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16

In this Issue

Reflections on the Applications of the Washington and Post-Washington Consensus Principles on Nigeria's Development Initiatives Aloysius-Michaels Okolie, Kelechi E. Nnamani & Ikemefuna S. Nwoke	1
Governance, Security and Elections in Africa: Insights from Theory, Policy, and Practice Adigun A.B. Agbaje	19
Governance and Political Crisis in Africa: Implication for Economic Growth and Development Ndukwe Onyinyechi K., Jonathan S. Maiangwa & Abraham M. Peter	30
Herdsmen-Farmers' Conflicts and Rising Security Threats in Nigeria Abubakar Mohammed & Yahaya Tanko Baba	44
Two Decades of Democratic Rule in Nigeria: Interrogating the Gaps between Failed Dreams and Inflated Expectations, 1999-2019 Jacob Audu	62
Dynamics of the Executive-Legislative Conflicts in Nigeria Robert O. Dode	75
Political Elitism, Good Governance and Democratic Sustainability in Nigeria: A Critical Discourse Garuba, Rasheed Obasekore	88
Politics of Securitization and the Dynamics of Farmers-Pastoralists Conflicts in Nigeria: The Imperative of Peacebuilding Casmir Chukwuka Mbaegbu & Deborah O. Obi	98
Nigerian Security Forces in the Niger Delta Region: Professionalism in Crisis Egbe, Olawari D.J.	112
Election Administration and Democratic Sustainability in Nigeria: A Study of the Independent National Electoral Commission (1999-2015) David Omeiza Moveh	131
Africa-European Union Partnership on Peace and Security and Internal Security Management in Nigeria, 2007-2017 Elias Chukwuemeka Ngwu¹ & Kelechi Chijioke Iwuamadi	153
Peace and Conflict Risk Assessment as a Mechanism for Effective Peace Governance in Katsina-Ala Local Government Area, Benue State, Nigeria Obi, Ndifon Neji	171

Nigerian State, Electoral Umpire and Management of Elections: The Journey So Far Vincent Chidi Onah - - - - -	189
Getting it Right this Time: Agenda Setting for the Ninth Nigerian National Assembly Hassan A. Saliu & Adebola Rafiu Bakare - - - - -	201
Carrots and Sticks Approaches as Panacea to Global Security: The North Korea Experience Udeuhele Godwin Ikechukwu - - - - -	225
Complicity of the Nigerian State in Organized Crimes: A Critique of Security Governance - - - - -	242
Political Reflection on Democratic Governance and Security in Nigeria: Role of the Military Since 1999 Raji, Adesina Abdulfattah - - - - -	258
Mediation, Military Intervention and ECOWAS' Democracy Promotion in West Africa: Insights from the Gambia Luqman Saka - - - - -	277
Theoretical Perspectives on Pastoralists/Farmers' Conflict in Nigeria: An Exposition Ugbudu Martin Iorgbir - - - - -	292
Governance, the State and National Security in Contemporary Nigeria: A Critical Examination Mohammed Lawal Tafida - - - - -	306
Insecurity and Governance Questions in Africa: Re-Evaluating Security Policies for Enhanced Democratic Survival in Nigeria Kwon-Ndung Linda & Erunke Canice Esidene - - - - -	318
Great Powers-Africa Relations and Responsibility to Protect: Extrapolations from "Operation Serval" for Africa's Functional Security Architecture Onyemaechi Augustine Eke - - - - -	328
Re-Conceptualizing Leadership and its Impact on Nation Building in Nigeria Franc Ter Abagen & John Tor Tsuwa- - - - - -	361
Victims, Not Perpetrators: Boko Haram Insurgency and the Juvenilization of Suicide Bombing in Nigeria Okoye, Anthony B. Chukwuebuka & Ezirim, Gerald Ekenedirichukwu	371

Getting it Right this Time: Agenda Setting for the Ninth Nigerian National Assembly

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Abstract

Agenda setting is fast becoming an established norm in Nigerian legislature both at the national and sub-national levels. This is in recognition of the need to adopt world best legislative practices in order to make the Nigerian legislature more focused and effective. Agenda setting gives policy direction to an Assembly by identifying priorities so that legislators know where to channel their resources in becoming effective. It also states the internal operations and processes thereby serving as legislative compass and directory as it enables the legislators to know where they are starting from and where they are going (target) by the end of their tenure. However, the Nigerian experience since 1999 in this regard is pathetic in the sense that agendas are usually single-handedly set by the presiding officers during their inaugural speeches. This makes it difficult to achieve the essence of the agendas as most of the issues set out are usually unattainable because they do not care much about diverse interests and opinions of members of the legislature. It is on this note that this paper set out to provide a template upon which the 9th National Assembly could build its agenda. The paper argues that the process of setting an agenda should be a collegiate one in order to make it inclusive in terms of diversity of members and achievable in terms of realistic goals. The paper identifies the issues responsible for the poor performances of previous Assemblies and urges the 9th Assembly to learn from the past experiences. It recommends that the Assembly should first consider electing its presiding officers through consensus to avoid divided house, make the actual salaries and allowances of legislators public, return the country's budget cycle to January-December, and ensure harmonious legislative-executive relations, among others.

Keywords: *Legislative agenda, Ninth National Assembly, legislative-executive relations, Constituency, legislator.*

Introduction

Since the return to democratic rule in May 29, 1999, Nigeria has witnessed twenty years of legislative politics and governance. A stock taking of what transpired in the last two decades would leave much to be desired in terms of the effectiveness and efficiency of the National Assembly in entrenching good governance in the country. At the time the military was departing the corridors of power, much hope was pinned on the legislature as the body of representatives of the people to stimulate development and bring about inclusive governance given the fact that the executive arm was to be headed by a retired military general and one-time military Head of

State (Olusegun Obasanjo), whom was known with his superiority and authoritarian tendencies. However, the scorecard of the legislative politics and governance in the country over the years have led scholars, analysts and other stakeholders to wish for an alternative to what has been experienced as the anticipatory expectations and hopes reposed in the National Assembly are fast becoming hopeless.

Much as the legislature is indispensable in the democratic process, one expects that the institution will at all time strive to meet up with the high expectations reposed on it by performing its sacred duties diligently and avoid any act that would prompt any attempt to question its existence. The experience in Nigeria over the years however suggests that all is not well with the institution. There have been calls for scrapping the institution or reforming it by some individuals and organizations. At some points, those who have held on to the inevitability argument of the institution surprisingly began to call for making it a part time job and reducing the remuneration to the extent that it will discourage politicians who nurse self-perpetuating agenda from bidding to go to the institution. The underlying factor that has prompted the position could be attributed to the perceived high cost of running the institution with output that has not commensurate with what the country is spending on the legislators.

The institution has continued to make headlines in the national dailies mostly for negative reasons. These range from issues of excessive politicking and needless confrontations with the executive to corrupt-related behaviours, thus immersing the institution into the mud of negative public perception. There are several instances where the actions of the lawmakers and the activities of National Assembly as an institution have posed threat to democratic survival. Although, at some points, the lawmakers have fought hard by rising up against the challenges threatening the country's democratic project, however, the actions inimical to democratic survival seem more than the ones saving it from being truncated. Close observations and assessments of the previous Assemblies have shown that the main factor responsible for legislative misfiring in Nigeria is the inability of the legislators to set a good and achievable agenda at the beginning of each Assembly. More often than not, legislative activities were not properly guided by a vision or policy direction which ought to have served as compass that will guide and ensure the achievement of a desirable end to the expectations of Nigerians. Successive Assemblies since 1999 had not been attaching the needed importance to the issue of agenda setting though the legislators are aware of the need for set it at the commencement of each Assembly.

In recent times, the agenda of Assemblies in Nigeria are usually single-handedly framed by the presiding officers during their inaugural speeches at first plenary. However, the 8th House of Representatives attempted a break from the norm by putting together an official document giving comprehensive guidelines, general principles and the target of the chamber. Despite this laudable act, the extent by which the document actually guides legislative activities remains a source of concern. Studies have shown that agenda-setting is an important element of any political process (Bachrach & Baratz, 1963; Bratton & Haynie, 1999). This is premised on the fact that it can serve to redirect or even redefine institutional priorities and

perspectives. In a situation where the legislature is deviating, it can serve as corrective mechanism that will assist the institution in retracing its steps. In addition, legislators who wish to have their Bills passed will also know the areas of policy preferences to focus their attention to.

This paper is aware of the fact that each Assembly usually sets and adopts legislative agenda at the commencement of its tenure. Therefore, it is not out of place to assist the 9th Assembly in this regard by opening the minds of the legislators to burning issues that require legislative attention. This will enable the legislators to set their priority right from inception and not devote their precious and scarce time and resources to trivial issues that will add up to the already damaged image of the institution. It is in this regard that this paper attempts to x-ray the journey so far in the twenty years of legislative politics and governance in Nigeria. The objective is to identify and engage the salient issues that have characterized the period under review with a view to charting a new course and set an agenda for the incoming 9th National Assembly on how to engage in legislative businesses that could engender good governance and reposition the institution to its rightful place in Nigeria's democratic space.

In doing this, the paper is divided into seven sections. The first section is the introduction which is followed by an historical overview of the legislature in Nigeria from the pre-colonial era to the current Fourth Republic. The third section explores the contending issues that have characterized the twenty years of legislative politics and governance in Nigeria. Section four of the paper identifies what have gone wrong with the National Assembly in its legislative governance of the country in the Fourth Republic. The fifth section examines the context, forms and implications of the 2019 legislative elections for the 9th National Assembly. The sixth section is dedicated to setting an agenda for the 9th National Assembly on how to consolidate on the achievements of the previous Assemblies and right the wrongs observed during the two decades of legislative activities. The seventh section concludes the paper.

Historical Overview of the Legislature in Nigeria

The history of legislative governance could be discussed under two epochs. The first being the pre-colonial and the second being the colonial era. Before the advent of the colonial power, there were evidences that legislative activities (especially lawmaking and oversight) were in existence. Best (2014) attested to this when he noted that kingdoms such as Kanem-Borno empire, Sokoto caliphate and Oyo empire, among others, had legislative processes in their traditional administrative systems. During this period, all powers were centrally vested in Kings (fusion of power), but legislative functions were noticeable in the Councils. Unfortunately, the political institutions in this period were considered sub-standard and of no value from the perspective of the Eurocentric writers. The European scholars and politicians argued that all the pre-colonial political institutions in Africa were too primitive, thus replaced with the introduction of the European stereotypes even though there were little differences between the British-introduced ones and those of Africa. Arising from this, the African institutions were tagged 'informal'.

The second epoch began with the introduction of 'formal' legislative institutions in the administration of British colonies. The first formal legislature established by the British colonial government in Nigeria was the Lagos Legislative Council in 1862 when Lagos was declared a Crown Colony (Goitom, 2017). The Council was headed by the Governor who also doubled as the executive head and the essence of the Council was to advise and assist the Governor of the Colony (Ojo, 1997).

However, the development of a national legislature began with the abolition of the Lagos Legislative Council and the establishment of the 'Legislative Council' in 1922. The 'Legislative Council' was an institution made up of forty-six members including six Nigerians to legislate for Lagos and Southern Provinces (Nwosu, Olaniyi & Oyedele, 1998). The emergence of the national legislature was connected with the agitations by the National Congress of British West Africa (NCBWA), a body established in 1920 in Gold Coast (now Ghana) as an umbrella body for all nationalists across the four British colonies (Nigeria, Ghana, Gambia and Sierra Leone) in the region (Alli, 2004). It was made up of educated nationalists from British West African countries who felt dissatisfied with the legislative structures in the region and demanded for greater participation of Africans in the administration of their countries (National Assembly, 2010). In 1946, Sir Arthur Frederick Richards through the Nigeria (Legislative Council) Order-in-Council of 1946 reviewed and established a new national legislature still known as the Legislative Council but different in terms of membership composition. For the first time in the history of the country, the new Legislative Council was empowered to legislate for the whole country (National Assembly, 2010).

In 1951, based on the recommendations of the 1950 Hugh Foot-led Ibadan conference, Sir John Stuart Macpherson through the Nigeria (Constitution) Order-in-Council of 1951 abolished the Legislative Council and established a new central legislature known as the House of Representatives (Goitom, 2017; Nwosu, Olaniyi & Oyedele, 1998; National Assembly, 2010). The House of Representatives continued to serve as the only central legislature (though with amendments in membership composition and electoral method by Oliver Lyttelton in 1954) until 1959 when the Nigerian Senate was established bringing about the adoption of a bicameral legislature in the country. In 1960, the independent Nigeria borrowed a leaf from Britain by adopting a parliamentary system of government with two chambers known as House of Representatives and the House of Senate. However, the military intervention in Nigerian politics in 1966 led to the suspension of the legislature. Thirteen years later, democratic rule was restored in 1979 and the legislature was renamed as 'National Assembly' (Ojo, 1997; Nwosu, Olaniyi & Oyedele, 1998). Nigeria dropped the parliamentary system and opted for the presidential system retaining the bicameral type of legislature. Subsequently, the National Assembly only existed for four years after which the General Muhammadu Buhari-led military struck and put it under lock and key in 1983 that lasted for sixteen years.

Despite the military rule, the country had a stint of legislative politics between 1992 and 1993 which was regarded as Third Republic before it was aborted. This brought about political rumbles in the country and led to the clamour for the re-

introduction of democratic rule. The eventual military disengagement from power after sixteen years reign returned the country back to democracy in 1999. This signaled the emergence of the Fourth Republic and the National Assembly was re-introduced as the country's national legislature. The current National Assembly in the Fourth Republic emerged from the 1999 general elections. Hundreds of candidates under different political parties contested for the coveted 469 federal legislative seats in an election conducted by the Independent National Electoral Commission on February 20, 1999. Upon the inauguration of both chambers on June 3, 1999, Nigeria has had to contend with the good, bad and ugly consequences of legislative politics and governance. By the successful conduct of legislative elections in February 2019, Nigeria has witnessed twenty years uninterrupted legislative politics and governance, the first in the history of the country.

Contending Issues in the Twenty Years of Legislative Politics and Governance

The Nigerian experience of the twenty years of legislative politics and governance is characterized by a mixed reaction owing to a number of issues. On the one hand, while some of these issues seem to promote democracy and good governance, others tend to pose threat to democratic survival in the country. On the other hand, the National Assembly is enmeshed in internal controversial issues and at some points engaged in confrontational battles with the executive arm of government. It should be noted that some of the issues have earned the legislature kudos from the public but the ones that have resulted in knocks for the National Assembly seem more. This is why many people see more of the bad side of the institution than the good side. Out of the positive issues, two prominent ones stand out. The first was the issue of tenure elongation bid of President Olusegun Obasanjo (otherwise called third term agenda) in 2007 thwarted by the National Assembly. The President through some controversial means, attempted to sway the National Assembly to amend the 1999 constitution to allow him stay in power beyond the eight-year term limit provided for in the constitution but the majority of the legislators moved against the bid thus preventing the sit-tight syndrome which many African countries are known for. Though the circumstance behind the rejection is controversial as there are claims that the legislators were lobbied with N50million each by the President which some accepted and other rejected (Ameh, 2017; Godwin, 2017; Umore & Erunke, 2016). Despite the pressure from the executive, the National Assembly was steadfast and committed to protecting the country's nascent democracy, a feat that earned it praises from home and abroad. The second prominent issue was the declaration of the 'doctrine of necessity' by the National Assembly which made the then Vice-President Goodluck Jonathan to assume the position of Acting President when President Umaru Yar'Adua was indisposed (Ogbeide, 2010). This action saved the country from plunging into constitutional crisis, a feat that also placed the National Assembly on the positive side of the Nigerian political history. Nigerians were grateful to the National Assembly for saving the country's democracy by blocking the loophole which the military could have hung on to truncate the hard-earned democracy (Vanguard, February 12, 2010).

However, issues that placed the National Assembly on the negative public perception started with the intrigues and intricacies that surrounded the election and selection of its principal officers, immediately the institution was inaugurated in June, 1999. The drama was also extended to the appointments of Committee Chairmen as legislators were seen desperately lobbying to head juicy Committees not because of what they can offer but what they stand to gain. The process became worrisome as it heightened political tension in the country given the clashes of interests between members of the National Assembly and some external institutions such as the state Governors who had attempted to influence the process against the wish of the President thus, leading to ethno-religious cold war. Ever since the institution took-off on the note of disordered selection of its leaders, it has become a norm in the operation of the Assembly in Nigeria. The fallout of the manner of appointing the Assembly leadership was the instability especially in the leadership of the Senate witnessed in the Fourth Assembly. The height of this disturbing trajectory was the way the leadership of the 8th National Assembly emerged. The battle for the coveted offices of the presiding officers of both chambers was tense to the extent that it pitched members of the same house against themselves. On the one hand, was the ruling party (APC) leadership which attempting to enforce party supremacy to install Senator Ahmed Lawan and Honourable Femi Gbajabiamila as the Senate President and House Speaker respectively and on the other hand was the opposition backed disgruntled legislators led by Senator Bukola Saraki and Honourable Yakubu Dogara; the outcome of which saw the emergence of the two as the presiding officers. However, the fierce contest later cost both the presiding officers their peace of minds throughout their tenure that eventually led to their defection to the opposition party (PDP).

For most part of the period between 1999 and 2019, Nigerians witnessed what could be described as excessive politicking and needless confrontations between the executive and the legislature. The reason for this is traceable to the attempt by the House of Representatives under the leadership of Rt. Hon. Ghali Umar Na'Abah to impeach President Olusegun Obasanjo on August 13, 2002. The House gave the President two weeks to resign or face impeachment for committing seventeen constitutional infractions ranging from "illegal" deployment of troops to "murder" of innocent civilians in Odi and Zaki Biam; to his refusal to pay deserving States the 13 per cent derivation fund, among other offences (The Punch, December 23, 2002). This led to serious political battle between the two arms of government. While the House was in tangle with the executive, the Senate which ought to serve as the stabilizing factor was enmeshed in internal leadership tussle leading to incessant impeachments of the Senate Presidents which resulted in the emergence of three Senate Presidents within four years. The leadership crisis was believed to be instigated by President Obasanjo in order to have his puppet installed as the Senate President to check the relentless power intoxication of the House of Representatives. However, the confrontation was politically settled with dire consequences for the major actors in the House, as they never returned for sophomore term (Saliu & Bakare, 2016a). The governance environment in the country however witnessed a

relative peace and harmonious working relations between the two arms of government during the 5th, 6th and 7th Assemblies but the situation became worsen in the 8th Assembly where the National Assembly mostly served as opposition to almost every move of the executive despite the fact that both arms were hitherto controlled by the same party. The relationship was hostile to the extent that it affected the governance and process and seemed to have slowed down the pace of governing process in the country. While the executive has its own share of the blame, the National Assembly was more blamed by the public as it alleged to have been deliberately frustrating the efforts of the executive at developing the country and fighting corruption (Aworinde, 2019).

One other major challenge that characterized the twenty years of legislative politics and governance in Nigeria was the wide allegations and the condemnations of the National Assembly for corruption-related activities. The instances of corruption activities are too enormous that the institution has become synonymous to 'house of corruption'. Several people at one time or the other refer to the National Assembly as a den of thieves and self-centered people. A celebrated accusation was that of Obasanjo (2016) when he publicly described the National Assembly as "an assemblage of thieves and rogues". Earlier, Olaoye (2015) had referred to Nigerian legislators as 'legislathieves', as a result of the practice of self-appropriation of allowances such as furniture, wardrobe, newspaper, with outrageous amount and the secrecy surrounding the exact remunerations of the lawmakers. However, it took another dimension when the issue of vehicle purchase scandal rocked the Rt. Hon. Dimeji Bankole-led House of Representatives in 2010. Despite public outcry, there seems no end in sight to the trajectory as the National Assembly continuously engages in vehicle scandals. The 8th Assembly also purchased 109 Toyota Land Cruiser Sport Utility Vehicles (SUVs) at N35 million apiece for Senators and 360 Peugeot cars for House members despite strong opposition from members of the public (Thisday, April 28, 2016). Aside the vehicle purchase scandals, there are other corruption cases most of which are yet to be resolved. These include: The Maina's N195billion Pension Scam involving Senator Aloysius Etuk, the Kerosene subsidy scam, Esai Dangabar's Police Pension Fund Fraud involving members of the Senate joint Committees on Establishment and Public Service Matters, and State and Local Government Affairs (Adams, 2015), Stella Oduah's N255 million armoured car scandal, the Missing N20billion Naira oil money, and the Farouk Lawan's \$620,000 bribe from Femi Otedola in the fuel subsidy scam, among others.

The issue of public perception of the National Assembly as a corrupt institution is one that refused to abate since the inception of the Fourth Republic. The National Assembly is seen as a conduit pipe through which public funds is siphoned, especially under the banner of constituency project fund and extraneous allowances that are shrouded in secrecy despite public outcry for the institution's finances to be made public (Egburonu, et al., 2017). Although, the legislators are aware of the negative perception and described it as worrisome (Umoru, 2016), it is noteworthy that the legislature is not doing enough to correct it. Instead, the National Assembly features in the news on issues inimical to development and democratic survival.

Prominent are the issues of corruption scandals, insensitivity and irresponsiveness to the needs of the people at critical periods (such as purchasing bullet proof vehicles during recession when the executive was finding it difficult to pay workers' salaries), and failure to pass important bills like the Petroleum Industry Bill, among others. The National Assembly is also alleged to be frustrating the anti-corruption fight through non-passage of Special Criminal Courts Bill initiated by President Buhari in 2016 (Nnamdi, 2017). Consequently, the negative perception of the Assembly has continued as a result of trivial acts, unprofessional and corruption-related actions of some legislators and the management of the National Assembly. More recently in this regard is the sale of office equipments to outgoing 8th Assembly lawmakers at ridiculous prices when the newly elected lawmakers of the 9th Assembly could still make use of the equipments. The non-returning lawmakers were allowed to purchase their office equipments at the paltry sum of N349,970.50 of which the current market value is put at about N3million (Anofi, 2019; and Independent, May 26, 2019). This act has continued to generate negative comments from the public that are making more damaging to the already soiled image of the National Assembly.

The issue of constituency projects' funds has also become a consistent stroke that has broken the camel back in the twenty years of legislative governance in Nigeria. There is a wide allegation of legislators diverting the Constituency Development Fund (CDF) for personal use and counter argument that the legislators do not handle the funds but only present their project priorities to the MDGs for execution. The issue of constituency project started during the tenure of President Obasanjo at the request of the members of the National Assembly under the argument of taking dividend of democracy to their people in response to the demands of their constituents. Subsequently, the President yielded to the pressure of the lawmakers by inserting the selected projects of all lawmakers into the federal government's annual budgets to be implemented by the relevant MDGs. This act has continued till date and the total cost of the CDF is now N100billion shared among the 469 lawmakers in the ratio of 60:40 for the House of Representatives and Senate respectively.

The principal officers of the Senate shared N20billion and the remaining N20billion is spread across all the 109 senatorial districts not minding the fact that the principal officers had already taken half of the fund. The same trend goes in the House where the principal officers shared N20billion with the remaining N40billion distributed across the 360 federal constituencies inclusive of those of the principal officers. This sharing formula leaves each lawmaker with a sum of N200million annually for constituency projects. The argument of the lawmakers is that they only earmark the projects but the award of contracts and execution is done strictly by the executive through the MDGs. However, there is a subsisting allegation that the lawmakers do influence the bidding process by nominating the contractors who are instructed to inflate the project costs in a bid to take kickbacks from the contractors by the lawmakers. In some cases, the lawmakers are alleged to front their personal companies for the contracts and in most cases, end up diverting the money to personal uses without executing most of the projects (Busari, 2018). This allegation was recently proved right by the claim of the Chairman of the Independent Corrupt

Practices and other Related Offences Commission, Bolaji Owasanoye that after declaring a fight against non-execution of constituency projects, legislators who have diverted the CDF have begun to mobilize contractors back to site to execute the projects (Sunday Punch, May 5, 2019).

The actions and attitude of the National Assembly toward the budget making exercise also attract the attention and generate some concerns among stakeholders, analysts and the public. The lawmakers are known with their habitual delay in the passage of the Appropriation Bills (Saliu and Bakare, 2016b). It takes an average of four to five months for the National Assembly to pass the Bill, making the budget year to be delayed by close to five months into the new fiscal year; an action which the executive usually decried (Ehikioya, 2019a). For instance, the 2019 Appropriation Bill was passed and assented to by President Muhammadu Buhari on May 27, 2019 eating into the fiscal year by 5 months. Though the executive also errs by failing to present the Bill in record time to give the lawmakers the ample time to legislate on it, much of the blame is put on the legislature. Aside the time issue, there is also the allegation of corrupt practices by the lawmakers in the budget process where they secretly insert projects without the knowledge of the executive. This led to the much celebrated budget padding allegation in 2016 by Honourable Abdulmumin Jibrin which eventually led to his suspension for 180 legislative days. The 2019 budget also witnessed similar fate as the President reluctantly signed the budget into law noting his displeasure on how the National Assembly injected N90.33billion new projects into it without the knowledge of the executive, claiming the act would disrupt the efficient implementation of his policies (Ehikioya, 2019b).

The twenty years uninterrupted legislative experience of the country cannot be better discussed and concluded without the mention of the alleged scandalous salaries and allowances of the lawmakers. Going by the official breakdown of the salaries and allowances of legislators in Nigeria by the Revenue Mobilization Allocation and Fiscal Commission (RMAFC), an organization solely saddled with the responsibility of fixing the emoluments of public servants, a Senator is entitled to N12, 902,360.00 annually as salaries and allowances with N24, 090,000.00 as accommodation, vehicle, furniture and severance package payable once and for all for 4-year tenure (excluding estacode and tour duty allowances). On the other hand, a member of the House is entitled to N9, 525,985.50 annually as salaries and allowances also excluding estacode and tour duty allowances; with N23, 822,000.00 as a one-time pay for accommodation, vehicle, furniture and severance package. However, there are wide allegations that the national lawmakers earn far more than what the RMAFC allocated to them. This entails earning self-appropriated allowances outside the purview of their official pay. This allegation was corroborated by Honourable Abdulmumin Jibrin who disclosed that each member of the House of Representatives earns about N10million monthly (Adesanya, 2016). The position of Hon. Abdulmumin Jibrin on the unofficial earnings of the legislators is one too many. There are several claims on the guesstimate figures of the annual salaries and allowances noted by prominent persons that could not be out-rightly discountenanced. For instance, Prof. Itse Sagay, who is the Chairman of the Presidential Advisory

Committee on Anti-corruption to President Muhammadu Buhari, claimed that information available to him shows that a Nigerian Senator earns about N29 million a month and over N3 Billion a year (Adebayo, 2017). Despite public outcry and press triggering the Freedom of Information Act in this regard, the National Assembly remains adamant to public declaration of the actual entitlements of each member. The refusal to publicly declare the legislative pay is a sign that they are earning more than the legally appropriated entitlements (Mahmud, 2017).

National Assembly and Legislative Governance in the Fourth Republic: What went wrong?

From the foregoing discussion of Nigeria's twenty years' experience in legislative politics and governance, a number of issues can be identified to have gone wrong which consequently placed the National Assembly in a precarious state in the discourse of democratic rule in the country. Although, these issues are enormous, this paper only identifies the salient ones in order to set the ground upon which the reformation of the institution will be made especially as expected of the 9th Assembly.

The first obvious aspect where the National Assembly has been getting it wrong is the issue of the election of presiding officers, appointment of other principal officers, and selection of Committees membership. The emergences of the principal officers have barely come without one form of drama or the other. The intrigues and intricacies that usually characterized the elections of the presiding officers have been denying the institution of leadership stability which has jeopardized the effectiveness chances of the legislature. This chiefly made the institution to be seen as the 'indispensable bad egg' among the three arms of government. For instance, the 4th Senate had three different Presidents in four years, while the 4th House had two Speakers. Each of the impeached officers was removed as a result allegation that was politically blown out of proportion. Senator Enwerem was impeached on allegation of outrageous furniture scandal while Okadigbo was axed on 'Salah ram' scandal. In the House, Salisu Buhari was kicked out as a result of certificate forgery (from University of Toronto in Canada) which brought about the sobriquet of 'toronto certificate' in Nigeria's socio-political discourse. The trend continued in the 6th House when Honourable Patricia Etteh was removed in what is today known as *Ettehgate* in Nigerian politics. This trajectory is not limited to presiding officers, as chairmen of Committees and other principal officers are removed in controversial circumstances devoid of due process. Examples are Honourable Abdulmumin Jibrin as Chairman, House Committee on Appropriation which led to budget padding allegation, Senator Babajide Omowore as Chairman, Senate Committee on Rules and Business and Senator Ali Ndume as Majority Leader in what is today regarded as legislative coup, all of the 8th National Assembly.

The manner by which the National Assembly handles the annual national budgets leaves much to be desired. Since the advent of the 8th Assembly, there have been series of allegations and counter-allegations on the politics of budget making process which usually place the institution at the receiving end of the blame. The National Assembly is alleged to have developed the habit of deliberately delaying the

budget for months thus, holding the country to ransom. For instance, President Buhari decried the action of the National Assembly in this regard and claimed that he ranked the Senate President (Saraki) and Speaker (Dogara) low in patriotism for delaying the budget (Aworinde, 2019). However, Dogara rejected the accusation by blaming the executive for causing the delay. He claimed that the President usually presents the budgets in December and the National Assembly needs 3-4 months to work on it. In addition, the Ministers usually foot drag when called upon to defend their budgets to the extent that some Ministers see themselves too big that they sent their permanent secretaries after the intervention of the President (Opejobi, 2019). Aside the delay, the 8th National Assembly is also accused of padding the budget. This allegation is weighty given the fact that it is emanating both within and outside the institution. The much celebrated accusation by Honourable Abdulmumin Jibrin that the House Speaker, Yakubu Dogara padded the 2016 national budget showed that the allegation cannot be brushed aside coming from the then Chairman of House Committee on Appropriation. Recently, the National Leader of the APC, Bola Ahmed Tinubu also accused both Saraki and Dogara of padding national budgets for the four years of their stewardship by cutting the fund appropriated to projects that are beneficial to Nigerians and using same fund to insert their self-interest pet projects (Adetayo, Aborisade, & Baiyewu, 2019). The Senate President also refuted the claim and challenged Tinubu to produce evidence that the National Assembly padded the national budget (Baiyewu, 2019). Regardless of the swift response by the leadership of the National Assembly on the allegations, the legislature is getting it wrong in the handling of the national budgets.

A review of the lawmaking performances of the previous Assemblies would show that the institution is negatively affected by low capacity on the part of most lawmakers. The lawmakers are not well trained or lack the capacity to push their Bills through the legislative cycle. The gaps between the number of Bills initiated to the ones passed, and the number of passed Bills to those assented to by the President is a testimony for this shortcomings. For instance, the Senate of the 4th National Assembly received 250 Bills, out of which only 64 were passed, the 4th House also processed 325 Bills but only 103 were passed. The same trend was recorded in the 5th Senate with 426 Bills processed out of which only 129 were passed. The 5th House processed 343 Bills but could only passed 168. While the 6th Senate passed 72 Bills out of 477 Bills processed, the 6th House passed 152 Bills out of 503 Bills initiated. The 7th National Assembly was indifferent as the Senate received 615 Bills but only passed 125 and the House received 792 Bills out of which only 192 were passed (NILS, 2016). In aggregate, the Senate received 1,788 Bills between 1999 and 2015, only 390 were passed signifying 21.8% effectiveness. The House in the same period received 1,963 Bills but could only passed 615 accounting for 31.3% performance level. More disturbing is the fact that, out of the average 503 Bills concurrently passed by both chambers, only 244 of the Bills were assented (i.e. 48.5% performance level) given the enormous human and material resources expended on the process. This clearly shows that most of the legislators lack the capacity to push Bills through the legislative cycle, and the National Assembly as an institution also

lack the wherewithal to engage the Presidents to assent the passed Bills into law. Therefore, the leadership of the institution is getting it wrong in the area of capacity building of the legislators. This has multiplier effect on the overall performances of the institution in terms of lawmaking, oversight, representation and budgeting functions of the National Assembly. At the individual level, some lawmakers were seen not effective by their constituents thus paving way to their electoral defeat among other factors which consequently led to the high legislative turnover witnessed in the previous Assemblies. The implications of the high turnover are seen from its effects on quality legislations, loss of institutional memory, resources wastages, and the disconnection between the legislature and the people, among others (Saliu and Ifejika, 2016).

Aside the foregoing, there are other numerous issues that went wrong in the twenty years of legislative governance in Nigeria. These include: poor institutional funding, high materialistic tendencies of legislators, negative public perception and poor image management, cold legislative-executive relations, legislators' stance on anti-corruption crusade, secrecy of financial transaction especially legislators' salaries and allowances, and controversy trailing the management and operation of constituency projects, among others.

2019 Legislative Election: Context, Forms and Implication for the 9th National Assembly

In line with Section 68 of the 1999 constitution (as amended) which sets a four-year tenure for the members of both chambers of the National Assembly and Section 71 that mandates the Independent National Electoral Commission (INEC) to conduct elections to fill the 469 seats, the 2019 legislative elections were held on February 23, 2019 with supplementary polls held on March 9 of the same year. While the outcome of the elections sprung some surprises in some areas, it went as expected in others. In all, the ruling APC maintained its dominance in both chambers with an increased number of seats. However, the main opposition PDP lost some seats during the election but gained a number of seats through the court order.

The Senatorial elections saw the APC winning 65 seats out of the 109, with the PDP coming second with 39 seats while YPP claimed one (1) seat to represent Anambra South Senatorial District. Out of these figures, both APC and PDP won two (2) seats each through supplementary election while the remaining seats were won at the main election. As at the time of writing this paper, four (4) seats were pending out of which APC's victory in Imo West Senatorial District was put under hold by INEC as a result of the claim that the result was declared under duress. The electoral management body had earlier vowed not to reward electoral rascality by withholding the certificate of return, an action which the candidate (Rochas Okorocha) is currently challenging in the law court. The remaining three (3) pending were those of Imo North, Rivers East and West Senatorial District. However, as a result of the judgment of the Supreme Court which nullified all votes cast for the APC in Zamfara State due to the party's failure to conduct primary election which is a prerequisite to participate in the election, the PDP that came second (as the first runner up) in the election

benefitted by clinching all the three (3) Senatorial seats in the state. This brought about a change in the tally with APC having 62 seats, PDP with 42 seats and YPP maintaining its one (1) seat with four seats (pending). This analysis is presented in figure 1.

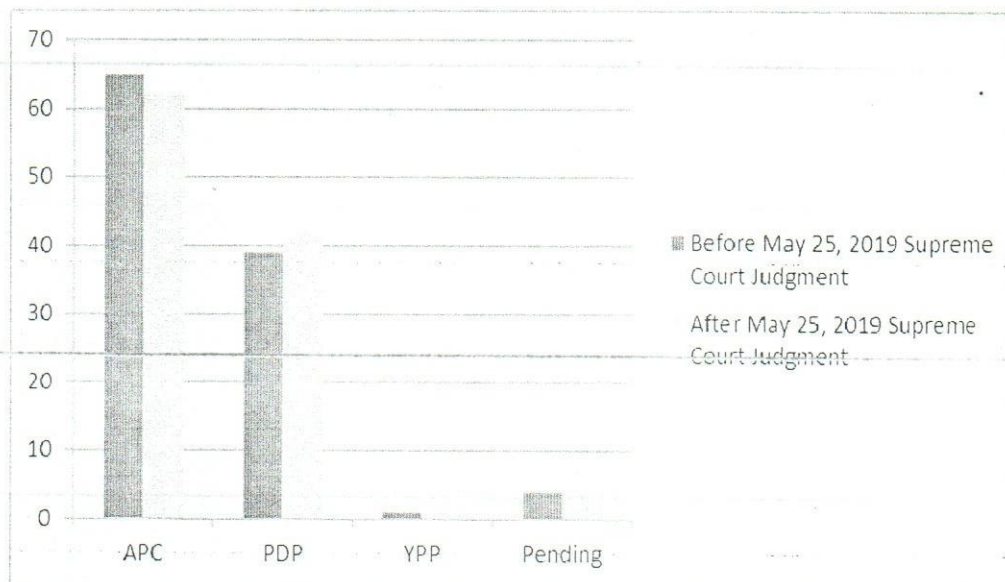


Figure 1: Graphical Analysis of the Outcome of the 2019 Legislative Election (Senate)

Source: Authors' computation with underlying data from INEC official website (<https://www.inecnigeria.org>)

The outcome of the House of Representatives elections followed a different trend as smaller opposition parties were able to win some seats. The two major parties shown their dominance in the House as APC earned 217 seats (60.3%) making it the majority party while PDP won 115 seats (31.9%). APGA came in distance third with 9 seats accounting for 2.5%. The ADC party won three (3) seats (0.8%) and both AA and PRP won two (2) seats each (0.6%) with APM, SDP, ADP and LP winning a seat each (0.3%). Eight (8) seats are pending. As applicable to the Senate, the Supreme Court judgment of May 25, 2019 also affected the seat allocation in the House with APC losing all seven (7) seats to the PDP in Zamfara State. Thus, the seats strength of the APC reduced to 210 while that of the PDP increased to 122 in an inverse relationship. The current seats won by the parties are shown in figure 2.

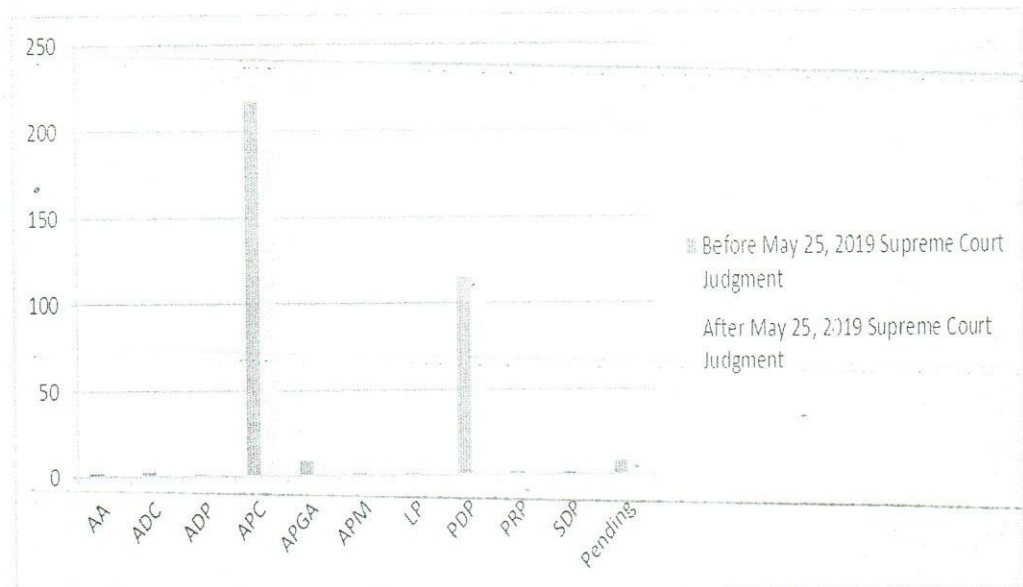


Fig 2: Graphical Analysis of the Outcome of the 2019 Legislative Election (House)

Source: Authors' computation with underlying data from INEC official website (<https://www.inecnigeria.org>)

From the analysis, the ruling APC maintained its majority position while the PDP remained the major opposition amidst the other minor parties. However, the APC failed to secure two-third absolute majority in both chambers needed to unilaterally take decisions and sway legislative floor voting to its side. In the Senate, a party need to secure 73 seats to make two-third and the APC was able to win 62 seats, which is 11 short of absolute majority. The implication of this is that decisions will be taken by negotiations in the Senate. The APC caucus will need to convince at least eleven opposition Senators together with all its members to form the two-third votes needed in decision making. In the House of Representatives, the APC also could not gather the two-third required to form absolute majority. The ruling party gathered 210 seats which fall short of the needed 240 seats by 30 seats. This implies that the House will be devoid of possible legislative tyranny of the ruling party as decision will also be taken based on negotiations and cooperation.

Aside decision taking and floor voting, another implication of the electoral outcome can be seen from the perspective of electing the presiding officers in both chambers. Section 50 (1) provides that:

There shall be:- (a) a President and a Deputy President of the Senate, who shall be elected by the members of that House from among themselves; and (b) a Speaker and a Deputy Speaker of the House of Representatives, who shall be elected by the members of that House from among themselves.

By implication, the positions of the Senate President and Speaker with their deputies are not exclusively reserved for the party with majority seats. The wordings '*who shall be elected by the members of that House from among themselves*' implies that the presiding officers could be elected from any political party. In addition, the Standing Order of the House of Representatives in Order 2, Section 3 (g) provides for the mode of declaring the Speaker in an election between two or more members-elect. A Speaker is said to be duly elected if he/she is able to garner more than half of the votes cast. However, the Standing Order of the Senate provides for simple majority of the votes cast. This signifies that the PDP could spring a surprise and bring about the reoccurrence of the June 9, 2015 experience where the presiding officers positions were shared between the two dominant parties. On the one hand, the PDP with 42 members in the Senate could form alliance with either of Senators Ali Ndume or Danjuma Goje to retain the Deputy Senate Presidency provided any of them could provide 13 votes from among the 62 APC Senators-elect to upset the APC-anointed candidate, Senator Ahmed Lawan of the APC. This permutation is not impossible as it is not a tall dream that is out of reach. On the other hand, the permutation is unlikely in the House of Representatives as the PDP need 58 votes together with its total 122 votes to spring any surprise against the APC-anointed candidate, Honourable Femi Gbajabiamila which looks like a tall dream. As a result of these, the two dominant parties are already scheming to outdo each another. While the APC is leaving no stone unturned to avoid the June 9, 2015 experience, the PDP is strategizing to hit the APC for the second time. The outcome of the elections will definitely shape the legislative-executive relations in the 9th Assembly.

How can the Ninth National Assembly right the wrong?

This paper is of the view that the twenty years' experience of legislative politics and governance in Nigeria is enough for the National Assembly to get it right and set its feet on the right path to reclaim its lost glory especially in the aspect of reversing the negative perception of the institution by the public. The need to reposition the institution is non-negotiable as a result of its indispensability and centrality to the democratic project. The country cannot afford to toil with the hard earned democracy and all stakeholders especially the legislature must do all it takes to protect the country's democracy from been truncated. The National Assembly made up of people's representatives is expected to lead the campaign to foster national integration and entrench good governance in the wake of the series of challenges bedeviling the country which range from socio-economic, political and security concerns.

The 9th National Assembly must begin on a fresh and good note by channeling its efforts on legislative activities that will better the lots of the people. In doing this, there is need for the institution to set a clear agenda capable of driving its vision. This paper becomes handy in this regard as this section highlights ten (10) issues which the 9th National Assembly should focus on should it desire to right the wrongs of the previous Assemblies.

i. Free, Fair and Credible Election of Presiding Officers

The first point of call of the 9th National Assembly should be to conduct free, fair and credible elections to appoint the presiding officers. The election should deviate from the previous ones that were characterized with drama, tension and desperation especially as witnessed during the 4th and 8th Assemblies. This paper opines that each of the two chambers should get itself together and possibly reach consensus on who should emerge. The essence of this is to avoid election that will pitch members against each other right from the first sitting. Despite the fact that election provides opportunities for participatory democracy, the danger is that it creates division. The 9th National Assembly cannot afford to begin its journey with a divided house as this may spell doom for the institution that aims to pick its pieces together after turbulent a four-year tenure. Since the legislature is an assemblage of representatives that transcend party affiliations, it should not be difficult to reach a consensus in a way that both major parties (APC and PDP) will shift ground to accommodate each other's interests. Whoever emerges as the presiding officer must run an inclusive Assembly where a member will not become an alien in the chamber. The view of the majority should count while that of the minority must also be heard and considered.

ii. Opening up of Actual Salaries and Allowances

The secrecy that surrounds the actual salaries and allowances of the legislators is the major factor that is soiling the image of the National Assembly. The management of the 9th Assembly will be doing the institution a lot of goods if the actual remuneration of the legislators is made public. In addition, the management should also justify why the lawmakers earn such amount by giving realistic explanation on the expenditure and other itineraries of the lawmakers, the total of which make up the amount. This will put to rest the series of agitations, allegations and guesstimates on the salaries and allowances of the lawmakers. It will also not be out of place for the National Assembly to commission a further research on comparative analysis of the remuneration of lawmakers across countries sharing similar characteristics such as economic status, plurality and developmental indexes, among others; as done by the National Institute of Legislative and Democratic Studies (NILDS) in 2015. Furthermore, the National Assembly should consider taking a step further on the effort of the 8th Assembly by publishing the breakdown details of the annual budgets of the National Assembly. All these should make the financial transactions of the legislature open to the public and prove that the institution has nothing to hide.

iii. Fostering Legislative-Constituency Relations through Viable Constituency Projects

The most popular observation which average Nigerians have made on their representatives is the wide allegation of disconnection between the legislators and their constituencies. Most legislators are fond of staying away from their constituencies. This is largely attributed to the high demands of the constituents

which most legislators could not afford (Akinderu-Fatai, 2016). It is also attributed to misconception of the role of the legislators by the people who expect them to provide infrastructural facilities such as building of schools, reconstruction of roads and drainage, and provision of electricity, among others (Solomon, 2016). As a result, most legislators prefer to reduce their contact times and visitations to their constituency offices. There is also the allegation of misappropriation and diversion of constituency project fund by lawmakers which inhibits their frequency at home. The 9th National Assembly should look towards sanitizing the process of constituency projects by prohibiting all forms of sharp practices that can pervert the execution and delivery of constituency projects. Any lawmaker whose constituency project is well executed and delivered will have cause and confidence to visit his/her constituency frequently, even if he fails to satisfy all personal needs and requests of the people as the projects will portray him/her positively and improve the legislative-constituency relations and by extension, projects the National Assembly positively in terms of image and perception.

iv. Overhauling the Budget Process

As mentioned earlier, the National Assembly is perceived to be notorious in perverting budget making process. The exact power of the National Assembly in the budget process is still a subject of controversy. It is not clear whether the legislature has the power to delete projects and the corresponding costs made by the executive in the Appropriation Bill and insert new ones without recourse to the executive. While the legislature claims to possess such power, many people are of the opinion that the institution is only empowered to vet the executive proposals and ask for clarifications during budget defense. The act of substituting projects without the knowledge and agreement of the executive is responsible for the allegation of budget padding that has been leveled against the legislature. It may not be out of place for the National Assembly to test these conflicting claims in the law court. The 9th National Assembly could consider approaching the Supreme Court to interpret and clarify the exact powers and roles of the legislature in the budget making process. This will put an end to the continuous accusations of budget padding. In addition, the National Assembly is also accused of deliberately delaying the passage of the Appropriation Bills which takes 4-5 months thereby eating into the new fiscal years. In view of this, it will not be out of place for the management of the 9th National Assembly to consider returning the country's budget cycle to January-December. The budget of the penultimate year should be passed before December 31 of the preceding year. There is need for cooperative and collaborative efforts with the executive to encourage the President present the Appropriation Bill in record time around July-September for ample time for diligent and meticulous scrutiny as requested by Yakubu Dogara (Opejobi, 2019). There is hope that this could be achieved as President Buhari has pledged to engage with the 9th National Assembly for a cooperative effort at smoothening the budget process (Ehikioya, 2019). Therefore, the legislature should key into this opportunity to overhaul the budget making process and make it more transparent, efficient and effective.

v. Cordial Legislative-Executive Relations

The success story of the 8th National Assembly could have been better appreciated had the legislature avoided the conflicting, confrontational and defiance relations with the executive. Despite the crises that rocked the 8th Assembly, it passed more Bills than previous Assemblies. Unfortunately, the cold relationship with the executive placed the National Assembly at the receiving end of the blame given the sympathy and cultic followership which the President enjoys from the people. This makes the public to care less about the various achievements of the National Assembly. In view of this, there is need for the 9th National Assembly to stand on the same page with the executive. Efforts should be made to trigger a cordial relationship between the two arms of government at the level of 'maintenance'. This relationship is described as a situation where the two arms of government enjoy high degree of autonomy without undue interference in one another activities (Aremu, Bakare & Abayomi, 2017). In order to make this possible, there is need for frequent interactions between the legislature and the executive through the Presidential Advisers on National Assembly to reduce the gap between the two arms. This will also enable the National Assembly to have prior knowledge of executive disposition/position on issues under discussion and factors to consider in line with mutual inclusiveness (without undermining the independence) of the arms and institutions of government. It should be noted that the Senate President (Saraki) earlier requested for this, when he urged the executive to lobby the National Assembly on policy issues (Usman, 2017). Unfortunately, Saraki was quoted out of context to mean that he was requesting that President Buhari bribe them before passing the 2018 budget. However, carrying the executive along and giving consideration to its policy direction will urge the executive to implement the motions and resolutions of the legislature that are hitherto not binding under the force of law. This will also reduce the tendency by the executive to refuse to sign passed Bills into laws thereby increasing the output of the legislature and entrench good governance in the country.

vi. Legislating more on Social Welfare Bills

Legislations in Nigeria are classified into five categories. These are: *Economic Development Acts* incorporating all economic management and developmental related laws, *Social Development Acts* depicting all laws seeking to improve the wellbeing of the people in the areas of health, education, welfare, community development etc., *Governance/Political Development Acts* that relate to entrenching good governance and good political practices, *Regulatory Acts* relating to establishment and regulation of institutions, and *Cultural Acts* covering all laws relating to cultural development (NHS, 2013). A close look at the performance of the National Assembly shows that the legislature gives priority to economic Act. For instance, between 1999 and 2011, the National Assembly enacted 183 Acts out of which 64 were economic Acts and 32, 4, 41 and 42 were social, cultural, political and regulatory Acts respectively. While this is commendable given the significance of the economic sector to development, it runs contrary to consensus of the participants at the United Nations World Summit on Social Development in Copenhagen in 1995. At

the summit, Heads of State and Government recognized the fact that social development and human well-being are more significant to sustainable development and should be given the highest priority in national and international policies. The outcome of the summit which is the 'Copenhagen Declaration on Social Development and Program of Action' established a new consensus to place people at the centre of concerns by eradicating poverty, promote full and productive employment, and foster social integration to achieve stable, safe and just societies for all (Fahrudin, 2005). Since the focus of social development laws is to lift people out of poverty and make life meaningful to them, it becomes expedient for the 9th National Assembly to give more attention to this category of Bills. This position is anchored on the fact that high rates of poverty and unemployment in the country are mainly responsible for the developmental and security challenges that plague the country. This paper is of the view that if the National Assembly can devote much time to legislate on social welfare Bills, much of the problems facing the country will abate as the living conditions of Nigerians will improve and they will be empowered to participate in economic, social and political activities.

vii. Cooperate with the Presidency in the Fight against Corruption

President Buhari is enjoying the sympathy and support of majority of Nigerians due to his perceived integrity and stance against corruption. However, the reverse is the case with the National Assembly as a result of the perception that the institution is a den of corruption and that the legislators are out to frustrate the anti-corruption efforts of the President. Several instances point to this fact. These include the failure to pass the special anti-corruption court Bill and the refusal to confirm Ibrahim Magu as the substantive Chairman of the EFCC on two occasions of the President's nominations, among others. The 9th National Assembly as a matter of necessity should retrace the legislature stance on anti-corruption fight and key into the crusade since it is the trending issue in the country.

viii. Making Floor voting to Reflect the wishes of Constituency

Many people are of the opinion that the legislative behaviour of most legislators do not reflect that of the people they are representing. The legislators are alleged to be taking stands that did not reflect the yearnings and aspirations of their constituents especially during debate and floor voting on national issues. This is majorly attributed to the disconnection between the legislators and their constituents. Under normal circumstances, the legislators ought to engage in regular meetings with their constituencies where they will collate, articulate and harmonize the interests of the constituents and come up with the policy needs and positions that will guide their floor voting and debate. It will do the 9th National Assembly a good if the management can mandate and institutionalize regular meetings to foster legislative-constituency relations. A day could be set aside at regular interval for all legislators to retire to their constituencies to meet and deliberate for the purpose of carrying the people along in legislative activities.

ix. Publicizing the Working of the National Assembly

One of the major reasons why many people share the argument that the Nigerian legislators are heavily paid for doing little is the fact that they do not know how the legislature operates. People have based their perception on misconception of the role of the legislature to the extent that very few understand that much of the work of the legislature is done at Committee level, thus the outcry about absence of legislators at plenary. Since most Nigerians do not have access to the National Assembly to observe legislative activities, there is need for the management of the 9th National Assembly to key into the opportunities provided by social media by providing and regularly updating a technological Bill progression method/chart on the National Assembly website and other social media platforms like Twitter, Facebook, Youtube, and WhatsApp, among others, to make its activities open to the public. Live broadcast of plenary, Committee sittings, public hearings and other legislative activities should be aired and opportunities should be given to the public to send in their inputs (as feedback) through the website. This will reduce the cost of public participation in legislative activities as there will not be need to travel to Abuja before participating. This will also enable people to monitor the effectiveness level of their legislators and prompt the lawmakers to perform effectively. While one notes the efforts of the NTA Parliament and other television and radio broadcasts are appreciated in apprising the public about legislative activities, more needs to be done in this regard especially on the website in terms of live streaming of legislative activities because most of the television and radio broadcasts are recorded reports.

x. Rebranding the Image of the National Assembly

It is of necessity for the 9th National Assembly to engage in programmes that will rebrand the image of the legislature. The image problem of the institution is high to the extent that if nothing is urgently done, all other efforts will seem more or less of a waste. This paper opines that the National Assembly should consider massive and continuous public re-orientation of the power, roles and functions of the institution. Many Nigerians are unaware of the starting and end point of the power bestowed on the National Assembly by the constitution. Perhaps, this is the reason why people perceive its members to be engaging in excessive politicking and needless confrontation with the executive during lawmaking and oversight functions. Image rebranding will also reduce the high expectations of the people on their legislators to provide infrastructural facilities which are exclusive functions of the executive. In doing this, the individual behaviours of the legislators must also be conditioned to meet the honorable status of their positions. Legislators must be able to conduct themselves in and outside the legislature in a manner that will not bring disrepute to the exalted institution.

Conclusion

The paper concludes that despite the positive contributions which the National Assembly has brought to Nigeria's democratic experience since 1999, the perceived negative input outweighs its positive, thus the institution is believed to have

failed Nigerians. The paper noted that the 9th National Assembly cannot afford to fail as there is much hope and expectations on the institution to correct the areas where the previous Assemblies, especially the 8th National Assembly erred. In view of this, having identified the concerns and issues that seem to have damaged the image of the National Assembly since 1999, this paper highlighted some key issues which the 9th National Assembly is expected to prioritize in order to succeed. The paper encouraged the Assembly to sustain the tradition of setting an agenda at the commencement of the Assembly but thrive to make it a collective and an institutional decision making process, rather than a one-man show or a responsibility of a few where only the presiding officers dictate the legislative agenda during their inaugural speeches. It is the expectation of this paper that if the National Assembly considers these issues, the institution will not only go a long way in engendering good governance but also redeem its damaged image and put the institution in its rightful place in Nigeria's democratic journey.

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