

Examining the effect of Poor Funding of Capital Projects on the Welfare of Citizens with particular Reference to Kagara Dam in Niger State

BY

CHIKWEM IJEOMA

A DISSERTATION SUBMITTED TO THE NATIONAL INSTITUTE FOR LEGISLATIVE AND DEMOCRATIC STUDIES/ UNIVERSITY OF BENIN (NILDS/ UNIBEN), POST GRADUATE PROGRAMMES IN PARTIAL FULFILLMENT OF THE REQUIREMENT FOR THE AWARD OF MASTER'S DEGREE IN LEGISLATIVE STUDIES (MLS)

JUNE, 2021

CHAPTER ONE

INTRODUCTION

1.1 Background to the Study

For Democracy to be evident in any Country ,there must be separation of power, adherence to the rule of law and supremacy of the constitution .

There are basically two (2) types of governance system in the world namely; Parliamentary and Presidential system.

The presidential system of government being practiced in Nigeria makes provision for separation of powers, apportioning disparate powers and duties to the executive, legislative and judicial arms of government. The doctrine of the separation of powers implies that there should be three separate organs of government with their separate sets of functions and powers. Essentially, the legislature as a symbol of true democracy, makes laws which the executive is under obligation to implement (Akinsanya, 2002). The judiciary is legally called upon in the determination of civil rights and obligations to interpret the laws. This system of government understands from the onset that powers may be abused and therefore introduced a system that guarantees checks and balances amongst the three arms of government (Bertanffy, 1968).

This doctrine empowers each tier to carry out its constitutional duties without fear or favour and also checks the excesses of one another.

Legislative oversight of the Executive is constitutionally mandated to ensure actability and transparency in governance through the use of questions, oversight visits, audit reports, public and investigative hearings.

Oversight can be defined as the ‘ review, monitoring and supervision of government and public agencies including the implementation policy and legislation’ Madue (2012:431). It has

also been defined as ‘keeping an eye on the activities of the executive on behalf of the citizens (holding the executive to account) (Hamalai , Suberu : 2014)

The main function of the executive is to execute laws, orders, rules, regulations, decrees and to prevent the breaches of law. These are in addition to rendering social welfare services and punishing delinquents in order to make peace and good government. The roles and functions of the executives cannot be appraised or adjudged to be effective if the legislature fails to hold the executives accountable through its oversight functions.

A robust oversight function enriches democracy and good governance by; improving the efficiency and effectiveness of governmental operations, preventing poor administration and waste of public funds/ resources, preventing illegal and unconstitutional conducts, evaluating government programmes, policies and performance, informing the general public about government policies and ensuring that they reflect the interest of the public, ensuring that the executives comply with legislative proposals and constitutions, gathering new information to develop new legislation or to amend existing status and preventing executive encroachment on legislative authority.

The oversight function of the legislature resides in committees. According to Hamalai (Hamalia and Suberu ;2014), National Assembly has a fairly developed committee system for conducting its oversight responsibilities . . Hamalai and Suberu observed further that the committee system includes standing committees, special committees, joint committees, sub-committees, etc. on this note, Dan-Azumi (2015) averred that almost all legislatures depend on committees to conduct their businesses. Similarly, “The Committee System” (2017) stated that the committee system enables the legislatures to perform parliamentary functions more effectively and

efficiently. This was also captured by Blondel (1973) when he averred that under the authoritarian regime of the communist state of the defunct Soviet Union, the committee system of organizing assembly into units for efficiency was never discountenanced. Impliedly, the committee system predates recent history.

Committees also execute the functions of oversight over the actions or inactions and other activities of the executive and its agencies. This helps the legislature to establish issues and address problem areas in order to make the necessary improvements or changes to create an effective process .

Notwithstanding the amount of valuable resources – human, material and financial, that have been committed to legislative oversight, outcome has never improved for the benefit of citizens. However, to appraise the oversight function of the Senate Committee on Water Resources, is to examine its actual conduct or quality of governance. In 2016, the committee embarked on oversight visit to one of the Agencies under its jurisdiction (Gurara Water Management Authority) and discovered a lot of irregularities ranging from abnormal financial year to a very low Internally Generated Revenue (IGR). This, the committee frowned at because a huge amount of money was appropriated to the agency without any output. Therefore, the Committee resolved that instead of the government to continually maintain such an agency without input, recommends that it should be scrapped. This oversight exposed the mismanagement of public funds.

Similarly, in 2017, the committee on its oversight visit to Nigeria Integrated Water Resources Management Commission observed that there was no Act establishing the agency. In other words, the agency was operating illegally and was not supposed to receive any allocation from the government. The committee advised the executive secretary on the implication of such action and

charged him to hasten the bill to that effect so as to enable the agency operate within a legal framework. By this oversight, the committee was able to disclose a general breach of due process in the conduct of government activity.

In 2018, the committee went on oversight to Nigeria Hydrological Services Agency and the Director General of the Agency informed them that there are set backs in their outputs because of the overlapping responsibilities in some of their mandates with Agencies like; Nigerian Meteorological Agency (NIMET) and National Emergency Management Agency (NEMA), and prayed the Committee to intervene. The Committee has invited the two Agencies for further clarification with the hope of seeking for amendment of the Acts that established them to specify their jurisdictions. In doing this, the oversight to the Agency has improved legislation and administration.

It is against this background that this study attempts to critically appraise the effectiveness of oversight functions of the 8th Senate Committee on Water Resources.

1.2 Statement of the Research Problem

The quest for good governance by the electorate has made the oversight functions of the legislatures arm of government imperative to the deepening of democracy. The watchdog role of the legislature is meaningless without effective and robust oversight of the executive arm to ensure accountability, transparency, participation and rule of law.

In Nigeria National Assembly, the oversight function resides in committees who conduct oversight on executive agencies under their jurisdiction.

It is the duty of the legislature to watch and control the government (executive); to throw the light of publicity in its acts, to compel a full exposition and justification of all of them which

anyone considers questionable (Laszlo, 1969). In essence, it is the particular duty of the legislature to ensure an accountable executive and promote good governance which leads to prosperity of the citizenry.

The constitution of the Federal Republic of Nigeria clearly provides in Sections 88 and 89 CFRN 1999 (as amended) for the powers to conduct investigations, procure evidence and issue summons/warrants to compel the attendance of any person by the National Assembly, it specifically in 88(2)b gives it power to expose corruption, inefficiency and waste in governance. In furtherance of this function, the House and Senate Standing Orders 17 Rule 109 and Order 103 respectively, empowers its committees to carry out oversight function on matters upon which the House has powers to make laws. One would expect that being that institution constitutionally empowered to make laws and investigate matters within the purview of its lawmaking jurisdiction; the legislature, will perform this sacred function judiciously and by so doing, assert itself as the true representative of the multi-ethnic conglomeration, Nigeria.

The basic aim of oversight is to expose corruption, waste and inefficiency in management of public funds. When oversight is efficiently carried on the executive (MDAs), corrupt practices are drastically reduced with a view to enhancing transparency and good governance.

The performance of oversight functions by the legislative arm of government in Nigeria has over the years fallen below expectation. This is as a result of poor commitment on the part of the leadership of this nation to the provisions of the nation's constitution. Corruption, greed and the deteriorating infrastructural facilities have hampered the performance of government business.

However, the inability of the executive to transparently and timely funds the capital projects has also reduced the oversight functions of the National Assembly to mere courtesy visits to the

MDAs. The truth remains that when capital project funds are not released and the overhead and personnel costs of the Ministries drain the remaining funds ,public bureaucracy becomes a futile daily routine.

It is in view of the above that this study seeks to examine the effect of poor funding of capital projects on the welfare of citizens with particular reference to Kagara Dm in Niger State.

1.3 Objectives of the Study

The broad aim of this study is to examine the performance of legislative oversight functions during the period between 2015 and 2019, with reference to the Nigeria’s National Assembly and with particular focus on the Senate Committee on Water Resources oversight on the completion of Kagara Dam, in Niger State.

The study also has the following objectives:

- i. To examine the effectiveness of legislative oversight of senate committee on water resources.
- ii. To examine the oversight role of the Senate Committee on Water Resources towards Ensuring the Completion of Kagara Dam.
- iii. To identify the challenges confronting the Senate Committee on Water Resources in carrying out effective oversight.
- iv. To suggest recommendations that would mitigate the challenges identified in III.

1.4 Research Questions

This research will provide answers to the following pertinent questions:

- i. What is the effect of legislative oversight in Nigeria?

- ii. What is the oversight role of the Senate Committee on Water Resources towards ensuring the completion of Kagara Dam?
- iii. What are the challenges confronting the Senate Committee on Water Resources in effectively carrying out its oversight functions?
- iv. How can these challenges be addressed?

1.5 Significance of the Study

This research is significant in a number of ways. The recommendations from this study is expected to proffer solutions to the myriads of problems associated with legislative oversight, especially in the National Assembly. The effectiveness of legislative oversights of the National Assembly have been met with both praise and condemnation in social, political and intellectual circles within and outside Nigeria. This research will suggest more viable solutions to the problems associated with legislative oversight.

This research is therefore significant as it critically evaluates the strengths and weaknesses of legislative oversight in Nigeria, and also makes its inputs on how the National Assembly, especially the Senate Committee on Water Resources improves its oversight. The direct beneficiaries of this research, therefore, are all Nigerians, both at home and in Diaspora, desirous of seeing a corrupt-free and prosperous Nigeria, since this research is dedicated to making forthright recommendations to alter Nigeria's dwindling fortunes associated with legislative oversight for good.

The study is also significant it serve as a useful avenue for evaluating legislative oversight during the said period; their impacts, challenges and prospects. It will also be useful in promoting greater understanding of the importance of intergovernmental relations and interactions in Nigeria.

The study is also important in the sense that it would contribute to knowledge as well as serve as reference point for future research endeavor with similar disposition.

1.6 Scope and Limitations of the Study

As mentioned earlier, this research seeks to analyze as well as critically appraise the effectiveness of legislative oversight of the Senate Committee on Water Resources. The content coverage of this research is the activities of the Senate Committee on Water Resources. The subject matter of this research is the investigative activities and oversight findings of the Senate Committee on Water Resources.

In carrying out this research, there were a number of limitations. Time was a major constraint in this study. It was difficult creating time out of my tight schedule to travel to kagara in Niger State for on the spot assessment of stake holders' submissions. There was also the problem of having access to materials, especially secondary data to support the data gotten from the field.

1.7 Outline of Chapters

This research is divided into five chapters.

Chapter one undertakes the ground-mapping of the justification for this research. The background to the study is followed by a statement of the research problem, the aim and objectives of the study. The rest of this chapter deals with the scope and limitation of the study, its significance, and, finally, outline of chapters.

Chapter two, which is the literature review, appraised relevant views and opinion of scholars as well as theoretical framework which served as a framework of analysis for this study.

Chapter three, deals with the research methodology ranging from the research design, population of the study, sampling procedure, sample size, research instrument, validity and reliability of the research instrument, sources of data, method of data collection, Method of data analysis

Chapter four which forms the nucleus of this work goes to the substance of the subject matter by critically analyzing and answering the research questions in the form of data presentation and analysis. Each of them is analyzed side by side with relevant available data.

Chapter five summarizes this research, states the author's observations, recommendations, and conclusion. It also provides specific contribution to the body of knowledge.

CHAPTER TWO

REVIEW OF RELATED LITERATURE AND THEORETICAL FRAMEWORK

This chapter reviews relevant literature on the same thematic areas in order to identify areas of convergence and divergence views of renowned authors, researchers and writers. This chapter also covers conceptual review, empirical studies and theoretical framework of the topic under study.

2.1 The Legislature

Most African countries that re-democratized in the 1980s (Saffel, 1998) and those that democratized thereafter have had to tackle some evident ills and conflicts left behind by the military administrations. However, the post-military era challenges facing the states have been partially blamed on colonial legacies (Osaghae, 1998). While some of the challenges indeed are both the direct and indirect consequences of colonialism, the greatest social, political and economic troubles facing most of the African states today are in most cases self-inflicted. Mismanagement of national resources, high official corruption, absence of institutional accountability, authoritarianism, political instability, violence, and inter-tribal strife and wars have at varying degrees undermined the ability of most of the African states to develop and progress on the continent. Among the states that have been in this way seriously affected is Nigeria. Although Nigeria became independent in 1960, it has failed to meet the high expectations reposed in it at independence. Indeed, the Nigerian state appeared to have fallen from the position it once occupied in its early years of political independence in the 1960s. Some of the countries that became independent at the same time with Nigeria have today left her far behind in terms of political

maturity and economic advancement, societal cohesion and national development (Osaghae, 1998; Nnamani, 2003).

Osaghae (1998) identified three major challenges that have been confronting Nigeria since independence, namely political instability evidenced by high regime overthrow often prompted by constant military coups; low level of national cohesion manifesting in the form of incessant inter-ethnic struggles, religious violence and adversarial politics, which are induced by the polarization and division among the various ethnic and religious groups; and economic crisis evidenced by huge debt burden lasting up till 2005, poor living condition of majority of the citizenry and lopsided and skewed distribution of national wealth resulting in inequality and wide gap between the rich few and the wretched masses.

Most writers on Nigerian politics have attributed the regressive economic condition, absence of national unity and the political volatility in the country to the prolonged military rule Sodaro (2007). The democratic rule, no doubt, died at infancy in 1965, 1983 and 1993. In the three republics of Nigeria, democracy did not last for over six years. Consequently, the restoration of democracy in 1999 was seen as a welcome development, although there were skeptics who did not believe that the new democracy could survive due to the predatory instinct of the Nigerian military class. Nevertheless, the return of representative democracy was expected to mark a departure from the authoritarian-styled policy-making process that characterized the earlier, successive military regimes – regimes that did not only undermine institutional accountability but also robbed the political system of the checks and balance as well as participatory politics fundamental to system efficiency and good governance.

With the restoration of democracy and the attendant adoption of a presidential arrangement in 1999, the executive and legislative organs were made separate and functionally distinct, unlike during the military administrations. While the executive organ continued to exist under successive military regimes and law and policy-making role and policy implementation were solely borne by the executive, the creation of a presidential arrangement under the fourth republic meant that the legislature would have to take up some of the responsibilities that the executive organ had exclusively performed previously.

Being the representatives of the various constituents, the members of the National Assembly, comprising the Senate and the House of Representatives, have the mandate to debate and reflect the concerns, opinions and interests of the constituents in government policy decisions. The legislature was expected to reverse the decline in the economy, stabilize the polity and integrate the society, generally. It was expected to take actions and initiate necessary reforms with a view to transforming the state, and changing its poor national picture, as Loye (1990) painted, Nigerians under the new democratic dispensation should be proud of their beloved country.

2.1.1. Structure and Functions of the Legislature

The roles the legislature performs in a democracy and the extent to which the roles are performed vary with the system of government in place, as well as they differ from one country to another. Essentially, the legislative institution provides for the citizenry the platform for participatory political process. However, the participation afforded by the legislative institution is the indirect type, as it will be practically impossible for the electorate to gather in one place for policy decisions, implementation and governance. Fashagba (2013) noted:

The presence of legislative institution in any modern polity suggests the indirect participation of the electorates in the making of decisions on issues that affect their daily lives. Not only is the presence of a legislature salient to the acceptability of democratic regime, but also the extent to which the legislature demonstrates capability to freely express itself and asserts its power determine how democratic the government is.

Government in a democratic system implies the rule of the majority. Apparently, the legislature is one democratic institution that allows the various constituencies to which a state is delineated elect their representatives. When elected, the representatives are expected to represent the views, concerns and interests of their constituents in the legislature. In fact, central to representative democracy is the notion that elected representatives of the people constitute the legislative arm of government Kousoulos (1982). Indeed, representation of citizens in parliament is at the core of liberal democracy.

The legislature, hence, is saddled with enormous roles in any democratic system. This is even especially so where the institution enjoy a huge measure of autonomy in determining their internal operations, where there is constitutional provisions for operational and institutional independence. According to Fish and Kroenig (2009), the study of modern government and politics involving contemporary nation-states is impossible without an appreciation of the role of the legislature. Fashagba (2009) also affirmed that in modern democracies the roles of representation, law-making and oversight of administration are often ascribed to the legislature. In his view, Alabi (2012) established the power to make laws as distinctively resided with modern

parliaments. It is however important to point out that while legislatures are often vested with the law-making role, some legislatures contribute effectively in initiating bills and raising policy issues for the House to deliberate upon but others simply debate whatever proposals the executive present to it. Of course, the former in addition to initiating bills deliberate on policy proposals and bills emanating from the executive.

Oversight function is also a very important role of the modern legislature. Oversight function particularly appears to preoccupy modern legislatures. According to Verney (1969), the watchdog function is perhaps more important for a legislative assembly than that of law-making. The legislature provides the institutional mechanism for ensuring accountability and good governance. Stapenhurst also noted that 'In most countries, the legislature is constitutionally mandated as the institution through which governments are held accountable to the electorate'. The role of oversight of executive administration thus specifically entails: scrutinizing and authorizing revenues and expenditures of the government and ensuring that the national budget is properly implemented. The constitutional power to participate in budgetary appropriation gives the legislature needed political influence to shape governance, and possibly carry out reforms that are sustainable. In this regard, Saffell (1989) asserted that 'no function of the congress is more jealously guarded or more basic to administrative control than the power of the purse'. In the same vein, Obasanjo and Maboguje (2007) affirmed 'Legislatures in some countries have gained a role in approving macro fiscal frameworks'. The Nigerian legislature belongs to the class of legislative assemblies vested with preponderance of power over fiscal matters, perhaps.

The modern legislature equally performs representational function. Principally, the people's representatives for the singular fact that they are elected by the people, especially under a democratic regime, hold the mandate of their constituencies within the polity (Davies, 2004).

Sodaro put it thus: ‘the essence of representative democracy lies in the delegation of governmental power and responsibility to a small number of people by the citizenry as a whole’. Consequently, the elected members of the legislature are expected to pursue good public policies for national development; this is most characteristic of electorates in the developed democracies of the world. In the emerging democracies some variation may be seen, in terms of what the representational roles of the legislators specifically are. Beyond public policy goals, patronage opportunities for members of the constituencies are expected, by electorates in emerging democracies, from their elected representatives in the legislature. This other electorates are so predisposed as the result of their high level of impoverishment and their neglect especially under the prolonged military rule.

It is noteworthy that the modern legislature serves as an agent of reform in the state (Kaiser and Halchin). In a state where some members of parliament are ideologically inclined the desire to implement their reform agenda will greatly influence their behaviors in the assembly. There is the instance of Japan in 2003 when some members of the ruling party switched parties to form a new party: the party defectors sought to push for their reform agenda which they could not achieve in their former part. Moreover, Nelson Polsby (cited in Ornstein, 1992) observed that the legislature may be broadly categorized into area and transformative legislatures (cited in Orstein, 1992). As area legislature, the assembly serves as forum for discussion of ideas and policies and it provides a formal platform for deliberation among significant political forces in the life of a political system. Conversely, the transformative legislature actively translates ideas into laws. The transformative legislature enjoys a huge measure of institutional autonomy to act on bills or policy proposals emanating either within the assembly itself or from the executive arm of the government. They mold and transform bills and proposals into laws, irrespective of the source.

Nevertheless, a legislature can be transformative in function, a reformer in character, but such behavior is cautiously exhibited. According to Saffell (1989, p. 66), a common strategy is for congressmen to be conservative, clinging to past positions, while cautiously reaching for new positions on a few issues. This suggests that a legislature may sometimes find it very difficult to openly and passionately champion the necessity for a drastic reform, unless the action will improve the political fortune of the members pushing for the reform. Discarding old ideas for new ones thus means that not only has the society bought into the reform proposals but also the expected benefits of electoral rewards for the proponents far outweigh the cost. When this is the case, very many legislators willingly pursue reform agenda in the legislature. However, where the political cost is seen to outweigh the benefit, personal interest of the legislators will dictate that they tread with caution, as far as reform agenda are concerned. This perhaps explains why reform agenda have been difficult to push through in the Nigerian legislature in the current fourth republic. Notwithstanding, some legislators have attempted to push for one reform or the other (Aguda, 2012).

Legislative Oversight

According to Ndoma-Egba (2012), legislative oversight refers to the power of the legislature to review, monitor and supervise government agencies, programmes, activities and policy implementation strategies of the executive arm of government. This is to ensure that the arm sustains the principles of good governance, remains responsive, transparent and accountable to the electorates. The committee structure of the National Assembly (House of Representatives and Senate) is being used to execute oversight functions through supervision, watchfulness, or curtail excesses, review of executive actions and activities. Oversight functions ensure that activities of the executive arm of government and its agencies are kept under constant surveillance

and scrutiny by the legislature. A leading role for the legislature has always been adjudged an essential defense against executive tyranny. The legislature monitors, raises queries and (where necessary) censors executive activities, activities of government agencies (such as ministries, departments, parastatals, etc.) to ensure good governance and accountability Fashagba (2010). John Locke (quoted in Johari, 1989) noted that it may be too great a temptation to human frailty, apt to grasp at power for the same persons who have the power of making laws to have also in their hands the power to execute them, whereby they may exempt themselves from obedience to the laws they make. When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty because apprehension may arise, lest the same monarch or Senate should enact tyrannical laws, and execute them in a tyrannical manner (Johari, 1989:280). Ornstein (1992:318) observed that the legislative and representative roles of assemblies have declined in significance, greater emphasis has been placed on the ability of assemblies to constrain or check executive power.

Assemblies have increasingly become scrutinizing bodies, the principal role of which is to deliver responsible or accountable government. He noted that assemblies are not always effective in calling executives to account. For example, in the National People's Congress in China, control by a monopolistic party, party loyalty has turned the assembly into a mere propaganda weapon, with government policy nearly always being approved by unanimous votes. This means that party discipline also constrains parliamentary scrutiny of the executive. In essence, the principal function of the assembly in this context is to uphold and support government actions and activities as majority of the members of parliament belong to the governing party. The ruling political party ideology and interest override national interest to retain, sustain and consolidate political power.

The legislative oversight, a critical aspect of the functions of the legislature other than law making, have been severally compromised and often misused to serve personal interest. These lapses have given rise to query why the legislative oversight, a robust mechanism institutionalized to checkmate the excesses of the executive arm of government and its agencies to curb waste in governance, corruption, absolutism in the exercise of political power, has been compromised. The end of absolute executive power is affirmed by giving to the legislature, and to it alone, the right or power to make laws. In this context, arbitrary government is replaced by a formal procedure for law making. Therefore, if the painstaking process for passing bills into law is eloquent signal to demonstrate the degree of importance attached to government by rules rather than individual arbitrariness, why do law makers compromise the very ingredient for checks and balances in governance? Thus, the criticism as to the relevance of legislative oversight in democracy. The primary objective of this research is to examine the activities of the legislature on the effectiveness of its oversight functions with particular reference to the Senate Committee on Water Resources.

Nwagwu (2014) noted that in spite of the importance of legislative oversight in contemporary democratic governance, it has been controversial in all ramifications in the political scene, and has remained the major source of executive and legislative conflict in Nigeria. A former Attorney-General of the Federation and Minister of Justice, Honourable Justice Oluwadare Aguda had once argued that oversight functions as was carried out by the legislature was often unconstitutional and violates the principle of separation of powers which is basic to democratic government. He observed that “the legislature in Nigeria is systematically usurping the functions of both the executive and the judiciary”, warning that “this could hamper political stability and socio-economic development”. Therefore, the central thesis of the criticisms of legislative oversight is its integrity which has been subjected to questions by critics who contend

that oversight has become a political tool for the harassment and blackmail of members of the executive branch and perceived political enemies or rivals. It is argued that this scenario gave credence to former President Olusegun Obasanjo's stance on different occasions on oversight functions, whereby it is alleged that he directed some of his Ministers to ignore National Assembly summons because he considered such political aberrations as undue interference, illegal acts and ungodly avenues for corruption and extortions of resources from the Ministers. Notwithstanding, the legislature with its robust legal instruments, is the symbolic arm of government that determines the effectiveness or otherwise of democratic governance.

2.1.2. Power of the Legislature under the 1999 Constitution

The extent to which the legislature of any state can shape governance and public policy as well as initiate reforms and push them to successful end is a function of the level of power given to it by the constitution on one hand and the extent to which the executive defer to it, on the other hand. Unlike the executive arm which most often wields a preponderant of discretionary power, in addition to its explicit constitutional power (Fashagba 2009), the legislature is strictly guided by the provisions of the constitution that established it. Indeed, for most part of the 1980s and 90s, precisely a period spanning fifteen years and five months between January 1984 and May 28, 1999, the Nigerian military was in power, ruling through decrees and by administrative fiat (Akintayo, 1999). The military however transferred power to a civilian government under a new constitution in May, 1999. The 1999 Nigerian constitution which was amended in 2010 is currently undergoing another amendment process. The constitution was based on the presidential system. This translates into the separation of governmental powers, institutions and personnel under three distinct arms. In other words, the executive, legislature and judiciary were created as separate institutions, with each institution manned by distinct personnel. Consequently, each arm

of the Nigerian government draws its power from the 1999 constitution (amended in 2010). In this study, the interest is particularly on the power vested in the legislature.

The Nigerian central legislature, known as the National Assembly, enjoys a broad range of power under the 1999 constitution. This is perhaps so not only to rid the state of its immediate authoritarian past, but also to enable it initiates, molds and shapes policy on the democratic platform of the fourth republic. Section 4, sub-section 1 vests the power to make law for the nation in the National Assembly comprising the Senate and the House of Representatives. In sub-section 2 of section 4, the constitution provides that:

The National Assembly shall have power to make laws for the peace, order and good governance of the federation or any part thereof with respect to any matter included in the exclusive legislative list spelt out in part 1 of the second schedule to this constitution.

In addition to having the exclusive power to make laws on items in the exclusive list, the National Assembly is equally vested with power to make laws with respect to any matters in the concurrent list. This is provided for in the sub-section 4a of section 4. This means that the central legislature shares the power to make laws with the states (constituent units of the federation) on matters captured in the concurrent list.

In a similar vein, the National Assembly is vested with a unique power that makes it the only institution of the democratic government that can openly and legally amend the constitution of Nigeria. This is captured in section 9 of the 1999 constitution. However, the amendment of any section of the constitution by the National Assembly must be supported by the resolutions of not

less than two-thirds majority of all the members of the central legislature and approved by resolution of the houses of assembly of not less than two-thirds of all the states. There are thirty-six states in the Nigerian federation among which twenty are required to support any proposed amendment to any part of the constitution before such amendment can become valid.

Furthermore, in section 80 of the 1999 constitution, the legislature is vested with the power to authorize expenditure from consolidated revenue fund of the federation. The sub-section 3 of the section gives the power to authorize withdrawal from public funds of the federation to the National Assembly. Also, it is also part of the power of the legislature to prescribe the manner of withdrawal of money from the public funds of the federation. The section of the constitution gives the power to authorize spending and raising funds to the legislature. This power of the purse importantly allows the legislature immense influence in shaping government policies, certainly (Saffell, 1989; Verney, 1969). The power to debate, deliberate, mold and/or amend the annual budgetary appropriation proposal presented by the executive president is hence the opportunity to shape the state policies and influence governance. In this manner, the central legislature ultimately collaborates with the executive to meet the aspirations of the governed. This legislature's role in budgetary appropriation proposal, therefore, in a state where lack of institutional accountability and participatory policy-making under successive military regimes bred mismanagement of national resources and dysfunctional public policy, is of an uttermost imperative. With the legislature-executive collaboration on budgetary appropriation under the democratic Nigeria's fourth republic the economic crisis and erosion of national cohesion under the juntas should be reversed. There is yet the power to impose tax or duty vested in the National Assembly, stipulated in section 163 of the 1999 constitution.

And the legislature is given power to intervene in the judicial administration. For instance, the power to indicate cases in which appeals may be right, cases arising from judgments in the court of appeal to be referred to the Supreme Court, is vested in the National Assembly by the provisions of section 233 and sub-section 21. The legislature is also given the power to override executive veto on any bill. Where the legislature decides to make a bill it has passed have the full force of law, it can decide to use its two-thirds majority power to pass the bill into law. Consequently, the bill so passed by the two-thirds members of the National Assembly will no longer require presidential assent to become a law.

Considering the enormous constitutional powers vested in the central legislature, in addition to the fact that it has absolute power to determine its internal operations (stipulated in section 101 of the 1999 Nigerian constitution), as well as constitute a distinct and independent body, the legislature of the fourth republic is maximally equipped, politically and constitutionally, to shape and influence government policies, and serve as springboard for new ideas and policy reforms. The extent to which the legislature is able to use these powers, the level at which it is able to come up with policy initiatives, and the degree to which it is responsive to public opinions, society's developmental challenges and aspirations will determine its impact level on re-engineering the nation, socially, economically and politically.

2.2. The Oversight

The oversight function of the legislature in Nigeria finds legislative importance in Section 88, Sub-sections 1(a)- (b) and 2(a)-(b) of the 1999 Constitution of the Federal Republic of Nigeria which provides that “each House of the National Assembly shall have power by resolution published in its journal or in the Official Gazette of the Government of the Federation to direct or cause to be directed an investigation into (a) any matter or thing with respect to which it has power to make laws; and (b) the conduct of affairs of any person, authority, ministry or government department charged, or intended to be charged, with the duty of or responsibility for (i) executing or administering laws enacted by the National Assembly, and (ii) disbursing or administering moneys appropriated or to be appropriated by the National Assembly”. Sub-section 2(a)-(b) stipulates that “the powers conferred on the National Assembly under the provisions of the section are exercisable only for the purpose of enabling it to (a) make laws with respect to any matter within its legislative competence and correct any defects in existing laws; 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”.

Besides, Section 89 of the 1999 Constitution empowers the legislature to procure evidence, summon persons to give evidence and require such evidence to be given on oath through examination of witnesses. The National Assembly has the power to summon persons to procure additional document or oral evidence and (where necessary) issue a warrant to compel attendance by any person so required, on the pain of punishment if they fail to attend. The legislature has the constitutional responsibility to supervise and regulate the activities of the executive arm of government of the federation to eschew waste and ensure fiscal discipline, observance of the rule of law and strict compliance in implementing laws as passed by the legislature, and execution of

development programmes and policies. If the National Assembly loses faith in an agency, the Congress can respond in a number of ways to put things in their proper perspectives. For example, Congress can pass a law to overrule agency decisions, and/or to narrow the agency's jurisdiction. It can use its appropriations power to restrict the agency's funding. It can also narrow the agency's regulatory authority.

Ezeani (2010) noted that in spite of the importance of legislative oversight in contemporary democratic governance, it has been controversial in all ramifications in the political scene, and has remained the major source of executive and legislative conflict in Nigeria. A former Attorney-General of the Federation and Minister of Justice, Honourable Justice Oluwadare Aguda had once argued that oversight functions as was carried out by the legislature was often unconstitutional and violates the principle of separation of powers which is basic to democratic government. He observed that "the legislature in Nigeria is systematically usurping the functions of both the executive and the judiciary", warning that "this could hamper political stability and socio-economic development".

Therefore, the central thesis of the criticisms of legislative oversight is its integrity which has been subjected to questions by critics who contend that oversight has become a political tool for the harassment and blackmail of members of the executive branch and perceived political enemies or rivals. It is argued that this scenario gave credence to former President Olusegun Obasanjo's stance on different occasions on oversight functions, whereby it is alleged that he directed some of his Ministers to ignore National Assembly summons because he considered such political aberrations as undue interference, illegal acts and ungodly avenues for corruption and extortions of resources from the Ministers. Notwithstanding, the legislature with its robust legal instruments, is the symbolic arm of government that determines the effectiveness or otherwise of

democratic governance. The power of legislative oversight is not without limitations as was rightly captured by Chief Justice Warren as he succinctly observed that:

The power of congress to conduct investigation is inherent in the legislative process. The power is broad; it encompasses inquiries concerning the administration of existing laws as well as proposed or possibly needed statutes. It includes surveys of defect in our social, economic or political system for the purpose of enabling congress to remedy them. It comprehends probes into department of the Federal Government to expose corruption, inefficiency and waste. But broad as this power of inquiry, it is not unlimited. There is no general authority to expose the private affairs of individuals without justification in terms of the functions of the congress nor is the congress a law enforcement or trial agency. There are functions of the executive and judicial departments of government. No enquiry is an end in itself; it must be related to, and in furtherance of the legislative task of the congress. Investigation conducted solely for the personal aggrandizement of the investigators or to “punish” those investigated is indefensible. Warren (2012)

It is expressly explicit from the above jurist’s assertion that the primary objective of legislative power is, generally speaking, to lie down, be they decision rules or conduct rules and to carry out oversight and investigative function. It must be recognized that the legislative’s power

to investigate is not absolute as it has some legal impediments. This was made known by the court in Tony Momoh Vs. Senate of the National Assembly (1982) NCLR 105. In that case, the Court of Appeal clearly held that section 82 of the 1979 Constitution (akin to section 88 of the 1999 Constitution) is not designed to enable the legislature usurp the general investigating functions of the executive nor the adjudicative functions of the judiciary. Any invitations by the legislature to any person outside the purpose defined in section 82(2) that is now 88(2) of the 1999 Constitution is invalid. The prosecution of the persons guilty of corrupt practices or gross inadequacies or misconduct in the discharge of the public office is left to the executive. This only reinstates the doctrine of separation of power between the various arms of government. Invariably, the oversight functions of the legislature end up with identifying corruption, misconduct of public officers, resource waste or inefficiency in service, review of government actions and activities for good governance, etc. and findings thereof are referred to the appropriate arm of government for further necessary actions in order to address the issues raised therein inappropriate and acceptable procedures.

2.2.1. The Meaning, Objectives and Functions of Legislative Oversight

According to Ndoma-Egba (2012), legislative oversight refers to the power of the legislature to review, monitor and supervise government agencies, programmes, activities and policy implementation strategies of the executive arm of government. This is to ensure that the arm sustains the principles of good governance, remains responsive, transparent and accountable to the electorates. The committee structure of the National Assembly (House of Representatives and Senate) is being used to execute oversight functions through supervision, watchfulness, or curtail excesses, review of executive actions and activities. Oversight functions ensure that activities of the executive arm of government and its agencies are kept under constant surveillance

and scrutiny by the legislature. A leading role for the legislature has always been adjudged an essential defense against executive tyranny.

The legislature monitors, raises queries and (where necessary) censors executive activities, activities of government agencies (such as ministries, departments, parastatals, etc.) to ensure good governance and accountability (Godwin, 2001). John Locke (quoted in Johari, 1989) noted that it may be too great a temptation to human frailty, apt to grasp at power for the same persons who have the power of making laws to have also in their hands the power to execute them, whereby they may exempt themselves from obedience to the laws they make. When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty because apprehension may arise, lest the same monarch or Senate should enact tyrannical laws, and execute them in a tyrannical manner (Johari, 1989:280). Heywood (1997:318) observed that the legislative and representative roles of assemblies have declined in significance; greater emphasis has been placed on the ability of assemblies to constrain or check executive power.

Assemblies in their roles as scrutinizing bodies, the cardinal role of which is to deliver responsible or accountable government. He noted that assemblies are not always effective in calling executives to account. For example, in the National People's Congress in China, control by a monopolistic party, party loyalty has turned the assembly into a mere propaganda weapon, with government policy nearly always being approved by unanimous votes. This means that party discipline also constrains parliamentary scrutiny of the executive. In essence, the principal function of the assembly in this context is to uphold and support government actions and activities as majority of the members of parliament belong to the governing party. The ruling political party ideology and interest override national interest to retain, sustain and consolidate political power.

The legislative oversight, a critical aspect of the functions of the legislature other than law making, have been severally compromised and often misused to serve personal interest. These lapses have given rise to query why the legislative oversight, a robust mechanism institutionalized to checkmate the excesses of the executive arm of government and its agencies to curb waste in governance, corruption, absolutism in the exercise of political power, has been compromised. The end of absolute executive power is affirmed by giving to the legislature, and to it alone, the right or power to make laws. In this context, arbitrary government is replaced by a formal procedure for law making.

Therefore, if the painstaking process for passing bills into law is eloquent signal to demonstrate the degree of importance attached to government by rules rather than individual arbitrariness, why do law makers compromise the very ingredient for checks and balances in governance? Thus the criticism as to the relevance of legislative oversight in democracy, the primary objective of this article is to investigate the activities of the legislature on its legislative oversight functions and the effectiveness of this organ in ensuring accountability, responsiveness and sustainability of good governance in Nigeria polity.

2.2. The Committee System

The importance of parliamentary committee towards strengthening legislative process cannot be overemphasized. Parliaments around the world rely on committees in their daily operations for efficient and effective legislation. A parliamentary committee is a small group of legislators set up within the legislative system with clearly defined mandates to carryout in-depth analysis of bills and review public policy. In other words, committees allow parliaments perform several functions simultaneously, allow for detailed investigations and discussions as well as in-

depth review of policy matters or bills and report its findings to the larger House which will inform debates and conclusions on the floor of the House.

Committees play crucial roles in the legislative process because they are the structures in which the bulk of the legislative business is taken care of, and would not function properly if all deliberations and oversight work were to be conducted in the plenary at first instance. It is therefore necessary for legislators to form smaller and more manageable groups where they can seriously deliberate on legislation, service delivery, budget scrutiny and related matters. From the foregoing, parliamentary committees are best described as the engine room for parliamentary modernization because without the committee parliament cannot function properly. It is the effectiveness of these committees where all the major decisions are carried out that help determine whether or not a parliament is productive. Historically, the word committee is derived from the latin phrase ‘cum mittere’ meaning to mend with (New York, 1900). Similarly, Manikyamba (1995, p. 1) explained that the source of the word committee, is from latin word ‘committee’ meaning to commit.

The focus on committees dates at least from the late nineteenth century when Woodrow Wilson, the 28th President of the United States, argued that “Congress in session is congress in public exhibition, whilst Congress in its committee rooms is Congress at work” (Woodrow, 1885). This, he meant that most of the work of Congress were referred to committees for detailed review to facilitate debate in the Congress. The committee system in the United States Congress is really strong, hence, Woodrow Wilson also retorted that if one were to describe American government in one phrase, it would be none other than calling it “a government by the chairman of the standing committee Congress”.

The Nigerian National Assembly has been performing its core mandates through the instrumentality of the committees. Inherently, the committee system in Nigeria’s National

Assembly is constitutionally premised on the Constitution of the Federal Republic of Nigeria 1999 (as amended) and the rules regulating the procedure in the various Houses. Section 62(1) and (2) of the 1999 constitution empowers each House of the National Assembly to appoint committees, determine their membership, terms of reference and quorum of such committees. Similarly, section 62 (3) of the same constitution specifically empowers both Houses to establish a joint committee on finance consisting of equal members, and section 62 (4) provides that committees can only make recommendations to the Houses.

Order 96 of the Standing Orders of the Senate empowers it to establish its own special committees within the first fourteen (14) legislative days following its first sitting while Order XVIII of the House Standing Orders provides for the establishment of special committees within thirty (30) days of the first sitting of the House.

Although there are three major types of committees in the National Assembly, namely permanent or standing committees, ad-hoc committee and committee of the whole, this study dwelt on the standing committees. The standing committees are set up along policy lines to deal with subject matters or specific areas of the work of the legislature. They derive their titles after the Ministries, Departments and Agencies (MDAs) set up by the executive and accordingly, issues relevant to particular areas are always referred to the appropriate committees.

Committees are essential part of legislative process because they monitor government operations, identify issues suitable for legislative review, gather and evaluate information and make recommendations to the House.

2.2.1. Types of Committees

There are three major types of committees, permanent committee, ad-hoc committees and committee of the whole.

Permanent Committees

These committees exist throughout the life of an assembly. They are set up along policy lines to deal with subject matters or special areas of their jurisdiction.

Ad-Hoc Committees

The committees are established to deal with specific issues such as review of particular policy or bills, investigation or studies. An ad-hoc committee is dissolved as soon as its assignment is concluded.

Committee of the Whole

The committee of the Whole consists of the entire membership of the legislative assembly, both senate and House of Representatives, to discuss and consider the reports of standing and Ad-hoc committees while the committee of the whole for supply' considers the report of the committee on Appropriations on money bill.

2.3. Theoretical Framework

Various theories abound that could be adopted as framework upon which the literature could be built, these theories range from; Structural Functionalism, Systems theory and theory of checks and balance. All three theories will be discussed subsequently but for the purpose of this study we will adopt the theory of checks and balance.

2.3.1. System Theory and Structural Functionalism Theory

Although structural functionalism finds its roots much earlier than systems theory, as researchers use it today, it is based on systems theory. Structural functionalism traces its beginnings back to the ancient Greeks and the writings of Aristotle (Susser, 1992). Systems theory emerged much later. Although the discussion of systems began with biologists in the 19th century systems theory was not fully articulated until the 1920s. Ludwig von Bertalanry (1956, 1962), who developed general systems theory was a principal in establishing it as a field of study. Although systems theory originated later than functionalism, when researchers study functions within their structures – such as is the case in committees in the legislature functioning as organs in a system – they do it within the scope of systems. The study of political systems came into its own with the adoption of a structural-Functional approach.

The systems approach of David Easton (1965a, 1965b) and Karl W. Deutsch (1963) grew out of sociological and communication theory and a move toward the theory and data of politics (Almond & Powell, 1966). Easton and Deutsch followed a communication, or cybernetic, model to study politics. Gabriel A. Almond's study of political systems grew out of a tradition of political theory and draws from sociological and communications theories. While Easton and Deutsch adopted a purely systems approach, Almond applied structural functionalism to systems theory. Both have value in the study of political systems.

Systems Theory

A system, according to Kotia (1966, 1968), is a set of interrelated entities connected by behavior and history. Specifically, he stated that a system must satisfy the following criteria:

1. One can specify a set of identifiable elements – committees.

2. Among at least some of the elements, one can specify identifiable relations – committees and the body of legislature.
3. Certain relations imply others.
4. A certain complex of relations at a given time implies a certain complex (or one of several possible complexes) at a later time. (Rapoport, 1966)

This definition is broad enough to include systems as different as the solar system and language. Social systems, including economics and politics or in this case the various committees and the body of legislature and their constituents, fit within the definition. Social systems might be described as a class of entities (individuals, families, institutions) with relations among them (communication channels, influence, obligations). Systems are classified by the "nature of their relation to their environments" and the search for laws governing the behavior of each class (Rapoport, 1968). Systems appear to have "a will" of their own and a "purpose" to maintain a steady state. Living systems do this through homeostasis mechanisms that restore equilibrium. Social systems have similar mechanisms (Rapopo 1968).

While systems in the physical sciences (like the solar system, chemical reactions, and ecological systems) are extremely rigorous, social systems are less precise. In social systems, the elements and relations are vague and hard to define. As the basic unit of social systems, roles are commonly difficult to identify and classify. For the "hard" sciences, this ambiguity would be regarded as problematic, but with the social sciences, it would be commonplace (Rapopo 1966).

The Political System

A long-standing problem of political science has been to describe and account for the internal structure of the political system. According to William Mitchell (1968), structure is generally applied to patterns of power and authority that characterize the relationships between the rulers and the ruled. These relationships are enduring and thus predictable. In systems theory the unit of analysis for these power relations is regarded as a concept developed in social psychology and applied to sociology. Political roles deal with decision making on behalf of society and with performing actions that implement the decisions and allocate scarce resources. In analyzing the political system, the researcher typically describes these roles and the people performing them. Traditionally, the main approach to classification has been "the distribution of power" or more practically the supervision of members of legislatures on resources already allocated – in the form of oversight – (Mitchell, 1968) among the members of the system. Because the one dimension of roles has inadequately described political systems, systems analysts have developed more inclusive variables that lend themselves better to measurement (Mitchell, 1968). Talcott Parsons (1951) put forth a set of variables that he called pattern-variables. Gabriel Almond (1956; Almond & Coleman, 1960) suggested classifying structures based on;

- (a) The degree of differentiation between structures,
- (b) The extent to which the system is "manifest" or "visible,"
- (c) The stability of the functions of the various roles, and
- (d) The distribution of power. Mitchell (1968) added a fifth dimension, concerning the "sustainability of roles."

Applying Systems Analysis

Easton (1966) proposed to define political systems more broadly than did Rapoport. Easton defined a system as "any set of variables regardless of the degree, of interrelationship among them". He preferred this definition because it freed the researcher from the need to prove that a political system is really a system. The only question of importance became whether the system was interesting and thus worth studying. The analysis need only provide understanding and an explanation of the human behavior that was of concern to the researcher. Easton (1953, 1966) suggested that a political system was distinct from other systems because it concerned itself with "the interactions through which values are authoritatively allocated for a society" (1966). He divided the political environment into two parts: the intra-societal and the extra-societal. The first comprises those systems in the same society as the political system that are not political systems because they do not have political interactions. Intra-societal systems form the segments of society of which the political system is a component, including the economy, culture, social structure, and personalities. These systems create and shape the conditions in which the political system operates. A changing economy culture or social structures all have impact on political life. The extra-societal environment includes all the systems that are outside the given society. They may form a supra-system of which the political system may be a part.

CHAPTER THREE

RESEARCH METHODOLOGY

The key defining nature of a research is its scientific method. The scientific method is considered to be a systematic search for knowledge to solve problems. For a body of knowledge to be acceptable as the result of research, the method by which it was gathered must be scientific. This implies that the knowledge must have been gathered through a method that is systematically, empirically and verifiably derived, upon which generalizations are made. Research data are types of information, collected, observed, or created for the purpose of analysis or to produce original results, while the research methodology is concerned with the way and manner in which data were collected and analyzed.

Strauss and Corbin (1998) argue that the choice of whether to do qualitative or quantitative research depends on the nature of the research question. This research sought to investigate the role of African sub-regional parliaments in regional integration. It is on this basis that qualitative methods were employed in order to answer the research question. Qualitative research methods such as interviews are generally suitable for uncovering detail which would not easily be established through quantitative research methods. Research design for this study, is an ex-post-facto design. This literally means “after-the Fact”. Ex-post facto design is concerned with the study of events that have occurred independently or without the manipulation of the researcher. The data analysis method is essentially qualitative.

This section will discuss the procedure adopted by the researcher in conducting this study. It will describe how data and information will be obtained to answer the research questions raised. Popoola (2011) identifies the following as major components of a research methodology – research design, the population of the study, sampling procedure, sample size, research instrument(s), validity and reliability of research instrument and method of data analysis. The methodology is central in acceptability of the research results.

Therefore, the study will discuss the methodology under the following headings:-

- i) Research design
- ii) Population of the study
- iii) Sampling procedure
- iv) Sample size
- v) Research instrument
- vi) Validity and Reliability of the Research instrument
- vii) Sources of data
- viii) Method of data collection
- ix) Method of data analysis

3.1. Research Design

Resign design is a blueprint for conducting a study with maximum control over factors that may interfere with the validity of the findings (Burns and Grove, 2003: 195). This study adopts the mixed research design. This will involve a combination of desk review and the administration of structured interview.

3.2. Population of the Study

Population refers to “the total set of individuals of interest to a researcher” (Gravetter and Forzano, 2009). Population is a group of people from which a sample can be selected from for the purpose of conducting a research (Varden Bergh and Katz, 1999). Similarly, Akinade and Owolabi (2009) defines it as “the total set of observations from which a sample can be drawn”. While Avwokeni (2006) define population as a “set of all participants that qualify for a study”. It represents all conceivable elements, subjects, or observations relating to a particular area of interest to the researcher (Adeniyi, Oyekanmi&Tijani, 2011). Therefore, a population is the total collection of elements from which inference is drawn.

The population for this study will constitute staff from the Federal Ministry of Water Resources, the National Assembly; experts and committee clerks.

3.3. Sampling Procedure

This means the process of selecting individual or elements for a study. The sampling technique used is purposive sampling technique. It is a non-random technique that does not need underlying theories or a set number of informants. Simply put, a researcher decides what needs to be known and sets out to find people who can and are willing to provide the information by virtue of their knowledge or experience (Bernard, 2002, p. 33). Therefore, purposive sampling was used to select the interviewees needed for this study because of the nature of the study.

3.4. Sample Size

A sample is a fraction, a representative or a sub-group of the population of a study. It can also be seen as a manageable section of a population which has similar characteristics. The sample is the elements making up the sample that is actually studied and a generalization made on the population. Therefore, for the purpose of this study, the sample size is ten (10) staff of the Federal Ministry of Water Resources, committee clerk of the Senate Committee on Water Resources, and the Committee Chairman of the Senate Committee on Water Resources.

3.5. Research Instrument

The research instrument used is the structured interview. The choice of this instrument is deliberate because the study desires key informants.

3.6. Validity and Reliability

The key informant interview is reliable because the study addresses topical issue with a not wide public opinion.

3.7. Sources of Data

This study accommodates both primary and secondary sources of data.

Primary data

Primary data is sourced through the use of structured interview and the desk review of select sessional reports of the 8th Senate Committee on Water Resources. Data were primarily sourced from the documents submitted by stakeholders covering the scope of the study being – Investigation by the Senate Committee on Water Resources on the Delayed Completion of Kagara Dam, Niger State.

Secondary data

Secondary data was sourced from books, journal articles, newspapers, magazines etc. and other relevant materials from the internet.

3.8. Method of Data Collection

Data for this study were obtained through the use of structured interview, books, journals, articles, newspapers, magazines etc. and other relevant materials from the internet.

3.9. Method of Data Analysis

This study would employ qualitative and analytical method of data analysis and presentation. This would be achieved through making valid inferences from data to their context by taking account of the historical records that are salient and worthy of note and those that are irrelevant and require to be left out. Narratives and descriptions of data would be made by providing theoretical and empirical evidences to justify claims with the purpose of making the research findings reliable, valid, replicable and generalizable.

CHAPTER FOUR

DATA PRESENTATION AND ANALYSIS

This chapter seeks to presents empirical analysis of the oversight activities of the Senate Committee on Water Resources as it specifically pays attention to the oversight of the committee on the completion of Kagara Dam in Rafi Local Government Area of Niger State. It is pertinent to provide a premise upon which relevant inferences can be made within the context of the subject matter, hence the need to examine the research questions identified in this study.

4.1. What is the Effect of Legislative Oversight in Nigeria

Literature showed that the benefits of oversight includes but not limited to the following:

1. Oversight implies that the three organs of government should be kept apart from each other in the interest of individual liberty and it is a perfect system created for the overall benefit of the citizens.
2. To improve the efficiency and effectiveness of governmental operations; evaluate programmes and performance; detect and prevent poor administration, waste, abuse, arbitrary and capricious behaviour, or illegal and unconstitutional conduct. On this note, the recommendation of the Senate Committee on Water Resources in 2017 for the scrapping of Gurara Water Management Authority where it uncovered the huge financial profligacy, is worthy of mention.
3. Oversight helps to gather information to develop new legislative proposals or to amend existing statutes; ensure administrative compliance with legislative intent; and prevent executive encroachment on legislative authority and prerogatives encapsulates in oversight

functions. Thus, the uncovering of the existence of Nigeria Integrated Water Resources Management Commission without an Act is worthy of mention.

4. Legislative oversight encourages checks and balances, enthrones fiscal discipline, good governance, accountability and transparency in public offices.

4.2. What is the Oversight Role of the Senate Committee on Water Resources Towards Ensuring the Completion of Kagara Dam

The kagara Dam is a project originally designed and awarded to the Water Resources Engineering and Construction Agency (WRECA) Kano in 1981. Apart from its capacity to supply about 4,500m³ per day of potable water, it can also serve other uses such as irrigation, fisheries, recreation and wild life conservation. The initial contract sum was £15,389,150.00 + N199, 222, 596.00. In August 1999, the Federal Government renegotiated the contract for completion and proper management and also converted the contract price to one currency (Naira only) instead of the earlier two currency contract (Naira and pound sterling) In March 2001, a fresh agreement was made and the contract was then awarded at the cost of N2,219,746,244.75. A remobilization fee of N554, 000, 000.00 was paid to the contractor in September 2001 and he resumed work in October, 2001.

Table 4.1: The Summary of the financial status of the Project

S/N	Financial Description	AMOUNT
1.	Initial Contract sum	£15,389,150.00 +N199,222,596.00
2.	New (Negotiated) contract sum	N2,219,746,244.75
3.	Advance payment Received	N554,000.000.00
4.	Advance Payment Recovered	N197,749,433.35
5.	Total Expenditure Certified to date	N 1,530,417,650.00
6.	Total Amount Paid to date	N1,270,955,433.00
7.	Outstanding Certificate	N259,462,217.00
8.	Outstanding Advance Re-payment	N365,250,566.65

Source: Senate Committee on Water Resources (2019)

Despite the huge financial obligations stated above, Table 4.2 shows the releases from the noted budgetary allocations.

Table 4.2: Budgetary Releases

S/N	BUDGET YEAR	Amount Appropriated N	Amount Released N	Amount Utilized N	Percentage Utilization (Budget Performance) %
1	2006-2016	0.00	0.00	0.00	0
2	2017	461,000.00	0.00	0.00	0
3	2018	42,500.000.00	20,000.000.00	0.00	47
4	2019	24,681,804.00	3,702,270.60	0	15
5	2020 (proposed)	24,681,804.00	0	0	-
6	Total	92,324,608	23,702,270.6	20,000.000	

Source: Senate Committee on Water resources (2019)

In view of the above, a motion was sponsored by Senator Mohammed S. Musa on the ***Urgent need for the Federal Government to Complete Kagara Dam and One Million Gallon (1 Mgd) Water Treatment Plant***, which was referred to the Senate Committee on Water Resources, thus, mandating it to “investigate reasons for the delay in the execution of the projects since the renegotiation in the year 2001 despite budgetary allocations over the year and report to the Senate for appropriate action”. Based on this, the Committee met on Thursday 19th Nov., 2019 and considered its mandate and resolved to hold an investigative hearing to address the issue, employing following procedures:

- (i) Invited and received memoranda from Stakeholders;
- (ii) Conducted investigative hearing on the matter; and
- (iii) Analyzed relevant presentations at the investigative hearing.

Sequel to the above, an investigative hearing was held on Tuesday, 26th November 2019 with the under listed Stakeholders in attendance

Table 4.2: Attendees to the Investigative Hearing on the delayed Completion of Kagara Dam

S/N	NAME	DESIGNATION
FEDERAL MINISTRY OF WATER RESOURCES		
1.	Engr. Suleiman Adamu	Hon. Minister
2.	Mrs. Ekaro Comfort	Permanent Secretary
3.	Engr. E.C Eze	D.D (SAN)
4.	Mr Awe E.O	DWQCS
5.	Engr. Yauheed	SA to Hon. Minister
6.	Mr H. Wasagu	TA to Hon. Minister
7.	Mrs Opara CN	AD (SAW)
8.	Akpa O.E	CSO
9.	Shialswe J.L	D.D

UPPER NIGER RIVER BASIN DEVELOPMENT AUTHORITY		
10.	Engr. David Emmmanuel	ED Engineering
11.	Umar M. Ndanusah	CTO
OTHER STAKEHOLDERS		
12.	Shehu Ibrahim Kagara	Kagara Emirate Council (Walin Kagara)
13.	Yusuf Suleiman	Comm., Niger State Min. of Water resources
14.	Abubakar Sadiq Idris	Perm. Sec. Niger State Water
15.	Engr. Hassan M. Chado	GM, Niger State Water Board
16.	Engr. Mohammed Inuwa Zakari	Consultant
17.	Engr. Abdullahi Adamu	Director (DRA)
18.	Engr. Ibrahim Umaru	Bi- Nigeria Ltd

Source: Senate Committee on Water Resources (2019)

Summary of the Major Findings

Some of the Committee's observations in the course of the investigative hearing were:

1. That Kagara Dam Project suffered decline and delayed budgetary releases since its inception which led to inability of the Federal Government to pay contractor's certificate as at when due.
2. That since June 2004, several meetings were held to find a way forward to complete the project with a Revised Estimated Total Cost (RETC) Proposed by different Parties but the Contractor Bi- Water (Nig.) LTD did not accept neither the Ministry's renewed amount of N10, 653, 662, 377.43 nor the consultant's recommended amount of N11, 354, 508, 150.43, rather he insisted on N14, 454, 375, 954.00 to complete the project.
3. That to date, the level of progress of the project has reduced from 68% to 48% (i.e. loss of 20% progress) mainly due to:
 - a. Overgrown trees on the embankments and crest of the dam
 - b. Development of erosion and deep gullies in some weak parts of the embankment
 - c. Displacement of Rip-Rap in some parts of upstream face
 - d. Rusting of exposed parts of enforcement
 - e. Protecting dyke cut-off
 - f. Dilapidation of access road and its associated culverts and
 - g. Silt deposition and meandering of the river (change of course by erosion of the river banks) at the approach to the dam.

4. That the attitude of the Contractor stopping work and his unwillingness to continue after submitting a Certificate, unless the certificate is fully paid has also delayed the completion of the project.
5. That since October 2001, the total expenditure certified for executed work up to August 2005 is N1,530,417,650.00 and the total payment to the contractor up to date is N 1,271,023,277.00 while the outstanding balance due to the contractor to date is N 259,462,217.00
6. That a recent meeting was held between the Federal Ministry of Water Resources and the Contractor on Monday 14th October, 2019 where the issues affecting the progress of the project were discussed and the following resolutions were made:
 - a. From inception of the project, many factors have changed and therefore have negative consequences on the purpose and scope of the project.
 - b. The Ministry will not accept to undertake the making available of all funds required by the contractor at any given point during the execution of the project as a condition for the contractor to go back to site but will try everything possible to fund the project to completion, and
 - c. It was unanimously agreed to amicably terminate the contract based on mutual understanding of the parties and the need to prioritize the project in relation to funding.

4.3. What are the Challenges Confronting the Senate Committee on Water Resources in Carrying Out its Oversight Function?

Like most issues in Nigeria, the Senate Committee on Water Resources is not immune to challenges. During the period under review, the committee noted some challenges militating against its oversight functions as:

- 1) Lack of adequate funds to carry out committee activities. This has made it difficult for the Committee to be independent in its conduct of oversight, thus, making it rely often on MDA's sponsorship of oversight expenses.
- 2) Low cooperation in the provision of necessary information from MDAs. Despite assurances from the Committee to the effect that oversight is not a tool for witch hunt, rather a driver of good governance and accountability, the Chief Executives are largely still unwilling to provide needed information, which in turn hampers oversight outcomes.
- 3) The untimely release of funds to MDAs also hindered the outcome of the Committee's oversight as MDAs, in most cases, were not able to achieve much on the implementation of capital projects before Committee's oversight visits.
- 4) Non implementation of recommendations arising from oversight reports, dampens the spirit of Committee members. This, they felt made them a toothless bulldog and ridiculed the exercise which they committed much energy and sacrifices to achieve.
- 5) Sometimes, there was poor communication between the Committee and the MDAs which also hindered the Committee's oversight outcome. This resulted in the Chief Executives ignoring the Committee's invitation for questioning with the excuse that they were not properly communicated.

4.4. What Recommendations can be proffered to Mitigate the Challenges Identified

Below are some solutions proffered for the challenges faced by the Committee to carry out its oversight functions?

- 1) There should be adequate funding of the Committee to undertake its oversight function, which would stop its reliance on MDAs for the provision of logistics. This will make them resist the temptation from the MDAs.
- 2) There should be synergy between the MDAs and the Committee in the conduct of oversight, MDAs should see committees as partners in progress who want them to actualize their goals and enhance good governance.
- 3) There should be timely release of funds for capital projects to the MDAs to enable them achieve some level of implementation before Committee oversight visits.
- 4) There should be mechanisms in place for implementation of Committee's oversight recommendations.
- 5) There should be well established channels of communication between the Committee and the MDAs to ensure cordial working relationship.

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATIONS

This chapter covers the summary of the research topic, conclusion based on the findings of the research and recommendations for further research.

5.1 Summary

In any democratic arrangement, the legislative arm of government occupies a central position in the machinery of government. Indeed, it has been observed that the legislature is the connecting thread of the democratic process and arguably it's most central institution. At a 2005 UN Summit, the speakers of parliament resolved that parliament is the central institution through which the will of the people is expressed, laws are passed, and government is held to account (Abati, 2010: 62). In Nigeria, the legislature is the first among the three organs of government to be so recognized in the Constitution.

Traditionally, the legislature is vested with formal law making powers, which give legislators the authority to influence public policy. Incidental to lawmaking is the legislative oversight function, which is as important as the law making function itself. This is because by nature, oversight is a follow-up activity intended to ensure that legislative goals are met. In other words, the passing of a piece of legislation does not mean that all is well. Oversight assures that the laws work. It encompasses every attempt by the legislature to review, monitor and supervise government activities, programmes and policies to ensure that they are legal, effective and efficient. Now, considering the relatively large size of government, the oversight function can best be undertaken through the committee system in which the entire legislature is divided into

committees with assigned responsibilities. The committee system in contemporary times has become the power house of the legislature in both advanced and emerging democracies. The trend towards the use of committees is often seen as one of the distinctive features of modern democracies. To ensure the achievement of satisfactory legislative outcomes, legislation is referred to committees for in-depth scrutiny. The committee system has worked in the more advanced legislatures. Through committees-the legislature shapes Bills, authorizes expenditure and scrutinizes the activities of the executive. In Nigeria, the committee system is the medium with which the National Assembly oversees the government. In recent years, particularly since the commencement of the Fourth Assembly in 1999, this function appears to be growing in prominence.

This study has examined the oversight activities of the Senate Committee on Water Resources of the National Assembly for the period, 2015 - 2019. The overriding objective is to assess how effective the Committee had been in the performance of the oversight function. The study is relatively comprehensive as it covers both the theoretical and empirical aspects of oversight. It commenced with an introduction into the legislature, reviewing the nature and functions of legislatures and their committees. In this introductory part, other pertinent issues were considered covering statement of research problems, objective of the study its significance among others. The review of related literatures to the study was carried out in chapter two and also a theoretical framework upon which the study was built was also adopted in this chapter. Chapter 3 looked at areas such as the research methodology which deals with the research techniques, methods of data collection, method of data analysis, sample size, validity and reliability of data among others. Chapter Four detailed the presentation and analysis of data collated from the findings of the research. Chapter Five offered the summary, conclusion and recommendations.

5.2 Conclusion

The growing trend in modern democracies is the use of the Committee system with an obvious advantage that it permits parliament to deploy its resources efficiently and effectively, both in terms of people and time, to examine complex and wide ranging issues more thoroughly than when they are discussed on the floor of the House. For one thing, the whole House does not have the luxury of time to consider matters in all particular details; hence, committee systems are inevitable in the legislative and oversight business of the legislature. For another, against the backdrop of the complexity and variety of the issues that face modern legislatures, the demand on the time of legislators calls for specialization and division of labour. This purpose is often very well served by Committees. As in other countries, legislative committees of various types have assumed much of the work of legislatures.

In creating committees, the general practice across countries is to recognize the existing bureaucratic institutions, such as Ministries, Departments and Agencies as well as other areas where legislative oversight is required. In other words, all aspects of the executive arm of government have corresponding legislative committees through which parliamentary oversight is exercised. Indeed, it is a constitutional requirement in most democracies of the world that committees are fashioned this way to reflect the size and reach of government to ensure that no part of it is left out. In some other countries, legislative Committees are categorized into sectors and groups aside from being special, standing committees and joint committees of the House. In effect, committees whose functions and jurisdictions are related fall into the same category for complementarities of functions and decisions on issues within that locale. It should be added that the workings of the committee system are only different in largely insignificant areas.

Every aspect of oversight is backed by law. The powers may be expressed or implied in the Constitution. Another source of powers is the Standing Orders/ Rules of the parliament. In addition, the instruments with which the functions are performed are many. As a matter of fact, most legislatures have developed constitutional mechanisms and tools designed to facilitate the performance of their oversight functions in relation to the executive branch. The performance of this role is done through a wide range of channels, organizations and structures. But, the legislature must understand the operations of the government, to be able to make informed decisions on the laws which it passes and to conduct oversight effectively. Considering the size of Committees relative to the total number of members in both Chambers of the National Assembly over the period of this study, on the surface, it seems that the Committees are rather large. But, on a second thought, the reason for this is not far-fetched. The executive arm of government, which the National Assembly oversees, is complex and large. As such, the Committees would grow correspondingly. Otherwise, the National Assembly may not be able to perform its responsibilities effectively and efficiently.

Thus, the observed number of committees is intended to match the relatively large size and often complex executive arm of government. However, the large number of committees has its attendant implications: members' absenteeism and limited participation or non-participation in committees' work and general adverse impact on output. Indeed, the implication of the large size of committees was reinforced in the analysis as there were generally cases of absenteeism at meetings.

5.3 Recommendations

Legislative oversight function is the eyes of the people in government that watch and monitor the activities of the executive arm and its agencies in the implementation of laws, programmes and policies meant to serve the collective interest of the electorates. It dictates waste, inefficiency, ineffectiveness, corruption, mismanagement of public resources, etc. Its relevance in democratic governance need not be overemphasized. Oversight function is essentially valuable in ensuring that the intent of the legislature in legislating laws that will improve the living standard of the poor is reflected in the performance of the executive functions.

It is traditional in any research endeavor that when problems are identified, solutions are proffered. Proffering solutions takes the shape of recommendations. Recommendations are directed at providing the leeway to solving the research problem. It is against this background that the following recommendations are advanced;

1. As important as its role in government, it must endeavor to conduct its oversight functions within the confine of the law that established the National Assembly. It is important to respect and observe the principle of separation of power as provided in the 1999 Constitution of the Federation.
2. Usurpation of functions and unguided encroachment into the constitutional functions of the executive and the judiciary arms is unnecessary and should therefore be guarded against in the performance of its oversight functions. Good governance is seriously undermined by the legislature's usurpation of both executive and judicial functions. The damaging effect of the legislature's totalitarian approach to governance is made worse by the very high level of corruption prevailing in the country, precisely located at the echelon of government

hierarchy where state looting, ungodly manipulations and low budget implementations are taking place.

3. The legislature should live above the board in all its public and private functions. The interest and unity of the country should override personal and collective interests of the legislative members. Congressional assignments are not and will not serve as sources of exploitation to enrich oneself. Dignity, integrity, fair play, accountability and transparency in the act of governance must always be the watch word of the legislature.
4. The legislature should see their membership in the National Assembly as a call to national duty which demands sacrifice, commitment to duty, sincerity of purpose in all aspects of governance and a demonstration of the true representatives of the people. Fraudulent enrichment is abhorred because it is a total aberration from our social value, against ethics of good governance, a disservice to expectations and aspirations of those who mortgaged their political power into your hands to represent their interest in government. Remember, these same people you will definitely meet again on your way to the village. Which face and eyes will you use to look at them?
5. The functions of the legislative oversight should advance beyond mere investigation and recommendation. There is need for constitutional and/or legal teeth to be structured for effective and efficient legislative oversight, as a watchdog on the executive arm and its agencies, to bite culprits or cause the persons found culpable to be sanctioned to serve as deterrent. The legislature should have legal power to compel the executive arm of government to take appropriate action to institute judicial panel of inquiry on matters that have been completely investigated by the legislature and the reports on such cases have been duly passed on to the executive to take logical conclusive action.

6. The legislature should have legal power to ensure that the executive would actually be cause to take such conclusive action on the matters referred to it by the law-makers. The era where cases are buried for fear of exposing powerful elements in government ought to be a thing of the past.

References

Books

- Akinsanya, A. (2002); Four years of presidential democracy in Nigeria. In Akinsanya, A. A. and Ijang, G. (ed), Nigerian Government and Politics (1979-1983). Calabar, Wusen publishers.
- Bertalanffy, L. (1968). General system theory: Foundation, development, application. New York:
- Eminue, O. (2006); Executive-Legislature Relations: Some Preliminary observations on the budget process. In Ojo, E. O. (ed), Challenges of sustainable Democracy in Nigeria. Ibadan, John Archer publisher.
- Fisher J. (2010); Systems theory and Structural Functionalism. Sage Publishers, New Delhi
- Fashagba, J. (2013); The Nigerian Legislature and Socio-political Re engineering in the Fourth Republic; Redeemer's University Omu- Aran, Kwara state. Nigeria.
- Hamalai, L (2010); Committees in the Nigerian National Assembly: A study of the performance of legislative functions 2003-2010. A publication of policy analysis and research project national assembly, Abuja.
- Janda, E and Ojewale O (2002) The Challenges of democracy: Government in America. Boston Houghton Mifflin Company.
- Kousoulos, D. G. (1982). On Government and Politics: An Introduction to Political Science. California: Brook/Cole Publishing Company.
- Lewis, P. M. (2009); Rules and Rent in Nigeria's National Assembly. In Barkan, J. D. (ed), Legislative Power in Emerging Democracies. Boulder, Lynne Rienner Publishers. Pp. 177- 204
- Laszlo, E. (1969). System, structure, and experience: Toward a scientific theory of mind. New York: Gordon & Breach.

Laszlo, K. (1996). *Evolutionary learning communities: An initial definition*. Proceedings of the Eighth International Systems Institute Conversation at Asilomar. Pacific Grove, California.

Lilienfeld, R. (1978). *The rise of systems theory: An ideological analysis*. New York: Wiley.

Loye, D. (1990). Moral sensitivity and the evolution of higher mind. *World Futures*, 30, 41-52.

Macy, J. (1991). *Mutual causality in Buddhism & general system theory*. USA: SUNY Press.

Obasanjo, O and Mabogunje A (1992) *Elements of Democracy*. Abeokuta African Leadership Forum Publications.

Osaghae, E. E. (1998); *The Crippled Giant: Nigeria since independence*. London: Hurst and Company.

Sodaro, M. (2007). *Comparative Politics: A Global Introduction* (3rd ed), McGraw-Hill

Saffell, D. (1989); *Essentials of American government: Change and Continuity*. Pacific Grove, CA, Brooks/Cole.

Verney, D. (1969); *Structure of Government*. In J. Blondel (ed), *Comparative Government: A reader*. London, Macmillan

Journals/Publications

Aguda, O. (2012). National Assembly's Oversight Functions and Fair Hearing. *The Nation Newspaper*, March 21, p.2 (<http://www.thenationonlineng.net/2011/index.php/politics/48492-national-assembly.html>) (Accessed 15/11/20`3).

Akintayo, John. O. A. (1999); *Legislation in Democratic Governance in Nigeria*. African Humanities Monograph 11, Humanities Research Center, Ibadan

Akomolede, I. T. and Bosede, A. O. (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

- Alabi, M. O. A. (2012); The legislature in National Politics: A Global Scan of Growth, Organisation, and Power. In Alabi, M. O. A. & Egbewole, W. O. (ed), Perspectives on the Legislature in Government of Nigeria
- Boadi, E. (1998); The Birth of African Liberalism. *Journal of Democracy*. 9(2), 18-33.
- Davies, A. (2004); The role of the Legislature in Fostering an efficient system of Public Finance In: Taiwo, I.O. and Fajengbesi A. A. (ed) Fiscal federalism and democratic governance in Nigeria. Ibadan, NCEMA/ACBF, 198-212.
- Finceface O. (2012); Theory of separation of Powers in Nigeria: An assessment, African research review; *International Multidisciplinary Journal*, Ethiopia ISSN 2070—0083
- Fashagba, J. (2009); Legislative Oversight under the Nigerian Presidential system. *Journal of Legislative Studies*. 15(4), 439-539.
- Fashagba, J. Y. (2010); De-constitutionalising? Democratic governance in Nigeria: Assessing executive-legislative handling of executive-power vacuum in the fourth republic. *Africana*, 4(1), 6-43.
- Fashagba, J. Y. (2011); The Legislature and Democratisation process in Nigeria's Fourth Republic. *Lapai International Journal of Management and Social Sciences*. 4(1), 1-19.
- Fish, M. & Kroenig M. (2009). *The Handbook of National legislature: A global Survey*. Cambridge: Cambridge University Press.
- Godowoli, A (2001) "Legislative Autonomy and Intergovernmental Relations in Perspective" A Paper Published in the *National Administrator: A Journal of Management Sciences* University of Maiduguri.
- Izah, P. (2013); Legislative Oversight and Democracy in Developing Countries, Paper For ECOWAS-P On Security Challenges And Political Instability In West Africa Held In Dakar-Senegal
- Kotia C. (2011); The Principle and Reality of Legislative Oversight in Defence Matters in Liberal Democracies: An Empirical Case, *Journal of Alternative Perspectives in the Social Sciences* Vol 3, No1, 57-71

Kaiser, F. and Halchin, L. (2012); Congressional Oversight, Congressional Research Service.

Nwagwu, E. J (2014); Legislative Oversight in Nigeria: a Watchdog or a Hunting Dog?, Journal of Law, Policy and Globalization ISSN 2224-3240 (Paper) ISSN 2224-3259 (Online) Vol.22,

Nnamani, C (2003). 2003 edition of the public lecture series of the Political Science Department, University of Ilorin, Nigeria: Globalizing in Poverty 2003. Ilorin, Nigeria.

Oladepupo, O. F (2014); An Exploratory Evaluation Of Legislative Lawlessness In The Nigerian Budget Process, Singaporean Journal Of Business Economics, And Management Studies Vol.3, NO.2,

Ornstein, N. (1992); The roles of the legislature in a democracy. Freedom Paper No 3, California, Institute for Contemporary Study (ICS).