

# Oversights Functions of the National Assembly in Nigeria: Issues and Challenges

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**Abstract:** The oversight functions of national legislatures of modern representative democracies have been accorded premium in the smooth functioning of democracy. The existing literature in the case of Nigeria, however, remains inadequate and segmented, despite the many media vibes about the activities of lawmakers in the country's fledgling democracy. Thus, this paper looks at the case of the National Assembly in Nigeria, focusing on the challenges militating against the conduct of its oversight functions between 2007 and 2017. Relying on content analysis of transcribed interviews and participant observations, the paper argues that the effective performance of oversight functions of the National Assembly is affected by several limiting factors, which includes lack of adequate statutory funding. In the same vein, the dearth of expertise on the part of legislators and clerks are major barriers to effective performance. Therefore, among the recommendations regarding the issue of unhealthy interference of the executive in the affairs of the legislature, funds required for oversight activities should be provided early enough to enhance effective performance. The legislature should avoid government agencies providing the money and other resources they need to be able to carry out their oversight duties.

**Keywords:** Oversight functions. Nigeria. National Assembly. Issues. Challenges.

## I. INTRODUCTION

The National Assembly is a key institutional component of modern representative democracies. Since the waves of democracy started blowing across the world, with African countries now recipients of the fourth wave, the importance of national parliaments in the proper governing of these countries has gained currency. Good governance is linked to good laws and legislation made by the parliament of a country. Laws are enacted to enhance the living conditions of citizens in society. In principle, governments consider the interests of citizens when making decisions and or making policies. Many government policies and programmes intended to improve the living conditions of citizens never get fully implemented with outcomes that suggest the achievement of objectives.

The role of Parliaments in the governance of countries, beyond the enactment of good laws, must be seen in terms of whether it is effectively conducting oversight functions. The opportunities or provides for the scrutiny and vetting of activities of the executive arm of government which oversight functions permit is crucial. Parliaments, usually, conduct legislative business more effectively through committees, to make possible the opportunity to explore an issue in detail and be able to access every information needed to be able to take

the right decision. Overall, diligence, efficiency, and proper analysis of information are the essential factors which committees in parliaments are expected to guarantee towards the overall image of the parliament in the discharge of its constitutional functions.

Against this background, this paper examines the challenges of performing legislative oversight by the National Assembly. The paper then is divided into four sections: introduction, literature review, discussion of findings, conclusion, and recommendations.

### *Theoretical Framework and Conceptual Review*

The paper was guided by propositions of the institutional – functionalist theory, which enabled the contextual viewing of the legislature as an institution of government with specific functions to perform in Nigeria's political process. The legislature is viewed as a critical institutional organ of government in democracies (Hague and Harrop 2004), established through constitutional provisions, with powers to make laws and stabilize political systems. The theory presupposes an understanding of a political system that requires adequate attention to the functions and performance of the existing institutions (Igwe, 2005:203). Thus, we proceed in the application of this theory by first recognizing these institutions. The assumption is the stability of the Nigerian political system is a function of the effective performance of the country's democratic institutions. The primary focus here are the legislature, executive, judiciary, political parties, and interest groups. The concern here is how institutions governing the state influence the structure the behaviour of the citizens and living conditions. Hobbes, according to Peters (2001:3) argued "there was the need for stronger institutions in order to save mankind from its own worst instinct". In essence, government institutions have to be concerned with tailoring the behavioural pattern of the people toward the attainment of a better living standard alongside other benefits derivable from the functions played by the institutions. For example, the duties of the legislature are geared towards making laws that can guarantee good governance through a proper execution of laws.

Omotola (2014:6) sees the legislature as a "constitutionally a designed institution for granting assent to binding measures of public policy, given on behalf of the community that extends beyond the government elite responsible for formulating those measures". The institutional theory or approach is adopted as the theoretical framework in this paper, viewing the

legislature as an institution of government with varying functions to ensure system equilibrium and good governance.

### *Oversight*

The oversight functions of a parliament are a critical aspect in its lawmaking functions in democracies. As Greenberg and Page (2002:338) assert concerning the case of the United States of America, oversight is an important duty of the congress [the legislature]. They argued that this involves watching how the executive branch [arm] of government performs its functions in the spirit of the laws passed to prevent abuse of power. Primarily, oversight is the function of committees and subcommittees, for which public hearing is a strategic tool.

Public hearing does not only provide an avenue for the legislature to see the necessary information needed but involves a process of calling the attention of government agencies to lapses in their activities and the need for them to check and prevent such lapses in the provision of social services. Public hearing is a way of performing oversight functions (Janda, Berry and Goldman, 1992: 406). John and Robert (1999:3) argue that, “oversight takes place when laws have been passed and there is the monitoring of the activities of the executive for efficiency, fidelity and probity”. They further assert that oversight is not an easy task because it needs detail information. Performing oversight, they say, “does engender a cordial relationship between the executive and legislature.

Oversight connotes legislative “supervision” or “watchfulness” of responsibilities handed down to the executive arm and officials. “Legislative oversight is the legislature’s review, monitoring and supervision of government agencies, programs, activities”, as well as policy implementation (Hamalai, 2014:37; Hamalai & Ajiboye, 2014:62; Arishe, 2018:8). Legislative oversight, therefore, guarantees effectiveness and efficiency in programme implementation and administration such that it complies with the tenets of legislative enactments. Six aspects of legislative oversight, according to Hamalai (2010:142) include openness, accountability, fairness, supervision, monitoring and sanction. As he further argues (Hamalai 2010:142), there are two perspectives to oversights – internal and external. The internal aspect entails internal audit, assessment of internal controls and financial management of organization. The external aspect is concerned with the oversight exercised by parliamentary commissions, ombudsman, judiciary, anti-corruption bureau, the civil society, the media, and international society. The Committees (House or Senate Committees) engage in in-depth analysis of legislative jobs through oversight functions. Thus, the functions of the committees and subcommittees are significant to the performance of government in its statutory duties to the citizenry and hence, good governance.

Oversight responsibilities of the legislature aim to enhance effective delivery of services and by doing so, help improve

the quality of life for citizens. Also, as earlier alluded, it aims at detecting and preventing abuse of power, preventing illegal conducts considered unconstitutional, protecting the liberties and rights of citizens, making the business of government more transparent in order to boost public trust and making government accountable on how they spend the taxpayers’ money. The tools or techniques at the disposal of the legislature to conduct oversight functions, according to Okoro (2016:3), include budgetary control, vote of no confidence, questioning of ministers, impeachment, public hearings, resolutions in plenary, and commission of inquiry, investigative hearing and project supervision.

## II. ISSUES AND CHALLENGES

The performance of oversights functions in Nigeria by the National Assembly has not been given adequate scholarly attention. Participants in this study agreed that legislative oversight is a critical aspect of legislation that requires attention because it involves scrutiny of government business at the level of the executive arm.<sup>1</sup>The legislature engage ministries, departments and agencies in its oversight duties to scrutinize their activities. The Senate Committee on Women Affairs and Youth Development, for example, performed this duty to ascertain the state of the Nigerian prisons between 2008 and 2009 (Nwosu, 2014:49). In a similar vein, the House Committee on Aviation did an oversight duty on the Ministry of Transport (Aviation) in 2007 focusing on the closure of Port Harcourt International Airport that year (HB.01.2007). Also, the Committee on Land, on September 18, 2008 evaluated the state of the Nigeria’s Rail Transport system (HR.51/2008). Consequently, a public hearing was conducted to investigate the rail system between 11<sup>th</sup> and 13<sup>th</sup> March 2009. The investigation revealed that the rail system in Nigeria was in bad state.

The effective conduct of oversight duties faces several challenges. One of the challenges is incompetency of some members of the National Assembly. For example, those without competency or expertise in econometrics and statistics head sensitive Committees such as the Finance Committee. According to Nwosu (2014:65), this “leads to policy summersault at the end of investigations”. Poor understanding in the core area of service and improper placement of most committee clerks, gives rise to deficient performance. As Hamalai has argued, discipline or specializations do not count in the placement or assignment of clerks to committees (Nwosu, 2014:65; Hamalai, 2010:140).

Experience matters, especially for newcomers. The lack of experience of new entrants contributes or slows efficient oversight functions (Fashagba 2009:451). Typically, new entrants need time to study the rudiments or skills, which does not happen fast enough for many. Similarly, delay in the submission of documents by organizations invited to appear before committees create bottlenecks. For instance, the

<sup>1</sup>Interview, November 14, 2018.

Nigeria National Petroleum Corporation and other subsidiary companies were invited to appear before the House Committee on Gas but because the subsidiary firms did not submit their papers before the date, the sitting was postponed and the investigation process was delayed. The NNPC was to clear issues bordering on contracts awarded to the subsidiary firms (Participant Observation, 2018).

Inadequate basic working tools, poor funding, conflict over jurisdiction arising from too many Standing Committees are equally challenges. This is in line with Nwosu(2014) and Hamalai's position (2010) that over-bloated Committee membership, made possible by the provision of the standing Rules and Orders of the two chambers and over-centralization of authority made the sub-committee chairmen is encouraging idleness. Besides, committee clerks lack the expertise to work in the committees. Frequent changing of these clerks prevents the good ones to stay long enough.

With fifty-seven (57) Committees in the Senate, a Senator would at least, belong to five Committees. These impacts negatively on effective performance of senators, as they are confronting the problem of insufficient time to be active in all the committees, which they are expected to do. Recently, the Senate Committee on Education was cited to have blamed their ineffectiveness on the placement of members in over committees.

Executive resistance and impunity do affect oversight functions negatively. Where the President refuses to sign a Bill into law, the efforts of the legislature become unfruitful. Indeed, as Stapenhurst, Jacobs and Oladeji (2016:2) citing Fashagba (2009) asserted, "the National Assembly has not delivered effectively on its oversight functions owing to several factors, which include executive dominance, inexperience, internal conflict and high turnover of members". They argue that the National Assembly in Nigeria has been compromised.

The dominance of one political party in both institutions of government (Executive and National Assembly) poses danger to oversight activities. In this wise, loyalty to the party in power influences the behaviour of legislators, in matters of oversight duties. This manifests in the failure of lawmakers from openly criticizing the day-to-day activities of government. However, in places where a particular party controls the executive and another has the majority in the legislature, assertive and aggressive oversight activities are more easily carried out. Majority of the participants in this study believe politicians are loyal to their parties and would be afraid to speak up against policies that the executive arm of the government when such a party is the ruling party. Many agree challenges are part of every work in life but pointed out the lack of adequate finance as a major problem every organization and indeed, government is confronted with. This

they said, "is capable of hindering development in the society"<sup>2</sup>

This aligns well with the literature concerning several other challenges. Hamalai's (2014:46) for example has complained about lack of enough time and energy constraints, which he argues hinder oversight duties of lawmakers, since they prevent detailed scrutiny, especially when a problem is complex in nature. To be sure, legislators are often crowded or loaded with a lot of activities, such as attending to people from constituencies who visit, travel for meetings. The time spent to attend to them end up reducing the time they need to be actively involved in oversight duties. On the other hand, oversight functions are discouraged where policy or political pay-off appears minimal, or at best counterproductive, because it involves long-term of work that portends to achieve results. Besides, oversight is also discouraged when it is glaring that, a hard-hitting investigation might awaken the consciousness of constituents and others with special interests that are likely to hinder the chances of legislators' re-election bid (Hamalai, 2014:47).

The issue of funding during oversight was identified as a major challenge. The lack of funds for oversight duties leaves lawmakers vulnerable to the influence of agencies who might want to fill the gap by providing the necessary funds. The risk of compromise is high when the agency under the oversight influence of the relevant committee of the National Assembly undertakes or takes care of the logistical, accommodation and transport bills of the lawmakers. As one participant in the study argued, "there is no way you will find faults and write reports against them when they sponsored your coming and took care of logistics".<sup>3</sup>

Another problem identified in course of our investigation is the deployment and re-deployment of committee clerks. Insights gathered from the interviews affirmed that when clerks are deployed and re-deployed, it takes them time to understudy the functions of their new committees. They called for training and re-training of clerks to update their knowledge with the trend of event to discharge their duties, maximally because there were complains of training to enhance effective handling of jobs. Not with standing these challenges, most affirmed legislative oversight were performed.

Another challenge identified during interview sessions is finance. Implementation of projects requires early release of funds. But the delay in the release of such funds has hindered oversight responsibilities. One participant contended that "before now releases were done quarterly but at the time, it is monthly. This hinders the completion of projects within specified time. Consequently, jobs spill over to the following legislative session. Understanding the financing of oversight functions is important because if not properly funded, performance of the legislature at any level of governance will

<sup>2</sup>Interview, 13 November 2018.

<sup>3</sup>Interview, November 13, 2018.

be poor. Poor funding and delay in the release of finance for oversight amounts to constraining effective discharge of oversight. This has negative implication for good governance, as the citizenry would not benefit from oversight. The implication of this for good governance is negative, as the citizens would not benefit from the exercise of oversight functions.<sup>4</sup>

In the same vein, one of the clerks, who spoke regarding the Committee on Federal Roads Maintenance Agency (FERMA), said communities where projects are being implemented equally create problems for oversight. He alleged that, a community in Ekiti state once disrupted road maintenance by refusing the contractor to cut down trees along the road to pave way for motorists to see far while plying the route. He said armed bandits most often took advantage of the trees as hideouts from where they attack suspecting motorists.

Again, the executive has enormous experience and resources in managing its affairs while the legislature has the experience nor resources to adequately or properly carry out effective supervision is another challenge. Consequently, the executive sees committee reports presented to it as mere information.

### III .CONCLUSION AND RECOMMENDATIONS

The paper concludes that the performance of oversight responsibilities by members of the National Assembly in Nigeria is not an easy task because of the plethora of issues confronting it. This in turn has affected governance generally, when it comes to delivering the public good.

Thus, the paper recommends that the issue of funding should be handled by the government with seriousness. Funds for oversight should be provided early. In addition, the leadership and members of the National Assembly should set aside party affiliations, religious and ethnic sentiments among other divisive tendencies and co-operate to perform oversight functions for the good of Nigerians. More so, loyalty to party should be minimized after being elected into office because it affects performance.

The executive arm of government should avoid interfering in legislative matters to allow the legislature to play its roles in the governance of the country. For placement of committee clerks, competence and expertise should be the guiding principles to ensure delivery of services.

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<sup>4</sup>Interview, November 18, 2018.



## Appendix

**Challenges/ Problems of Selected Oversight Committees of NASS as Reported by the Committees, 2012/2013 Session**

S/N	Name of Committee	Challenges/Problems
1	Senate Committee on Niger Delta	-Inadequate funds for committee activities, -Lack of utility vehicle for oversight activities, -Lack of facilities and internet service for research.
2	Senate Committee on Agriculture and Rural Development	- Failure to assent to Bills passed by the 6 <sup>th</sup> Senate. The committee advised the agencies to send such affected Bills to the 7 <sup>th</sup> National Assembly. However, this is challenging as the committee cannot guarantee their fate, especially because the Federal Government is at the verge of merging and scrapping agencies with similar functions.
3	Senate Committee on Nigerian Air Force	- Inadequate funds for oversight activities and Public hearings. -Lack of working materials in the secretariat. -Inadequate training for Legislators and secretariat staff.
4	Senate Committee on Appropriation	-Lateness in budget submission by the executive, - Poor conceptualization of the budget by the executive and inadequate thoroughness in the analysis of the MDA's submission by the Budget Office, -Lack of adherence to the guidelines provided by the Appropriation Committee, e.g. staying within the envelope, harmonizing with counterparts in the House of Representatives and submitting reports within stipulated time.
5	Senate Committee on Cooperation and Integration in Africa/NEPAD	-Inadequate funds for committee activities, e.g., study tours, - Lack of adequate training (e.g. workshop and seminars) for committee members and secretariat staff.
6	Senate Committee on Culture and Tourism	-Inability to influence the annual budgetary provisions of agencies under its purview because of the envelop system. -Inadequate funding for oversight function.
7	Senate Committee on Education	-Inadequate funding of committee for oversight function and study tour, -Inadequate capacity building programmes for committee members and staff, -Delay in submission of Appropriation Bills by the executive -Undue interference in the appropriation process by the executive.
8	Senate Committee on Establishment	- Inadequate funding for legislative functions.
9	Senate Committee on Ethics, Privileges and Public Petition	-Lack of proper funding for meetings and Public hearings and other committee function, -Poor attendance of members at committee meetings, -Lack of good working environment.
10	Senate Committee on Gas Resources	-Unavailability of the services of a consultant, -Lack of adequate funding for the Committee, -Inadequate working visits and tours to gas establishments and installations, -Lack of manpower development cum capacity building to strengthen committee members and staff.
11	Senate Committee on Information and Media	- Inadequate funding for oversight assignments.
12	Senate Committee on Interior	-Inadequate funding to adequately carry out oversight function, -Lack of adequate office accommodation with proper office equipment, -Lack of adequate training and tools for efficient discharge of duties.
13	Senate Committee on Inter-parliamentary Affairs	-Lack of clarification of roles between the committee and the Office of the President of the Senate, and between the committee and the National Secretariat for Nigerian Legislatures, -Failure to relate official communications pertaining to parliamentary activities/events to the committee for recommendation to the selection committee, -Failure of delegates to Parliamentary Conference to submit reports to the Senate or committee after conferences, - Lack of consultation with committee before delegates for national and international conferences are nominated -Failure to nominate members of committee to attend the conferences. -These challenges lead to low morale among committee members.
14	Senate Committee on Judiciary, Human Rights and Legal Matters	-Inadequate funding for research materials, such as laws of the Federation of Nigeria, etc. for speedy reference, -Lack of steady functional internet system, etc. These tend to slow down the work of the committee, -Lack of training for members of the committee and the secretariat. This made it difficult for members/staff to keep abreast with developments on topical issues bordering on legislative practices and law.
15	Senate Committee on National Planning, Economic Affairs and Poverty Alleviation	-Inability to influence the annual budgetary provisions of the Agencies under its purview due to the envelop system despite cogent reasons to do so. This erodes the confidence of the Agencies under the committee -Inadequate funds for logistics, accommodation, etc. did not allow the committee to perform oversight function to agencies particularly those outside Abuja.
16	Senate Committee on Power, Steel Development and Metallurgy	-Inadequate funding of committee assignments. Lack of utility vehicle for oversight activities. -Inadequate training for committee staff. -Unavailability of the services of consultants and experts, -Poor participation of committee staff as delegates for oversight function, -Lack of opportunity to attend seminars and workshops, both locally and internationally.
17	House Committee on Health	-Poor funding of the activities of the committee, -Lack implementation of agreements reached with Health workers.
18	House Committee on Capital Market	- Non implementation/noncompliance with committee's resolution on the removal of the Director General of the Security and Exchange Commission (SEC).

19	House Committee on Environment	-Lack of training of staff of the committee, -Lack of funds to carryout committee activities, Lack of office equipment.
20	House Committee on Education	-Inadequate office accommodation for secretariat staffs, -Inadequate meeting room for committee meetings -Inadequate office, -Poor funding of the committee and its activities.
21	House Committee on Agriculture	-Lack of office space, -Lack of adequate working tools for committee staff, -Lack of dedicated committee room for meeting.
22	House Committee on Woman Affairs	-Lack of computer set for the committee, -Lack of proper office accommodation for the staff of the committee, -Limited funds for committee activities, -Inadequate training and capacity building program for the committee staff.
23	House Committee on Justice	- Lack of funds, -Lack of reference materials, like Laws of the Federation of Nigeria, Law Reports, etc., to carry out basic research on Bills and other legislative matters. -Lack of adequate office accommodation. - Lack of dedicated committee meeting room.
24	House Committee on Foreign Affairs	- Lack of funding for committee activities. -Inadequate office accommodation for committee staff, -Lack of office equipment such as computers and accessories.
25	House Committee on Niger Delta	-Lack of office equipment, -Inadequate training for staff, -Inadequate funding for committee assignments.
26	House Committee on Inter-parliamentary relations	-Lack of adequate funding, -Lack of internet facilities.
27	House Committee on Civil Society and Donor Agencies	-Insufficient funds for committee, -Lack of office equipment and materials, e.g., computer, photocopier, printers, etc.
28	House Committee on Banking and Currency	-Inadequate funding for running of administration and secretariat duties, -Lack of fund for committee activities, -Inadequate training/ workshop for committee staff. -Lack of enough office accommodation which affects committee record and sensitive documents, -Insufficient basic office equipment, e.g., fax machine, scanner, photocopier, computer machine, etc.
29	House Committee on National Planning and Economic Development	-Lack of office equipment. -Lack of capacity building and training for staff, -Inadequate funds for committee activities.
30	Inter and Intra-Party Relations	-Epileptic release of funds to run the committee. -Lack of funds to embark on sites inspection of some motions/ petitions received by the committee -Lack of necessary facilities, e.g., telephone (internal and external line), operational vehicles, etc.

Source: Hamalai, (2014).