

**APPRAISAL OF THE INSTITUTIONAL AND LEGAL FRAMEWORK OF THE
NIGERIAN NATIONAL ASSEMBLY SERVICE COMMISSION (2014 -2020).**

BY

**Oliver Ebere NWANKWO
MATRIC NO: PG/NLS1900075**

**BEING A DISSERTATION SUBMITTED TO THE NATIONAL INSTITUTE FOR
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DECLARATION

I hereby declare that this dissertation is a product of my original research efforts, undertaken under the supervision of **Dr. Abdulrasheed Musa Yusuf**. It is an original work and no part of it has ever been presented for the award of any degree anywhere. All sources of information used have been duly acknowledged in the references.

.....

Oliver Ebere NWANKWO
MATRIC NO: PG/NLS1900075

The above declaration is hereby confirmed by

.....

Dr. Abdulrasheed Musa Yusuf
Project Supervisor

Date

CERTIFICATION

I certify that this dissertation titled: Appraisal of the Institutional and Legal Framework of the Nigerian National Assembly Commission of Nigeria (2014-2020) presented by Oliver Ebere NWANKWO (Matric no: PG/NLS1900075) has met the partial requirement for the award of Masters' Degree in Parliamentary Administration (MPD) of NILDS/University of Benin.

.....

.....

Dr. Abdulrasheed Musa Yusuf

Date

Project Supervisor

APPROVAL PAGE

This is to certify that this dissertation has been read and approved as having met the partial requirement for the award of Masters' Degree in Parliamentary Administration (MPD) of NILDS/ University of Benin.

.....

Dr. Abdulrasheed Musa Yusuf **Date**
(Project Supervisor)

.....

Dr. Mrs. Ikokoh Enatta Catherine **Date**
(Internal Examiner)

Prof Okotoni Olu **Date**
(External Examiner)

.....

Dr. Asimiyu Abiola **Date**
(PG Co-coordinator)

DEDICATION

I dedicate this Project to the Almighty God-my Sustainer, to the fond memories of my Grand Father, late Chief Nwusulor Chima and to my ever-supportive and dotting family my wife Ngozi and Children: Chidubem, Ugochukwu, Excel, Chiamaka and Bryan who have not stopped asking:” what again does Daddy need to learn at school”?

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Abstract

The Nigerian National Assembly Service Commission was established through the enactment of the National Assembly Service Commission Act, 2014 (as amended) as a centralized parliamentary administrative agency designed to address the multi-ethnic diversity of the Country and Composition of the National Assembly with respect to appointment, promotion and disciplinary control of the bureaucratic support staff of the National Legislature. The essence of this model was to ensure the Commission had the central control, independence and inclusiveness required to enthrone good governance in the administration of this codified function. However, this lofty ideal had not been realized as the Commission had been accused of weak leadership, nepotism, lack of independence and other saundry vices often associated with public Service in Nigeria. Why this disconnection? This Study, Appraisal of the Institutional and Legal Frameworks of the National Assembly Service Commission was designed to interrogate this gap on the background that an Institutional and Legal Framework was a measurable tool for continuous integrity assessment of any regime, with the objectives to assess the impact of the enforcement of the National Assembly Service Commission Act, 2014 (as amended) on the performance of the Commission, to identify factors in the Act that challenged its effectiveness and independence, and to advocate further innovative amendments to the Legal and Institutional frameworks for enhanced effectiveness.

Adopting the Elite theory and Qualitative research design with Primary data generated from triangulation of self-administered questionnaire and semi-structured interview instruments to achieve first and third objectives to the data, while the secondary data sourced from documents, journals of the National Assembly and the Commission, the National Assembly Service Commissions Act, 2014, relevant publications and the Internet was used to achieve the second

objective. With a combined Sample size of 357, the primary data instruments were validated with pilot testing and retesting. Data was analysed using the simple statistical techniques of frequency and percentages, and grounded theory (coding) for interview data, on objective by objective approach.

On objective 1, the Study found that the enforcement of the NASC Act, 2014 had not improved the independence and the performance of the Commission due to sustained extraneous interference occasioned by administrative and financial dependence imposed by the enforcement of the Act. On objective 2, the Study found that powerful individuals in the leadership of the National Assembly exploited “booby-trap” provisions and drafting defects in the National Assembly Service Commission Act to perpetuate the political and administrative interference that negatively robbed off on the effectiveness of the Commission. However, the study recommended an innovative and comprehensive review of the National Assembly Service Commission, 2014(as amended) to provide for a transparent process of interference as done in other climes, correct drafting defects: ambiguous and anomalous sections in the Act.

The Study concluded that a further comprehensive and innovative review of the NASC, Act 2014 and enlisting of the Commission in the 1999 CFRN (as altered) would provide for transparent interference in the activities and support the independence of the Commission for effective and productive performance.

Word count:

List of Abbreviations

ASGP – Association of Secretaries-General of Parliaments

EFCC – Economic and Financial Crime Commission

CNA- Clerk to the National Assembly

1999 CFRN- 1999 Constitution of the Federal Republic of Nigeria

FRN- Federal Republic of Nigeria

NASS-National Assembly

NASC- National Assembly Service Commission

NASCA- National Assembly Service Commission Act

ICPC – Independent Corrupt Practices and other related Matters Commission

OQPC - Office of The Queensland Parliamentary Counsel

ROK – Republic of Kenya

PA-Parliamentary Administration

PSA- Parliamentary Service Act

IPU-Inter Parliamentary Union

FC-Federal Character

UNESA – United Nation Economic and Social Affairs Office

CHAPTER ONE

INTRODUCTION

1.1 Background to the Study

The legal Framework establishing a Parliamentary Administration is an integral part of Public Service Bureaucracy of the Legislature and a window to understanding how it is governed. In jurisdictions that develop a Parliamentary Service Act (PSA), an autonomous and independent Commission is commonly established to superintend over human resource matters in line with the principles of separation of powers. The composition of the governing body and principles of governance was critical for effective and efficient discharge of the mandate of such Parliament.

Efforts of Parliaments to carve out greater autonomy for its self and her agencies is often alloyed with parliamentary development generally and on matters related to governance of parliamentary administration in particular. According to Inter Parliamentary Union (IPU, 2016), autonomous parliamentary administrations require not only independence from the Executive but must also be neutral and have sufficient expertise within the institution. The autonomy of parliamentary administration is essential for institutional memory, parliamentary expertise and reinforcement of the doctrine of separation of powers.

IPU further asserted that to ensure autonomy and good governance. the governing principles, mandates and powers of any parliamentary administration, composition of its governing body, Human resources and recruitment, budgetary autonomy, administrative oversight, transparency and accountability are often encapsulated in separate legal documents known as Parliamentary Service Acts (PSA) (e, g. Australia, South Africa, Kenya) or as part of Parliamentary rules and regulation(France, Morocco) or part of the Country's Constitution (India) which constitute the

legal framework. The legal framework provides tools for ensuring the continuous integrity of the regime through governance structures, mechanisms for monitoring, evaluating and facilitating compliance, and dispute prevention, and settlement. It observed that where the PSA is present, it is common to find the establishment of an independent Commission as an autonomous governing institution or body to regulate human resource management for Parliament. Such institutional arrangements were often centralized for both chambers (Kenya) while in those with legal frameworks as part of the rules and regulation of Parliaments or the Constitution, the governance structure is decentralized with powers devolved to each chamber (United Kingdom & the United States of America).

By exercising its powers of legislation and pursuant to section 51, CFRN 1999 the National Assembly enacted the National Assembly Service Act in the year 2000, thus reestablishing an independent regimen for the administration of appointment, promotion and discipline of staff of the National Assembly and in which were imbued with peculiarities of Nigerian democratic experiences, and public Service history. Suffice to say that the growth of the Nigerian National Assembly and its public service had been affected by the Nigerian experiments in constitutional democracy and military rule. Thus, Constitution of Federal Republic of Nigeria, 1999 (as amended), Federal Character Principles, the Public service Rules (PSR) and the National Assembly Service Commission Act, 2014(as amended) constitute the Legal framework of Parliamentary service in the National Assembly. These documents and the Commission ensure that the process through which human resource is recruited for the Nigerian National Assembly allowed for the best among the many to be selected against the backdrop that Public Service depends largely on the optimal performance of human resources to realize the goals of

effectiveness, efficiency and sensitivity in service delivery and infrastructural development of government.

Pursuant to the Act, the National Assembly Service Commission has a governing structure made up of an executive Chairman and 12 other Commissioners, appointed 2 each from the component 6 geopolitical zones of the Federal Republic of Nigeria in line with Federal character principle as enshrined in the Constitution and a bureaucracy headed by a Secretary. The Act addressed the administration of Human resources and recruitment, issues of budgetary autonomy, administrative oversight, transparency and accountability in the National Assembly Service.

The Legal and Institutional Framework establishing a Parliamentary administration is an integral part of understanding its governance and relevance because effective Institutions promote social order and good governance. Ilepe (2017) noted the “individual roles leaders and the led play in order to promote strong, viable and efficient Institution. Onichakwe (2016) posited that emerging democracies like Nigeria, should strive to embrace good governance in order to realize, promote or maintain economic, political and social strides. Iroye (2014) citing Henwood (2001), restated the definition of good governance by the ‘Institute on Governance, Canada (2004)’ that

Governance determines who has power, who makes decisions, how other players make their voice heard and how the account is rendered. Governance is therefore a process of directing the affairs of a given nation or organization under whatsoever type of system, is adopted with the intent of creating and sustaining orderliness, peace and promoting the general wellbeing of the people of such an organization.

In support of the Governance summation of all definitions of governance on three pillars: authority, decision-making and accountability, the 1999 CFRN and its preamble succinctly simplifies good

governance as a regime of” peace, order and well-being of the people”, which is vested on the National Assembly, as section 4 (2) puts it “ Federal legislative powers to make laws for peace, order and good government in the territory of Nigeria and other parts thereof” and section 14(2), the Fundamental Objectives and directive Principles of State Policy shall be “good governance and the welfare of all persons” in all Institutions and among persons entrusted with the State policy formulation and implementation.

The process of lawmaking is an integral part of the good governance as its primary purpose is to ensure “peace, order and well-being of the people”. Nwabueze, (2003) described Legislation as the expression of the supreme power of a State and an index of its independence” which the Legislature wields “as the purveyor of the sovereign power of any State” and through “which Administrators react to the need of the basic changes in the economic, social and political structure of the country”. That “peace and order” envisaged in the Constitution can only be procured when all laws so made are not symbolically obeyed but indeed in line with the principle of rule of law.

According to Azoro, Onah & Agulefo (2021) citing the United Nation (2004) defined rule of law as a” principle of governance in which all persons, Institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. Legislation as an essential feature of the principle of rule of Law must be unambiguous, clear and precise, so that it can be understood by those who are bound by it.

According to a Report of the Office of the Queensland Parliamentary Counsel (OQPC, 2013) citing Lord Diplock (1983) who held in the case of *Merkur Island Shipping Corporations V. Laughton*, in recognition of this principle, that:

Absence of clarity is destructive of the rule of law; it is unfair to those who wish to preserve the rule of law; it encourages those who wish to undermine it”.

Again, considering the complexities of the subject matter in legislation, it must be drafted to withstand attempts by readers to find unintended interpretation. On this score Lord Justice Stephen (1891) cited in the OQPC, Report (2013) also held:.

“It is not enough to attain to a degree of precision which a person reading in good faith can understand; but it is necessary to attain if possible to a degree of precision which person reading in bad faith cannot misunderstand”

The National Assembly is therefore the custodian and guardian of the principle of rule of Law and must ensure same in her own institutions especially in regulating its own human resource, the role of which in support of a strong Parliament capable of promoting good governance cannot be overstated. According to Gafar (2017) efficient and fair socio-economic and political service delivery is pertinent to fostering development and democratic consolidation; it is also a panacea to legitimize governmental power, encourage active involvement of people in government programmes, and reduce public discontent. This can only be guaranteed by an efficient and effective public Service. Bassey and Edemidiong (2021) averred that because man has the ability to direct, manipulate, transform and utilize the other resources for effective and efficient functionality of the organization and the realization of its aspirations and goals, the appropriate use of manpower in an organization undoubtedly has a direct and significant bearing on the productivity of the organization.

However, after 6 years of enforcement of the National Assembly Service Commission Act, 2014(as amended), has the intended managerial and administrative efficiency in service delivery in the National Assembly been achieved? Has it resulted in appointing “round pegs into round

holes” into the Commission? Where laid the challenges to effective performance of the statutory functions of the Commission: the spirit, intent of the Law or the law making process or both. Is the National Assembly Service Commission Act, 2014, a victim of generic tragedy of law making and practice of rule of law for good governance in emerging democracies?

According to Otto, Stoter and Arnscheidt, (2008), “the very bills enacted reflect the compromises reached by Politicians and other forces necessary to remain in power. They argued further that Democracy envisioned by the Power holders is “democracy with teeth and claws” because the rationality of politics in such climes often involves power struggles as a matter of life and death, order and chaos. That against known methodology of lawmaking which is based on reason informed by experience, politicians in developing nations, more often than not, pursues strategies intended to ensure their political and physical survival (and relevance) rather than to ensure good governance”. Does this apply to the National Assembly Service Act, 2014?

1.2 Statement of the Research Problem

Public Service in the National Assembly is still beleaguered by patronage and politicization. The elements of political patronage in the Nigerian National Assembly public service take the form of clientelism, favouritism, nepotism, the practice of replacement and proper placement which diminishes the quality of its bureaucratic staff.

Efficiency and effectiveness of the Commission on matters of appointment, promotion and discipline has declined and with it the effectiveness of the Staff of the National Assembly in support of the core functions of the Institution. Under the 8th Session of the National Assembly alone, according to the records of the Rules and Business Committee of the House of

Representatives, the President of the Federation withheld assent to over 213 bills citing such deficiencies like grammatical errors, duplication of agencies and overlapping function of agencies.

Corruption and other vices have been reported on the Commission. Promotion to certain high cadre is conducted on whom- you- know basis, or the use of unethical process of “Proper placement”.

The later was even acknowledged in its letter of 17th August, 2017, wherein it was stated that “with effect from 24th August, 2017, the National Assembly Service Commission shall not entertain any requests for proper placement as it does not exist in the public service” (NASC Circular, 17th August, 2017). Recruitments have not been advertised but done in secrecy. Positions have been distributed to Members of the Legislature and the Commission who filed them with their cronies and children in a deceptive procedure called “replacement”. The 2018 recruitment exercise was conducted by the Commission against the extant rules in secrecy and brazen disregard for due process and federal character principles whereby Kogi State alone had almost a third of the recruits. At that, few of the newly recruited staffs were selectively documented leaving out many of them until 3years later.

Some officials of the Commission have been accused of corruptly conniving among themselves and with some Senior Staff of the National Assembly to influence their scores in the promotion examinations, to be unduely promoted or to falsify their records of Service to gain more years in service or promotion. Recommendation letters from traditional rulers, ethnic organization fly about when any vacancies existed in the upper echelon of the national assembly bureaucratic leadership for consideration. In 2017 and under the 4th National Assembly Service Commission, 150 staff of the National Assembly was promoted over and above their seniors and competence using vexatious proper placement. The practice is so rife that merit is been mocked.

There is rising cases of crass incompetence in the handling of disciplinary cases which exposed the National Assembly to public odium. In 2018, 150 senior staff of the Service blatantly refused to proceed on due retirement after notices had been served them on the pretext of enforcing a resolution of the National Assembly which the bureaucratic leadership lacked powers to determine. Political considerations for relevance and survival rather than merit and experience have marred nominations and appointments to the Commission within the period under consideration, former legislators, friends and Aides of the Presiding officers of both Chambers have been either nominated or appointed into the Commission. The appointments have been along lie of party loyalty in disregard of spread. A State like Lagos just had a representation on the Board while all the Chairmen from 2001 have been of Northern extraction. Inclusiveness and spread are symbolically considered if at all.

The Political leadership of the National Assembly has interfered on matters bordering on the core duties of the Commission against the provisions of the Act pursuant to section 6(8) of the NASC Act. In 2016, the leadership of the 8th Senate ordered the withdrawal of appointment letter and reissuance to a favoured appointee as acting Clerk of the Senate. The rule of thumb and open secret in the Commission was that no appointment into some Senior positions in the National Assembly service could be done except the Leadership “agreed to work” with the potential appointee(s).

The last nominations for appointment in 2018 was stalled due to Executive-Legislative face-off to the effect that that “List-out” was said to have been lost in transmission and this resulted in the failure to inaugurate the 5th National Assembly Service Commission until 2020.

In the light of the aforementioned, the Staffs of the National Assembly and the National Assembly Service Commission itself appear to be losing confidence in the capacity of the Commission to

independently discharge its statutory activities with the net effect that she is not unable to enforce the payment of staff allowances which she proposed and was approved by the National Assembly pursuant to section 6 (9) of the NASC Act, 2014. The later has led to protracted labour unrest as never before in the National Assembly Service System and to disruption of the work of the Federal legislature.

1.3 Research Questions

1. How has the enforcement of the National Assembly Service Commission Act, 2014 influenced the administration of appointment, promotion and discipline in the NASS service?
2. How has the NASC Act, 2014 contributed to the challenges of the National Assembly Service Commission in the discharge of its mandate?
3. Which innovative amendments to the 2014 NASC Act can improve the effectiveness and efficiency of the National Assembly Service Commission?

1.4 Objectives of the Study

The specific objectives of the study are to:

- i. examine the influence of the enforcement of the National Assembly Service Commission Act, 2014 on the administration of appointment, promotion and discipline in the National Assembly Service;
- ii. identify what factors in the Act challenged the effectiveness of the National Assembly Service Commission in the discharge of its mandate;
- iii. advocate innovative amendments to the establishment Act that would enhance the effectiveness of the National Assembly Service Commission.

1.5 Scope and Delimitation of the Study

This study primarily focuses on the last amended versions of the 1999 Constitution of the Federal Republic of Nigeria and the National Assembly Service Commission Act, between 2014 and 2020 as they relate to National Assembly bureaucracy, and the Structure of the National Assembly Service Commission under the 4th and 5th Sessions inaugurated in 2012 and 2020 respectively. Other adjunct legislations like the Freedom of Information Act, Federal Character Act, and Public Service Rules are not part of this Study.

The Headquarters of the National Assembly Service Commission and the National Assembly Complex all located in the Federal Capital Territory, Abuja are the study area. The Study sample is drawn from political Appointees and Management staff of the 5th NAS Commission and the National Assembly on grade level 15 and above.

The Political and Administrative leaderships of the National Assembly and the Commission could be sampled due to exigencies of duties occasioned by the prevailing security situation in the country. The Interviews were not recorded and relied on concurrent note taking and summary. This will not be a comparative study of Legal and Institutional Frameworks of statutory Commissions.

1.6 Significance of the Study

The appraisal of the Legal and Institutional Framework of the National Assembly Service Commission is significant in some many ways.

The making of qualitative, proactive and impactful laws reflects the capacity of the bureaucrats to formulate new policy responses through challenges and ideas provided by their contacts with the general public. Therefore, this study is significant for the Members of the legislature and the general public.

The quality of legislation as an instrument of governance influences the type and nature of governance, hence interrogating the contribution of the National Assembly Service Act to good governance or otherwise is significant for public administrators and practitioners.

This study will contribute to the body of knowledge in personnel regulations, personnel qualifications, organizational structure and work environment. Hence, it will be valuable reference materials for researchers, administrators, legal experts and enthusiasts in legislative service.

1.7 Definition of Key Concepts

Appraisal: In the context of this Study Appraisal shall mean an evaluation of the worth, coherence and comprehensiveness of the National Assembly Service Commission and the NASC Act in improving the performance of the Commission.

Framework: It shall mean the core, a foundation or substructure of an object or body that gives it firmness and stability and from which flows its bearings.

Commission: In this study, Commission shall mean a departmental administrative body of the National Assembly charged to independently administer the appointment, promotion and discipline of Management Staffs of the National Assembly Commission and the National Assembly pursuant to the establishment Act.

Act of the National Assembly: An Act of the National Assembly shall mean a bill passed by the Houses and assented to by the President of the Nation.

National Assembly Service: This shall mean Service in any department of the National Assembly and the Commission in the capacity of a management staff.

1.8 Organization of Chapters

This project is composed of 5 chapters: Chapter 1 consists of Background to the Study, Statement of the Research Problem, Research Objectives, Research Questions, research preposition, Scope and Delimitations of the Study, Significance of the Study, Definitions of Key Terms, list of Abbreviations and Organization of Chapters. The Chapter 2 considers a conceptual framework, literature Review and Theoretical Framework of the Study. Chapter 3 discusses the details of Research methodology while Chapter 4 discusses the Data presentation, analysis of Findings and Discussions. Chapter 5 provides the Summary of findings, Conclusions and recommendations.

CHAPTER TWO

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

This chapter provides the structural concepts upon which the research is based and expanded, carried out empirical literature review of previous works and other valuable publications on the Subject matter, and then builds a theoretical framework underlying the research.

2.1 Conceptual Review

2.1.1 The National Assembly

The 1999 Constitution FRN (as amended) in sections 47-50 established the composition, Membership, and leadership of the National Assembly. Meanwhile section 4 (2) vests on her the powers to “make laws for peace, order and good government” in the territory of Nigeria and other parts thereof.

The National Assembly is composed of the two chambers: Senate and the House of Representatives. While the Senate consists of 109 members, 3 elected from each federating state based on equality of states, the House of Representatives have 360 members elected on the equality of population. Leadership of the two chambers is provided for in section 50 (a) (b): a President in respect of the Senate and Speaker for the House of Representatives each assisted by a Deputy and other principal officers. Membership of the Nigerian National Assembly is full time, elected for tenure of four years. The National Assembly is a policy influencing legislature in the performance of the core functions of legislation, Representation and Oversight.

The Constitution vests all legislative powers of the Federation on the National Assembly with respect to the items listed in the exclusive legislative list and shares powers on other items on the concurrent legislative list with the States' Assemblies (section 4(1) (2) & (4). This Constitution

vests other powers on the National Assembly thus: the powers to control over Public Funds (sections 80,81), to conduct investigations on any matter and the conduct of affairs of any person, authority, Ministry or government department charged, or intended to be charged with duty of administering or executing laws, or disbursing moneys appropriated by the National assembly and to conduct hearings for confirmation of high executive appointments and public hearings on proposed bills or on matters under investigations and oversight visits(sections 88 & 89).

The National Assembly carries out its functions in Plenary Sessions and Committees. The Committee system appears to be the hub of Legislative duties. According to Abiola (2020) citing Wilson Woodrow (1885) who noted that a “Congress in session is Congress on public exhibition, whilst Congress in its Committee rooms is Congress at work”. These Committees can be divided to statutory, machinery and portfolio Committees. Each of the Committees is made of a group of Legislators from amongst whom a Chairman and Deputy are appointed by the Selection Committees of the Senate and the House of Representatives during each session. The Secretariat of each Committee is made up of staff appointed by the National Assembly Service Commission and headed by a senior bureaucrat known as the Committee Clerk. Additionally, each Legislator was expected to establish a constituency office that provides a forum for interface with his/her constituents and staffed personally.

In carrying out her enormous responsibilities, Section 60 of the Constitution empowers the Chambers of the National Assembly – the Senate and the House of Representatives to “regulate its procedure”. Bar-Siman-Tov, (2010) averred that the practical importance of self-regulating rules in the legislative process stems from their underlying democratic values and principles because these rules embody, and are designed to ensure, essential democratic principles, such as majority rule, transparency and publicity, deliberation, procedural fairness, and participation

2.1.2 Institutional Governance in Nigeria

According to Azoro, Onah & Agulefo. (2021) citing Iroye (2014), that the ‘Institute on Governance (2004) in defining governance, asserted that all definitions of ‘governance’, rest on three pillars, i.e. authority, decision-making and accountability. The Institute defined governance as a process of directing the affairs of a given nation or organization, under whatsoever type of system adopted, with the intent of creating and sustaining orderliness, peace and promoting the general wellbeing of the people of such an organization. In essence, Governance determines who has power, who makes decisions, how other players make their voice heard and how the account is rendered.

As opposed to bad governance, Azoro et Al cited Henwood (2001) , Yusuf (2002;2006) characterised good governance as a system that (i) prevents the occurrence of tyranny, anarchy, corruption, instability, paralysis, uninformed decision making, unaccountability and unjustified secrecy; (ii) result in good, stable and accountable government stemming from effective prevention of negative political trials. Yusuf (2002) added that good governance should also be characterized by a predictable, open and enlightened public policy and a Bureaucracy that is involved with professional ethos acting in furtherance of the public good, the rule of law, transparent processes and a strong civil society participating in public affairs.

The Principle of good governance in Nigeria is codified in Chapter II sections 13 and 14 of the 1999 CFRN (as amended) where under the Fundamental Objectives and Directive Principles of State Policy, it declared that the fundamental obligation and purpose of the Government shall be “the Security and welfare of the people to whom its legitimacy and Sovereignty belonged”. The 1999 CFRN (as amended) in Section 14 (3) (4) expressly listed salient ingredients that must be present in the composition of Government at all levels to satisfy the concept of good governance in Nigeria. The ingredients are encapsulated in the concept of Federal Character principle which

ensures national unity and loyalty and eschews predominance of persons from few States, or from few ethnic or sectional groups in that Government or in any of its Agencies.

Therefore the concept of 'poor or bad governance' in Nigeria exists in any Government or Agencies that lacked the generic characteristics of good governance as given by Henwood and Yusuf and where there is also absence or poorly applied federal character principle as espoused in the 1999 CFRN. Such Government and its Institutions are preyed on by individuals who apply the Rule of power instead of Rule of law with attendant general institutional Weakness. According to Fedotov (2015) "Weak rule of law and lack of good governance pose a major threat to social and economic development world over". It's the rule of power that has torpedoed development in Nigeria and its agencies through political patronage and politicization instead of professionalization of such agencies. Sundell, (2012) described Political patronage as the dispensation of favour or reward such as public office, jobs, contracts subsidies or other valued benefits by a patron (who controls their dispensation) to a client where the patron is usually an elected official or is otherwise empowered to make such grant (Rasak, 2017).

The pandemic of weak institutions, have made developing nations including Nigeria, unable to adequately and effectively perform the functions of governance due to structural logs in administration that pose serious impediments in the discharge of their responsibilities (Owogbemi, 2012). A weak institution depicted a state of decline or powerlessness of government agencies to effectively discharge some of the fundamental responsibilities of the state such as the maintenance of law and order and the protection of its territorial integrity. Some of the manifestations of institutional weakness are losing control of territory or the sole power of using physical force therein, the crisis of legitimacy in which some part of the state seeks disintegration, inability to provide basic services to the citizens etc. (Usman, 2015). In the contemporary Nigerian state some

of the regular attributes of institutional weakness include non- procurement of basic service; pervasive incidence of corruption and criminality etc.

2.1.3 Bureaucracy and National Assembly Service.

The public Bureaucracy is a major organizational structure within public policy making, implementation and evaluation takes place. Whatever system of government operated in a State, the Bureaucracy is designated as the prime mover of all aspects of life of a nation. Before now, the scholarship views of democracy centered on the Weberian and Marxist concepts. However, with the turn of the 20th Century, Bureaucracy has reinvented itself not only in public administration but also in business administration. Monteiro and Adler (2021) in their review of scholarship on bureaucracy acknowledged the pioneering roles of Max Weber in entrenching the study of bureaucracy in management and organisational scholarship in the last two centuries through his Magnus Opus Economy and Society publications but equally found that much of the confusion concerning bureaucracy's prevalence and effects stems from differences in the conceptualization of bureaucracy itself. While Weber addressed bureaucracy as an "ideal-type" though not as an empirical generalization nor a normative value, but a 'reference point', Bureaucracy has been understood variously as an organizing principle or as the paradigmatic form of modern organization, and or as one type of structure among others. Weber's listed salient characteristics of the bureaucratic ideal-type in his work - Economy and Society which was distilled by subsequent authors to include the following features: (i) individuals fulfill specialized roles; (ii) there is a hierarchy of offices, with higher levels supervising lower ones; (iii) written rules and procedures cover regular operations; (iv) hiring and promotion are based on technical competence; and (v) there is a general attitude of impersonality in one's conduct in the sphere of work, a sphere that is understood as separate from the sphere of private life.

The Weberian conceptualization also exhibits other aspects such as the structural features : hierarchy of offices, written files, salary and also governing precepts as precision, obedience, secrecy and intended outcomes (goal-fulfillment, impartiality). Weber developed the analysis of the social basis of bureaucracy (e.g., development of the rule of law), the functioning of bureaucratic organizations (e.g. its legitimation as well as potential dysfunctions associated with tenure in office), and the position and work of bureaucrats/administrators in them.

The Weberian view is that Bureaucracy shows changing roles in his theorizing, sometimes as the effect of socio-historical processes (e.g. mass democracy) and sometimes as a mechanism driving those processes (e.g., an engine of rationalization) and this often results in a multidimensional concept in organization and management studies. This concept may be structural, behavioral, cultural; or multi-faceted (work control, labor conditions, personal conduct, inter-personal relations), and multi-layered (socio-historical, organizational, occupational).

The modern outlook to bureaucracy is that it is an expression of an organizing principle whereby the specific features listed by Weber are secondary. The principle itself has been understood in three different ways, leading to three variants of this perspective. The first and most widely adopted variant has rationalization, specifically instrumental and formal rationality, as the central characteristic that both underpins modern bureaucratic administration and differentiates it from pre-modern and pre-capitalist counterparts. The second variant contests the first's exclusive focus on instrumental and formal rationality, and argues that in Weber, as in real bureaucracies, value-rationality plays a critical—albeit supporting—role. Here, bureaucracy is characterized by a distinctive professional comportment and ethos, one that is underpinned by distinctive values of impartiality and impersonality in the performance of one's duties.

The third sees bureaucracy as a system of domination legitimized by appeals to instrumental rationality. Weber portrays bureaucracy as a form of organization based on instrumental rationality in a context of legally legitimated authority. The second variant of the Principle perspective brings important nuances to the first: while bureaucracy relies on instrumental rationality, a well-functioning bureaucracy also relies on a distinctive comportment that embodies certain value rationality. McDonnell, (2020) posits that to occupy a bureaucratic office is to assume responsibilities that override other social and personal commitments. Meanwhile such bureaucrats do not relinquish their commitment to value and substantive rationality expressed in this ethos. Indeed, they could appeal against incorrect decisions or when at variance with the mission of their office or the wider organization. However if their appeal fails or gets rejected, it is legally and ethically incumbent on them, based on instrumental and formal rationality, to implement the decision (or resign).

Monteiro and Sadler (2021) argued further that Bureaucracy is an aspect of domination of bureaucrats over their subjects. Weber mentions simulated and hypocritical obedience, opportunism, and the mere absence of alternatives as features of this domination and then identifies three bases of legitimacy—instrumental/rational- legality, tradition, and charisma. And of these three, Weber argues that the instrumental/formal-legal form is the most advanced, most flexible, and most effective form of domination.

But with the growth of large-scale business by the middle of the 20th century in the USA, came the growing importance of public sector bureaucracy as a standard organizational template—the paradigmatic form of organization and domination(Monteiro and Sadler(2021) citing Chandler, 1977; Jacoby, 1985; Meyer, 1995). The Bureaucracy's centralization of decision making and standardization of work practices are often intrinsically disempowering, resulting in alienation.

Dimensions of alienation take the form of experienced powerlessness, self-estrangement, and numbness (but higher levels of cultural estrangement). However, Bureaucracy does not always and everywhere lead to dysfunction because people, in their everyday work, deploy bureaucratic structures in ways that prevent that outcome. For example, Canales (2013) showed that some loan officers did not allow formal rules to entirely displace discretion in their decision-making, and were able to find a productive balance between standardization and flexibility.

The growing influence and importance of bureaucracy in the Parliaments stems from its ability to provide the Legislators access to timely, authentic, independent and reliable information. As reported in the National Assembly Statistical information, Volume 7 edition, (2019), the bureaucracy of the National Assembly or as easily referred to “Management staff” assists in drafting motions, resolutions and bills and passage of such bills from preliminary stages to Assent. The bureaucracy supports the legislators to conduct public hearings, serve Committees during such hearings and provides back ground information required by legislators to understand legislative proposals etc.

In this wise Section 318 of the 1999 CFRN (as amended) defined Staff of the National Assembly as Public Servant distinct from the Servants of the Sovereign-the Civil Servants and Provided for the Composition and method of Appointment via an Act of the National Assembly in section 51.

Consequently, the Clerk to the National Assembly and other Staff spread in 9 Directorates and 66 Departments make up the composition of the Bureaucracy of the National Assembly. The Staff are centrally appointed/ recruited by the National Assembly Service Commission and are paid directly from the consolidated Revenue Fund (CRF). They enjoy job security because their entrance and exit is regulated by the prevailing Public Service rules and financial instructions as maybe issued by the appointing authority. They enjoy pension and other social security benefits. They are

obligated to subscribe to the oaths of secrecy and allegiance at the resumption of service. They are organized in hierarchical order and in specialized sections; divisions and departments and or directorates with authority in decision making and implementation progressively increase in ascending order.

According to Habu (2019) the “Permanent” or Management Staff of the National Assembly is a “corpus of parliamentary bureaucrats-permanent and pensionable employees of the National Assembly” headed by the Clerk to the National Assembly(CNA) who functions as the chief Procedural, administrative and accounting officer. He is assisted by the Deputy Clerk to the National Assembly while each Chamber of the National Assembly ((Senate and House of Representatives) is headed by a Clerk and assisted by a Deputy and the 9 Directorates are headed by Secretaries. The Directorates include: Finance and Accounts; Management Services; Library, Research and Statistics; Legislative Budget and Planning; Legal Services; Medical Services; Procurement and Works, special duties. The 9 Directorates are divided into 66 departments and headed by Directors, and then to sub-divisions and units.

On the other hand, the National Assembly Service Act,2014 (as amended) pursuant to section7(I) of the Act provides for a Bureaucracy of the Commission which is headed by the Secretary to the Commission and comprised of 9 departments as reported in the commission’s booklet on the 2020 Establishments structure and roles of the Departments. These Departments are required “for effective and efficient administration” of the Commission. According to the 2020 guidelines on the Conditions of Service in the National Assembly Service, the staffs of the Commission and the National Assembly are centrally appointed by the Commission through a competitive interview, examinations processes and secondment/Transfers.

2.1.4 Legal and Institutional Framework and Parliamentary Service

Legal and Institutional frameworks provide a coherent set of strategies and rules to govern behavior in the sector; the essential core structures for establishing the roles and responsibilities of the different actors involved in designing, administering, delivering, and enforcing institutional programs and policies. The Natural Resource Governance Institute, New York (NRGI, 2015) averred that “institutional framework” refers to a set of formal organisational structures, rules and informal norms for service provision. The Legal architecture or framework on the other hand creates the institutions required to administer the Services envisaged, the rules that govern the rights and responsibilities of the government and citizens.

According to the Inter Parliamentary Union Comparative Survey Paper (2016), the legal framework establishing a parliamentary administration is an integral part of understanding how it is governed. A vast majority of legal documents establishing parliamentary administrations contain fundamental principles of impartiality, neutrality, on-partisanship, and administrative and budgetary autonomy. Legal frameworks therefore comprise a set of documents that include the constitution, legislation, regulations and contracts. The legal framework provides tools for ensuring the continuous integrity of the regime. Set in a legal hierarchy arranged in a pyramid, moving from the bottom of the pyramid to the top, establishes the relationship between these documents, each instrument becomes increasingly detailed or specific and expected to be consistent with the instruments below it. For example, Section 1(3) of the 1999 CFRN (as amended) provides that “if any other law is inconsistent with the provisions of this Constitution, (its provisions) shall prevail, and that other law shall to the extent of the inconsistency be void” The Constitution establishes the basic structure of government and the rights and responsibilities of citizens. It reigns supreme over all other legal instruments in a country. As foundational

documents, Constitutions are purposefully difficult to modify, with changes frequently requiring some sort of super-majority approval in the legislature or popular referendum.

A strong legal framework needs an efficient institutional framework to support it. But at the same time the legal and Institutional design must not be constrictive to the maintenance of the highest ethical standards in the operation of the institution having regards to the principles of political neutrality, professionalism, economy, efficiency, equality, fairness and discipline. In this wise, there should be deliberate room for dynamism and innovation. The United Nations Department of Economic and Social Affairs, (UNDESA, 2014) observed that to regulate effectively, regulators must create institutional framework that provide structural, political and budgetary independence as well as sufficient competency and the necessary organizational structure to carry out its functions.

The Legal and Institutional Framework of Legislative Service or Parliamentary Service all over the world is shaped by history and traditions of each Nation. However, the Legal and institutional framework for Parliamentary public Service in most Constitutional democracies are aimed to address Autonomy of the Service, governing structure, procedure for Recruitment into the service, Retirement and social security, Appointment and Dismissal of the Clerk to the national Legislature, career expectations of bureaucratic staff in terms of growth and progression in the Service, provide guides on relationship between the Bureaucracy and the Legislators, include guards against all forms of undue interference by Members of the Parliament which can positively or negatively influence matters such as discipline, motivation and performance (ASGP,1992,1998 cited in IPU, 2016)..

Legal frameworks for Parliamentary Service according to the report may be in the form of parliamentary service Act alone or may be complemented with constitutional articles and civil

service rules and directly correlated with administrative autonomy. In some other Parliaments, it may be the constitutional Article alone but complemented by other legislations- House Standing Orders or Public Service Rules. Based on the legal framework, Parliamentary administration in most world Parliaments may be divided into three in order of prevalence. (i.) Parliamentary Administration with Parliamentary Service Act ;(ii.) Parliamentary administration based on House rules and regulations (Standing Order) and (iii) Parliamentary service with the constitution as their Legal Framework.

- i. Parliamentary administration with Parliamentary Service Act (PSA). Parliamentary Service Act is a legislation which codifies the key characteristics, principles, mandates, composition, staffing and budgetary issues of parliamentary administration. The Australian Parliamentary Service Act, 2018 (as amended), for example, copiously provides for Parliamentary Service in composition, appointment of the Clerk, parliamentary service values, the authority for the appointment and dismissal of staff, the Status of the service with regards to the general Public service, the appointment and roles.. Parliaments with PSAs as the legal framework share common characteristics such as clear and broad formally enshrined separation from civil service, greater flexibility on specific matters of linkages with the Civil service, political neutrality is usually given, it is the commonest form of PA. The governing body in majority of PA with PSA is usually the establishment of an independent and autonomous Commission (Nigeria, Kenya, and Tanzania).

(ii). The second variant is the second commonest where parliamentary rules and regulations form the legal framework. Examples include France, Germany. According to IPU Report(2016, P6), In the German Bundesrat, a combination of constitutional articles and rules that also apply to the civil

service are used to establish the legal framework of the parliamentary administration. In France, autonomy is assured by having a completely neutral parliamentary administration, staff and Secretary-General. However, the Bureau, where some of the most important matters of the administration such as finance, budget and some of the recruitment decisions are dealt with, involves the participation of majority-party members and other political party representatives. In all of these cases the tradition of separation of powers and neutrality in the service of the SG are common practices. Such administrations rely on the House rules and regulation for their mandates and powers. The governing body may be a Committee (UK, House of Commons) or Bureau (France) or Speaker (Uruguay), or Director General (Bundestag or SG on behalf of Speaker (Bundesrat). etc.

(iii) Parliamentary administrations with the constitution as their legal framework: The separation of powers between parliament and the executive was elaborated in a broad way in the constitutions of many of the countries under review. However, in the case of India the autonomy of the parliamentary administration is specifically entrenched in Article 98, which ensures the separate and autonomous status of the secretariats of each chamber. In doing so, the Article delegates the duty of clarifying the details of governance of the administration to parliament itself. This is different from relying primarily on parliamentary rules and regulations, since this constitutional weight may more strongly safeguard the autonomy of the administration from possible changes. The Office of the Secretariat constitutes the governing body of PA in India.

An in-depth analysis of legal and institutional framework of Parliamentary Service in the United Kingdom, based on the IPU Survey Report and Website of the UK Parliament (updated February, 2022), revealed a Legal framework based on the House rules and regulations, and Conventions in the absence of a written Constitution. Parliamentary Service in the United Kingdom and some

Commonwealth Nations enjoy constitutionally guaranteed full autonomous but decentralized status. The Parliament of the United Kingdom operates in a System with fusion of powers of the Executive with the Legislative. The House of Lords and the House of Commons run independent administrations. The House of Lords administration consists of the House of Lords Commission, the House of Lords Management Board and the Clerk of Parliaments which function to provide corporate leadership for the House. The Clerk known as “Clerk of Parliaments “which signifies that the Clerk serves from one Parliament to the next is appointed by Letters Patent of the Crown on the advice of the Leader of the House in consultation with Membership. All of them function to provide effective services to facilitate the work of the House. With the support of its House Committees on Finance and Services, the House of Lords Commission sets strategy issues on behalf of the House. Of Lords Management Board which is composed of Directors of main Functions takes decisions about service delivery.

On the other hand, the House of Commons is governed by a group of Members of Parliament (MPs) and the Clerk of the Parliament who make up the House of Commons Commission and the Executive Board. The House of Commons Commission is in charge of administration and services, maintenance of the Palace of Westminster and Parliamentary estate. The Commission is headed by the Speaker in whose house, it meets once a month. It presents annual estimates for the House of Commons administration covering spending and services to the House for approval. The House of Commons Executive Board is chaired by the Clerk and functions to deliver strategies as agreed by the Commission and ensures that terms and conditions of staff are consistent with Commission’s statutory duties.

The report on the website indicated further of a major budgetary decentralization that exists in the House of Commons. The power to appoint and discipline staff of the parliamentary Service is

under the authority of the Speaker. The Clerk is the chair of the Management Board, the accounting officer, Chief procedural officer and head of administration.

The Clerk enjoys equivalent level to that of the Permanent Secretaries of government departments. In addition both Houses recruit their staff through series of tests and interviews conducted by the United Kingdom Public Service Commission but the Clerks of both Houses select from amongst the shortlisted recommended candidates. The parliamentary Service maintains the same social security services as applicable to the civil service like contributory pension. The Parliamentary Service is required to be neutral. Both Houses recruit the Clerks through a series of competitive examinations and interviews set by the United Kingdom Civil Service Commission. However, the Clerks of the Houses do the final selection from amongst the recommended candidates. Other routes of appointment include secondment or mixed.

In the United States of America which operates a rigid Constitutional Presidentialism like Nigeria, Parliamentary Service is independent of the Civil Service and decentralized with varied levels of autonomy between the Senate and the House of Representatives pursuant to article 1 sections 2 & 3 of the Constitution of the United States of America to the effect that “ the House of Representatives shall choose their speaker, while the Senate shall choose “their other officers including the President extempore “in the absence of the vice- President to preside. Parliamentary Service is fully autonomous in the House of Representatives but semiautonomous in the Senate.

With the enactment of the Legislative Re-Organization Act of 1946, Committees became the governing organ of the United States Congressional Service. The Act created the House Committee on House Administration through the merger of Committees on Enrolled Bills, Elections, Accounts, Printing, Disposition of Executive papers, Memorials and Joint Committee on the Library. The House Committee on House Administration is composed of nine (9) Members

(6 from Majority Party, 3 from the Minority Party). The functions include among others employment of persons by the House (staff of Members, Delegates, Resident Commissioners, Committees and Reporters of Debates), oversight of the Clerk, Sergeant-at-Arms, Chief Administrative Officer and Inspector-General, Compensation, Retirement and Salaries of Members.

The Clerk of the United States House of Representatives, as an officer whose primary duties are to act as the chief record keeper for the House and the principal constitutional adviser on all procedure and business including parliamentary privileges and to preserve the legal continuity of the congress, is elected every 2 years through the adoption by resolution of nominations proposed by the new Speaker after taking the oath of office in compliance with the provision of Article 1 section 2 of the US Constitution “The House of Representatives shall choose their Speaker and other Officers” Following the abolition of the position of Doorkeeper, the 104th Session of the House of Representatives 1995-1997, created the office of the Chief Administrative Officer (CAO). He/She is also elected together with the Clerk to carry out administrative functions for the House- human resources, information resources, payroll, Finances, Procurement and other business.

Parliamentary Service in the United States’ Senate is partially autonomous to the extent that the Vice-President of the Federation presides over in debates though without powers to cast vote except to break a tie. The Senate Committee on Rules and Administration, the Majority Leader and the Secretary of the Senate constitute its administrative authority. A Senator may interfere in the Administration of the House but to effect changes such Senator would have to seek the concurrence of the Senate Committee on Rules and Administration or the Senate Majority Leader. The Secretary to the Senate is an elected Officer responsible for the day- to -day operations under

the supervision of the Senate Committee on Rules and Administration. Since 1789, the Secretary appoints his Assistant. In consideration of above it may be safe to deduce that the Parliamentary administration in the United States of America Congress falls into category of Parliamentary administration based on the second variant of Legal and Institutional Framework.

The Republic of Kenya operates a Presidential form of Constitutional democracy modeled after that of the United States but also shares the same colonial history with Nigeria having been a colony of the Great Britain. Its democracy is nascent having emerged from postcolonial dictatorship of Jomo Kenyatta who experimented with one-party rule during which most democratic structures including an independent Parliamentary service were destroyed. With the adoption of the Constitution of the Republic of Kenya in 1999, the Eight Parliament enacted the parliamentary Service Act in November 28, 2000 to conclude “the planting of an embryo of the autonomy of the parliament which had begun in 1970” according to Website of the National Assembly of the Republic of Kenya(December,2021, updated). The Commission is composed of the Speaker of the National Assembly as chairman and 7 (seven) Members appointed by Parliament from persons who are experienced in public service but are not members of Parliament. Four (of which two are women) are nominated by both Houses by Parties or coalition of Parties that form the National government; three (include at least one woman) are nominated from both Houses by Parties that did not form the National government; and another one man and woman experienced in public service but non-members of the parliament.

The Clerk of the Senate is the Secretary to the Commission under the Parliamentary Service Act, 1999, the Clerk of the Senate is appointed by the President after consultation with Senators for a non-renewable term of 10 years. The roles of the Commission include: i. providing services and facilities to ensure efficient running of parliament; ii. Constituting offices in the parliamentary

service, and appointing and supervising office holders; iii. preparing annual estimates of the parliamentary service and submitting them to the National Assembly for approval, and exercising budgetary control over the service; iv. Undertaking singly or jointly with other relevant organizations, programs to promote the ideals of democracy; v. performing functions necessary for the wellbeing of members and staff of the service. The Common feature here is that unlike the Parliaments in the older democracies, regulation of Parliamentary service is centralized and common for both chambers of the National Assembly.

2.1.5 Institutional and Legal Framework of the Nigerian National Assembly Service.

Flowing from the Comparative analysis of the legal and institutional framework of Parliamentary administrations in other climes like Parliaments of the United Kingdom, the United States of America and the Republic of Kenya(ROK), Parliamentary Service share some similarities and differences.

The legal and institutional frameworks share common features of autonomy and independence from the Civil Service, with Public service rules applied like in United Kingdom and the Republic of Kenya; same governing principles of impartiality and neutrality. But unlike those of the UK and the US, the Parliamentary Service in the National Assembly is centralized without power devolution. The governing structure of the Service is a Parliamentary Service Commission established pursuant to the National Assembly Service Commission Act and sections 51 and 318 that provided for the Act of the National Assembly and constitutionally guaranteed statutory definition of public service in the National Assembly respectively.

Based on the accounts of Akinwale (2014), the Nigerian Colonial and post-colonial administrations' experiences bequeathed to the Nation influences that shaped the philosophical root of Nigerian public service today; informed the adoption of the Public Service rule and the

Federal character principles as elements of the legal and institutional framework of the National Assembly Public Service.

It is noteworthy that Public Service in Nigeria was designed and administered without an indigenous regulatory framework by the colonial masters until the 1954 pre-independence Constitutional Conference. However while the 1954 Conference created the Public Service Commission and the Federal Judicial Service Commission with its composition and structure, the National Assembly Service operated on the same framework of Civil service until 1999. The National Assembly Service Commission Act 2014 as amended retained in its provisions elements of Public service rule with respect to recruitment, promotion, disciplinary control and welfare and pension matters.

Thus the National Assembly Service Commission operates under the generic extant Institutional and Legal Framework of Public Service in Nigeria- the 1999 Constitution FRN (as amended), the Public Service Rules (PSR) drawn by the establishment Department, the Federal Character Principles other relevant legislations/regulations; and specific framework of the National Assembly Service Commission Act,2014 (as amended).

i. The 1999 Constitution of the Federal Republic of Nigeria as altered

Eze (2018) averred that the 1999 Constitution of the Federal Republic of Nigeria (as amended) was fashioned not only to contain basic rules, principles and Institutions of democracy but also to address our peculiar problems of ethnicity, multi-religiosity, inclusivity based on different levels of development (Federal Character) and overarching history of recent military dictatorship. The basic doctrinal foundations of the 1979 Constitution with respect to National Assembly bureaucracy were replicated in the 1999 Constitution (as amended) to wit separation of powers

and functions of the Arms, autonomy and independence of the National Assembly Service, financial autonomy.

So while this Constitution in Section 4(2) vested all “Federal Legislative Powers on the National Assembly to make laws for order , peace and good government in the territory of Nigeria and other parts thereof with respect to matters mentioned in the, Exclusive legislative list as set out in Part II of the Constitution, Section 318 designated the” Clerk to the National Assembly and such other staff” among others as Public Servants and went ahead in 310 to provide for transitional/ regency arrangements for regulation of National Assembly Service pending the exercise of the powers conferred on the National Assembly pursuant to section 51 of this Constitution.

Section 51 of this Constitution provided that ‘there shall be a clerk to the National Assembly and such other staff as may be prescribed by an Act of the National Assembly , the method of appointment of the Clerk and the other Staff shall be as prescribed by the Act’.

The exercise of the powers vested on the National Assembly by this section birthed the National Service Commission Act, 2014(NASCA, 2014) as amended and the establishment of the National Assembly Service Commission (NASC).

ii. The National Assembly Service Commission Act,2014(as amended)

The enactment of the National Assembly Service Commission Act No.7, 2000 by the National Assembly in the year 2000 reestablished the second National Assembly Service Commission in 2001. The Act was a modified version of the pioneer NASC, Act 1981 incorporating most of the provisions and it served as a take-off legal framework for the Commission until further repealing and reenactment in 2004 and 2014 respectively. The 2014 amended NASCA has the long title- The National Assembly Service Commission Act,2014 to Reorganize the Management and

Administrative Structure of the National Assembly for Improved Service Delivery and for Related Matters (National Assembly Service Act, 2014, Act NO.30), the Act became operational on the 30th day of June, 2014.

Couched in 22 Sections and Schedules 1, the Act was designed to incorporate all common indicators expected of an institutional and legal framework for a Parliamentary Service in a democratic system with rigid separation of powers: autonomy of the Service, Independent regulatory body- the establishment of the National Assembly Service as an appointing authority separate from the Civil Service, reflected the peculiarities and constitutional prescriptions of public service in Nigeria- good governance, geopolitical structure of Nigeria, Federal Character principles, Public Service rules in the membership of the Commission and its activities. Commission, some level of Financial autonomy for the Commission, neutrality and independence of the office of the Clerk to the National Assembly, procedure for Recruitment into the service, Retirement and social security, Appointment and Dismissal of the Clerk to the national Legislature, career expectations of bureaucratic staff in terms of growth and progression in the Service, guides on relationship between the Bureaucracy and the Legislators, include guards against all forms of undue interference by Members of the Parliament which can positively or negatively influence matters such as discipline, motivation and performance `

The 2014 version addressed specific areas such as the removal of duplication of roles and functions of various departments; established clear cut lines of progression among different cadres; created directorates to be headed by Secretaries who were ranked equivalent to Permanent Secretaries, thus bringing parity in status with the Federal Civil Service (National Assembly Statistical Information, vol. 7, 2019). The Act codified the unique features of any governance

structures in Nigeria, the public service cultural characteristics, traditions and democratic experiences. The summary of the provisions is presented in **appendix III**.

iii. Organization and Structure of the National Assembly Service Commission.

The National Assembly Service Commission Act, 2014(as amended) provided for the Governing Council and the Bureaucracy of the Commission. The Governing Council is composed of 13 members, 2 appointed from each of the 6 geopolitical zones of Nigeria and an Executive Chairman. They are appointed by the President of the Federation from a list-out presented by the President of the Senate in consultation with the Speaker of the House of Representatives for tenure of 5 years in the first instance but maximum of 2 tenures; and subject to confirmation by the Senate (section 3, NASCA, 2014).

Section 4 listed qualifications for membership to include a. being qualified to be elected as a member of the House of Representatives; b. having not been removed as a result of misconduct from section 153 Commissions of the 1999 CFRN within the last 10 years; c. possession of requisite experience in Public Service; d. Not employed in Public service or having resigned such employment The Chairman is the chief executive officer of the Commission who superintends over its affairs and activities. He/ She is also the chairman of the Finance and General Purpose Committee, and to that extent, ensures prompt and strict adherence to financial regulations by the Department of Finance and Accounts (NASC booklet, 2020).

According to report in the 2020 Establishments Structure and Roles of the Departments booklet the Commission is the policy making organ whose decisions are implemented by the Managements of both the National Assembly and the Service Commission. The Commission holds statutory weekly meetings and operates a Committee system whereby all the activities of the Commission

are scrutinized before being deliberated on and final decision taken. There are 9 Committees: I. Finance and General Purposes; ii. Administration and Employees relations; iii. Procurement and General services; iv. Zonal offices and Legislative Aides; v.Planning,Research and Information Technology, vi. Promotion and Discipline; vii. Establishment, Records and Training; viii. Public Affairs; ix. Appeals and Legal Services. Each Committee is chaired by one of the Commissioners while the Secretary to the Commission or his Delegate- Director serves as the Secretary.

The Bureaucracy of the National Assembly Service Commission is made of 9 departments organized along the Committees of the Governing Council and headed by the Secretary to the Commission whose method of appointment, functions and roles are outlined in section 8 of the NASCA, 2014. These 9 departments are headed by Directors who report to the Office of the Secretary except the department of internal audit that reports directly to the Executive Chairman. Staff of the National Assembly Commission are appointed, promoted and disciplined in line with extant guidelines prescribed as Conditions of Service in the National Assembly and Public service rules.

2.1.6 The Concept of Effectiveness in Public Service

An age-old argument, which has also underlined the divergence between public administrations and business administration is that public services or output is not measureable. Support for this argument hinges on the notion that public (sector) administration embarks on provision of social services (law and order, security, flood protection, foreign policy, currency and coinage, naturalization and citizenship etc.), its output/activities are public policy and administration.

Gberevbie and Ibietan (2013) cited Ekong (1980) who stretched this argument further that “since bureaucracies intrinsically lack objective criteria for measuring efficiency or a feedback

mechanism in the sense of immediate profit or loss from daily operations, they tend to become rigid and to cling to their ineffectiveness until there is a crisis”.

It has however been discovered that public service effectiveness can be measured using administrative/management, policy administration and service criteria. Gberevbie and Ibietan (2013) agreed with Ekong 1980 and Soyode 1980 that effectiveness is the “extent to which an organization realizes its goals or objectives” and or the capacity to provide or accomplish the correct end....or the efforts to secure the relevant outcome” This means that it relates directly to organizational goals, objectives or ends. The goals/objectives of public organizations are varied and diverse, encompassing the delivery of social/public goods and in sustaining enabling environment for development efforts. Administrative or public service effectiveness can in a way be measured by the extent to which it satisfies the yearnings, aspirations of the society it exists and functions in. It does appear that public service values must approximate societal values and must be pursued as such in order to be seen as effective.

Meanwhile, goals and objectives of public organizations must be subject to routine renewal, in order, to justify their continuous existence and relevance. This realization seems to underline the various attempts at reforming the polity through various alterations to the Constitutions and the National Assembly Act from the inception of this democracy in 1999. The essence of effectiveness and efficiency is in performance. The long title of the National Assembly Service Act, 2014 underscored the need to “improve the administrative and managerial effectiveness of the National Assembly for efficient Service delivery” through proactive and strong legal framework because Organizational ineffectiveness can result from managerial inefficiency or weakness.

Heinrich (2007) cited in Gberevbie and Ibietan(2013) posited that administrative effectiveness can be measured through performance management which translates to “working to infuse quality

management principles and moving toward a focus on results or value for money...” This assertion does not seem to approximate or explain the Nigerian situation, in view of the waste, rapacious tendencies and crass incompetence on the part of some civil/public servants and public office holders who are soldiering through the instrumentality of the federal character principle. Quality cost and service delivery should be part of the irreducible criteria underlining administrative effectiveness.

The public sector requires mechanisms to know if qualitative services are provided, the impact of public policy on citizens, and if results or outputs translate to real value for expenditure/costs. In this wise Public Service effectiveness seems to be finding expression through Key Performance Indicators(KPIs) which, according to Obia (2012) were premised on three basic principles namely: “what gets measured gets done; if you cannot measure success, you cannot reward it; if you cannot measure failure, you cannot correct it”.

2.2 Empirical Review

The InterParliamentary Union Report (2016) in a Comparative research survey on parliamentary administration offered a global overview of parliamentary administrations across 176 Countries and an in-depth analysis of Parliamentary administrations in 13 Parliaments in 2 part study based on data collected over the past three years from the IPU PARLINE database, a survey disseminated to parliaments, and a desk review of relevant texts and legal frameworks.

The Study assessed the internal structures of parliaments along with other key indicators as a means of evaluating the performance of the legislative branch. To better understand the diversity of practices in this regard, paper answered the following key questions: • what are the differences in the legal frameworks of parliamentary administrations? • What are the differences in the

mandates and powers of parliamentary administrations? • What are the differences in the governance of parliamentary administrations? The in-depth case studies took a closer comparative look at 13 parliamentary administrations and focused on the following characteristics from a perspective of assessing parliamentary autonomy: governing principles; mandates and powers; composition of the governing body; recruitment and human resources; budgetary management; oversight, transparency and accountability practices.

The study deployed questionnaire (PARLINE survey) on the extant Legal framework and separation of parliamentary administration from the civil service to determine the level of autonomy of the parliamentary administration from the civil service on Parliaments. Of the 176 countries surveyed, 146 responded that the parliamentary administration was independent from the executive. No observable regional or political system pattern was discovered in the responses, with the vast majority of national parliaments considering their administration as having a degree of autonomy. Only 5 Countries -respondents had their parliamentary staff under the administration of the Civil service.

The Study found further that majority of Parliaments have a parliamentary service law (PSA) as the legal basis for the establishment of their administration while in some others the PSA was complemented with constitutional articles or civil service laws and House Standing Orders. However, for seven chambers, the Constitution was mentioned as the explicit framework establishing the administration. With regard to the management of parliamentary administration staff, the PARLINE survey indicated that in 90 per cent of countries parliamentary staffs were recruited directly by the Parliament.

The IPU survey results also indicated that in majority of parliamentary chambers, a governing body existed to assume responsibility for the public service administration in the form of a House

Committee (or other parliamentary Committee in charge of administration), a Bureau, a Parliamentary Service Commission or the Secretariat. The Secretary-General would be appointed by the Speaker or the parliamentary board, or elected (US Congress, Belgium) or the executive branch and the public Service Commission. On the levels of budgetary autonomy and the level of executive influence in the budget proposal process, a majority of parliaments responded that they prepared their budgets without any executive influence. Similar trends were observed with regard to executive involvement in determining the maximum amount of the budget and its allocation

The second strand of the Study found that the mandates of parliamentary administrations are clearly defined in cases where their legal basis is a PSA but in its absence, reliance is placed on parliamentary rules and regulations. That Composition of the governing body of the parliamentary administration vary across the parliaments studied, taking the form of: parliamentary service Commissions or Committees devoted to managing the administration of the parliament(Canada, Kenya, Nigeria ,House of Commons-UK),a Bureau (France, Morocco), the Speaker (Uruguay), the office of the Secretariat (India), Directorates General within the parliament (Bundestag, Germany), the SG on behalf of the Speaker (Bundesrat, Germany) or the Chamber Secretariat (Uruguay). In countries where a PSA is present, the establishment of an independent commission as the autonomous governing body of the parliamentary administration is common.

However, in most cases the Parliaments are the primary authority responsible for the recruitment of staff except where explicitly delegated to a Commission in the PSA. The process leading to recruitment is usually competitive and ranges from advertising, selection to final placement. In some countries, such as Australia, Canada, Germany and the Republic of Korea, there may be a degree of interchangeability between parliamentary staff and the civil service. The Study concluded that the constitutional principle of separation of powers underpins parliamentary

autonomy and in turn parliamentary administrative autonomy was found in the majority of jurisdictions across the world. The degree to which parliamentary administrative autonomy is realized can be compromised where a parliament is too reliant on the Executive with regards to its financial and administrative affairs, its premises, its services and/or its staff without prejudice to executive-legislative cooperation. The autonomy of parliamentary administration is essential in parliaments as it contributes to institutional memory and the creation of parliamentary expertise in the unique environments in which parliaments function.

The limitations of this Study is that the selected Parliaments, while broadly representative of regional and political diversity, do not capture the full ardor of unique models in existence. Again conclusions were drawn from studies conducted by the Commonwealth Parliamentary Association and the Association of Secretaries General of Parliaments (ASGP) in 1992, 1998 and 2008. Secondly, the time frame necessarily results in some information about certain parliaments not being completely up to date with the latest evolution of their circumstances.

Bassey & Edemidiong (2021) conducted a study “Patronage Versus Merit: A Systemic Review of Recruitment Dynamics in the Nigerian Public Service” which explored the contest for superiority between patronage and merit that is prevalent in the recruitment process of the Nigerian public service in recent time which arise from ranking primordial considerations and affiliations above merit in the employment process of the Nigerian public service. The objective of this paper was to examine the interplay, conflict and superiority challenge between patronage and merit in public sector employment. Data for the study was sourced from secondary resources while the capture theory was adopted for analysts

The study found that the capture instincts of the political elites in government positions were easily extended to their private estates in order to ease the intense pressure put on them by intense

need to reward supporters, associates and party loyalists. The study concluded that the culture of emphasizing patronage and quota at the detriment of merit has caused primordial considerations to outweigh merit in the recruitment matrix of the public service. This has adversely affected service delivery and productivity. The study area was small compared to the territory of the entire Nigeria and so data generated is not enough to make for generalization.

Another study was a paper presentation at a seminar for the training of registry staff in Higher Education Institutions in Nigeria by Babalola (2022) on the topic: 'Public Service Rules (PSR) and effective Service delivery in the administration of higher Institutions'. With a combined theoretical frameworks and principles that guides the environment and process of public service functions and service delivery (the Principles of Bureaucracy, Theories of Organization Behaviour and Principles of Public Administration in Democratic Society and others), the author deployed a didactic and doctrinal approach to the appraisal of the Public Service Rule as a veritable tool to improving the effectiveness of service delivery in the administration of higher Institutions.

According to him, the Public Service Rules (PSR) as standard operating procedures and policy statement that regulate work and the condition of service in the public sector, was designed as work guide and manuals for bureaucratic culture among public service employees. The paper contended that the Public Service Rule was the vehicle for public service delivery and governance, the enforcement of which depends on the quality of public service and by extension, the pace of development of the nation. Moreover the Constitution of the Federal Republic of Nigeria 1999 (as amended) has therefore provided the template for the kind of behavior expected of public service in terms of probity, accountability, integrity, public trust and standard practice.

The study concluded that the Public Service Rules (PSR) was a veritable guiding legal instrument for regulating the operations and behavior of all Stakeholders in the public Service without anarchy.

would have prevailed. Therefore whatever stood as the shortcomings or inadequacies of the PSR were part of the problems of the Nigerian society which should be addressed by way of reforms and institutionalization of the Nigerian Public Service.

In another study conducted by Kamathi (2011) titled “Implementation of Strategic Change at Parliamentary Service Commission, with the objectives to establish change management practices at Parliamentary Service Commission (of Kenya) and to identify factors influencing implementation of strategic change.

The research was conducted using qualitative research technique for data collection. Primary data was collected through personal interviews using an interview guide which was administered to members of board of management of PARLSCOM. Secondary data was obtained from various Acts of Parliament, The Constitution of Kenya (GOK, 2010), PARLSCOM Strategic Plans and various reports obtained from the library. The data collected was summarized according to study themes: change management practices and factors influencing implementation of strategic change; and analyzed using content analysis.

The Study concluded that the Board of Management under the leadership of the Clerk of the National Assembly was the guiding coalition that provided the required leadership for successful outcome of the change process. The researcher identified a number of factors that influenced implementation of change process: organization culture which did not support change process, resistance to change, organization power and politics, structure, system and constitutions of Kenya (2010). She identified the Constitution of Kenya (2010) as the greatest factor for change in PARLSCOM because it provided the basis for more changes required by the Commission to service a bicameral parliament. The Study recommended a continuous evaluation of the change process be conducted in future for compatibility and a cross – sectional study of similar

Commissions in other Arms of government (the judiciary and the executive) to establish their experience in the implementation of various changes.

Gberevbie & Ibietan (2013) conducted a study on the topic: Federal Character Principle and administrative effectiveness in the Nigerian Public Service: Challenges and Prospects for Sustainable development (1999-2012). The main argument in this paper was that the introduction of the Federal Character Principle and its implementation had failed to bring into the Nigerian public Service competent and motivated workforce that could support administrative effective implementation of government policies for sustainable development. Secondary data was obtained from relevant books, journals, internet resources, magazines and newspapers and analyzed. Adopting the Weberian legal-rational model, the paper examined the challenges and prospects of the Federal Character (FC) principle and administrative effectiveness for sustainable development in Nigeria. It observed that the FC principle as practiced in Nigeria subverts democratic dividends accruable from representative bureaucracy because of its limiting effect on public bureaucracy and ultimately on national development. The application of FC principle runs counter to some features of the Weberian bureaucratic model of rationality in the procurement and promotion of employees as cardinal planks upon which formal organizations should be built. This state of affairs impinges on administrative effectiveness and the expected role of public bureaucracies in policy implementation for sustainable development.

The paper concluded that the practice of the FC principle in Nigeria suffered from a major contradiction, because it brought about division amongst Nigerians rather than foster unity as was originally intended by its proponents as a policy option for managing the challenges of equal representation of people from different segments of the society in a multi-ethnic state like Nigeria. It recommended urgent need for restructuring of the polity such that Merit should be the most

important determinant rather than balancing geopolitical representation in the recruitment and promotion in the Nigerian public sector. In addition, Efforts at building national consensus on this matter should be intensified by government through engagement of critical stakeholders.

2.3 Gap in Knowledge

The Inter Parliamentary comparative Survey paper (2016) focused on Institutional and Legal framework of Parliamentary administration as a means to understand the governance Structure in Parliament. The IPU made use of outdated data collected from the 1992, 1998 and 2008 reports of the ASGP to draw her conclusions. Kimathi (2011) focused on the implementation of strategic change in the Kenyan Parliamentary Commission within the period of 2011 without considerations of the Legal framework of the Commission. Babalola (2022), Gberevbie and Ibietan (2013) focused on the generic legislations for public service: the Federal Character Principles and the Public Service Rule (1999 – 2012). The Method deployed in both studies was doctrinal. Meanwhile, Bassey & Edemidiong (2021) on the other hand, explored only the general problems of public service in Nigeria in a small study area such that its findings cannot be generalised.

This study explores the institutional and legal framework of the National Assembly Service Commission from 2014 to 2020: a period within which the last amendments were made to the National Assembly Service Commission Act and the 1999 CFRN in 2018; and the inauguration of the 5th National Assembly Service Commission in 2020 as a means to tackle the problems of corruption and inefficiency of the Commission. The study setting is the National Assembly and the Federal Capital Territory'. The data procurement instrument was triangulated using questionnaire and purposive interviews.

2.4 Theoretical Framework

2.4.1 The Institutional Analysis and Development framework (IAD)

This framework was developed in 1980 by an American Political economist, distinguished professor of Indiana University, Elinor Ostrom (1933-2012), a lead researcher in the study of the interaction of people and the ecosystem, through which it was shown that the use of exhaustible Common resources by groups can be rational to prevent depletion even without government intervention. She employed the game theory to try to predict the behaviour of people faced with limited resources.

The IAD framework has been widely adopted by social scientists to evaluate the effects of alternative institutional arrangements, and to investigate the processes by which institutions emerge and change over time. It is widely recognized as one of the leading frameworks in the policy sciences (Weible and Sabatier 2018) and provided the analytical foundation upon which Elinor Ostrom built a collaborative research program on community-based management of natural resources, for which she was named a co-recipient of the 2009 Nobel Memorial Prize in Economic Sciences.

Under the rational choice models, the IAD was devised in an attempt to explain and predict outcomes by formally exploring and documenting the governance structures, the actor; positions, and the informal and formal rules devised for individuals to extract resources from the commons resource. Ostrom thought of the IAD as a ;multi-level conceptual map with which one could zoom in and out of particular hierarchical parts of the governance structures in a social system.

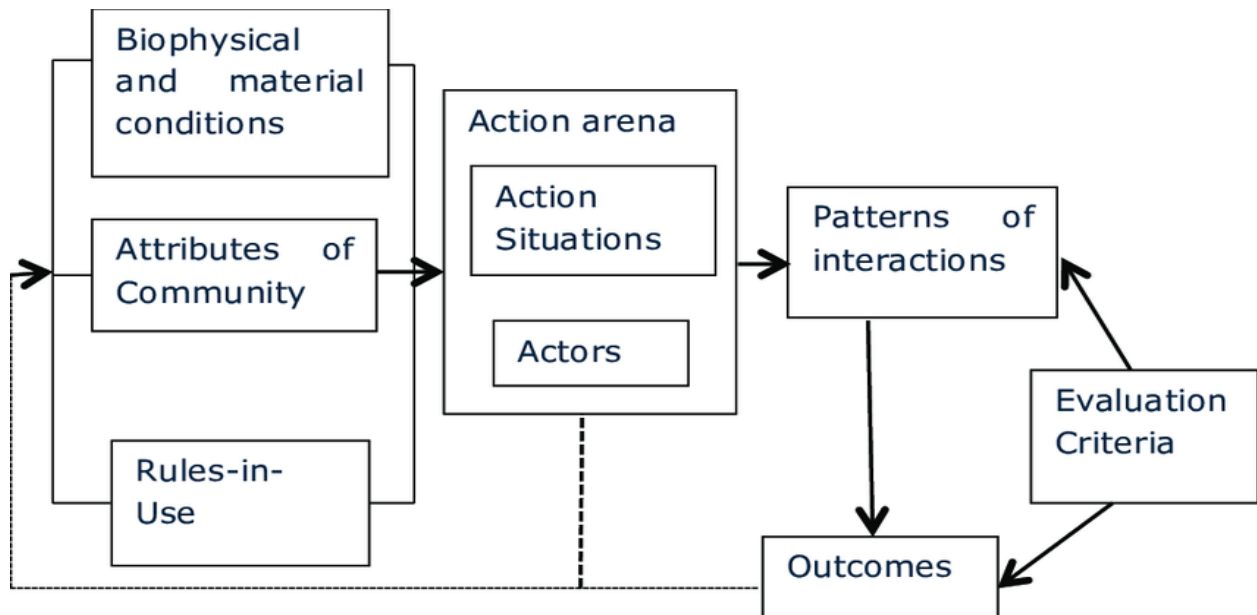


Figure 2.7 Components of Institutional Analysis and Development Framework. Source: researchgate.net as adapted by Yasuda Yumiko (2016) from original in Ostrom (2005).

The IAD framework represents institutional processes by a series of boxes within which different variables or processes are located. At the heart of the IAD framework is an action situation—an abstraction of decision environments in which individuals and corporate actors interact with one another, making choices that jointly determine outcomes of some aspects of a policy question? Individual choices and collective outcomes are influenced by the beliefs and incentives of the relevant individuals, as shaped by the responsibilities and social expectations attached to official positions they may hold, and by the information available to them.

The specific nature of the decision problem faced by actors within a particular action situation is shaped by preexisting contextual conditions, grouped for analytical purposes into three categories: (1) the “nature of the good” under consideration, including all relevant biophysical conditions; (2) “attributes of the community,” social ties and the cultural context within which individuals interact and (3) “rules-in-use,” the existing configuration of laws, regulations, rules, norms, and shared

understandings held by the participants to be relevant to their deliberations. Outcomes from an action situation are evaluated by the relevant actors (some of whom may not have been involved in the original decision). Feedback from these outcomes and evaluations can reinforce or induce changes in these contextual conditions, which in turn sets the stage for future interactions. The IAD framework differentiates among three different types (or levels) of action situations: (1) operational-choice settings in which actors' choices directly impact tangible outcomes, (2) policymaking or collective-choice settings in which actors shape the rules that constrain actors in operational-choice arenas, and (3) settings for constitutional-choice in which decisions are made concerning which actors have a stand in different choice situations as well as which kinds of alternative institutional mechanisms are available to them as they make their collective deliberations and operational-level choices.

In all types of action situations, biophysical, legal-institutional, and socio-cultural factors interact in complex ways to shape patterns of interactions and outcomes. Each action situation describes a nexus in which a group of decision makers jointly confront important decisions related to some policy concerns. Potential outcomes are differentially valued by actors with partial control over the final determination of results like in a generalized power game.

2.4.2 Elite (capture) Theory

It is the thoughtfulness of the discourse that the most appropriate prism through which the phenomenon could be understood and analyzed is the application of the elite theory.

According to Marriot (2020), this theory was developed by Italian scholars: Vilfredo Pareto (1935) Gaetano Mosca (1939) and Robert Michels (1962) at the twilight of the 19th century and the

beginning of the 20th century to tackle the question of “who governs” beyond the formal or constitutional prescriptions impacted the debates on democracy and its proper functioning.

The theory envisioned a society as divided between the mass of the people and a ruling minority of elites who wield political powers to take and impose decisions valid to the general public. The purpose was to find scientific explanation to the fact that irrespective of place and time in every society, the large chunk of resources-political, economic and cultural reside with the minority-elites who use them to exercise power over the rest of the population. This theory explains the use of privileged positions by the few individuals to pillage and capture the resources (vacancies in public service) meant for the masses, with beneficiaries mostly among those made financial stake in the outcomes of political decisions.

The elites were gate-keepers who determined the development initiative to be followed and employed benefactors' privileges. They were in a position to bestow privileges and concessions as they deem fit. These privileges include employment into choice public institutions in the Nigerian public sector. This theory shall be used as the framework of this study.

2.5 Justification for the Adoption of Elite Capture Theory.

The two theories explicated the exploitation of common resources both natural and man-made. While the IAD framework creates a path for rational and sustainable exploitation, the Elite capture instincts theory describes a phenomenon where resources meant for the benefit of the masses were usurped by a few powerful individuals in privileged positions at the expense of the less economically and politically influential groups. The former group deploys either outright power grabs, egocentric enforcement, subversion of institutional legal mandates and or appointment of stooges to weaken such institutions and maintain stranglehold on their activities.

This may explain source from which the inefficiency and ineffectiveness of the National Assembly Service Commission emanated. The activities of the Commission is directly under the tutelage and direction of a power patron appointors in the Leadership of the National Assembly who determine the extent of discharge of its powers of appointments, promotions and disciplinary control of staff of the Service.

These powerful political and administrative persons in the Institution act like rent-seekers who use their redistributive powers to enrich themselves and certain powerful groups. Their allies get appointed to the Commission, win contracts and while their children, relatives and supporters get employed with enhanced placement notwithstanding their qualifications and experiences. The Federal character principles are largely symbolically obeyed. Uneke, (2010) aptly captures the drift when he averred that these Elites “ often transfer public wealth, opportunities, privileges and positions in the public service to party loyalists, supporters, social cronies, religious associates, ethnic allies and family bloodline.”.

CHAPTER THREE

METHODOLOGY

This chapter focuses on the research design, study setting/ Area, study Population, Sampling and Sampling Techniques, sample size, Data Source and Method of Data collection, instrumentation, Technique for Data Analysis and A-priori Expectations

3.1 Research Design

A Research design is a plan or blue print which specifies how data relating to the problem should be collected and analyzed. It involves structuring the investigation to enable the investigator identify the relationship between independent and dependent variables.

This Study design is exploratory and qualitative for which a combination of closed-ended scaling questionnaire administration and semi-structured interview design was used. Secondary data were obtained from publications and letters of the Commission, books, Reports of various Conferences, and the Internet

In the Study design, cognizance was taken of the time constraints, the logistics involved: local travels, use of Internet, telephone calls, writing letters and questionnaires and administering them.

3.1.1 Study Area/ Setting

The Study area is the Headquarters of the National Assembly Service Commission situated at Utako District and the National Assembly Complex in the Central Business District of the Federal Capital Territory, North Central Nigeria.

3.2 Study Population

The study population is drawn from the National Assembly Service Commission and the National Assembly. The Commission had as at 2019 a combined population of 626 made up of 13 Members of the Governing Board and their aides, and estimated staff strength of 600(NASC, PRS, 2019). The National Assembly had at the same period a total population of 7,077 made up of 469 Legislators, 3500 Legislative aides and 3,811 permanent staff (NASS Statistical Information, 2019). The combined study population is 7,703. The ratio of male to Female in the population was 1:5 in the NASC and 5: 4 in the National Assembly in 2019.

3.3 Sample and Sampling Technique

The sample is drawn from the Management Cadre of the Commission and the National Assembly because the issue in focus requires knowledge, position and practical experience. The Management cadre shall include both serving and retired staff in the ranks of, at least, an assistant director (Grade level 15) and above. Retired public servants were preferably chosen in order to eliminate the problem of either non -full disclosure of official facts out fear of reprisals or entrenched loyalty to political powers. The sample technique is varied because the data collection will be triangulated.

Secondary data was sourced from publications, Journals and the National Assembly, the National Assembly Service Commission Act, 2014 and the 1999 CFRN and the Internet.

3.3.1 Sampling techniques

The Sampling instruments for primary data used is a combination of self-administered closed-ended questionnaire and interview. Therefore the sampling technique for the interview is purposively identifying key informants knowledgeable in parliamentary administration, bills scrutiny and law in a drawn sample frame. But either as result of referrals by the interviewees or for further clarifications, snowball and even availability sampling was used.

In case of self-administered questionnaire, a random sampling technique is used but due to disparity in staff strength between the NASC and NASS, the simple ratio will be used for selection. Accordingly, for every 2 senior staff of the Commission sampled, 5 senior staff of the NASS was selected for the study.

Rationale for triangulation of instruments : To gather sensitive or hard-to-obtain information and understand the spirit and process of decision making with respect to the enactment of the extant Act, and the setup of the National Assembly Service Commission. The semi-structured interview was used to validate or complement results gathered from the field using questionnaire or the existing data from secondary sources.

3.3.2 Sample Size

The total sample size for both interview and questionnaire is 362 respondents made up of respondents to the questionnaire (350) as shown in table 3.1 and interviewees (12).

Table 3.1: Sample size by Management Staffs of NASC and NASS

Management Staff	Number	Percentage
National Assembly Service Commission	100	28.6
National Assembly	250	71.4
Total	350	100

Source: Dept. of PRS, NASC 2022.

Table 3.1 shows the composition of the sample size by Management staffs of the National Assembly Service Commission and the National Assembly on grade levels 15 and above randomly selected for the administration of the close-ended questionnaire. 71% of respondents were staff of the National Assembly while the NASC has 29%.

3.4 Data Source and Method of Data Collection.

3.4.1 Primary Data Source: The sources of primary data to this study are respondents to the interview and the close-ended questionnaire drawn from the National Assembly and the National Assembly Service Commission. The retired Clerk to the National Assembly and other retired officers of the Commission were preferably targeted for the interview in order to eliminate biases or fears associated with loyalty and job security of serving Administrators.

Ethical considerations: Approvals were sought and obtained in writing from the National Assembly Service Commission (Appendix 1). The approvals for the interview and questionnaire manuscripts were obtained from the relevant authorities and individuals (Appendix II). Cultural and religious norms of respondents were observed before, during and after the administration of the instruments. Participants were informed of the objectives of the Study and the voluntary nature of participation in a cover letter.

3.5 Instrumentation

3.5.1 Interview:

Type Used: semi-structured interviewees in a sample frame. The sample size was made up of former President of the Senate, former Clerk to the National Assembly, Former Directors of NASC, lawyers and Legislative activists.

Rationale: The same interview script was used for all the respondents which allowed the researcher to conduct close comparisons between answers and also give room for the interviewee to shape discussions. The researcher was mindful of the in-depth analysis required and limits of preconceived researcher biases, hence an independent reviewer was employed in the formulation of the research questions. Interview guide was developed from the Constitution, the National Assembly Service Commission Act, 2014, books and Secondary data bearing in mind the research questions and objectives.

Ethical Considerations: Sample Frame was drawn and appointments secured either by direct personal visits or through close contacts, by telephone or other social media. Informed consent was obtained. Non-disclosure of identity, if requested, and proper storage of data was observed.. The cultural and religious sensibilities of interviewees was carefully considered and addressed especially when requested for the voice not to be recorded. No ethical review Committee was available in the NILDS at the time of the study. Most of the interviews involved concurrent note taking and review immediately after. Interviews were terminated at the point of saturation.

Pilot /refine interviews: This was conducted on fellow students at National Institute for Legislative and Democratic Studies at Danube Street, Maitama while snowball interview was done

at the Headquarters of the National Assembly Service Commission in Utako. Questions were adjusted as more information was received.

3.5.2 Administration of Closed Ended Scaling self-administered questionnaire

Type used: closed ended Scaling questionnaire. The respondents were Management staffs of the Commission and the National Assembly on grade level 15 and above.

Rationale: To gather anonymous personal evaluation of the challenges of the Commission under the extant framework to enable determine answers to questions 2 and 3 in line with research objectives 2 and 3.

Data source: Staff on grade levels 15 and above in the Commission and the National Assembly as in Table 3.1. In this research questions were developed with the support of an independent reviewer. All ethical considerations as stated above were duly observed.

Administration: Pilot Testing was done on my classmates to determine the time required to fill the questionnaire, the clarity and relevance of the questions; and the reliability and usability of the instrument. Clean copies were reproduced in both hard and soft were served on the mentioned staff through direct visits and social media platforms with the attached copy of approved permission .and cover letter.

The questionnaire was designed in two parts: A and B. Part A included demographics such as sex, Cadre, Educational Qualification, length of service, Grade level. Part B includes 10 simple questions along the purpose, the problem and objectives of this study. Due to constraints of time, it was not administered ad- oculus of the researcher but an assistant was contracted to do it.

Secondary Data

The Secondary data was sourced from Departmental publications of the Commission, National Assembly Publications, conference reports and the Internet in an attempt to achieve objective 1 to this Study.

3.6 Technique for Data Analysis and Model Specification

The technique for interviewee data analysis used is grounded theory (coding) whereby themes determined to help cluster issues in the data and codes were assigned to individual words and phrases, sentences and paragraphs in order to aid interpretation and validation. The interview transcript was reported on an interview Methods Table. The qualitative data from the questionnaire was analyzed using statistical methods of simple percentage and objective by objective approach.

3.7 Apriori Expectation.

At the end of exploitation of the Study, the validated data from secondary sources and primary data from questionnaire and interviews served as a trusted benchmark to achieve the three objectives of the Study

CHAPTER FOUR

DATA PRESENTATION, ANALYSIS AND DISCUSSIONS

This chapter presents data, analysis and as well as the discussions of findings.

4.0 Presentation and Analysis of Research Data

The data for the research was generated from triangulation of interview and self-administered questionnaire instruments and secondary sources. The primary data will be presented and in two parts- the interview and the questionnaire

i. Interview

The format was semi-structured in all with the three research questions of what has improved in the conduct of appointment ,promotion and discipline of the Staff of the National Assembly following the amendments to the NASC, Act; what challenges were presented to the Commission by the enforcement of the Act; what innovative amendments were required?

The interview was successfully executed on 7 respondents out of the 12 slated on the sample frame. 3 did not respond to numerous efforts to schedule interview, while the other Clerk to the National Assembly and the Chairman, NASC could not grant interviews due to national assignments at the time scheduled. There was allowance for the interviewee to raise additional issues and comments, which on one occasion required additional visit and snowball interview. The interview sessions were conducted either face to face or via telephone and ended when the saturation point was reached. All involved written notes during the session and were supplanted by full notes following the end of the interviews. So, quotations here are the best recollection of the phrases used. One of the interviewees requested not to be quoted. Further details are presented in the **interview panel table (4.1a)** below while the Transcripts are attached as **Appendix IV**.

ii. Self-administered Questionnaire

A total of 350 questionnaires were administered on the research sample through multiple media: direct, social media and research attendants. Out of this number, 300 questionnaires were returned completed representing 85.7% of total administered. Additionally, 8 out of the 12 key informants identified for interview were successfully executed. Therefore, the analysis of the questionnaires was based on the 300 units returned completed, while the results were validated by data collected from the 8 key informant-interviewees purposively.

A combined total of **307** respondents to both interview and questionnaire will be used for socio-demographic data analysis of respondents, while in **Part B**, the interview methods and data from the questionnaire will be presented in tables. The footnote explanation will also include excerpts of the interview.

4.1 Socio-Demographic Data Analysis of Respondents

Table 4.1a: Distribution of Respondents by Gender

Gender	Frequency	Percentage %
Male	266	86.6
Female	41	13.4
Total	307	100

Source: **Fieldwork Survey, February 2022**

Table 1 above showed that 86.6 % of respondents were male, while the female accounted for the 13.4%.

Table 4.1b: Distribution of Respondents by National Assembly Service Management Staffs

Management Staff	Frequency	Percentage
National Assembly Service Commission	72	23.3%
National Assembly	235	76.7
Total	307	100

Source: **Fieldwork Survey, February 2022**

Table 4.1b showed that the in terms of distribution, the Management of the National Assembly Commission had 23.3% of the respondents while the National Assembly Management staff had 76.7% of the respondents. This accorded with the number of departments in each.

Table 4.1c: Distribution of respondents by level in the Managements

SGL	Frequency	Percentage
15	193	63.4
16	73	24.3
17	24	7.3
Consolidated	17	5
Total	307	100

Source: **Fieldwork Survey, February 2022**

Results in table 4.1c showed that officers on grade levels 15 and 16 accounted for the majority of respondents with a combined total of 87.7% of the respondents while those on grade levels 17 and above accounted for the balance of 12.3%.

Table 4.1d: Educational Qualifications of Respondents

Qualifications	Frequency	Percentage
First degree/ HND	207	68.8
Masters	54	16.6
PHD	5	1.3
Professional certificates	40	13.3
Total	307	100

Source: **Fieldwork Survey, February 2022**

Table 4.1d showed that 68.8% of respondents had only first degree and HND in different fields while respondents with higher qualifications accounted for a combined total of 31.2%.

Table 4.1e: Length of Service in the organizations

Length of Service(years)	Frequency	Percentage
1-10	15	0.4
11-20	183	53.3
21- 30	92	30
Above 30	17	13.3
Total	307	100

Source: **Fieldwork Survey, February 2022**

Table 4.1e showed that respondents who had served for between 11-20 years accounted for 53.3% of respondents, followed by those that have served for between 21-30 years at 30%, while others accounted for a combined total of 13.7 % of respondents.

Table 4.1f: Interview Methods (Abstract attached as **appendix iii**.)

Interviewee	Status	Source	Format	Length	Recording	Transcript
Retired Clerk(NASS) Yemi Ogunyomi 20/01/2022 Follow up visit 23/01/22	In person	His close contact Appointment by phone	Sent topic ahead of visit. Semi-structured	54mins	Declined. Concurrent notes taking	Open to be quoted.
Ken Nnamani 21/01/2022	Face-to face	Acquaintance	Unstructured	10mins	Recording declined. Concurrent notes summarized after	No further instructions
Sam Amadi 12/09/2021 Follow-up 26/01/2022	Face to face Follow-up by phone x2	Appointment by phone	Semi-structured	15mins	Concurrent notes	No other instructions

Emmanuel Obusom Anyaegbunam 09/02/2022	Face to face Follow x 4 times both by phone and face to face	Appointment by phone	Semi- structured	40mins	concurrent notes and supplement ary publications of NASC	Confidentiality requested
Ucha Julius Commissioner NASC (South East)	Face to Face	Direct	Semi- structured	20mins	Same	None
Director NASC (Anonymous) 11/02/2022	Face to face	Direct Appointment through a colleague	Semi- structured	20mins	Notes	Anonymity. No recording
Okoro Abonta 12/04/2022 16/04/2022	Phone	Phone	Semi- structured	8mins	Note taking	No instructions.

Source: **Fieldwork Survey, February 2022**

Table 4.1f show that the interview was successfully executed on a total of 7 representing 58% of the total key informants (6 males and 1 female.) distributed in categories: A (2 top Politician), B (3 Former top Bureaucrats), C (2 Senior Lawyers).

PART B

4.1.1 **Objective 1:** Assessing the impact of the enforcement of the National Assembly Service Commission Act, 2014 on the administration of appointment, promotion and discipline in the NASS service

Table 4.1.1a Have the amendments to the National Assembly Service Commission Act improved the administration of Appointment, Promotion and discipline in the National Assembly Service?

Variable	Frequency	Percentage %
Yes	105	35
No	165	55
Same	30	10
Total	300	100

Source: **Fieldwork Survey, February 2022**

Table 4.1.1a: Results from the survey showed that 35% of respondents in the National Assembly and the National Assembly Service Commission agreed that the extant Act has improved the administration of appointment, promotion and discipline in the National Assembly service, while 55% of respondents disagree and 10% of respondents felt that nothing has changed.

Anonymous interviewee also agreed that the Commission under the last amendments to the Act has improved the administration of Appointment, Promotion and Discipline by the Commission. According to him” the Departments of the Commission and the Directorates of the National

Assembly had been expanded and the National Assembly has no cases of stagnation in Staff promotion. Okoro supported by adding that the improvement was on “a general note”. According to Prince Ogunyomi, the use of Proper placement and the seniority in Service criteria for promotion did not add to the effective performance of the Commission under the Act.

Table 4.1.1b. Has the National Assembly Service Commission followed due process in staff recruitment under the amended Act?

Variables	Frequency	Percentage
Yes	90	30
No	210	70
Total	300	100

Source: **Fieldwork Survey, February 2022**

Table 4.1.1c showed that 70% of respondent do not think that under the current Act the staff recruitment exercise conducted by the Commission has followed due process, while 30% agreed.

Anyaegbunam averred that there was a serial lack of transparency or “absence of clarity and predictability in the recruitment and placement process of the Commission. He called our attention to the recruitment exercise in 2018, where there was no public vacancy declaration according the provisions of section 6(4) of the NASC Act, 2014 as amended. Okoro sounded comical in his answers: there has to be a process before you can qualify it”. He agreed that the Commission had failed the litmus test of due process.

Table 4.1.1d Did the conduct of staff promotion exercise, from 2014 to 2020 under the amended National Assembly Service Commission Act, follow due process?

Variables	Frequency	Percentage
Yes	240	80
No	60	20
Total	300	100

Source: **Fieldwork Survey, February 2022**

Table 4.1.1d showed that 80% agreed that the promotion exercises conducted by the National Assembly Service under the extant laws followed due process, while 20% disagreed.

Okoro Abonta, a key informant, agreed with this result that the National Assembly Service Commission has done well with respect to its powers of appointment on Promotion.” I speak as a person who spent many years in that Department; the exercise has largely been done following due process”, he stated. Further he denied the allegation making rounds that the Commission was “sorted out” before any staff got promoted. He alluded to exploitation of privileged information by those within and outside the Commission who try to hoodwink staff to part with their money in the name of “payments for marks and promotion”. An Anonymous respondent in corroboration posited that the Confirmation and Promotion exercises within the period under consideration have been Competitive, stressing that tested experts from the West African Examination Council and the Nation’s foremost institutions of higher learning were contracted to set the examinations.

Prince Ogunyomi choose to evaluate the effectiveness or otherwise of the performance of the Commission with respect to promotion from another perspective: Who got promoted and to what position? He asserted that to insist on Seniority list for appointment -on- promotion to certain

offices like that of the Clerk to the National Assembly was induced by other considerations rather than for the effective delivery on the lead function of the National Assembly- legislation. He argued that the National Assembly was not a contract awarding institution and so the Chief Procedural officer as the CAN, should be appointed from the ranks of core Legislative Cadre in whom the wealth of experience repose. He alleged that the use of “proper placement was euphemism for corruption and bribe taking by the Commission”. According to him, this position of the Commission allegedly got people “with contempt of character” promoted to high offices. He saw this as a huge blight/ failure on the appointment process of the Commission.

Table 4.1.1e. Do you think that the capacity of the Commission to apply disciplinary measures has improved under the amended National Assembly Service Commission Act?

Variable	Frequency	Percentage
Yes	60	20
No	160	80
Total	300	100

Source: **Fieldwork Survey, February 2022**

Table 4.1.1e showed that only 20 % of respondents agreed that the 2014 NASC Act had improved the Commission’s capacity to apply disciplinary measures against 80 % of respondents disagreed.

Mr. Okoro was of the opinion that disciplinary control by the Commission had retrogressed under the amended Act, while listing two challenges of the Commission in this regard: Firstly, the Act did not provide for the Commission to be involved in the daily activities of the National Assembly during which disciplinary infractions occur and could be tracked; secondly, the Commission can only act on cases reported or referred to it by the Personnel department of the National Assembly.

He disagreed with the notion that the Commission lacked the necessary tools to enforce disciplinary measures under the Act, but insisted that it was rather the leadership of successive Commissions that lacked the capacity and political will to enforce discipline measures as prescribed in plethora of public service rule books.

Table 4.1.1f: Do you think that the National Assembly Service Commission has operated independently on matters of staff appointment, promotion and discipline under the amended 2014 Act?

Variable	Frequency	Percentage
Yes	75	25
No	225	75
Total	300	100

Source: **Fieldwork Survey, February 2022**

Table 4.1.1f showed that only 25% of the respondents agreed that the Commission had acted independently on matters of appointments, promotions and discipline under the amended NASC Act but 75% of respondents disagree.

According to Emmanuel Anyaegbunam, the independence and effectiveness of the National Assembly Service Commission was hobbled by political influences in the appointment and composition of the Commission. He further argued that any regulator subservient to or financially dependent on the regulated cannot be effective. Okoro added that lowering the qualifications for appointment to that of been enabled to contest for elections to the House of Representatives is anachronistic. Such an appointee is not expected to be independent on matters whose procedures were alien.

4.1.2 Objective 2: Identify factors in the Act that posed challenges to the effectiveness of the National Assembly Service Commission in the discharge of its functions

Table 4.1.2a: Do you think that the provisions of the National Assembly Service Commission Act, 2014 were adequate for effective performance of the Commission?

Variables	Frequency	Percentage
Yes	135	45
No	165	55
Total	300	100

Source: **Fieldwork Survey, February 2022**

Table 4.1.2a: Results of the survey showed that 45% of respondents agreed that the provisions of the amended NASC Act were adequate for effective discharge of the Commission’s functions, while 55% disagreed.

Prince Ogunyomi equally agreed that the provisions were adequate to the extent that the primary intent and spirit of the Act to wit- “not to leave the fate, future and career of legislative service staff in the hands of Politicians” was actualized. While supporting the minority views of the survey, Nnamani posited that, as co-managers of the economy, the National Assembly needed its independent and unbiased sources of information on the economy, which can only be provided

by a competent bureaucracy accountable to the National Assembly but entrusted by independent agency of the National Assembly. The provisions of the Act have ticked these boxes”

Amadi and Anyaegbunam jointly disagreed to the contrary stating that the extant Act cannot adequately answer the questions of comprehensiveness, satisfy the notional prescription of essence, adequacy and fit-for- purpose. Anyeagbunam also added that“hybrid nature” of appointment of Members to the Commission, the lowered requirements for appointment and amorphous funding provisions have combined to rob off negatively on the effectiveness of the Commission. Section 3(4) of the 2014 had been exploited to keep the Commission dependent on the National Assembly both administratively and financial, kept the Commission in abeyance for 2 years from 2018 to 2020 made such a policy making body a retirement home for legislators and other political elites.

Table 4.1.2b Do you think that the method of appointment of the Commissioners by the President on the nomination of the NASS leadership could influence the performance of the Commission?

Variables	Frequency	Percentage
Yes	195	65
No	105	35
Total	300	100

Source: **Fieldwork Survey, February 2022**

Table 4.1.2b showed that 65% of respondents think that the method of appointment of the Commissioners could influence the performance of the Commission.

Unanimity of interviewees’ opinions was in agreement with that of the majority of respondents to the questionnaire. Prince Ogunyemi alleged that provision was caused to be inserted by former

President Obasanjo while he “cultivated Anyim’ in 2003 to the effect that Anyim was given the opportunity to select his former teacher, Akau and other political associates for appointment into the Commission as Chairman and Members. Since then appointments to the Board has become a means of” political settlement” irrespective of capacity and aptitude of the appointees, he added. In disagreement, Nnamani averred that when that opportunity came his way as President of the 5th Senate, he had appointed individuals whose only recommendation were their capacities and competences to the Commission. He alluded to the presence of interference in the activities of the Commission by stating that he did resist all entreaties to so do.

Table 4.1.2c: Should being qualified to be elected into the House of Representatives be a qualification for appointment to the Commission?

Variables	Frequency	Percentage
Yes	120	40
No	180	60
Total	300	100

Source: **Fieldwork Survey, February 2022**

Table 4.1.2c showed that 60% of respondents disagreed that qualification for membership of the House of Representatives was adequate for appointment into the board of the Commission while 40% agreed.

Anyaegbunam opined that that was a serious error on the part of the lawmakers and legislative drafting. He averred that a community reading of Section 65 of the 1999 Constitution FRN as amended in 2018 in the wake of “not too young to run” agitation, during which the age the age requirement for election to the House of Representatives was reduced to 25 years contradicts other

qualification criteria in the Act, such as 4(1c). He wondered how a 25-year-old Nigerian could garner “adequate Public Service experience” pursuant to that section. To reinforce the position of Anyaegbunam and others, Okoro informed us of the appointment of a “barely literate” Commissioner during the 7th Session of the National Assembly (2011-2015). His sole qualification was having “been qualified to be elected member of the House of Representatives”. He queried how such an individual without requisite experience in Civil service nor could appreciable academic qualifications cope with the demands of a policy making body like the National Assembly Service Commission.

Table 4.1.2d: Could the non-listing of the National Assembly Service Commission in the 1999 Constitution influence its performance?

Variables	Frequency	Percentage
Yes	165	55
No	135	45
Total	300	100

Source: **Fieldwork Survey, February 2022**

Table 4.1.2d showed that 55% of respondents think that the non-listing of the National Assembly Service Commission could influence its performance, while 45% think it will not influence the performance of the Commission.

Anyaegbunam averred that it was anomalous to list a Legislative agency as “certain Executive Agency” in the Constitution considering the Principle of separation of powers. On this score, he informed the researcher of his intention to commence a judicial process that would seek to have the Federal Judicial Service Commission, expunged from section 153 of the 1999 CFRN.

However, Okoro opined that listing the Commission in the 1999 Constitution was desirable to provide a constitutionally guaranteed existence, some measure of administrative and financial independence. Another interviewee who sought to be anonymous spoke more explicitly to the effect that the enlisting of the Commission in the Constitution would confer on the National Assembly Service Commission and the NASS Service a “Constitutional buffer and practical human shield” against dissolution in case of undemocratic regime change.

4.1.3 Objective 3: Advocate Amendments to the NASC Legal and Institutional Framework for efficient and effective performance of the Commission.

Table 4.1.3a: In your opinion, which amendments to the NASC Act, would most positively impact on the performance of the National Assembly Service Commission?

Variables	Frequency	Percentage/%
Mode of exercise of powers	150	50
Drafting defects	130	43.3
Inadequate/incoherent provisions.	20	6.7
Total	300	100

Source: **Fieldwork Survey, February 2022**

Table 4.1.3a showed that the mode of exercise of powers conferred on entities in the National Assembly by the Act most negatively affected the performance of the Commission in the opinion of 50% of respondents and so requires some modifications, while correcting drafting defects, clarifying ambiguities, enriching would in the opinion of 43.3%, while 6.7% of respondents favour amendments to inadequate and incoherent provisions: expunging anomalous and incoherent provisions and express provision for direct budgetary provisions respectively.

Anyaegbunam identified the position of the law with respect to the hybrid nature of appointment of the Chairman and members of the Commission pursuant to section 3 as the spine of the challenges to the Commission. The absence of explicit considerations before the list-out is done made room for it egocentric enforcement by the Presidents of the Senate. The resultant effects include the appointment of untested and inexperienced Members of the Commission; enabled the side stepping of the federal character principles as espoused by the 1999 CFRN and restated in section 3(9) of the Act and inclusivity. Still on the same section, he asserted that the position of an Executive Chairman negated the expected checks and balances and may not “confer the structural permanence and continuity on the Commission” required to fill up the vacuum occasioned by an end of tenure of one Commission and inauguration of another, unlike having an the exit of one Commission and inauguration of another as could have been provided by a Secretary to the Commission acting in an executive capacity. Prince Ogunyomi while agreeing said that the 2014 NASC Act should be inserted with the provision that retired Public Servant, not below the position of a Director shall be appointed Chairman of the Commission as applied in the ICPC, EFCC etc. Furthermore, Anyaegbunam faulted the separate provisions on the appointment and removal of the Clerk to the National Assembly Commission pursuant to sections 6(1) (b) (i) and 10 NASCA,

2014. The inherent anomaly is that he who hires cannot fire. How then would the Commission exercise disciplinary control over such official as envisaged in the same Act?

Table 4.1.3b Do you think that further amendments to the 1999 Constitution and the 2014 NASC Act would positively influence the performance of the Commission?

Variables	Frequency	Percentage
Yes	210	70
No	90	30
Total	300	100

Source: **Fieldwork Survey, February, 2022**

Table 4.1.3b showed that 70% of respondents supported further amendments to the 1999 constitution and the 2014 National Assembly Service Commission Act but 30% disagreed.

Senator Ucha supported further amendments to anomalous section 10 which vested the powers of removal of the Clerk to the National Assembly on both Houses, after the authority to appoint this same officer was reposed on the National Assembly Service Commission by virtue of section 6(1b) of the Act. Further, he advocated amendment to section 6(9) which confers on the Commission to fix “such remunerations as it may determine” without defining the source of funding. He postulated that it’s not the inadequacy of the laws that is the problem but rather that laws were not obeyed. That is the hall mark of weak institutional environment.

4. 2 Analysis of Findings.

4.2.1 Objective 1: Assessing the impact of the enforcement of the National Assembly Service Commission Act, (2014) on the administration of appointment, promotion and disciplinary control of Staff of the National Assembly Service.

The Study showed that the enforcement of the provisions in the last amendments to the establishment Act of 2014 did not improve the performance of the National Assembly Service Commission with respect to the administration of Appointment, Promotion and Discipline control of staff of the Service according to 55% of respondents while 35% of the respondents disagreed.

The Study found that in the period under review, all but 2019 promotion exercises held as at when due. The delay to that of 2019 exercise was as result of movement restrictions occasioned by the coronavirus pandemic. At the same time, appointments on promotion for staff on grade levels 3 to 15 suffered no stagnation. However, for grade levels beyond 16, political and external influences were brought on by the Legislators within and powerful individuals outside the NASS. The Study further found that the enforcement of the Act could be said to have worsened the staff recruitment exercise and disciplinary control in the Service. Recruitment exercises were carried out in secrecy without resort to extant provisions of the Act and due process as was held by 80 % of respondents. There has been a continuous application of the vexatious and unethical vibes of “proper placement and replacement” to staff recruitment and advancement within the National Assembly Service.

Lastly, the Study found that 75% of the respondents against 25% to the contrary held, held the view that the National Assembly Service Commission had not acted independently on matters connected with appointment, promotion and disciplinary control in the National Assembly Service with the enforcement of the NASC Act, 2014.

4.2.2 Objective 2: Identify factors in the Act that posed challenges to the effectiveness of the National Assembly Service Commission in the discharge of its functions.

On the adequacy of the provisions of 2014 National Assembly Service Commission Act in support of effective performance of the Commission, 55 % of the respondents thought it was not adequate

because the provisions made the Commission vulnerable to undue influence. 45% of respondents thought it was adequate to the extent that the document was still evolving and like every other human endeavor, could not have been perfected at once.

A community consideration of above seem to show that the 2014 National Assembly Service Commission Act (as a mended) were fraught with drafting defects that enabled egocentric enforcement and by extension supported the continued political and administrative dependence of the Commission on the National Assembly while exercising her powers of Appointment, Promotion of Staff of the National Assembly Service. The study also found that factors like the mode of enforcement of discretionary of powers conferred on entities in the National Assembly (50%), Drafting defects (43.3%), inadequate/anomalous and ambiguous provisions (6.7%), and support of respondents respectively.

The study identified specific provisions in the National Assembly Service Commission, Act 2014 (as amended) that were serially exploited by the Leadership to torpedo the effectiveness performance of the National Assembly Service Commission:

i. Long Title of the Act.

The long Title to the Act addressed only the reorganization of the Management and administrative structure of the National Assembly for improved service delivery. The reliance on section 6 (1) (a) to address the administrative and managerial structure of the Commission had proved impotent for improved effectiveness and efficiency. Therefore the failure of the drafters to consider the expansion of the administrative structure of the Commission predisposes the staff to stagnation in promotion and advancement. This has impacted negatively on motivation and general performance of the Commission.

ii. Provisions on the Appointment and Dismissal of the Chairman, Members of the Commission and the Clerk to the National Assembly.

The method of appointment, qualifications and removal of the Chairman and Members of the National Assembly Service Commission pursuant to sections 3, 4 and 5 of the NASC Act has been exploited by the Leadership to ensure their political survival and relevance rather than empowering the commission making these appointments based on political considerations rather than aptitude, capacity and competence of the appointers.

Secondly, the absence of expressly stated considerations precedent to making the list out by the President of the Senate pursuant to section 3 (3) (4), has enabled persons malleable to control to be appointed, or to for the appointer to side-step federal character and inclusivity. The hybrid nature of their appointment makes the Commission a victim on occasions of Executive-legislative conflict as was witnessed in 2018. The study found a conflicting provision on the removal of the Chairman and commissioner for which 2 provisions had been made to the effect that they can be removed by the President of the Federation and by the unanimous resolution of both Houses, "acting on an address". Likewise, the provisions on the appointment and removal of the Clerk to the National Assembly pursuant to sections 6 (1) (b) (i) and 10 presents another anomaly. Having been appointed by the President and confirmed by the Senate, does the National Assembly still have powers to remove public officials/ appointees of the President? In the case of the Members of the Commission or having been appointed by the National Assembly Service Commission in case of the CNA, does the National Assembly still enjoy the power of firing these appointees?

Thirdly, a consideration of qualifications for membership of the House of Representatives as applicable to membership of the Commission has disposed the Commission to be used as "retirement home" for non-returning Members who have been defeated at the polls. The position

of “Chief Executive” ascribed to the Chairman pursuant to section 2 impacts negatively on the independence of the Commission in many ways. Rather than rely more on independent and collegiate decision making, such Chairman relied more on upward appeal to power and tutelage of powerful personalities whose interests are preeminently considered. Again, For tenured appointee like the Chairman to assume the Chief Executive position does not confer the expected structural permanence and continuity of the Commission between the end of tenure of one Commission and the inauguration of the next , nor guarantees the needed checks and balances.

iii. Provisions on Funding the National Assembly Service Commission.

Pursuant to section 15 (1), the Provision for the Fund of the Commission “shall be made in the annual budget of the National Assembly”. This means that the National Assembly Service Commission is dependent on the National Assembly annual budgetary allocations for its funding. In the Nigerian parlance: “you need to behave, to be properly supported”. That support includes not only removing administrative logs but also improved allocation of funds. Government as a major funder of public institutions in Nigeria means a financial dependence on that institution that allocates fund to others. A regulatory Commission to depend on its client for funding does not allow for effective performance.

Again, section 6(8) that vests powers on the Commission to “ pay such its staff such remuneration as are approved by the National Assembly” does not go far enough the source of the extra expenditure occasioned by the upward adjustment of remunerations of its staff in the light of the financial autonomy of the National Assembly. the reason for the Commission’s inability to intervene in the labour dispute that ensued following the upward review of the national minimum wage and implementation of the New Conditions of Service in the National Assembly.

iv. Ambiguity of provisions on discipline and interference

Provision on discipline pursuant to section 6(2)(b) of the Act states that the Commission may “dismiss and exercise disciplinary control over persons holding or acting in such office(as enumerated in section 6(1)(b) of the Act”. This provision is imprecise and ambiguous because the Commission being not part of the day to day activity of the National Assembly during which disciplinary, can only act on disciplinary cases upon referral by the National Assembly Management and, even at that, to act on the case is discretionary. The provision on the removal of the Clerk to the National Assembly by the Houses removes the authority to exercise disciplinary control over an erring Clerk.

The provision in section 6 (8) that states that the Commission “in the exercise of its powers of appointment and disciplinary control over persons shall not be subject to the directions or control of any authority or person, is merely declarative without defining what constitutes “direction or control” and which actions constitute a negative direction or control.

4.2.3 Objective 3: To propose innovative amendments to the National Assembly Service Commission Act that will enhance the effective discharge of the Commission’s mandate.

Having examined the performance of the Commission under the enforcement of the National Assembly Service Commission Act, 2014 (as amended) and found that the effectiveness of the Commission had been torpedoed by administrative and political interference by individuals occupying privileged positions in the National Assembly; identified factors associated with the challenges experienced by the Commission, the Study proposes that further innovative amendments are required to whittle down negative interferences and enhance the Commission’s effectiveness.

4.3 Discussion of Findings

Using the objective by objective approach to the analysis of primary data sourced from triangulation of semi-structured interview and self-administered questionnaires; and secondary data collected from documents of the National Assembly, review of related literature and publications on the subject matter and drawing from experiences of other climes on Parliamentary human resource management, findings showed that the enforcement of the National Assembly Service Commission Act, 2014 (as amended) has marginally improved the administration of appointment and promotion but failed woefully with respect to discipline and recruitment as a result of extraneous interferences.

The study further found that the while some levels of interference could be useful, that of the National Assembly Service Commission is very harmful to its effective performance. That some factors in the Legal and Institutional framework namely the provisions of the National Assembly Service Act have planted and nurtured the interference, and as such constitute factors that challenge the effective performance of the Commission. Such Factors can be found in the oversight of the reorganization of its administrative and managerial structure for effective performance, drafting defects, provisions that disposed to financial and administrative dependence on the National Assembly, provisions on the method of appointment, qualifications for appointment and removal from office of the Chairman and Members of the Commission, the anomalous or conflicting provisions thereof and that of the Clerk to the National Assembly, provisions that while vesting powers failed to apportion commensurate authority on the Commission.

The study found that these inadequacies in the law have been exploited by such individuals to feather their nest for political relevance and survival. There was divergence of opinion as to whether the Commission should be enlisted in the 1999 Constitution FRN (as amended) though a

lower percentage of opinions disagree that a legislative agency be listed as “certain Executive Body”. Unable to resolve the implication of being listed as “executive body” in the Constitution, the study was left with no option than to recommend its enlistment through the ongoing Constitutional review exercise conducted by the National Assembly.

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATIONS.

This chapter gives a summary of the research findings and conclusion; and provides the recommendations.

5.1 Summary of Findings.

The Objectives of this Study are to examine the influence of the enforcement of the National Assembly Service Commission Act, 2014 on the administration of appointment, promotion and discipline in the National Assembly Service from the period of its commencement in 2014 to 2020; to identify factors in the Act that challenged the effectiveness of the National Assembly Service Commission in the discharge of its mandate and to propose innovative amendments to the establishment Act that would enhance the effectiveness of the National Assembly Service Commission.

Applying Objective by objective approach to analysis of data, the Study found that, **on objective 1**, the enforcement of the National Assembly Service Commission Act in 2014 has not significantly and positively influenced the effectiveness of the National Assembly Service Commission in the performance of its statutory functions of appointment, promotion and discipline of staff of the National Assembly Service due to overbearing interference by the administrative and political Leadership of the National Assembly, who exploited lacuna in the establishment Act to keep the Commission administratively and financially dependent on them.

On Objective 2 the Study identified provisions in the National Assembly Service Commission, Act 2014 that have been serially exploited to rob the Commission of its administrative and financial independence and sustain the undue extraneous interference. Such provisions include the

Long Title of the Act which did not contemplate the administrative and managerial restructuring to include that of the Commission, Provisions on the Appointment and Dismissal of the Chairman, Members of the Commission and the Clerk to the National Assembly which have been exploited to appoint lackeys into the Commission, Provisions dealing on Funding the National Assembly Service Commission which made the Commission dependent on the budgetary allocations of the National Assembly for its operations, and ambiguous provisions on discipline and interference which is destructive of the rule of law and subverts enforcement; and selective enforcement of provisions. For instance the discretionary powers conferred on the leadership of National Assembly pursuant to section 3 (3) and (4) of the Act has being exploited to appoint persons who lacked the capacity and experience in bureaucratic policy matters but malleable to control.

The study found that the noted challenges to the effective performance of the National Assembly Service Commission can be cured by further innovative amendments to the National Assembly Service Commission Act, 2014 and to be enlisted in the 1999 Constitution.

5.2 Conclusion

The legal Framework establishing a Parliamentary Administration is an integral part of Public Service Bureaucracy of the legislature and a window to understanding how it is governed. The principle of separation of powers and neutrality in the service support in facilitating the effective efficient and effective functioning of parliament, in developing rules about parliamentary service employee and organization; and managing personnel and technical matters. In jurisdictions that develop a Parliamentary Service Act (PSA), the establishment of an independent Commission as the autonomous governing body of Parliamentary Service is very common. The National Assembly Service Commission was established pursuant to the later principle.

The objectives of the study were to assess the performance of the Commission with the enforcement of the last amendment to the National Assembly Service Commission Act, 2014 as its extant legal and institutional framework, and to identify factors in the Act that posed challenges to the effective performance of the Commission with respect to the administration of appointment. Promotion and discipline of staff of the National Assembly Service; and to propose innovative amendments to the Act that will facilitate its effective performance.

This study adopted the Elite power capture theoretical framework and qualitative study design using primary data triangulation from self-administered close-ended questionnaire and purposive interview on a combined study sample of 357 respondents and secondary data from publications, journals of the Commission and the National Assembly, the 1999 CFRN, the National Assembly Service Act, 2014 (as amended), the review of previous works, books on related matters and the Internet. Primary data instruments were validated by pilot testing and retesting while data analysis was done using simple statistical percentage and coding. Findings were made.

The found that the enforcement of the National Assembly Service Commission Act in 2014 has not significantly and positively impacted the effectiveness of the National Assembly Service Commission in the performance of its statutory functions of appointment, promotion and discipline of staff of the National Assembly Service due to overbearing interference by the administrative and political Leadership of the National Assembly. Though the study found, based on experiences from other climes, that some level of interference in matters of legislative bureaucracy exists at various levels and in some are in fact, deemed normal especially where Members of the Parliament are officially represented in bodies empowered to regulate appointment, promotion and discipline of parliamentary staff. However, such inferences are well structured and transparent. On the contrary, ours overarches initiatives and decisions of the agency. Powerful individuals at the peak

of administrative and political ladder of the National Assembly exploit lacuna in the establishment Act to keep the Commission administratively and financially dependent on them.

On Objective 2, The Study identified provisions in the National Assembly Service Commission, Act 2014 that have been serially exploited to rob the Commission of its administrative and financial independence and sustain the undue extraneous interference. Such provisions include the Long Title of the Act which did not contemplate the administrative and managerial restructuring to include that of the Commission, Provisions on the Appointment and Dismissal of the Chairman, Members of the Commission and the Clerk to the National Assembly which the discretionary power conferred on the President of the Senate by virtues of section 3(4) section 3 (3) and (4) of the Act has being exploited to appoint persons who lacked the capacity and experience in bureaucratic policy matters but malleable to control, Provisions dealing on Funding the National Assembly Service Commission which made the Commission dependent on the budgetary allocations of the National Assembly for its operations, and ambiguous provisions on discipline and interference which is destructive of the rule of law and subverts enforcements.

The study further found that these challenges to the effective performance of the National Assembly Service Commission can be cured by further innovative amendments to the National Assembly Service Commission Act, 2014 and by enlisting the Commission in the 1999 Constitution. The study made some recommendations.

5.3 Recommendations

Flowing from the foregoing the study recommends innovate amendments to the 1999 Constitution and the 2014 National Assembly Service Commission Act.

Recommendation I.

Enlist the National Assembly Service Commission among other Statutory Commissions in the Constitution of the Federal Republic of Nigeria, 1999 (as amended). The process for its enlistment could commence immediately through the Joint Committee on the Review of the 1999 Constitution of the Federal Republic of Nigeria, taking advantage of the ongoing review process. The National Assembly, acting on a memorandum from the National Assembly Service Commission or independently, should include the commission in its proposals for amendments, while Legislators and Commissioners from the Zones should intensify lobbying of legislators within the National and States Assemblies.

The benefits of the proposed enlistment include a constitutionally guaranteed protection from abrogation in case of unconstitutional change of government; administrative and financial independence that would minimize interferences by Members and Leadership of the National Assembly. Full financial and administrative autonomy will be restored while interference will be necessary to the extent of providing the needed checks and balances.

The downside of this recommendation is that its enlistment goes against the doctrine of separation of powers with attendant fear of emasculating its bureaucracy by a capricious President in cases of Executive-Legislative face-off and hence may be opposed by the Legislators. The Leadership of the National Assembly may not be willing to give up their strangle-hold on appointment to the Commission which serves as a means of their political leverage, relevance and survival.

To overcome the opposition, therefore, there is need for stakeholders' regular and continuous engagement before and during the process of presentation and debates. There is also need for symposia and workshops to be organized by the National Assembly Service Commission to garner the support of Members of the National Assembly and the general public.

Recommendation II: Proposed Amendments to the National Assembly Service Act, 2014.

The process of further amendments to the amendments to the National Assembly Service Commission Act, 2014 should commence immediately with the inauguration of joint Committee of the National Assembly and National Assembly Service Commission bureaucracy, to make proposals in a memorandum to the National Assembly Committees on Establishment matters of the Senate and the House of Representatives.

The aim of the proposal will include to review the administrative and managerial structure of the National Assembly Service Commission; modify discretionary powers on appointment vested on the President of the Senate pursuant to Section 3(3)(4) of the Act, Clarify ambiguities and other Drafting defects, expunge anomalous provisions like sections 5(2) & 10 dealing with the removal of the Chairman and Members of the Commission by virtue of the former and with the removal of the Clerk to the National Assembly in case of the latter after being appointed by the President pursuant to section 3(4) and the National assembly Service Commission by virtue of section 6(1)(b)(i) , conflicting and incoherent provisions, Express provisions for direct budgetary allocation. Further details are enclosed as **Appendix v.**

The proposal should be submitted in form of a memorandum to the National Assembly within the 3rd quarter of 2022 to enable its enactment before the expiration of the tenure of the 9th session of the National Assembly. Challenges to the enactment can be mitigated by continuous stakeholders' engagement through meetings, seminars, colloquia. The proposed amendments will be beneficial to the National Assembly Service Commission in ways such as increase its independence, authority and minimize interference. The Act would be more users friendly

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Appendix 1

Dept. of Parliamentary Administration
National Institute of Legislative and
Democratic Studies
Maitama. Abuja
08/02/2022

The Chairman,
National Assembly Service Commission,
Utako, Abuja
Sir,

**PERMISSION TO ADMINISTER INTERVIEW AND QUESTIONNAIRE ON
THE COMMISSIONERS AND STAFF OF THE COMMISSION.**

Above subject matter refers,

I am a Masters' degree student of the Department of Parliamentary Administration of the National Institute of Legislative and Democratic Studies/ University of Benin undertaking a study on the **“Appraisal of the Legal and Institutional Framework of the National Assembly Service Commission from the year 2014 to 2020, in Partial fulfillment of requirements for the award of Masters' degree in Parliamentary Administration.**

The opinions of your esteemed office and officers in the Commission will be invaluable to the achievement of the set objectives to the study, hence the request for permission to administer interview and questionnaire on your staff.

I assure you, sir that opinions of respondents, documents garnered therein will be treated with utmost confidentiality and protections required; and will be used only for the purposes of this research.

Yours Faithfully,

Nwankwo Oliver Ebere

Appendix II

Dept. of Parliamentary Administration

National Institute of Legislative and

Democratic Studies

Maitama. Abuja

09/02/2022

QUESTIONNAIRE

Dear Respondent.

I am a post-graduate student of the National Institute for Legislative and Democratic Studies /University of Benin carrying out a research project on the topic:“**Appraisal of the Legal and Institutional framework of the National Assembly Service Commission of Nigeria (2014-2020)**” in Partial fulfillment of the requirement for the award of Masters’ degree in Parliamentary Administration.

I hereby solicit for your active and voluntary support with your honest opinions. All information and opinions provided will be treated with utmost confidentiality and shall be used only for the purposes of this research.

Thank you.

Instructions: Kindly mark the boxes below with appropriate responses to the questions below.

SECTION A

1. What is your gender?
 - a. Male []
 - b. Female []

2. Indicate your age bracket, please

- 31-40 []
- 41-50 []
- 51 and above []

3. Number of years in Service

- 10-15 years []
- 16-20years []
- 21-25 years []
- 26-30 years []
- 31-35 years []

4. Highest Educational qualification

- O' Level Certificate []
- Diploma/ NCE []
- HND/ Bachelors' Degree []
- Masters' Degree []
- PhD []

5. Directorate /Department/ Office-----

SECTION B

Answer

Assessing the performance of the National Assembly Service Commission under the extant

Legal & Institutional Framework

6. Have the amendments to the National Assembly Service Commission Act improved the administration of Appointment, Promotion and discipline in the National Assembly Service? **Yes** **No**

7. Has the National Assembly Service Commission followed due process in staff recruitment under the amended Act? **Yes** **No**

8. Did the conduct of staff promotion exercise, from 2014 to 2020 under the amended National Assembly Service Commission Act, follow due process? Yes No
9. Do you think that the capacity of the Commission to apply disciplinary measures has improved under the amended National Assembly Service Commission Act? Yes No
10. Do you think that the National Assembly Service Commission had acted independently on matters of staff appointment, promotion and discipline under the amended 2014 Act? Yes No

Determine what factors in the legal and Institutional Framework influenced the performance of the National Assembly Service Commission.

11. Do you think that the provisions of the National Assembly Service Commission Act, 2014 were adequate for effective performance of the Commission? Yes No
12. Do you think that the method of appointment of the Commissioners by the President on the nomination of the NASS leadership could influence the performance of the Commission? Yes No
13. Is being qualified for membership of the House of Representatives an adequate qualification to be appointed as member of the Commission for effective performance? Yes No
14. Could the non-listing of the National Assembly Service Commission in the 1999 Constitution influence its performance? Yes No

Advocate Amendments to the legal and institutional framework for efficient and effective performance of the commission.

15. Do you think that further amendments to the 1999 Constitution and the 2014 NASC Act would positively influence the performance of the Commission? Yes NO

APPENDIX III

Summary of the Provisions of the National Assembly Service Act, 2014(as amended)

Sections 1- 2 provide for the repeal and establishment of the National Assembly Service Commission as a body corporate.

Sections 3-5 define the Composition and membership of the Commission, the method of appointment, the tenure, appointing and removal authority, qualifications of the Members and Chairman of the Commission. The Chairman and Members of the Commission shall be appointed by the President of the Federation from “a list-out” (of nominees) submitted by the President of the Senate in collaboration with the Speaker House of Representatives and confirmed by the Senate (section 3(3)(4). Section 3(9) of the Act provides that “The composition of the Commission, the Staffing and the conduct of its affairs shall reflect the Federal Character of Nigeria as enshrined in section14 (3) of the Constitution of the Federal Republic of Nigeria 1999

Section 6 empowers the Commission to formulate and implement guidelines for its functions, lists the offices into which the Commission is vested with powers of appointment. Section 6(2) vests on the Commission to make appointment on promotion, transfer and confirm such appointments; dismiss and exercise disciplinary control over persons holding or acting in the listed offices. Specifically, section 6 (8) of the Act insulated the Commission from external interferences when discharging its functions pursuant to section 6(2). Further, section 6(9) the Commission has the power to pay its staff such remuneration as are approved by the National Assembly.

Section 7 empowers the Commission to delegate its powers and the extent and offices of the delegator.

Section 8 established the office of the Secretary to the Commission, its appointer and duties. Section 8(2) provides that the Secretary is responsible for the day-day administration of the Commission as an accounting officer (8(1b)).

Sections 9 – 11 establish the office of the Clerk to the National Assembly and its functions, the removal from office of the Clerk to the National Assembly and the Appointment of acting Clerk to the National Assembly. Section 10 vests the removal of the holders of the office of the clerk to the National Assembly on the Commission acting on an address supported by a simple majority of each House”.

Sections 12-14 lists the composition of the staff of the National Assembly and vested the powers, privileges and immunities of Police on the Sergeant-at-Arms and others in the performance of their duties. Section 13 provides for pensions and retirement packages,

Sections 15-17 provide for the funding of the Commission and its activities; annual budget, cost of administration, payment of salaries, annual borrowing and expenditure and borrowing. 15(1) provided that the Commission shall be funded from the annual budget of the National Assembly.

Section 18 deals with the purchase and acquisition of offices, equipment as may be approved by the National Assembly.

Section 19 empowers the Commission to make regulations in respect of staff salaries and allowances, conditions of Service, composition of Committees and the appointment, promotion and disciplinary control and appeals of staff of the NASS.

Sections 20-22 provide for savings, interpretation and citation of the Act

SCHEDULES

First Schedule

Proceedings of the Commission

1. At any meeting of the Commission, the Chairman shall preside and in his absence such member of the Commission as other members may elect from among themselves for that purpose shall preside.

2. The quorum for meetings of the Commission shall be 7 members

3. The Commission shall have power to regulate its own proceedings and may make standing orders for that purpose and subject to such standing orders and paragraph 2 of this Schedule, may function despite any vacancy in its membership or absence of any member.

4. the Commission may appoint one or more Committees to carry out on its behalf, such functions as the Commission may determine but no decision of any such Committee shall have effect unless it is ratified by the Commission,

5. the Commission may co-opt persons who are not members of the commission to any meeting of the Commission or any Committee and such person may take part in the deliberations of the Commission or any Committee but shall not be entitled to vote,

Section 19 of the Act empowers the Commission to make regulations relating to the Conditions of Service in the National Assembly which includes fixing of salaries and allowances of staff of

National Assembly (19(1)), appointment, promotion and discipline of staff and appeals against such measures are regulated by this provision.

FIRST Schedule provides for the proceedings of the Commission as prescribed in section 6(1) of the Act, quorum for and presiding officer in the meetings of the Commission and method of decision making.

Appendix IV

Transcripts of the Interview

1. **Prince Yomi Ogunyomi** Clerk to the National Assembly (October 2009-April 2010). He started his career as administrative officer in charge of Training for legislative officials, Cabinet and Liaison officer to the National Assembly, Lagos, 1978-1979 and rose through the ranks to become the Clerk of the House of Representatives 1994 -1995, then Clerk of Senate 2003-2005, Deputy Clerk to the National Assembly (2006-2009).

Question: Was it necessary to create a separate Commission for the National Assembly and what is your assessment of the operations of the Commission with the lasted amendments to the Act?

Answer: “We are tardy in this Country” otherwise this Commission should have been set up right with the onset of democratic government. For Parliaments like that of the United Kingdom, employment of staff is coordinated by an autonomous “Board of Internal Economy” (an organ of the Parliament) through competitive processes conducted by the United Kingdom Civil Service Commission. More so, for a Nation like Nigeria with its troubling democratic credentials, it was expedient that “the fate, future and career of the legislative management staff could not have been left in the hands of our Legislators”. The establishment of a fairly independent Commission to regulate the career of the public servants was the right decision and aligned with the principle of separation of powers.

In his opinion, the Commission has not done well in the discharge of their functions even with the enforcement of the new Act of 2014. First of all, he disagreed with the Commission that appointment of the Clerk to the National Assembly should necessarily be based on “Seniority” on the nominal roll of the National Assembly but rather on the “ Seniority in service” of

Legislative Staff in particular as line officers in the Legislature. He contended that of the three principal functions of the Clerk to the National Assembly as a Constitutional character - procedural, administrative and financial; that of being the Chief procedural officer was the most important. He averred that since the National Assembly was not a contract awarding institution, it was wrong to appoint persons from the support and administrative departments who had no experience in procedural matters as Clerks.

According to him, the most worrisome aspect of the challenges to the effectiveness of the National Assembly Service and the Commission was having people “with contempt of character” managing the affairs of that Commission and the National Assembly, alleging that the use of “proper placement” by the Commission was a “euphemism for corruption and bribe taking”. This explained the situation of having “wrong people with contempt of character managing the affairs of the National Assembly” which bred the discontent been witnessed today.

He posited that the current challenges to the National Assembly Service arose as direct consequence of appointing administrative officers who had “deep pockets” rather than “legislative officers with chamber experience” to the position of Clerk to the National Assembly which by so doing created a pathway for “wrong people to manage chamber activities”.

He opined that the National Assembly Service Commission needed not be politically neutral but was expected to operate” within the bounds of fairness and justice, with the highest ethical standards”.

Question 2: How does the enforcement of the Act pose challenges to the effectiveness of the Commission?

Answer: According to him, the primary intention for the establishment of the National Assembly Service Commission was to create “a top notch Service Agency for the National Legislature, as a co-manager of the Nigerian governmental project that would professionalize the National Assembly Service through a well-organized and coordinated training programs similar to that obtainable in the Civil Service and the Military in Nigeria”. While the Military and the Civil Servants had benefitted from the colonial and post-colonial foreign and local training and career growth traditions to be professionally competent, Public Service in the National Assembly has not been so endowed. He recalled that under the colonial administration and the first Republic, new recruits into the Civil service were trained overseas in line with the General Orders from the Colonial office in London and later in local training institutions after independence.

Again, he asserted that in recognition of operation the special environment of the legislature, the National Assembly Service Act was imbued with special features to its provisions. First, unlike other Agencies established by Acts of the National Assembly which had a maximum of 4-year tenure, the National Assembly Service Commission was provided with 5-year tenure. According to him, the extra 1 year period was to enable the Commission “regenerate itself, correct the mistakes that it would have made or would have been compelled to make by Legislators breathing down on the Commission” within the 4 year tenure of a legislative term and before the inauguration of the next session of the National Assembly. Secondly, the principle of non-eligibility and incompatibility was imbued to disqualify incumbent legislators from being appointed into the governing Board of the Commission or lose their seats, a condition former

President Shagari insisted on before he signed the First Bill during the 2nd Republic despite the Pressure exerted by a Committee led by Dr. Olusola Saraki as then Senate Leader.

He alleged that the greatest challenge to the effective performance of the Commission posed by the Act was enabling the “culture of using appointments to the leadership of the Commission as political settlement”. According to him, this reared its head in 2001 when former President Olusegun Obasanjo while “cultivating Senator Pius Anyim” caused the Senate insert the clause that the “President of the Federation appoints the Chairman and Members of the Commission from a list-out of nominees submitted by the President of the Senate”. Senator Pius Anyim exploited that provision to nominate his former boss at the FCDA and other Cronies to the pioneer governing Council under the 4th Republic. Subsequent Political leaderships of the National Assembly have exploited the same provision to appoint all manners of individuals to the Board.

Question 3: what amendments to the Act are required to overcome these challenges?

According to him, the Act should be amended to reorder the designation of positions in the National Assembly Service to align with that of the Clerk as constitutional character like it was done in the United Kingdom Parliament where all other positions in its Management structure were aligned to the position of the Clerk-e.g. Assistant clerk (Medical), Deputy clerk (Human Resources) to confer uniformity and order of eminence in legislative service. He advocated for a change in the “nomenclaturization” of positions in the National Assembly Bureaucracy taking bearing from that of the Clerk to the National Assembly- the only office expressly recognized by the 1999 Constitution of the Federal Republic of Nigeria(as amended)..

He advocated that the current rule of appointing Chairmen of ICPC and Police Service Commissions from the ranks of retired High Court Judges and Assistant Inspector-Generals of Police be adopted for the Commission to the effect that retired Public Servants not below the ranks of a Director to be appointed to the Chair of the NASC. He therefore supported further amendments

to the Act to incorporate his position and a structured capacity enhancement program for staff of the National Assembly. Thirdly

2. Ken Ugwu Nnamani, Politician, President of the 5th National Assembly (2005-2007) elected to the Senate from Enugu East Senatorial District. Enugu State. He provided the following answers to the same questions thus:

On **question1**: According to him, he believed that the National Assembly was right in creating a Commission to regulate the National Assembly Service as the contrary would have been disastrous, given the frosty Executive-legislative relationship witnessed since the dawn of our democratic dispensation in 1999. In his opinion, the Executive acted and still acts with contempt for the legislature, as if the legislature was an appendage or at best a junior partner in the Nigerian project. He averred that as co-managers of the economy, the National Assembly needed its independent and unbiased source of information on the economy which could only be provided by a professionally competent bureaucracy engaged by her, regulated by and accountable to the National Assembly. How well, the Commission has performed with the enforcement of the last Act in 2014 is left for the current crop of staff and Legislators to judge. Speaking further, he held that because the Legislators cannot do the work of the Commission but could provide only budgetary and logistical support, the Commission was expected to self-regulate and act within the bounds of fairness and integrity.

On **question2**: while he disagreed with the notion that political Leadership exploited certain sections to appoint their cronies and incompetent individuals to the Commission, he averted our minds to the appointments made under his watch. When the privilege came to appoint the Chairman and Commissioners of the 2nd Commission of this dispensation in 2006, he had appointed individuals whose CV spoke more to their vast experience and capacity in civil service

and matters associated therewith than to other primordial political considerations.. The Chairman was a retired director in the service of the Federal Capital Territory from Sokoto State and others with world experiences from the United States of America, though at the recommendation of colleagues like the Late Yari Gandi.; choices he would repeat any time.

He admitted that he was indeed inundated with pressures to intervene on matters connected with appointments and discipline especially from the senior staff but had had himself restrained from doing so. He believed that some of the noted flaws in the operation of the commission would auto-correct as our democracy grew and consolidated. The imperfections could be corrected through legislative intervention just like the case of the last amendments.

Sam Amadi: Lawyer and former Senior Lecturer Base University, Abuja, Former Political Aide to the President of Senate and Minister for Foreign Affairs, FRN, Partner of YIAGA Africa a non-governmental organisation.

He began to answer the first question by raising questions that bordered on the doctrine of separation of powers and the Arms relationship, and the intention of the framers of the Constitution as it related to section 51 of the 1999 CFRN(as amended). He further asked rhetorically: does the constitutional notion of separation of powers imply absolute independence of branches? In his response, he averred that that was not the case albeit each branch would have provided its own infrastructures, created its own police, the Army etc. He further stated that the essence of his question was to underscore his position that Public Service in separate divisions of government was a common ground for interface, and therefore should be regulated by a single Commission. Amadi by Contending that the doctrine did not envisage absolute separation but mutual synergy as Arms of Government, concluded that duplication of agencies to carry out similar function was unnecessary and wasteful.

But when reminded that the disbanded United States Civil Service Commission did not appoint staff for the United States Congress. He thought that the comparison was inappropriate given the size of our economy, the age of our democracy and the need to reduce our cost of governance. According to him, the United States Congressional Committees and agencies directly recruited their own staff and saw no need for a central regulatory agency for staff of the National Assembly Service.

He disagreed with the notion that the legislature should have its own compliments of agencies as a means to assert its independence, autonomy and equality with other branches especially the executive. Does equality matter of arms in a democracy matter? Given that it does, is equality to be measured by the number of complimentary agencies? However, having established a Commission, he further raised a plethora of questions about the Commission which when answered in the affirmative will peel off its alleged ineffectiveness: what is the implication of section 51 of the 1999 constitution FRN (as amended) in structuring a governing authority and mandate of the Commission? Does the constitutional provision affect its performance? Does the Act meet the notional prescription of adequacy and fit-for-the purpose? Is it Comprehensive and coherent? According to him, these questions cannot be adequately answered with the extant Act and hence difficult to justifiably assess the effectiveness of the Commission.

Emmanuel Obusom Anyaegbunam: Principal Partner/Lawyer, Author and Publisher of articles and books on legislative practice and procedures.

According to him, the National Assembly Service Commission's effectiveness was hobbled by political influences in the appointment and composition of the Commission. He alleged that the recruitment and placement processes of the Commission lacked transparency, certainty and predictability. To reinforce his allegation, he called my attention to the fact that staff who had been

recruited in 2018 resumed duties just three weeks ago following the intervention of the political leadership of the National Assembly.

On another vein, he averred that the hybrid nature of the NASC Act in the context of the appointment and confirmation of the Chairman and Commissioners of the governing board disposed the institution to troublesome challenges in many ways. First, that Provision in section 3(3) of the NASC Act, 2014 as amended could be exploited and was exploited in 2018 when the List-out of nominees for appointment made to the President of the Federation was torpedoed by the frosty Executive-legislative relationship which characterized the 8th National Assembly. He alleged that the non-transmission of the list out created the vacuum that existed between the Fika-led 4th National Assembly Commission in 2018 and the inauguration of the 5th Commission in 2020.

Depositing further, he allegedly attributed the undue influence of the National Assembly leadership on the Commission in the discharge of its mandate to the same provision. Finally, he added that that provision sustained the infamous appointment of wrong and incompetent members to the Board.

Speaking further on the Act, he averred that by designating the Chairman as the chief executive in the NASC Act (as amended) did not confer the structural permanence and continuity of the Commission required to fill up the vacuum between the exit of one commission and inauguration of another, and robbed the Commission of the expected checks and balances in governance structure of a regulatory agency like NASC.

He further argued that no regulator subservient to its client could perform effectively and this was enabled by the financial dependence on the National provided in section 15 of the Act. He alleged

that during one of the sessions of the National Assembly, the Clerk to the National Assembly purchased Hilux vehicles for Members of the Commission. How the Commission can assert disciplinary control over such Clerk? He asked. In his further submission, he faulted the position of the law with respect to the appointment and removal of the Clerk to the National Assembly. He found it anomalous that the same Act which conferred the powers on the Commission to appoint the clerk in section 6, turned around to vest the powers of his remove on both chambers of the National Assembly in section 10. It's a situation of "he who hired cannot fire" This vexatious contradiction in the position of the law hinders the effectiveness of the Commission, at least, with respect to the discharge of disciplinary controls over the Clerk to the National Assembly.

Speaking further on whether the appointment of the Clerk to the National Assembly should follow the seniority listing of staff or reserved for personnel of the legislative line of duty, he disagreed with the argument that only staff of the legislative cadre should be appointed as clerk to the National Assembly, arguing that what was required was for staff to be rotated between their professional lines and chamber duties in order to qualify for such appointment. He saw nothing wrong in the absence of affirmative provisions in the law with regards to the inclusion of women or other groups, recalling that one Senator Joy Emordi would have emerged a female Chairman of the Commission had the list out of the 8th National Assembly been approved and inaugurated.

He advocated for a comprehensive review of the extant laws relevant to the Commission to enhance its independence and effectiveness but cautioned against the inclusion of the Commission in the list of Executive Commissions in section 153 of the 1999 constitution FRN as amended. According to him, this Commission was not an agency of the Executive branch.

Okoro Abonta- retired Director of the National Assembly Service Commission in 2020, worked in the Promotion and appointment divisions before now and a pioneer staff of the Commission of 2001/2002 class.

In his opinion the Commission could not be effective in terms of its mandate of Appointment, Promotion and Discipline operating in a political environment like the National Assembly where “all rules were made to be broken” by the politicians in the pursuit of their interests. According to him, the beauty of bureaucracy is in the exactitude, predictability, continuity of laid down principles and practice for policy implementation that ensure fairness, equity and even spread. He further stated that the law makers have in many ways than one circumvented the laws, or disregarded or circumvented these established principles and procedures of Public Service in order to have their “own” appointed into the Commission or the National Assembly.

He averred that the spirit behind the establishment of a bureaucratic organization to regulate the appointment, promotion and discipline of the Staff of the National Assembly service was to ensure fairness, equity and spread of the positions among the diverse ethnic makeup of the country. He alleged that the Commission was hamstrung by undue political influence whereby in making appointments, the Commission had to seek clearance from the leadership of the National Assembly whose opinions many times run contrary to and overrode the laid down rules and regulations governing such subject matter in public Service.

In the midst of this, the Commission had made pockets of progress with respect to matters under its purview with the enforcement of the NASC Act, 2014 (as amended). On promotions, he said “I speak as a person who spent many years in that department; the Commission has done very well” The exercise has largely been conducted with due process. He clarified that the allegation making round that the Commission was “sorted” to for marks and promotion was peddled by scammers,

who exploited the information giving out on trust by some Commission staff, to extort gullible staff due for promotion, on the pretext of having their scores increased by “settling” some persons in the Commission. The Commission has, in response published all results of promotion examinations since the year 2020.

Recruitment exercise has been everything but transparent and with due process. Speaking further, he disagreed that it was the function of the Commission to train staff of the Service. He pointed out that training of staff was a shared responsibility of the Commission and the National Assembly Managements. The discharge of the disciplinary functions by the Commission could be said to have retrogressed under the new Act. Accord to him, the administrative log experienced in staff disciplinary control arose from the positions that the National Assembly Commission was not involved in the daily activities of the National Assembly, during the course of which disciplinary infractions were committed and secondly, the Commission could commence disciplinary procedure only when cases were referred to them by the Management of the National Assembly. He asserted that Commission had always dispassionately dispensed with such cases if and when the referrals were made.

He attributed to ignorance and the lack of capacity, experience and political will the notion that the Commission was not properly empowered to enforce disciplinary sanctions as there were many measures/ tools against indiscipline available to the Commission. The lack of political will was a direct consequence of having the requirement of eligibility for election into the House of Representatives as requirement for appointment into the governing board of the Commission. The minimum requirement of educational training required to be effective in the two endeavours is different. As such individuals who lacked requisite academic and experiential qualifications have been appointed to the board. He alleged that sometime ago, one of such appointees could not write

and read. He only appended his signature when required. How would such a member contribute to the effectiveness of an agency charged with formulating and implementing policy guidelines for staff regulations?

He asserted that there has been a trend of diminishing capacity and competence of successive chairmen of the Commission counting from the 1st Chairman under the 1999 Constitution, FRN as amended. According to him, appointing Chairmen who lacked the knowledge, courage and will to broker deals with the leadership was a recipe for sustained undue dependence on and subservience to the administrative and political leadership of the National Assembly. Elucidating further, he explained that their lack of courage and political will made many of the chairmen abdicate their seats in the Finance Committee of the National Assembly, whose membership they were statutorily entitled to, in deference to their appointer-godfathers of the leadership. Rather they relied on the Clerk to the National Assembly as the Secretary of the Committee to negotiate financial apportionment to the Commission. This dependence constrained the ability of the Commission to effectively exercise its powers.

The researcher sought to know the reason for the existence of dichotomy in the service between the staffs of the Commission and the National Assembly in a seemingly one national assembly Service. In his opinion, the view for unified service structure was allegedly advanced by those who sought to be clerks to the National Assembly through the backdoor or to use the National Assembly Service Commission for punitive postings of dissenting staff like the Lagos annex office is currently used. According to him, the spirit behind the Act was not to create a unified National Assembly service because the law could not who took preeminence between the Clerk to the National Assembly and the Chairman of the Commission on joint Service matters.

Finally, he opined that for the Commission to be effective, there was need to consider balance competence and Federal Character, competence and equity in the appointment of the Chairman and Commissioners to the governing board of the Commission, and this could be done by further review to the National Assembly Act, 2014

Senator Julius Ali Ucha - lawyer, Politician, two-term Senator (2003-2011) and now Commissioner, Representing the South East Zone, National Assembly Service Commission.

He summarized his position on the subject matter by stating that what may be wrong is the same that was obtainable in a developing world where nothing works because of e weak and impotent institutions.. According to him, a reading of the recent world Bank report on wealth found that while tangible wealth which included mineral resources and industries were exhaustible, the intangible wealth on the other hand were inexhaustible. This wealth was expressed in matters such as rule of law, justice, honesty and strong institutions. Most wealthy and developed countries had between 91.5% to 98% score on strong institutions.

However, for Nigeria, the score was 5.8%. He averred that when laws were not obeyed and the institutions were weak, such vices like high rate of corruption, wastage of tangible wealth, nepotism abound even in the presence of strong laws. Institutions in such environment cannot perform effectively. On the contrary, strong institutions support and enforce legal framework, he added.

Anonymous-

The summary opinion of this respondent was that the Commission had always performed within its resources since its inception in 2001 when the Commission resolved a lot of issues like the reabsorption of recalled staff of the National Assembly under the 2nd and the 3rd Republics in

2005, carried out an audit and update of vacancies, conducted 3 recruitments exercises which were well advertised in 2005 and 2007, and confirmation examinations which were outsourced to the West African Examination Council for integrity and standardization..

He recounted the achievements of the Commission since the enforcement regime of the National Assembly Service Commission Act, 2014: one recruitment exercise was carried out in 2018. Departments of the Commission and the Directorates of the National Assembly were expanded or created, staff promotions particularly in the National Assembly staff suffered no stagnation though experienced what he termed misguided appointment within the Assembly. This respondent alleged that there were instances where in the presence of a substantive director without schedule, a deputy director was elevated and appointed an acting director by the management of the National Assembly. Speaking further, the respondent informed me that stagnation has reared its head only in the Commission because of limited vacancies occasioned by existing dichotomy between the Staff of Commission and the National Assembly on inter service postings and transfers which could have created room for outflow..

Contributing further, the respondent disagreed with the notion that training was the most important requisite for professionalizing the public service, positing that with the expanded career path through the creation of professional directorates, staff had the opportunity to grow in their cadre to the highest position and that to him was professionalization. According to the respondent, the Act did not provide for training but that the Commission in its wisdom, had within its limited resources, organized training programs for its staff and that of the National Assembly. The respondent in reaction to the accusation of corruption and corruptive inducement in the Commission in its discharge of its mandate asserted dismissively that such accusations were false

but that, if there was any case, then the staff of the National Assembly not the Commission should be held responsible.

The respondent further objected to representation in the Commission to be based on States rather than on Zones because the Commission was already heavily burdened with the maintenance of the 13 members as it's presently constituted. However, the respondent favored an affirmative provision for women and intra-and inter-zonal rotation in the appointment of Chairman and Commissioners. He agreed that the Commission had had undue political influence to the extent that no appointment to senior management position could be done unless the leadership "agreed to work with that person". The appointments had been made along political spheres of influence. For instance, a State like Lagos was never appointed to the Board until now when an APC led National Assembly was inaugurated in 2015

On the funding of the Commission, the respondent dismissed the insinuations making the rounds that the Commission was not financially autonomous, fiercely defending that financial autonomy meant the freedom to budget and spend its allocated money without resorting to any higher authority for approvals. The respondent disfavored direct allocation from the consolidated revenue fund because of past experiences whereby releases of such budgetary allocations were held up at the Ministry of Finance. He favoured the current arrangement of a negotiated percentage allocation within the "family of the National Assembly" which may be made to increase.

In reply to the accusation of alleged usurpation of the powers of the President of the Republic on the appointment of Permanent Secretaries in the Federal Civil Service, this respondent in rejection asserted that the President did not appoint Permanent Secretaries in the first place and that the Commission had the Powers to appoint persons to the highest office in his career cadre which may the office of the Secretaries to the Directorates of the National Assembly.

In conclusion, this respondent advocated for the enlisting of the National Assembly Service Commission in the 1999 Constitution, and further expanded recruitment into the service in order to confer constitutional buffer and practical” human shield” against dissolution in case of undemocratic regime change.

APPENDIX V:

Table of proposed amendments to the National Assembly Service Commission Act, 2014

Section	Subject Matter	Proposal	Remark/ Justification
Section3(2)	Membership (Chairman)	Delete word” Chief Executive, Add after Chairman: who shall be a retired civil servant not below the Rank of a Director”	To provide for checks and balances, enduring institutional memory.
Section (3)(3)	Same	On line 3, after the word “List out” insert “in making the proposed list out, the President of the Senate shall take into considerations the zones and States of origin of out- going members of the Commission”.	Provides a guide on conditions precedent to making the list out by the President of the Senate.
Section 4(1a)	Qualification of Membership	“In delete the sentence “if he is not qualified to be elected as a member of the House of Representatives” and insert “Must have minimum qualification of X”	Depoliticize the appointment; provides a better measurable standard for appointment.
Section 4(1)(c)	Same	Delete the word “no” and insert X number of years of experience”	Removes ambiguity

Section 5(2)	Removal from office	Expunge	By the principle that he who hires fires.
6(2)(b)	Functions	Provide modalities for the exercise of disciplinary control	Vague
Section 6(8)	-same	Give statutory meaning of “ control and direction”	Clarity required
6(9)	Same	Insert “for this purpose, the Commission shall attach the financial implication” to the proposal	Grant authority to the power.
8(1)(b)	Secretary to the Commission	Delete the word” accounting” insert “Chief Executive”	Preserve institutional memory, provide checks
Section10	Removal of the Clerk to NA	Expunge	Anomalous
Section14 (5)	Directorates	Delete the word” section 4	Conflicting. Section 4 is political appointment, 14 – public service appointment
15(2)	Fund	Specific provision for percentage to be credited or delete word” for the National Assembly in section 15(1)	Provide for Full financial independence