enugu State); Adamu Aliero, former Governor of Kebbi State; Bukar Ibrahim, former Governor of Yobe State and Ahmed Makarfi, former governor of Kaduna State.

The seventh National Assembly witnessed more former governors joining the fray, as Bukar Ibrahim, George Akume and Ahmed Makarfi retained their seats. They were joined by former Governor of Kwara state, Bukola Saraki, former Governor of Gombe State, Danjuma Goje and former Governor of Nasarawa State, Dr Abdullahi Adamu. Presently, in the Nigerian Senate, there are sixteen of them: Theodore Orji (Abia), Godswill Akpabio (Akwa Ibom),Jonah Jang (Plateau State) Aliyu Wamako (Sokoto State), Sam Egwu (Ebonyi State), Adamu Aliero (Kebbi State), Isiaka Adeleke (Osun State), Joshua Dariye (Plateau State), Kabiru Gaya (Kano State), AbbaBukar Ibrahim (Yobe State), Danjuma Goje (Gombe State),

Abdullahi Adamu (Nasarawa State), Ahmed Sani (Zamfara State), Bukola Saraki (Kwara State), George Akume (Benue State) and Shaaba Lafiagi (Kwara State).

In view of the increasing presence of former governors in the Senate therefore, many Nigerians have expressed the view that the Red Chamber may soon become an exclusive reserve of these state helmsmen if unchecked. To what then can the increasing influx be attributed? Senator Olorunnimbe Mamora (cited in Baita, 2014), who was in the Senate between 2003 and 2007, submits that the Senate would soon become an assembly of former governors: "It has become the habit of former governors to see the Senate as their retirement ground. It will get to a time that the Senate will become the assembly of former governors…those who want to remain in positions should be people who have shown a level of commitment...The Senate should be a place of serious legislative processes." Similarly, a group under the aegis of *Friends in the Gap Advocacy Initiative* once expressed worry over the increasing number of these former state chief executives. The Executive Director of the group, George Oji (InformationNigeria, 2015), opines that the trend, if not put under control, would lead to the complete hijack of the upper chamber by the former state governors. Oji notes further:

> It is our further concern that rather than provide quality legislation in the Senate, the former governors see the red chamber as a platform to play all manners of ethnic and regional politics. We are seriously concerned that if the growing trend of the invasion of the Senate by ex-governors is not immediately halted, the leadership of the Senate may be finally hijacked by them, the ex-governors will form a serious power block (sic) in the Senate and the country may begin to witness the formation of another strong cartel that will continue to perpetrate their interest at the detriment of legislative functions. The parliamentary institution is the most critical of the three tripods that sustain every democratic jurisdiction and should not be left to the manipulations of those who are ignorant of its key functions.

In other climes, the Senate is revered for its ambience of dignity and honour, and it attracts men of higher virtue and decorum with the main objective of serving the people. The perception in Nigeria however, is that "they are not in the senate to serve the people as expected but rather they are there to fulfill a personal political interest" (Adebayo, 2011). The former governors, having

completed their tenures, and often feared they are likely to be made irrelevant by their successors in the politics of the state, may decide to go to the Senate where they can continue to service their political machinery and still play a major role in state and national politics without being boxed into a corner by the sitting governors. The ex-governors may have discovered that the Senate offers them a convenient platform where they could still maintain relevance in politics since politics of godfatherism does not seem to work out any more, going by the recent development between former governors and their successors (popularly known as god-sons in Nigeria) in many of the states.

In addition, some of the ex-governors with corruption charges against them while in power find the parliament (though with no personal immunity) as a safe haven- where a realignment can be made to pacify the ruling political class at the Centre- rather than being private citizens. Jubril (2016) observes that there are currently 16 former governors with ongoing corruption cases in the 8th Senate. The ex-governors, according to him, form the largest trade group in the National Assembly, perhaps far more in number than manufacturers, bankers, medical doctors and professors. Hence, the inundation of their ilk in the Senate has underscored the widely held belief that they cannot survive outside politics. Jubril explains further:

> When these governors leave government house, they automatically lose their immunity as stipulated by the constitution. Such immunity accompanied with the office cloaks them from prosecution. As soon as they leave the office however, the anti-corruption agencies swoop in on them. Alas, as soon as the ex-governors scale the fence from the Executive to the Legislature, the investigations lose steam and pace, going cold of all a sudden. With quite a number of such ex-governors now turned "distinguished" carrying on with liberal bail conditions from trials that have no end in sight, have given credence to the widely held perception that the former governors turned parliamentarians have found a safety-net around themselves, making it almost impossible for the anti-corruption agencies and the law-courts to deal decisively with them.

It is also argued that the presence of most former governors in the senate is not service oriented but most likely they derive honour and prestige in being referred to as senators after completing their tenure as governors. In Nigeria, politicians do not have any consideration for hierarchy in political offices if

such offices will sustain their relevance in the interim. It is always feared that being out of power could be very disastrous to their political career. In the United States of America (USA) for instance, which has set the pace for the practice of the presidential system, the practice is that governors and senators would want to become President. In terms of hierarchy, the senator is senior to the governor. The reverse is the case in Nigeria. Many factors are responsible. The political culture of zoning, which is not backed by the 1999 Constitution, often excludes many governors from the presidential race, if it is not the turn of their geo-political zones. Yet, as party leaders in their respective states, the governors control the party structures. They personalise power and use their enormous financial muscles to a maximum advantage by dictating who gets what, where and how during elections. Since 2003, except in few instances, no governor, federal and state parliamentarian, minister and council chairman has emerged without the input and endorsement of the governor (Salaudeen, 2013).

Perception of the Preference of Ex-Governor-Senators

In Nigeria, the legislature has the mandate and is under obligation to initiate debate and show concern on matters affecting the generality of people in the country. Expectedly such activities should be directed toward reversing declining economy, stabilizing the polity and integrating society with the overall aim of enhancing national development. In spite of the significance of the legislature to national development, it is clear from the Nigerian experience that it fails to play such role with expected level of success (Edet and Amadu, 2014:63). Wale Okediran's *Tenants of the House* (2010), though a fictional account of the goings-on in Nigeria's House of Representatives in which the author was a member between 2003 and 2007, is a pathetic reflection of the failure of a legislature overwhelmed by graft, greed, lack of enlightenment, viciousness and alienation from the people they are supposed to represent.

There had been allegations that members of the National Assembly resort to subtle or open threat, intimidation and blackmail of the executive, prompting the later to go into a settlement. When the executive does this, normally in millions of dollars, all is quiet in form of white-washed report and reports that fail to deal effectively with the issue (Obasanjo, 2014). As noted by Ezea (2011), "constituencies have become instruments of official corruption, fraud and lubricant of primitive accumulation for lawmakers, as constituencies across the country have never had the impact of constituency projects fund that had been given to lawmakers yearly. The two chambers are fast transforming into discredited institutions of the Nigerian state where lawmakers desecrate every known elements of civilized democratic

principles. The responsibility of lawmaking is no longer the remit of prudent, intelligent and honourable men, but of those who engage in profligacy and depravity". More worrisome is the fact that the cost associated with the performance of their duties does not match with actual performance. Thus cost effectiveness, efficiency, economy, productivity and quality is lacking especially when viewed against the backdrop of their remunerations or compensation packages (Udoete, 2011:48).

The fact that these negative perceptions continue in the National Assembly is, according to Akindele, et al (2012:180), worrisome in the sense that there have been "recirculation of members of the National Assembly over the years and, one expects membership attrition and corrupt practices to have reduced in the legislative arm of the nation's democratic governance process, given the fact that Legislators with such shabby political inclination must have left the Assembly through electoral defeats". The point here however, remains that such expected major defeats still remain a herculean task for the electorate. Having observed a lot of fraudulent activities in the electioneering process, they (voters) now respond with disenchantment, apathy, and lethargy towards the whole political process.

Suffice it to say that the nation's electoral process is inherently tainted with fraud and illegalities that frequently frustrate politicians with good intentions while it throws up those with questionable character. With so much at stake, candidates in previous governorship and parliamentary elections have often played dirty. Ballot box snatching and shootings marred the process in several states. It is noticeable that electoral fraud gives rise to dysfunctional constituents. When members of the electorate vote and their votes do not count, the constituencies become dysfunctional. They lose interest in voting as they feel that the election will always be rigged. Though to win a senatorial district out of the three in each state would not be a problem for any incumbent governor, but with the level of the people's disenchantment, one cannot comprehend why many of the governors scaled through the voters' anger at the polls and found their ways to the National Assembly. At least, the *power of the people* to reject unwanted representatives at the polls was demonstrated in some states where four governors were defeated in the 2015 senatorial elections.

It could also be inferred that second term governors who do not contest for Senate are either skeptical of their chances because they underperformed as state governors or will face stiff opposition from an incumbent Senator in the district (Ilevbare, 2015). Those who made it to the upper chamber simply go into oblivion as soon as they realise that they no longer call the shots, but

mere part of a wider debate. Their interest therefore, lies in what is materially accruable to them like other members. As a matter of fact, the penchant for wealth accumulation among the lawmakers is public knowledge; a phenomenon that, in no small measure, contributes to the high cost of governance in the country. For instance, Prof. Itse Sagay provided facts and figures on the ridiculous salaries and allowances of the federal lawmakers. According to him, in 2009, a senator earned N240 million ($1.7 million) in salaries and allowances, while his House of Representatives counterpart earned N203 million ($1.45 million). In sharp contrast, a United States senator earns $174.000 per annum, while a British parliamentarian earns $64,000 per annum (The Punch, 2011 cited in Udoete, 2011:49-50). Nevertheless, this package was applicable to Nigeria's sixth National Assembly (2007 – 20011). But due to pressure from the National Assembly for increased remuneration for its members (Senate and House of Representatives), an upward review of their salary and allowances was effected from July 2009, in line with remuneration package for political, public and judicial office holders approved by the Revenue Mobilization, Allocation and Fiscal Commission, RMAFC (ibid). Yet, the senators have indeed been unable to justify their huge remunerations and thus, lent credence to the advocacy by many notable groups and individuals that the nation's lawmakers should be engaged on a part-time basis; and should be paid per sitting.

Expectedly therefore, it baffles Nigerians that while the country is groaning under economic recession due largely to the fall of the naira and the fluctuating price of crude oil, senators who once served as governors are receiving a double income. A report by Daily Trust (Cited in Omotayo, 2016) reveals that in spite of the fact that states had to receive bailout funds from the federal government due to their inability to pay salaries, millions of naira in pensions is transferred to the accounts of former governors. Some of these governors are simultaneously receiving salaries as senators. For instance, the law in Rivers provides 100 percent of annual basic salaries for the ex-governor and deputy, one residential house for the former governor "anywhere of his choice in Nigeria"; one residential house anywhere in Rivers for the deputy, three cars for the ex-governor every four years and two cars for the deputy every four years. In Lagos, a former governor will get two houses, one in Lagos and another in Abuja, estimated at N500 million in Lagos and N700 million in Abuja. Others are six brand new cars replaceable every three years; furniture allowance of 300 percent of annual salary to be paid every two years, and a close to N2.5m as pension (about N30m pension annually). He will also enjoy security detail, free medicals including for his immediate families. Other benefits are 10 percent house

maintenance, 30 percent car maintenance, 10 percent entertainment, 20 percent utility, and several domestic staff (Abdallah, 2016).

Also, in Kwara state, the law allows Senator Bukola Saraki, former governor of the state, to get two cars and a security car to be replaced every three years, a "well-furnished 5-bedroom duplex," furniture allowance of 300 per cent of his salary; five personal staff and three officers of the State Security Service. Yusuf Olaniyonu who is the media aide to Saraki confirmed that the governor receives all the benefits but said the money goes in scholarships to students of Kwara. He said the Senate president "directed that a special account should be opened into which the money should be paid and that it should be used for a scholarship and education programme to be administered by a Board of Trustees" (Omotayo, 2016). A former governor of Akwa Ibom State and spouse are also entitled to N100m for medicals annually, and a former deputy governor and spouse a maximum of N30m. Widows or widowers married to former governors while in office are entitled to N12m medical allowance in a year, while those of deputy governors will take N6m (Adesomoju, 2016).

Other benefits in Akwa Ibom State include: Annual Basic Salary: 100% of annual basic salaries of the incumbent governor and deputy. Accommodation: One house not below 5-bed maisonette in either Abuja or Akwa Ibom for the former governor; 500% annual basic for the deputy. Transport: One car and one utility car every four years for ex-governor and deputy. Furniture: 300% of annual basic salary every four years. House maintenance: Nil. Domestic staff: Amount not above N5 million for ex-governor and N2.5 million for ex-deputy to employ cook, chauffeurs and security. Medical: Free treatment and spouse not exceeding N100 million per year for ex-governor; N30 million per deputy (this provision will soon be reverted to "free" without limit following outcry). Car maintenance: 300% of annual basic salary. Entertainment: 100% of annual basic salary. Utility: 100% of annual basic salary. Drivers: Amount not above N5 million for ex-governor and N2.5 million for ex-deputy to employ cook, chauffeurs and security. Severance gratuity: 300% annual basic salary (Pointblank News, 2014). These are just three out of the 16 senators receiving pensions as ex-governors. The question remains: How many years did they serve their states as governors to be entitled to such outrageous pensions for life?

Though the Code of Conduct Bureau (CCB) Act does not prohibit the former governors from drawing dual remuneration simultaneously, there are concerns on the financial implications on the states, particularly in a situation where 27 states are struggling to pay salaries. While this indicates that the

Senators may not have breached any law, it is believed that it is morally condemnable to be getting a pension while they are still on active service. Indeed, one may be tempted to conclude that the preference of the ex-governors, going by this trend, is for wealth accumulation rather than law-making for the good of their constituents.

Requisite for Building a Strong Legislature

It is argued that in certain presidential systems with weak legislatures, serving in the legislature can often impede rather than assist one's career in politics. For instance, aspiring Mexican politicians often have little interest in running for legislative office where they may languish in relative obscurity, and instead opt for positions in the executive branch at the federal or state level (Camp, 2000). This cycle can become self-perpetuating: the legislature remains weak because it cannot attract talented politicians to strengthen it. Just like many other democracies where democratic institutions, including the legislature, are weak, the Nigerian experiment is a source of worry to many political observers and scholars alike. It can be argued that the National Assembly has been unable to attract vibrant and goal-oriented politicians beyond the fault-lines of partisanship, ethnic and religious affiliations, and of course, mere personal political ambition. How has this trend impacted on governance/democratic institutions in the country?

In their analysis, Johnson and Nakamura (cited in Lafenwa, 2009:8), pointed out that effective legislatures contribute to effective governance by performing important functions necessary to sustain democracy in complex and diverse societies. To them, "Democratic societies need the arena for the airing of societal differences provided by representative assemblies with vital ties to the populace. They need institutions that are capable of writing good laws in both the political sense of getting agreement from participants, and in the technical sense of achieving the intended purposes". By the legislature, during its early history, the best wisdom of the country would be gathered, according to Bryce (1971 cited in Edet and Amadu, 2014:71), into deliberative bodies whose debates would enlighten the people, and in which men fit for leadership could show their power. In most countries across the world, this is no longer the case. Today, there is decline in the culture and personality of the legislature. A seat in it confers less social status, and the respect felt for it has waned. The best citizens are less disposed to enter the chamber. Yet, they are needed to strengthen the legislature through quality debates and legislation bordering on political stability, orderliness, social welfare among others. This is much desirable in Nigeria today.

Ordinarily, if put into good use and backed with patriotic intention, the experiences of the former governors in managing the affairs of their states for eight years would have been a great asset to the National Assembly as a democratic institution requiring such. Even though they were not lawmakers in their respective states, it could be argued that the business of lawmaking goes beyond the mastering of legislative procedure or stages of bill passage. Rather, it requires vision, service-to-humanity spirit, experience from both private and public sectors, patriotism and undiluted commitment. Thus, the country's dire situation requires lawmakers who are genuinely committed to finding solution to problems and making life worth living for the citizens. Perhaps, that is why in its editorial, The Guardian (2015) enjoins Nigerians "to be more careful about those they elect to represent them. For them to have effective representation that would better their lot, Nigerians must choose those with the right qualities, those who understand and have the capacity for the rigour of lawmaking that would redound to national development and bring an improvement in the lives of the citizens".

The three arms of government may be separate in functions but united in goals, through the system of checks and balances. It is a public knowledge that the system of checks and balances allows each of the arms of government to defend its position in the constitutional framework of government. As earlier deduced in this paper, a strong and independent legislature is vital to make democracy to succeed, although there appears to be an inexorable tendency toward executive centrism in modern democracy. Expectedly, in democracies where its formal adoption of the principles of separation of powers is adhered to, the presidential system appears to provide that kind of independent and strong legislature. Hence, the principle of vesting the exercise of the powers of government- the legislative, the executive and the judicial- in three distinct organs, which Willoughby has called an organic separation of powers as distinct from a personal separation, is fundamental to the efficient working of government.

Though it should be noted that there is no absolute separation of powers anywhere –indeed, complete separation of powers is neither practicable nor desirable for effective government- yet in Nigeria, the overbearing influence of the executive over other arms of government is too glaring to ignore and it calls for concern if that institution of government is to be strengthened with a view to achieving the much-needed good governance for Nigerians through legislation. The input/experiences of these former governors would have therefore, been more desirable at a period like this but for the fact that many of them also dominated all democratic institutions in their states- the legislature in particular- like emperors while in power. Resisting such

unwanted tendency from the national executive, after their elections into the senate, becomes a moral burden.

While Senators represent senatorial districts, members of the House of Representatives represent constituencies. Representation, lawmaking, policy-making, and oversight are activities that occur within the legislature and require acts of collective action on the part of all the members. The essence of strengthening the legislative institution therefore, is to make it become stronger, more effective, democratic institution and this can be done through programmes and activities which are designed to increase transparency and accountability; strengthen public participation and representation; build public policy, law-making and oversight capacities. Hence, for legislatures to properly perform the above mandated functions and responsibilities, an enabling environment is required with a view to supporting efforts to create a constitutional and legal framework and building broad public support for the legislature through working with civil society and media groups.

On a general note, in a democracy, a balance must be found between competing values; and political actors must cooperate in order to compete. To be effective and stable, there must be the belief in the legitimacy of democracy, tolerance for opposition parties, a willingness to compromise with political opponents, pragmatism and flexibility, trust in the political environment, cooperation among political competitors, moderation in political positions and partisan identifications, civility of political discourse and efficacy and participation based on the principles of political equality (Diamond et al 1995:19).

Conclusion

The governors in the senate may act as agents of political stability and compendium of knowledge of administration and governance. If the craving for wealth is not their goal, they can make impact as statesmen and fathers of the nation in the National Assembly. As alluded to in this paper, there is nothing wrong about former governors desiring to be senators after eight years of stewardship to their states because there is no law which says they cannot do so. What is important is whether they are in the senate to serve the interest of their constituencies or their own interest. Judging from the statutory functions of the legislature, as enunciated in this paper, it could be pointed out that the Senate is not for people who are on holiday or for people who think it will only make them relevant as former governors. It is meant for people who are ready for the rigorous legislative duty. However, from what could be seen in the last few years of this Republic, the influx of retiring governors to the Senate portends that their elections into the National Assembly are for reasons far from the desire of the people for qualitative representation and effective legislation.

References

Abdallah, Nuruddeen et al (2016) Double pay for Ex-Govs now Senators, Ministers, Daily Trust, April 4

Abdulsalam Jubril (2016) How "Distinguished" are our Senators? Available at:http://www.opinionnigeria.com/how-distinguished-are-our-senators-by-abdulsalam-jubril/#sthash.cawZ87mG.dpuf

Adebayo, Ismail (2011) How Ex-Govs Faired and Failed in the Senate, Daily Trust, June 5

Adesomoju, Ade (2016) Ex-governors' pensions and lingering legality questions, The Punch, June 23

Akindele, Tunde et al (2012) Democracy, Governance, Legislative Challenges and Impediments in Nigeria, 1999 – 2011, Journal of Politics and Law; Vol. 5, No. 2; 2012

Akomolede, Ifedayo and Akomolede, Olayinka (2012) Legislation as a tool for Good Governance in Nigeria: Legal Matters Arising, *European Journal of Business and Social Sciences,* Vol.,1 No. 6, pp 61–68, September 2012

Baita, Usman (2014) From Government House to The Senate, Available at: https://web.facebook.com/notes/uthman-baita-elleman/from-government-house-to-the-senate-a-highlight-from-usman-baita/516277908487694/?_rdr

Camp, Roderic (2000) "Mexico's Legislature: Missing the Democratic Lockstep?" in Close, ed. Legislatures and the New Democracies in Latin America

Diamond, L, J. J. Linz and S. M. Lipset ed. (1995) *Politics in Developing Countries: Comparing Experiences with Democracy.* Boulder & London: Lynne Reinner

Edet, J. Tom and Amadu, J. Attai (2014) The Legislature and National Development: The Nigerian Experience, Global Journal of Arts Humanities and Social Sciences, Vol.2,No.9, pp. 63-78

Eme, Okechukwu, I. and Okeke Martin Ifeanyi (2015) Circulation of Elites and the 2015 Election in Nigeria: A Thematic Exposition of Succession Crisis Between Governors and Their Senators, *International Journal of Development Research, Vol. 5, Issue, 07, pp. 5096-5110*

Gberevbie Daniel Eseme (2014) Democracy, Democratic Institutions and Good Governance in Nigeria, EASSRR, vol. XXX, no. 1 (January 2014)

Ilevbare, Theophilus (2015) 2015: Unholy senatorial ambition of second term governors, Available

at:http://nigeriamasterweb.com/Masterweb/MasterwebMobileNews.php?rss_id=MjIy

Information Nigeria (2015) Increasing Number of Ex-govs in Senate, A Dangerous Trend, Group Warns, April 27 Available at: http://www.informationng.com/2015/04/increasing-number-of-ex-govs-in-senate-a-dangerous-trend-group-warns.html

Kazeem, Amusa O. (2013) Legislative Oversight Functions in Nigeria– Odyssey of Hunters Becoming the Hunted, AUDJ, vol. 9, no. 2/2013, pp. 79-95

Lafenwa, S. A. (2009) "The Legislature and the Challenges of Democratic Governance in Africa: The Nigeria Case", A Draft Seminar Paper for Conference Organised by the Politics and International Studies Center for African Studies, University of Leeds on Democratization in Africa: Retrospective and Future Prospects, December 4-5, 2009, *Legislative Affairs,* Volume 3, March 2010, No 1&2

NDI (2000) Strengthening Legislative Capacity in Legislative-Executive Relations, National Democratic Institute for International Affairs (NDI)

Ninsin K. A. (2006). "Institutional Development and Democratic Consolidation", in Boafo-Arthur, ed., *Voting for Democracy in Ghana: The 2004 Elections in Perspective, Vol. 1.* Accra: Freedom Publications, pp.59-78

Norton, Phillip (2000) "Parliament is the Essential Link Between Citizen and Government" in "Strengthening Parliament", London, Commission to Strengthen Parliament

Obasanjo, Olusegun (2014) "Nigeria's National Assembly - a House of Thieves and Blackmailers" Obasanjo, a former Nigerian President, gave this address at the public presentation and launch of an autobiography of Justice Mustapha Akanbi: "The Story of My Two Worlds: Challenges, Experiences and Achievements" in Abuja on November 26, 2014, Premium Times, January 12

Ogunmade, Omololu (2013) Nigeria: Senate as Retirement Haven for Ex-Governors, ThisDay, September 30

Oke, Gbenga (2015) Elections: Excellencies who lost and won On April 16, available at: http://www.vanguardngr.com/2015/04/elections-excellencies-who-lost-and-won/

Okediran, Wale (2010) Tenants of the House, Lagos, Nelson Publishers

Omotayo, Yusuf (2016) How Former Governors are Making Millions as Senators, Available at: https://www.naij.com/787552-exposed-saraki-akpabio-senators-governors-receiving-millions.html

Pointblank News (2014) REVEALED: Outrageous Pensions of Nigerian Ex-Governors (1), June 5

Sagay, Itse (2010) "Status and Role of a Legislature in a Democracy" Public Lecture Delivered on July 27, 2010 in Abuja

Salaudeen, Leke (2013) Governors for Senate, Senators for Governor, The Nation, August 28

The Guardian (2015) The Shame of a Senate, June 23

Udoete, John (2011) Cost Effectiveness and Good Governance in Nigeria: Lessons from The Electoral Processes and The Legislature, Journal of Management and Corporate Governance Volume 3, December 2011

Umeagbalasi, Emeka et al (2015) Disastrous Performance of The Seventh National Assembly of Nigeria & Challenges Before The Eight National Assembly - Part 1, Available at:http://nigeriamasterweb.com/blog/index.php/2015/05/21/disastrous-performance-of-the-seventh-national-assembly-of-nigeria-challenges-before-the-eight-national-assembly-part-1