

**ASSESSING THE OVERSIGHT ROLE OF THE SENATE IN THE  
EDUCATION SECTOR, 2015-2019**

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**DECLARATION**

I hereby declare that the information contained in this project has been written by me and is an authentic documentation of my research work which has not been presented or accepted for publication in journals or magazines. All materials used for the purpose of this study have been adequately referenced and acknowledged.

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DATE

**CERTIFICATION**

This is to certify that this project work has been read and accepted as having satisfied the conditions for the award of Masters in Legislative Studies/University of Abuja

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PG Coordinator

**APPROVAL**

This is to certify that this project titled “Assessing the Oversight Role of the Education-related Committees in Nigeria’s National Assembly, 20015-2019” has been read and approved by the undersigned, as meeting the regulations governing the award of degree of Masters in Legislative Studies (MLS), of the School of Postgraduates Studies, National Institute for Legislative Studies/University of Benin and is accepted for its contribution to knowledge and literary appreciation.

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DATE

## **DEDICATION**

### DEDICATION

I dedicate this project to Almighty Allah, for courage, wisdom, knowledge and understanding. He has been the source of my sustenance and strength throughout this programme. I also dedicate this dissertation to my parents, Alhaji Muhammad M and Hajiya Hauwa'u Muhammad for their love, support, and words of encouragement may Almighty Allah make aljannatul Firdausi their final abode.

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## **ABSTRACT**

Despite the importance of education to human capital development and national development, particularly, providing skilled manpower to a Nation, improve life's choices and the quality of living, the Education in Nigeria is faced with challenges. The National Assembly, through its Committees on Basic and Secondary Education and Tertiary Education and TETFund, is mandated to make laws and oversee sectoral policy implementation to address the crisis in Education, these Committees have been ineffective in exercising its Oversight functions over the Executive. The adverse consequence is the poor quality of Education. The study was designed to assess the Oversight functions of the Senate Committees, 2015-2019. Particularly, it assesses the effectiveness of the Senate Committee in performing Oversight of the Education Sector, 2015-2019.

The study adopted a qualitative research design. Data was collected using semi-structured interview and sessional reports of Committees. Purposive sampling technique was used to select the key informants that provided the primary data, while the secondary data was taken from published materials.

The research found that the Senate Committees on Education (Basic and Secondary) and Tertiary Institutions and TETFund have been effective to an extent in performing its Oversight of Basic and Secondary and Tertiary Education sectors.

The recommendation includes more funding should be given Educational Institutions with serious infrastructural needs. Second, the Senate should urgently review, approve and publish a new standing order to accommodate the newly appointed Standing Committee in the 9th Senate to avoid conflict of responsibilities or jurisdiction.

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## **CHAPTER ONE**

### **INTRODUCTION**

#### **1.1 Background of the Study**

The Legislature is an important organ of a country which balances the power of the Executive and the Judiciary in the exercise of authority. It is one of the central institutions of democracy and it determines the extent to which government is responsive to citizens (Manona, 2016). The mandate of the National Assembly is achieved through passing legislation, overseeing government action, and representing constituencies and citizens in the affairs of government (Heywood, 2007). To better perform their oversight functions and ensure check and balance, it is imperative that Legislatures have adequate resources and capacity. The Nigerian National Assembly has enormous constitutional power and budgetary resources at its disposals to fulfil its mandates. For example, Section 88 of the Constitution empowers each chamber of the National Assembly to investigate any issue it has power to make laws upon, and to conduct investigation into the affairs of any person or organisation charged with the responsibility of executing or administering the laws enacted by the National Assembly and disbursing or administering moneys appropriated by the National Assembly. However, Section 88 (2) provides that the power of investigation is exercisable only for the purpose of enabling the National Assembly to make laws with respect to any matter within its legislative competence; and expose corruption, inefficiency or waste in the execution or administration of laws within its legislative

competence and in the disbursement or administration of funds appropriated by it. To enable the National Assembly perform its oversight roles, the National Assembly is constitutionally empowered to form Committees to procure all such evidence, written or oral, direct or circumstantial, as it may think necessary or desirable, and examine all persons. In this vein, the National Assembly can summon any person or institution to give evidence or produce documents, and to report to them.

Oversight is one of the activities through which the Legislature oversee and supervise the implementation of policies and actions enacted by it. The main object of oversight is to hold the Executive accountable for their action. Oversight involves monitoring the achievement of goals set by legislation and the government's own programmes. Hence, oversight seeks to ensure transparency, accountability, good government, service delivery, public participation (Madue, 2012)

## **1.2 Statement of Problem**

Education is a crucial element of human capital development and development (Office of the President of the Senate [OPS], 2019). Education is essential in providing skilled manpower to maintain, sustaining a countries economic activities for rapid socioeconomic development, improving life's choices and the quality of living. The global community recognises access to quality education in the sustainable development goals as one of the essential elements for achieving a sustainable development. More so, the Vision 20: 2020 document and the sector to re-focus the country's educational system in terms of access, equity, quality, infrastructure, teacher quality and development, curriculum relevance, funding and planning. Yet, education in Nigeria is faced with challenges, such as supply shortfall of educational institutions, inadequate funding of Basic, Secondary and Tertiary Institutions; lack of access to available Institutions, poor training of Teachers, high number of out of school children in the world, deterioration and/or inadequate educational infrastructure, progressively poor quality of education translating into poor performance in examinations, etcetera (OPS, 2019). In response to the state of education and other sectors in Nigeria, the Legislature is constitutionally mandated to make laws oversee sectoral policy implementation to address the crisis in the education

sector. To enable it perform effectively, Legislature have established Committees to enable them perform effectively and efficiently. However, the National Assembly has been ineffective in exercising its Oversight functions over the Executive (Fashagba, 2009; Stapenhurst, Jacob and Olaore, 2016) because of lack of political will (Stapenhurst, Jacob and Olaore, 2016). This suggests that the Executive responsible for the sector are rarely called upon to account for failure. This has led to ineffectiveness, maladministration and misuse of government expenditure in the education sector. Failure to take action against cases of omission or ineffectiveness in the sector compromises good governance and democratic accountability in the Public Service. The adverse consequence is the poor quality of education. This study assesses the oversight role of the Senate in the Education Sector, 2015-2019.

### **1.3 Research Questions**

The following research questions have been framed from the above statement of the problem:

What are the mandates of Senate Committees in the Education Sector?

- How effective have the relevant Senate Committees performed Oversight function in the Education Sector?
- What are the challenges encountered in performing Oversight functions?
- How can these challenges be improved?

### **1.4 Research Objectives**

The main objective of the study is to assess the Oversight functions of the Senate Committees, 2015-2019. The subsidiary objectives are;

- To understand the mandates of the Senate Committees in the Education Sector.
- To assess the effectiveness of the Senate Committees in performing Oversight of the Education Sector

- To understand the challenges encountered in performing Oversight function in the Education Sector.
- To provide recommendations on the improvement of Oversight function.

### **1.5 Scope/Delimitation of Study**

The focus of the study is Nigeria's National Assembly, particularly, the Oversight functions of the Senate Committees on Education (Basic and Secondary) and Tertiary Institutions and TETFund. Geographically, the study is carried out in Nigeria. The time scope is the period from 2015 to 2019. The choice of the period is deliberate; first, there is availability of data for the timeframe. Moreover, during this timeframe, there seemed to be a divided government in that the executive and the leadership of the Senate and the House of Representatives were from different political parties at a particular moment. This caused antagonism between the two arms of government in policy enactment and implementation.

### **1.6 Significance of the Study**

This study contributes to the existing body of knowledge in legislative Oversight. This research work would also serve as a guide to fresh graduates and lecturers in universities. This knowledge is also valuable to academic institutions, staff and legislators of the Nigeria National Assembly and will serve as a reference material to students, journalists and the general public. The study would be of immense significance to policymakers, development partners, National Assembly, researchers, students and the electorates. Therefore, it is hoped that this work would be a useful reference material for scholars and researchers in Legislative Studies and other related fields of study.

## **1.7 Limitation of the Study**

The study is limited because the timeframe was short and because of the difficult attitude of the interviewees. Time can never be enough as a result of the combination of official assignments, academic work and family pressure. The researcher is a fulltime staff and student of the NILDS/UNIBEN Masters programme. Moreover, reaching out to relevant people, especially legislators for this study, and tracking some representatives of civil society organisations was a huge setback. However, this set back was overcome through persistence. A second limitation of the study was reliance on oral testimony through interviews. However, the use of secondary data from Committees' reports and academic journals were helpful in crosschecking the accuracy of the oral data.

## **1.8 Organization of the Study**

This research work consists of five (5) chapters. Chapter One is made up of background of the study, statement of the research problem, research questions, objectives of the study, scope/delimitation of the study, significance of the study, and organisation of the study. Chapter Two focuses on literature review and theoretical framework that was employed to interpret the result of the study. Chapter Three discusses research methods which include research design, population of the study, sampling techniques, and sample size. It also explains the procedure for data collection and techniques for data analysis. Chapter Four is on data presentation and analysis and discussion of findings. Chapter Five contains summary, conclusion, recommendations and references. The appendix contains the interview questions.

## **1.9 Definition of Terms**

### **1.9.1 National Assembly**

The National Assembly is the two Legislative Houses at the federal level. Membership to the House of Representatives are drawn from all federal constituencies based on the principle of population, while the members of the Senate are drawn from all states based on the principle of equality of states.

### **1.9.2 Oversight**

Oversight is the constitutionally mandated function of the Legislature through which Parliaments scrutinise and oversee Executive action and any organ of the state. Oversight is the means through which the Legislature holds the Executive accountable for the policies, actions and inactions with respects to the policies enacted by Parliament.

### **1.9.3. Committee**

Committees are small groups of Legislators that are appointed by the chamber on a temporary or permanent basis to examine matters more closely than would be done in the chamber.

### **1.9.4. Legislature**

The Legislature is one of the three organs of government made up of the representatives of the people. The main function of the Legislature is law-making, oversight and representation.



## CHAPTER TWO

### LITERATURE REVIEW AND CONCEPTUAL FRAMEWORK

#### 2.1 Conceptualising Oversight

Oversight is the legislative supervision of the Executive (Hamalai, 2014). It is the constitutionally mandated function of the Legislature through which Parliaments scrutinise and oversee Executive policies, actions and programmes action, polices (Pelizzo, Stapenhurst and Olson 2006). Similarly, Madue (2013, p. 39) notes that through oversight the Legislature holds the Executive accountable for the policies, actions and inactions with respects to the policies enacted by Parliament. As early as the 1970s, Lees (1977, p. 193) understands Oversight as “the behaviour by legislators and their staffs, individually or collectively, which results in an impact, intended or not, on bureaucratic behaviour”. While there has been disagreement over whether to define oversight ex ante or ex post, the consensus is on defining oversight ex ante and ex post- that is as the activities through which Parliaments review, monitor and supervise government agencies, programs, activities, and policy implementation, and as the activities that Parliament performs after the enactment of policies and legislations (Pelizzo, Stapenhurst and Olson, 2006; Johnson and Nakamura, 1999; Madue, 2012). This way of looking at oversight challenges the notion that the Legislature oversees the activities of government to determine value for money, which sees Parliament as a reactive institution and not a

proactive institution (Manona, 2016). There are several variety of context through which oversight occurs. These includes: “appropriations, investigative and legislative hearings by Standing Committees, specialized investigations by select Committees, and reviews and studies by parliamentary support agencies and staff: (cited in Manona, 2016).

The Executive, in carrying out its tasks through implementing legislation or policy, requires considerable power, such as the ability to influence or determine the conduct of a person. Hence, in a democracy, the condition for exercising that enormous Executive power is oversight-supervision- of the Executive to ensure accountability of the Legislature, a distinct arm of government. This notion is inherent in the concept of the separation of powers, which simultaneously provides for checks and balances on the exercise of Executive power, making the executive more accountable to an elected Legislature.

## **2.2 Significance of oversight**

Oversight is significant for the proper functioning of a democratic system (Madue, 2012). Oversight of the executive is intended to ensure accountability; transparency; ensuring executive compliance with legislative intent; eliminating corruption; eliminate inefficacy and waste in government, including, fraud, and misuse of public funds as well as identification of functions which are duplicative, overlapping. Malapane (2016, p. 138) also notes that oversight is intended to improve the efficiency and “effectiveness of government operations; evaluate programmes and performance; investigate and prevent poor administration, waste, abuse, arbitrary and illegal and unconstitutional conduct; protect civil liberties and constitutional rights; inform the general public and ensure that executive policies reflect public interests; gather information to develop new legislative proposals or amend existing statutes; and ensure administrative compliance on legislative authority and prerogatives” (Malapane, 2016, p. 138). According to Yamamoto (2007, pp. 9-10) as cited in Manona (2016, p. 80), the key functions of parliamentary oversight are described as:

- To detect and prevent abuse, arbitrary behaviour, or illegal and unconstitutional conduct on the part of the Government and public agencies.
- To hold the Government accountable with respect to how tax payers money is utilised. Parliamentary oversight detects waste with in the machinery of the Government and public agencies. Thus, it can improve efficiency, effectiveness of government operations.
- To ensure that policies announced by the Government and authorised by Parliament are actually implemented. This function includes monitoring the achievement of goals asset by legislation, the programmes of the Government, and the ten tools of Parliamentary Oversight.
- To improve transparency of government operations and enhance the trust of the public in government, which is itself a condition of effective policy delivery.

### **2.3 Sources of Oversight Powers in Nigeria**

The power to conduct oversight is implied and expressed as stated in the Constitution. Section 4 (2) of the Constitution of the Federal Republic of Nigeria 1999 (as amended) grants the legislative powers of the Federal Republic of Nigeria to the National Assembly. The legislative power of the National Assembly includes making laws for the peace, order and good government of the federation. This power to make laws also implies the power to oversee the executive, and this “power to oversee derives from various enumerated powers in the Constitution as well as from public laws and standing orders of the legislature and that Parliament could not carry out the constitutional powers reasonably or responsibly without knowing what the executive branch is doing; how programs are being administered, by whom, and at what cost; and whether officials are obeying the law and complying with legislative intent” (Hamalai, 2014). The expressed power of oversight of the National Assembly is stated in Sections 88 and 89 of the Constitution. For instance, Section 89, the federal legislature is bestowed with the powers to gather evidence required for the investigation, which shall be given on oath. The National Assembly also has the power to compel the attendance of witnesses on the pain of punishment if they fail to attend. The various powers are to enable the National Assembly: a) make

laws with respect to any matter within its legislative competence and correct any defects in existing law; and b) expose corruption, inefficiency or waste in the execution or administration of laws within its legislative competence and in the disbursement or administration of funds appropriated by it.

#### 2.4. Oversight tools/Mechanisms

Oversight tools are the constitutionally mandated oversight instruments which Parliaments deploy to hold the executive accountable for their policies and actions (Hamalai, 2014). Legislatures employ several tools in performing their oversight functions. Some of these tools are stipulated in the constitutions of Nigeria, but more commonly they are part of the rules that govern parliamentary procedures (or the Standing Orders). The oversight tools employed by the National Assembly of Nigeria are briefly presented in Table 2.1:

**Table 2.1: Legislative Tools and Mechanisms of the National Assembly**

<b>Oversight Tools</b>	<b>Definitions/Explanations</b>
Questions and Interpellations (written, oral and urgent).	Questions and interpellations refer to direct queries of ministers. They are the oral and written questions that legislators pose to the executive to scrutinize their programmes. They are formulated question on the conduct of the government or its MDA that often determines accountability by means of votes on motions
Hearings, including committee and plenary hearing	This is a procedure used by legislative bodies to obtain oral information. Hearing serve the following purposes: Hearings are organize to gather information either before a law is passed; during legislative oversight activities; when investigating reported cases of wrongdoing. Public hearing is a tool which constitutes an important aspect of oversight activities, as it also stimulates discussion of issues among the general public.

Specialized Committees	<p>Committee are a small groups of legislators that are constituted by the House to examine matters more closely. In many instances, special committees are often investigative in nature, rather than legislative.</p> <p>Though some select and special committees in some jurisdictions, have the authority to draft and report legislation.</p>
Censorship of ministers	Censorship of ministers refers to the oversight role through which parliaments call the executive to order. It may include passing a resolution about the aptitude of specific executives of MDAs
Executive appointees	Confirmation hearings to approve executive appointments
Impeachment of president	Impeachment is an oversight tool in presidential systems where the National Assembly can charge the president with misconduct which ultimately leads to the removal of the President from office. Impeachment requires specific reasons, which are set out in the constitution. Most common grounds for is breach of constitutional duty
Public petition	A petition is a formal request to an authority for redress of a grievance. It has also been defined as a formal written request presented to a court or other official body. It can take the form of either a request for assistance with a specific issue or for the redress of a grievance.
Bill and motion referral	After second readings, bills are referred to committee for deeper scrutiny and analysis at the Committee level. Motions are also referred to committees either for investigations or other purposes.

Budget Oversight/ Engagement with appropriation bill	This the scrutiny and review of the appropriation bill. The legislative power of the purse allows Committees on Appropriation to play prominent roles in oversight.
Oversight visit to MDAs/ projects inspections	According to Hamalai (2014, p. 41), oversight visits “take the form of physical visits to government ministries, departments and agencies on which the legislature exercises oversight. In the course of such visits, projects and programmes for which funds were appropriated are inspected with a view to ascertaining the progress of implementation and possible challenges”.
Ombudsman	A person, independent from the government and sometimes also independent of parliament, who heads a constitutional or statutory public institution that handles complaints from the public regarding the decisions, actions or omissions of the public administration. The office is called the ombudsman, mediator, legislative commissioner, people’s defender, inspector-general or a similar title.
Auditor general	The Auditor General is in charge of the supreme audit office of the country. He (or she) is appointed by the president on the recommendation of the Federal Civil Service Commission subject to confirmation by the Senate, again possibly weakening his/her independence.
Anti-corruption agency	Nigeria has two anti-corruption agencies. The Independent Corrupt Practices and Other Related Offences Commission (ICPC) and the Economic and Financial Crimes Commission (EFCC) criminalize corruption in Nigeria by investigating allegations of corruption and prosecuting ministers and public office holders.

Source: Hamalai (2014)

In Nigeria, when the National Assembly is exercising Oversight function, it focuses on the following areas: implementation of laws; implementation of budgets; strict observance of laws enacted by the National Assembly and the Constitution; effective management of government Ministries, departments and agencies (MDAs).

## **2.5 The Committees on Education**

Committees are small groups of Legislators that are constituted by the House to examine matters more closely (Yamamoto, 2007, p.15). Importantly, Hamalai (2014) notes that most of the oversight functions of Parliament are performed by Committees. The scope of the activities of Committees is limited by the rules under which they are established (Yamamoto, 2007). Committee significance includes allowing Legislatures to increase the amount of work that can be done and ensure that issues can be debated in more details than in plenary sessions. More so, Committees increase the level of participation of legislators in discussions and enable them to develop expertise and in-depth knowledge of the specific committee's area of work. Furthermore, they provide a platform for the public to present views directly to legislators, hear evidence and collect information related to the work of a specific Committee (Manona, 2016). In previous Assembly, the Senate had a Committee on Education. However, in the 8th Assembly, this Committee was divided into two: Committee on Education (Basic and Secondary) and Committee on Tertiary Institutions and TETFund. In what follows, this study briefly examines the Committees on Education (Basic and Secondary), and Tertiary Institutions and TETFund.

### **2.5.1 Senate Committees on Basic Education (Basic and Secondary)**

The Committee on Basic and Secondary Education is one of the Committees of the 8th Senate constituted on 3rd November, 2015 alongside other Standing Committees, in line with Section 62 (1) of the 1999 constitution of the Federal Republic of Nigeria, (as amended). The Committee was severed from Committee on Education as contained in the Standing Order of the Senate 2015. The Committee

was inaugurated with other Standing Committees by the President of the Senate on Monday 23rd November, 2015. The responsibilities of the Committee includes to develop and implement programmes to revitalize Basic and Secondary Education. In addition, the Committee is to put in place a roadmap of necessary legislative interventions to make change in Basic and Secondary School Systems, towards technical growth and competition (Sessional Report of the Committee on Education [Basic and Secondary], 2019). In some, the Committee performs legislative functions, such as by discussing and amending education Bills, following their introduction in the Senate; policy function such as debating policies of the sectors, overseeing policy implementations through public hearings and investigation and Site visits to Ministries, departments and agencies in the sector; and moving motions and passing resolutions; examining and debating strategic plans and budgets; examining annual reports and briefs from MDAs in the sector; addressing issues of public concern related to the sector.

According to the Sessional Report of the Committee on Education (Basic and Secondary) in the 8th Senate, the Committee had 11 members headed by a Chairperson and a secretariat of support staff headed by a Clerk. As it is acceptable practice members of the Committee serve on more than one Committee, and this fact could also affect the effectiveness and efficiency of the Committee system.

### **2.5.3. Senate Committees on Tertiary Institutions and TETFund**

The Committee on Tertiary Institutions and TETFund is one of the Committees of the 8th Senate. The Committee was constituted and inaugurated with other Standing Committees by the President of the Senate on 19th November, 2015 alongside other Standing Committees, in line with Section 62 (1) of the 1999 constitution of the Federal Republic of Nigeria, (as amended). The Committee was severed from Committee on Education as contained in the Standing Order of the Senate 2015. The 8th Senate was yet to amend the Senate Rules to reflect the responsibilities of the Senate Committee on Tertiary Institutions and TETFund, however, the Committee deals with all matters



relating to Tertiary Education, TETFund and their annual budget. Specifically, at its inauguration, the Committee was charged with the following responsibilities:

- Determine the causes of decay in our tertiary institutions and proffer solution;
- Monitor the policy, administration and funding of tertiary institutions and TETFund;
- Ensure funds are efficiently applied as appropriated in the annual budget of various tertiary institutions; and
- Propose new legislative interventions and laws for revamping tertiary education sector.

More so, the Committee performs legislative functions, such as by discussing and amending Tertiary education Bills, following their introduction in the Senate; policy function such as debating policies of the sectors, overseeing policy implementations through public hearings and investigation and Site visits to Ministries, departments and agencies in the sector; and moving motions and passing resolutions; examining and debating strategic plans and budgets; examining annual reports and briefs from MDAs in the section; addressing issues of public concern related to the sector.

According to the Sessional Report of the Committee Tertiary Institutions and TETFund in the 8th Senate, the Committee had 20 members headed by a Chairperson and a five member secretariat of support staff headed by a Clerk. In addition, during the period under review, the Committee had employ the services of a total of 13 National Youth Service Corp members. Also, members of the Committee serve on more than one Committee, and this fact possibly affects the effectiveness and efficiency of the Committee.

## **2.6 The Federal Ministry of Education**

The ministry is comprised several departments and agencies. This research focuses on the Department of Basic and Secondary Education and the Department of Tertiary Education. The Ministry of Education is mandated to:

- Formulate and co-ordinate a national policy on education;

- Collect and collate data for purposes of education Planning and Financing;
- Prescribe and maintain uniform standard of education throughout the Country;
- Control and monitor the quality of education in the Country;
- Harmonize educational policies and procedures of all the States of the Federation through the instrumentality of the National Council on Education (NCE);
- Effect co-operation in educational matters on an international scale; and
- Develop curricula and syllabuses at the National Level.

### **2.6.1 The Department of Tertiary Education**

The department of Higher education was created in November 2000, from an existing Department of Formal Education and its initial mandate was to take charge of University Education. Subsequently in March 2003, the department became responsible for all aspects of higher education, and the name was changed to “Tertiary Education” in December 2006 as a result of the initiatives of the Reform. As at 2017, the total staff strength of the Department is 86 comprising 59 Education Officers and 27 support staff (Ministry of Education website).

The Department supervises the following Parastatals: (a) National Universities Commission (NUC); National Board for Technical Education (NBTE); National Commission for Colleges of Education (NCCE); Joint Admissions and Matriculation Board (JAMB); Teachers Registration Council of Nigeria (TRCN); Tertiary Education Trust Fund (TETFund); National Teachers Institute, Kaduna (NTI). Other inter-university centres under Ministry are: National Mathematical Centre (NMC); Nigerian French Language Village, Badagry (NFLV); Nigeria Arabic Language Village, Nigeria (NALV); National Institute of Nigerian Language (NINLAN). The department has the following functions, among others:

- Policy designing, coordination, implementation and monitoring.
- Establishment of new Federal Tertiary Education Institutions or take-over existing State Tertiary Institutions in collaboration with relevant Agencies.
- Supervision of the Parastatals in the Tertiary Education sector.
- Coordinating the performance of the Visitor's role in Federal Tertiary Institutions.
- Organizing and coordinating Visitation Panels to Federal Tertiary Institutions every four years in accordance with the law.
- Organizing the drafting of the White Papers from the recommendations on Reports of Visitation Panels.
- Placement and supervision of Ministry's representatives on the Governing Councils of Federal Tertiary Institutions and Board of FME Parastatals.
- Coordinating Staff and Students Union matters in the sector.
- Licensing with private tertiary institutions including the Innovation Enterprise Institutions (IEIs) in collaboration with the Regulatory Agencies.
- Provision of advisory and appellate services to States and Private Institutions.
- Coordinating Matters of International Relations in Tertiary Education sector.
- Promoting ICT penetration and utilization in Tertiary Education – data collection, bandwidths etc.

### **2.6.2 Department of Basic and Secondary Education**

The Department has five (5) Divisions through which it carries out its mandate. These are: Basic Education Division; Secondary Education; Unity Schools; Special Education; and Language Project. The mandate of the department includes: Initiate and formulate policies for basic and secondary education; Setting standards and provision of operational guidelines for setting up of schools; Ensuring teacher quality. Other mandates of the department includes:

- Monitoring curriculum delivery in basic and secondary schools;

- Overseeing the management of the 104 Federal Unity Colleges;
- Formulation, planning, Implementation and Co-ordination of policies, programmes and activities for Early Childhood Care Development Education;
- Addressing the Al-majiri Syndrome in collaboration with UBEC;
- Monitoring/supervision of the conduct of the National Common Entrance Examination in collaboration with NECO;
- Collaborating with the states and FCT to ensure uniformity and standardization in the conduct of Basic Education Certificate Examinations(BECE) examinations nationwide;
- Monitoring of Basic Education Certificate Examinations (BECE) nation-wide in collaboration with State Education Resources Centres;
- Working with states, NGOs and International Development Partners on issues concerning Gender Education (girl/women/boys);
- Provision of functional literacy and continuing education for adult and youths who never had the advantage of formal education or who did not complete their primary education;
- Promoting of Multilingual Education-Foreign and Nigerian Languages;
- Coordinating Nigerian French Language Project;
- Formulation, co-ordination, supervision and implementation of all Policies and programmes targeted at the education of the children with special needs including physically challenged, visually/hearing impaired, albinos, autistics, children Down's syndrome, gifted etc.;
- Exercise oversight functions on FME Parastatals including UBEC, NMEC, NCNE, and examination bodies like WAEC, NABTEB, NECO and the proposed National Board for Arabic and Islamic Studies (NBAIS) which is currently under the supervision of the department;
- Maintains and runs a language clinic for the teaching and learning of Nigerian Languages (Hausa, Yoruba and Igbo).

## **2.7. Challenges of Parliamentary Oversight in Nigeria**

**Executive Interference:** one of the challenges of legislative Oversight is Executive interference in the affairs of the Legislature (Fashagba, 2009). This is especially so in the selection of Speakers and Senate Presidents. The implication on the performance of Oversight is that the performance of Oversight was that the imposed leaders were incapable of opposing their benefactor (the executive) who, in fact, deliberately sponsored and installed individuals considered amenable to executive manipulation and control. More so, the executive also interfered in selecting party candidate for election into the legislature. One consequence of executive interference from this perspective was that it made it difficult for legislators to develop on-the-job skills because of high turnover rate of legislators, which is in part a function of the influence and action of the executive which often works in collaboration with the parties, both at the state and the Centre, to prevent legislators who refuse to toe the line or appeared to be too independent from returning to the Assembly in subsequent elections.

**High turn-over of Legislators:** The oversight function is also challenged in Nigeria by a high number of inexperienced legislators (Fashagba, 2009; Hamalai, 2014). The scenario of high legislative turnover is evidenced in the fact while 36 of the elected 109 senators returned to the Assembly in 2003, only 26 returned in 2007. Also, only 89 of the 360 members of House of Representatives were re-elected or returned after the April 2007 general elections. Thus, the poor oversight performance is partly as a result of the high turnover rate of legislators in Nigeria.

**The lackadaisical attitude of some Legislators:** There is a wide gap between budgetary provision and implementation in the education and other sectors because of the negligence of Oversight responsibilities by the various Committees of the National Assembly (Fashagba, 2009).

**Bureaucratic bottleneck/ lack of manpower:** one of the factors that impact on Oversight is the problem of access to information from both the Executive and its bureaucracy (Hamalai, 2014). This is partly because of poor record-keeping in government establishments due to the poor information technology base of Nigerian bureaucracy, information stored in hardcopy/paper form is

damaged or lost due to negligence. Corrupt practices by the legislators is a factor that impact on oversight effectiveness in Nigeria.

## **2.8. Theoretical Framework**

Several theoretical frameworks can be used to interpret the result of the study on oversight, such as institutional theory, accountability framework, and principal agent theory. In this study, while accountability and the principal agent theory are discussed, this study employs the principal agent theory (PAT) to interpret the result of the study.

### **2.8.1 Accountability**

Accountability is one of the measures of oversight. While oversight is the process through which an overseer institution, e.g., the legislature, oversees the executive. However, the reverse process through which the executive accounts for its policies and actions is referred to as accountability (Kinyondo, Pelizzo, & Umar, 2015). Dykstra (1939, pp.1-25) notes that the concept is often employed interchangeably with concepts such as responsibility, answerability, blameworthiness, liability, et cetera. Accountability is relevant to the discussion on governance and has been employed in discussing problems related to the public sector, non-profit organisations and private organisations. Accountability refers to acknowledgement or an assumption of responsibility for actions, decisions and policies, including administration, governance, and it encompasses the obligation to report, explain and to answer for consequences. (Tumushabe et al., 2010, p. 19). Importantly, the ultimate goal of the oversight function of both Senate Committees on Education is to ensure that those entrusted with public money are held accountable in the manner in which tax payers' money is spent.

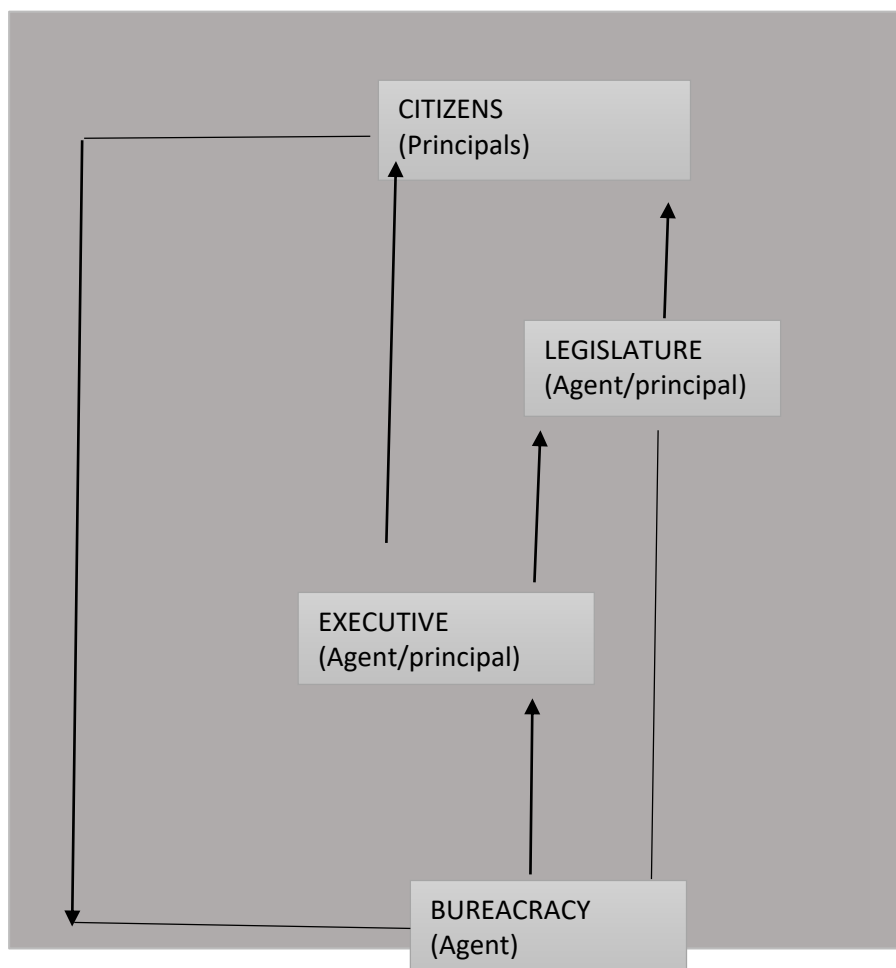
### **2.8.2 Principal Agent Theory (PAT)**

The Principal Agent Theory is a suitable theoretical framework for assessing the oversight functions of the Senate Committees on Education (Basic, Secondary and Tertiary). This is because the

theory explains the oversight relationship between the Legislature and the Executive. Pioneers and proponents of the PAT include Rose and Ackerman (1978); Weingast and Moran (1983); Moe (1984); Fukuyama (2004). The theory was successfully applied to explain the oversight relationship by Pelizzo and Stapenhurst (2012).

Pelizzo and Stapenhurst (2012) explains that the principal-agent theory stresses the institutional mechanisms whereby principals (legislature) can monitor and enforce compliance on their agents (executive). This theory is specifically suitable for explaining, first, the accountability relationship between citizens (as principals) and the executive and legislative (both as agents), and second, the accountability relationship between the legislature (acting as principals for citizens) and both the executive and the bureaucracy (as agents). PAT is suitable for explaining the Oversight functions of parliaments because the Legislature has been given the constitutional rights to monitor and supervise (on behalf of the citizens) the actions of the executive and its agencies.

Figure. 2.1 Principal-Agent Theory to Legislative Oversight



Source: Pelizzo and Stapenhurst (2012). Parliamentary Oversight Tools: A Comparative Analysis,

Fukuyama (2004, pp.190-191) has applied the PAT to Public Service. He noted that the public (citizens) represent the ultimate principals. In a democracy, he argues, elected representatives are the first level agents who act as principals with regard to the executive branch who act as agents who are delegated to implement legislations and policies enactment by the legislature. He noted that problems occur when individual agents – government officials – put their own pecuniary interests ahead of their principals. According to the principal agent theory, to counteract such behaviour, and to better align the principal-agent model interests, greater transparency in the activity of agents is required, coupled with the holding of agents accountable for their actions through a variety of rewards and punishments (Pelizzo and Stapenhurst, 2012).

When applying the principal agent theory to public sector governance, Fukuyama (2004b) points out three problems. First, public sector organisations' goals are often unclear and as such agents can only perform the will of the principals if the principals are clear in what they want the agents to do. Second, formal systems of monitoring and accountability involve high transaction costs or lack the specificity of the underlying activity. Third, the proper degree of delegated discretion often differs overtime.

Consequently, the three problems identified by Fukuyama above, creates situations of inequality in information because, first, the bureaucracy has more information than the legislature and executive combined, as principals; Second, the executive, as agents, have more knowledge than the legislature or citizens, as principals; in the same manner, the legislature, agent, has more knowledge than citizens, as principals. Notwithstanding, the above weaknesses do not undermine the significance of the PAT to voter-legislature-executive relations. In fact, institutional mechanisms have been



developed to explain how the legislature does overcome the challenges of informational asymmetry and moral hazard inherent in the principal agent theory. These set of mechanisms are referred to as oversight tools or mechanisms, which has been discussed in Section 2.4 and Tables 2.1.

The principal-agent theory is suitable for this research because the study focuses on the performance of the oversight function of the National Assembly. Hence, PAT allows the opportunity to examine the relationship between the executive and the legislature and how legislatures deploy oversight tools to ensure agents compliance with the principal's intention. While the PAT explains the nature of governance in an ideal context, this is far from the case in Nigeria where the legislature's oversight role has been marred with corruption (Fashagba, 2009) and lack of political will (Pelizzo and Stapenhurst, 2014). One of the critiques of the PAT is that it does not assign a collaborative or partnership role to the executive in the oversight functions beside one of compliance. Moreover, PAT wrongly assumes that all agents would want to undermine the authority of the executive. The theory is silent in instances where there are multiple principals such as the legislature and the executive.

## **CHAPTER THREE**

### **RESEARCH METHODOLOGY**

This chapter presented and explained the methodology that was used for this study. It covered the study's research design, population of the study, sampling technique, sampling size, sources of data (primary and secondary), instruments of data collection, and the method of data analysis and presentation.

#### **3.1 Research Design**

This research adopts a qualitative research design because it is suitable for the research purpose and questions. Qualitative research approach employs non-numerical data obtained from either interviews, observations and written documents, as opposed to quantitative research which employs numerical data, etc.

#### **3.2 Population of the Study**

The target population of this study were Legislators, Committee Clerks and their Assistants, Civil Society Organisations and Staff of Education related MDAs. Table 3.1 shows the distribution of the population for the study.

**Table 3.1: Distribution of the Population of the Study**

Target Population	Number
Senators	4
Committee Clerks	4
CSOs- (Policy and Legal Advocacy (PLAC) AND YAIGA)	2
Staff of MDAs related to the education sector	3
Total	13

### **3.3 Sampling Technique**

The purpose sampling technique is the deliberate choice of research participants because of the relevance of the participants in providing data needed for the research. Purposive sampling is a non-random sampling strategy. Purposive sampling was used to select the interviewees needed for this study because of the nature of the study.

### **3.4 Sample Size**

Interviews were conducted with 13 respondents drawn from Legislators, Committee Clerks, Civil Society Organisations and Staff of Education related Agencies in Nigeria. Particularly, the Chairpersons and Deputy Chairpersons of the Committee on Education (Basic and Secondary) and the Committee on Tertiary Institutions and TETFund; Committee Clerks and Assistants of same Committees, Civil Society Organisation, such as Policy and Legal Advocacy (PLAC) and YAIGA) and Staff of Education related MDAs under Ministry of Education, TETFund, and Joint Admission and Matriculation Board. See Table 3.2 for a description of the sample size.

**Table 3.2: Distribution of Sample Size**

Organisation	Distribution of Respondents	Male	Female	Number
Committee on Education (Basic and Secondary)	Chairpersons and Deputy Chairperson of Committees	1	1	2
	Clerk and Assistant	1	1	2
Tertiary Institutions and TETFund	Chairpersons and Deputy Chairperson of Committees	1	1	2
	Clerk and Assistant	1	1	2
PLAC and YAIGA	Staff	1	1	2
Ministry of Education, TETFund, JAMB	Staff	1	2	3
	Total	6	7	13

### 3.5 Sources of Data

The data to be used for this study will be collected from both primary and secondary sources.

### 3.6 Primary Data

The primary data were sourced from semi-structured, in-depth interview, which consisted of field observation and face to face oral interview.

### 3.7 Secondary Data

The secondary data will be sourced from books, journals, articles, newspapers, magazines, etc., and other relevant materials from the internet.

### 3.8 Instrument of Data Collection

The primary data of this study were collected with the aid of in-depth interview (semi-structured interview). This is because the structured and semi-structured interviews of CSOs, Legislators and Committee Clerks is the most suitable for providing detailed and rich data on the role of the Legislature in overseeing the education sector.

### **3.9 Data Analysis and Presentation**

The primary data collected were analysed, using content analysis of the data collected. This process involved preparing the transcript of the interviews, reading the transcripts to be familiar with the text, developing themes basic on the research objectives, fragmenting the data under the developed themes, and interpreting the data in the light of the theme.

## **CHAPTER FOUR**

### **THE EFFECTIVENESS OF THE SENATE IN THE EDUCATION SECTOR IN THE 8TH ASSEMBLY**

#### **4.1 Introduction**

This chapter interpreted the results collected from interviews, analysis of sessional reports of the Senate Committee on Education (Basic and Secondary) and Tertiary Institutions and TETFund. The chapter presented and discussed according to the objectives of the study as outlined in chapter one. Data obtained from the Interview with the analysis of the sessional reports of the Senate Committees on Education (Basic and Secondary) and Tertiary Institutions and TETFund were utilised to answer the questions on the effectiveness of the 8th Senate in Performing Oversight of the Education Sector and the challenges encountered by the 8th Senate in performing Oversight of the education sector.

#### 4.2 Composition of the Senate Committees on Education (Basic and Secondary) and Tertiary Institution and TETFund in the 8th Assembly

The Senate Committee on Education (Basic and Secondary) in the 8th Assembly was composed of 12 members. Of these members, 2 were female and 10 were male. On the other hand, the Senate Committee on Tertiary Institutions and TETFund was composed of 21 members, 18 of whom were male and two were female.

**Table 4.1: Composition of the Senate Committees on Education (Basic and Secondary) and Tertiary Institution and TETFund, 2015-2019**

Committees/Themes	Total Number of Senators	Committee Membership	Male	Female
Senate Committee on Education (Basic and Secondary)	109	12	10	2
Senate Committee on Tertiary Institutions and TETFund	109	21	19	2

Source: Department of Personnel, National Assembly

Furthermore, the quality or competence of staff is an important capacity required by the Legislature for legislative effectiveness. Hamalai, Dan-Azumi & Omotola (2016) notes that the ability of the legislators to effectively perform their responsibilities is directly related to their educational attainment and access to information. Education “provides legislators with the capacity for communication, dialogue, collaboration and consensus building” (Hamalai, Dan-Azumi & Omotola, 2016, p. 9). Section 5 of the 1999 Constitution provides that the minimum educational standard for legislators to be elected is at least School Certificate level or its equivalent. Table 4.2 reveals the educational qualification of the members of the Senate Committees on Education (Basic and

Secondary) and Tertiary Institutions and TETFund. The Table reveals that the members of the Senate Committee on Education (Basic and Secondary) obtained have the following qualifications (degrees HNDs, ND and certificates): four PhDs, one Master’s two Bachelor’s, two HND and one Diploma. On the other hand, members of the Senate Committee on Tertiary Institutions and TETFund are hold two PhD degrees, eight Master’s degree, 10 Bachelor’s degrees, and one HND certificate holder. These suggest that members of the two Senate Committees overseeing the Education sector in the 8th Assembly were competent to perform their Oversight functions of the MDAs in the Education Sector.

**Table 4.2: Educational Qualifications of Senators or Members of the Senate Committees on Education (Basic and Secondary) and Tertiary Institutions and TETFund, 2015-2019**

Senate Committee on Education (Basic and Secondary)		Senate Committee on Tertiary Institution and TETFund	
Educational Qualification	No of Senators	Educational Qualification	No of Senators
Diploma	1	Diploma	-
HND	2	HND	1
Bachelor’s degree	2	Bachelor’s degree	10
Master’s degree	1	Master’s degree	8
PhD	4	PhD	2
Others	2	Others	-

Source: Personnel Department, National Assembly

### **4.3 The Senate’s Mandate in the Education Sector.**

#### **4.3.1 Senate Committee on Education (Basic and Secondary)**

The Committee derived its mandate from Order 98 rule 21 Senate 2015 as amended and from the speech of the President of the Senate at the inauguration meeting of the Senate Committee on Education (Basic and Secondary). The mandate of the committee includes interactions with stakeholders in the education sector with the view that would move the sector forward. More so, the Committee is charged with the responsibility of identifying the challenges and constraints facing educational institutions in Nigeria and proffer solutions to achieve the desired results and initiate legislations in line with government policies that would bring about positive changes in the sector. The

Committee through Oversight was to ensure that Ministries Departments and Agencies are delivering on their mandates as intended. Which the Committee is to achieves through Oversight of the education sector.

#### **4.3.2 Senate Committee on Tertiary Institution and TETFund**

The Committee was inaugurated pursuant to Section 62(1) of the 1999 Constitution of Nigeria (as amended) and formally inaugurated by the President of the Senate, on 19 November, 2015. However, the 8th Senate could not amend the Senate Rules to reflect the responsibilities of the Senate Committee on Tertiary Institutions and TETFund. Nevertheless, the Committee deals with all matters relating to tertiary education, TETFund and their annual budget. The Senate Committee on Tertiary Institutions and TETFund was mandated to: determine the causes of decay in our Tertiary Institutions and proffer solution; monitor the policy, administration and funding of Tertiary Institutions and TETFund; ensure funds are efficiently applied as appropriated in the annual budget of various Tertiary Institutions; and propose new legislative interventions and laws for revamping Tertiary Education sector.

#### **4.4 Effectiveness of the 8th Senate in Oversight of the Education Sector.**

In this section the research study analyses the effectiveness of the 8th Senate in Oversight of the education sector. This section presents and analyses the data from in-depth interviews from key respondents and sessional reports of the Senate Committees on Basic and Secondary Education and Tertiary Institutions and TETFund from 2015 to 2019. The analysis and discussion contained in this section is based on the report on status of Committees activities and interviews with key respondents-legislators, Clerks and assistants, representatives of Civil Society Organisations and Staff of MDAs related to the education sector. The following activities were undertaken by the Senate Committee on Education (Basic and Secondary) from 2015-2019. These include regular meetings and interactive



sessions with MDAs, Oversight visits, budgetary function, public hearing hearings, investigative hearings, Bills and Motions referrals.

#### 4.4.1 Senate Committee on Education (Basic and Secondary)

The result of the Oversight activities of the Senate Committee on Education (Basic and Secondary) is presented in Table 4.3.

**Table 4.3: Oversight Activities of the Senate Committee on Education (Basic and Secondary) (2015-2019)**

Oversight Mechanisms	2015-2016	2016-2017	2017-2018	2018-2019	Total
Meetings/interactive sessions with MDAs	3	2	4	1	10
Oversight Visits	1	1	-	1	3
Budgetary Function	1	1	1	1	5
Public Hearings	1	1	2	1	5
Investigative Hearings	-	-	-	-	-
Bill referrals	-	1	1	-	2
Other referrals (Motions)	1	2	3	2	8
Public Petitions	-	-	-	-	-

Source: Sessional Reports of Senate Committee on Education (Basic and Secondary)

The Table shows that of the two bills were referred to the Committee and considered. For example, the Committee considered the Compulsory free, Universal Basic Education Act 2004 (Amendment) Bill 2017 (SB307) and (SB 324) referred to the Committee on 9th March, 2017 which was passed by the Senate on 25th July, 2017 and the National Library Act CAP N56 LFN2004 Amendment) Bill 2017 (SB46) referred to the committee on 15th November 2017.

As part of its mandate, over eight (8) Motions were referred to the Committee (1, 2, 3 and 2 for the First, Second, Third and Fourth Sessions, respectively). Of these, two (2) were dealt with and Reports concluded and laid: 2016 statutory budget of the National Business and Technical Education Board, which was referred to the Committee on 23 November 2016 and the Innovative Educational Technology: E-Learning and blended learning in the Education Sector in Nigeria referred to the

Committee on September 2018. Other resolutions passed by the Senate that were related to the mandate of the Committee on Basic and Secondary include a resolution on a motion, Need to include Pan-Africanism in Nigerian Secondary Schools Curriculum, in which the Senate urged the Federal Ministry of Education to include the study of History and Civic Education in Nigerian Secondary Schools curriculum; and (ii) urged the African Union (AU) to set a day to annually commemorate the lives and times of Pan Africanists (S/Res/033/02/16).

More so, the Committee on Education (Basic and Secondary) held a total of 10 meetings from 2015 to 2019 (three, two, four, and one meetings in the First, Second, Third and Fourth sessions of the 8th Senate, respectively). In the period under review, the Committee embarked on three Oversight visit to inspect projects, performed five budgetary functions by considering the budget estimates of MDAs under its jurisdiction, and organised five public hearings on bills and other motions referred to the committees such as Poor state of infrastructure in Queen’s College Lagos, innovative educational technology: E-Learning in the education sector in Nigeria, the needs to address reoccurring mass failure in West African Examination Council Examination results, National Library Act CAP N56 LFN2004 (Amendment) Bill 2017, Compulsory free, Universal Basic Education Act 2004 (Amendment) Bill 2017

#### **4.4.2 Senate Committee on Tertiary Institutions and TETFund**

The result of the Oversight activities of the Senate Committee on Education (Basic and Secondary) is presented in Table 4.3.

**Table 4.4: Oversight Activities of the Senate Committee on Tertiary Institutions and TETFund (2015-2019)**

Oversight Mechanisms	2015-2016	2016-2017	2017-2018	2018-2019	Total
Meetings/interactive sessions with MDAs	-	-	-	-	9
Oversight Visits	-	-	-	-	-
Budgetary Function	1	1	1	1	4

Public Hearings	-	-	-	-	22
Investigative Hearings	-	-	-	-	-
Bill referrals	-	-	-	-	74
Other referrals (Motions)	-	-	-	-	11
Public Petitions	-	-	-	-	-

Source: Sessional Reports of Senate Committee on Tertiary Institutions and TETFund

A look at Table 4.4 reveals that while there were no data for the individual legislative years, there were data for the Legislative session. The Table reveals that the Committee held 9 meetings, including meetings with TETFund, Ministry of Education Officials, Minister of Finance and Accountant General of the Federation and Budget defence meetings. More so, the Committee and the Ministry of Education in collaboration with Daily Trust Newspapers organised a Roundtable on Legislative Agenda for Tertiary Institutions from May 30 to June 12 2016. The objectives of the Roundtable was to redefine the state; focus and outlook of Tertiary Education in Nigeria; identify lacunas and bottlenecks impeding implementation of tertiary education policies in Nigeria; develop functional criteria and template for accessing funding for Tertiary Education in Nigeria; and review the laws establishing Tertiary Institutions and regulatory bodies in order to provide a legislative Agenda for the 8th Senate and come out with efficient funding models for Tertiary Education and Research in Nigeria. The outcome of the roundtable led to the introduction of the some Bills for amendment, which have all been passed in the Senate and transmitted to the House of Representatives for concurrence. These includes:

- A Bill for an Act to Amend the Joint Admission and Matriculation Board Act Cap J1 LFN 2004, 2018 (SB. 625);
- A Bill for an Act to Repeal the Federal Colleges of Education Act 1986 and To Re-Enact Federal Colleges Of Education And Other Related Matters 2018 (SB 562);

- A Bill for an Act to Repeal the National Commission of Colleges for Education Act (No. 3) of 1989 and Re-enact the National Commission for Teacher Education and other Related Matters 2018 (SB 561);
- A Bill for an Act to Amend the Education (National Minimum Standards and Establishment of Institutions) Act Cap E3 LFN 2018 (SB 559);
- A Bill for an Act to Repeal the National Board for Technical Education Act and Re-enact the National Commission for Technical, Vocational and Entrepreneurial Education 2018 (SB. 560)

More so, 76 Bills were referred to the Senate Committee on Tertiary Institutions and TETFund, 54 were considered, reported on, and passed by the Senate. Table 4.5 reveals the Bills considered by the Committee and passed by the Senate. It is important to note that institutions were only conceived for states where they were deemed necessary.

**Table 4.5: No of Bills Considered and Passed by the Senate Committee on Tertiary Institutions and TETFund**

1	Federal Polytechnic Act Cap. F17 (Amendment) (SB.241).
2	Nigerian Arabic Language Village, (SB.386).
3	Nigeria French Language Village, (SB.387).
4	Federal University of Education, Kano. (SB.397)
5	AlvanIkoku Federal University of Education, Owerri (SB.398).
6	Adeyemi Federal University of Education, Ondo (SB.399).
7	Federal University of Education, Zaria (SB.400).
8	Federal University of Agriculture, Kabba (SB.402).
9	Federal College of Education, MalamMadori (SB.445).
10	Federal University of Health Science Bill, Otukpo (SB. 504).
11	Federal Polytechnic Bill, Silame, Sokoto State, (SB. 406).
12	Federal Polytechnic Bill, Kabo (SB. 407).
13	Federal Polytechnic Bill, Ukana (SB. 434).
14	Federal College of Education Bill, Omuma (SB. 480).

15	Federal Capital Territory University of Science and Technology Bill, Abaji, (SB. 59).
16	Modalities of Establishment Federal Polytechnics, Federal Colleges of Education and Universities across Nigeria.
17	National Students Financial Aid Scheme Bill, (SB. 114).
18	Federal College of Education (Technical) Bill, Arochukwu (SB. 519).
19	Federal Polytechnic Bill, Mpu (SB. 528).
20	Federal University of Technology Bill, Manchok (SB. 536).
21	Tertiary Education Trust Fund (Tetfund) Act, 2011 (Amendment) Bill, (SB. 300).
22	Federal University of Agriculture Bill, Kabba (SB.402).
23	Federal College of Education Bill, Misau, Bauchi State (SB. 604).
24	National Board for Technical Education Act (Repeal and Re-Enactment) Bill, (SB. 560).
25	Federal College of Education Bill, MutumBiyu, (SB. 683).
26	Federal Polytechnic, Aba, Bill, (SB. 602).
27	Federal College of Education Bill, Dass, (SB. 605).
28	Federal Polytechnic Bill, Kaltungo, Gombe State (SB. 471).
29	Federal College of Education Bill, Usugbenu, Irrua, (SB. 554).
30	(Federal College of Education Bill, Omuo-Ekiti, (SB. 611).
31	Federal Polytechnic Bill, Langtang, Plateau State (SB. 627).
32	Federal Co-operative College Bill, (SB. 418).
33	Federal Polytechnic Bill, Daura, Katsina State (SB. 465).
34	National Institute of Construction Technology and Management Bill, Uromi, Edo State (SB. 630).
35	Federal Polytechnic Bill, Item, Abia State (SB. 520).
36	Federal Polytechnic Bill, Adikpo, Benue State (SB. 494).
37	Educational Policy Bill, (SB. 332).
38	City University of Technology Bill, Auchu (SB.447).
39	Federal College of Education Bill, Mongo, Borno State (SB.609).
40	Federal Polytechnic Bill, Kwale, Delta state (SB.603).
41	Federal Polytechnic Bill, Ikom (SB. 672).
42	Federal College of Education Bill, SabonBirini (SB.425)

43	Federal University of Aquatic Studies Bill, Ogbaru (SB. 670).
44	School of Mines and Geological Studies Bill, Guyuk (SB. 706).
45	National Minimum Standards Bill, (SB. 559).
46	National Commission for Colleges of Education Act (Repeal and Re-enactment Bill (SB. 561).
47	Federal University of Agriculture Bill, Zuru (SB. 686).
48	Joint Admission and Matriculation Board (JAMB) Bill, (SB. 625).
49	Federal Cooperative College Bill, (SB. 418)
50	Federal University of Education Bill, Kontogora (SB. 689).
51	Federal College of Education (Technical) Aghoro, Bayelsa State Bill, 2018 (SB 615)
52	Federal University Uga, Anambra State Bill, 2018 (SB 522)
53	School of Mines and Geological Studies Guyuk, Adamawa State Bill, 2018 (SB 706)
54	(58) Federal College of Forestry Technology and Research Bill, Akampa (SB. 707).

As part of its mandate, over nine Motions were referred to the Committee, some of which include:

- Urgent need for the Senate to look into the recurring shortfall in allocation for personnel cost in Tertiary Institutions in Nigeria;
- The need for an investigative audit in respect of contracts that were awarded and paid for in the past by TETFund but are yet to be executed;
- Innovative Education Technology E-Learning and Blended learning in the Education sector in Nigeria.
- The Need to revisit the Regulatory Conflict between Joint Admission and Matriculation Board (JAMB) and Universities in offering Admission in Nigeria;
- Internally Generated Revenue (IGR) remittances by JAMB to the Consolidated Revenue Fund from N5Billion in 2016 to N7Billion in 2017;

- Urgent need to initiate proceedings for the Release of Certificates and Mobilization of Graduates of the Federal College of Education, Panshin, Plateau State to participate in the National Youth Service Corps programme;
- Non-Payment of Allowances to Nigerian Student Studying Abroad;
- JAMB's new Admission Policy
- Gross Mismanagement of Education Tax Fund 2011 – 2015 (S/Res/062/01/15).
- Non Payment of Teachers' Salaries across the Country(S/Res/009/02/16);
- Urgent need for the Senate to look into the Re-occurring Shortfall in allocation for Personnel Cost in Tertiary Institutions in Nigeria

In some instances, the affected agencies of Government complied with the Resolution of the Senate. For instance, following a Senate Resolution on the non-payment of allowances to Nigerian students studying abroad, the Senate directed the Chairman to liaise with the Chairperson of Appropriation Committee to ensure that adequate provision was made in the budget to cater for students on scholarship. As at the close of 2018 Budget, the Federal Government have released the budgetary provision made to address the shortfalls in scholarship payment. However, the Committee is yet to conclude its report on the motion,

Also, the Committee held a total of 22 Public Hearings on the Bills it received during the period under review. The outcomes assisted the Committee in the recommendations to the Senate for the consideration of the Bills. More so, the Committee performed its budgetary function by considering the budget of the Tertiary Institutions and Agencies under its jurisdiction in 2016, 2017, 2018, and 2019. These includes National Universities Commission (NUC); National Commission for Colleges of Education (NCCE); National Board for Technical Board (NBTE); National Mathematical Centre (NMC); Joint Admissions and Matriculation Board (JAMB); Federal Universities including Inter-Universities Centres; Federal Polytechnics; and Federal Colleges of Education.

#### **4.5 Challenges Faced by the Education sector**

Data from interviews with key respondents and sessional reports reveal that the MDAs in the Education sector are challenged by delay in fund releases, and this seriously affects the budget implementation of these MDAs. Also, there is a heavy burden on Overhead. This is particularly because institutions rely mostly on generators for power supply because of the poor power supply in Nigeria. In addition to these, the education Sector needs increased allocation in the yearly appropriation by the National Assembly because there is need for increased funding to upgrade the quality of education by hiring more qualified staff and acquiring state of the art facilities in the education institutions.

##### **4.5.1 Challenges faced by the Senate Committees on Education**

The Committees were charged with the mandate of overseeing the education sector are challenged with inadequate funding for Oversight activities. For example, the Senate Committee on Tertiary Institutions and TETFund reports that the funding available for Committee activities were insufficient and did not adequately support robust legislative business, especially Oversight activities that will cover Tertiary Institutions around the country. More so, there was conflict of jurisdiction over MDAs and institutions of education between the two Committees created out of the original Committee on Education in previous assemblies. There is also the problem of poor compliance by some MDAs in remitting their Internally Generated Revenue to the Consolidated Revenue Fund. The Committee was inaugurated on November 19th, 2015. The late inauguration was responsible for delay in carrying out Oversight activities within the first session.

#### **4.6 Recommendations on improving Oversight performance.**

To improve Oversight performance of the Senate Committees on Education, that is (Basic and Secondary) and Tertiary Institutions and TETFund, first, more funding should be given to the



Educational Institutions with serious infrastructural needs. Specific needs should be addressed on their merit, without reliance on the envelop system of budgeting. Second, the Executive should urgently step up to address the issues of insecurity and power to salvage schools and educational agencies in order to fast track development stride in the Education sector. Third, the Senate should urgently review, approve and publish a new Standing Order to accommodate the newly appointed Standing Committees in the 9th Senate to avoid conflict of responsibilities or jurisdiction. Fourth, there should be special and improved capacity building and development programmes for the Committee Members and its management Staff for improved professionalism and efficiency in the next Senate. Fifth, the Committees on Education require more funding to be effective, hence, special fund should be given to the Committees for effective Oversight.

## **CHAPTER FIVE**

### **SUMMARY OF STUDY, CONCLUSION AND RECOMMENDATIONS**

This chapter covers the summary, conclusion and recommendations of the study. It will begin with the summary, followed by the conclusion and ends with the recommendation of the study. The recommendations are done based on the findings of the study discussed in chapter four.

#### **5.1 Summary**

Despite the importance of education to human capital development and development, education in Nigeria is faced with challenges, such as supply shortfall of educational institutions, inadequate funding of Basic, Secondary and Tertiary Institutions; lack of access to available Institutions, poor training of Teachers, high number of out of school children in the world, deterioration and/or

inadequate educational infrastructure, progressively poor quality of education translating into poor performance in examinations, etcetera (OPS, 2019). In response to the state of education and other sectors in Nigeria, the Legislature is constitutionally mandated to make laws oversee sectoral policy implementation to address the crisis in the education. To enable it perform effectively, Legislature have established Committees to enable them perform effectively and efficiently. However, the National Assembly has been ineffective in exercising its Oversight functions over the Executive (Fashagba, 2009; Stapenhurst, Jacob and Olaore, 2016) because of lack of political will (Stapenhurst, Jacob and Olaore, 2016). This suggests that the Executive responsible for the sector are rarely called upon to account for failure. This has led to ineffectiveness, maladministration and misuse of government expenditure in the education sector. Failure to take action against cases of omission or ineffectiveness in the sector compromises good governance and democratic accountability in the Public Service. The adverse consequence is the quality of education. This study assesses the Oversight role of the Senate Committees on the Education Sector, 2015-2019.

The study was designed to assess the Oversight performance of the Senate Committees on Education (Basic and Secondary) and Tertiary Institutions and TETFund, 2015-2019. The major objective of the study is to assess the effectiveness of the Senate Committees in performing Oversight of the Education Sector. Other objectives include: to understand the mandate of the Senate Committees on the Education Sector; to assess and to understand the challenges encountered in performing Oversight of the Education Sector; and to provide recommendations on the improvement of Oversight. The study adopted a qualitative research, employed purposive sampling technique to select respondents. Data was collected with the use of in-depth interview. Purposive sampling technique was used to select the key respondents that provided the primary data, while the secondary data was taken from published materials.

Analysis of data from interviews and sessional reports informed the findings of the study. The principal findings of the study were first, that members of the two Senate Committees overseeing the

Education sector in the 8th Assembly were competent to perform their Oversight functions of the MDAs in the Education Sector. Second, the mandate of the Senate Committee on Education (Basic and Secondary) in the 8th Senate were to interact with stakeholders in identifying challenges and constraints facing educational institutions in Nigeria and proffer solutions to achieve the desired results and initiate legislations in line with government policies that would bring about positive changes in the sector. The Committee through Oversight was to ensure that Ministries Departments and Agencies are delivering on their mandates as intended.

However, the mandate of the Senate Committee on Tertiary Institutions and TETFund in the 8th Senate was to oversee all matters relating to Tertiary Education, TETFund and their annual budget. Moreover, the Committee was mandated to determine the causes of decay in our Tertiary Institutions and proffer solution; monitor the policy, administration and funding of Tertiary Institutions and TETFund, etc.

## **5.2 Conclusion**

The study was designed to assess the Oversight performance of the education Committees of the 8th Senate from 2015-2019. The study concludes that Oversight is a crucial mechanism for the National Assembly to oversee the performance of Ministries, Departments, and Agencies. In fact, the Senate Committees on Education (Basic and Secondary) and Tertiary Institutions and TETFund have been effective to an extent in performing their oversight of Basic and Secondary and Tertiary education sectors. While some of the factors that account for the crisis in the education sector were delay in fund releases, and this seriously affects the budget implementation of these MDAs; heavy burden on Overhead; inadequate allocation in the education Sector, the Committees were challenged by inadequate funding for Oversight activities; conflict of jurisdiction over MDAs and institutions of education by the two committees created out of the original Committee on Education in previous

assemblies; problem of poor compliance by some MDAs in remitting their Internally Generated Revenue to the Consolidated Revenue Fund.

### **5.3 Recommendations**

The recommendation includes:

- More funding should be given to the Educational Institutions with serious infrastructural needs. Specific needs should be addressed on their merit, without reliance on the envelop system of budgeting.
- The executive should urgently step up to address the issues of insecurity and power to salvage schools and educational agencies in order to fast track development stride in the Education sector.
- The Senate should urgently review, approve and publish a new Standing Order to accommodate the newly appointed Standing Committee in the 9th Senate to avoid conflict of responsibilities or jurisdiction.
- There should be special and improved capacity building and development programmes for the Committee members and its management Staff for effective professionalism and improved efficiency.
- The Committees on Education require more funding to be effective, hence, Senate should provide special fund to be given to Committee for effective Oversight.

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## **APPENDICES**

### **Interview Questions**

What is legislative oversight?

What are the mandates of your committee?

What is the composition of your committee?

What are the functions of your committee?

What are the achievement of your committee?

What are the achievement of your committee?

Is your committee effective in achieving its mandate?

What are the challenges of faced by your committee?