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Joseph Yinka Fashagba
Ola-Rotimi Matthew Ajayi
Chiedo Nwankwor *Editors*

The Nigerian National Assembly

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Inter-Chamber Relations in Nigeria's Presidential System in the Fourth Republic



Omololu Fagbadebo

Introduction

In recent times, some bicameral legislatures are proposing the eradication of their second chambers. In March, 2017, Mauritanian president, Mohamed Ould Abdel Aziz, announced that a referendum would take place to determine whether or not the senate would be abolished (NEWS24 2017). The constitutional amendment process, which started in 1991, reached a stalemate when a majority member of the senate voted against the proposal. In Canada, opinion polls indicated that a majority of the citizens supported either the reform or abolition of the senate (Kennedy 2015; Trimble 2014). In 2012, the Senegalese senate was abolished (Allison 2012; Magaji 2016).

The demand to reform or abolish the second chambers has led to a series of works on the decline of the second chamber (Coakley 2013, 2014; Bochel and Defty 2012). This consideration has been hinged on the notion that the second chamber is nothing other than mere talking shops and waste of resources. The Senegalese decision, for instance, was 'intended to curb government spending, and will provide the cash needed to help the victims of the yearly rains which have left thousands homeless and killed at least 13 people' (Magaji 2016). The government claimed that the 100-member Senate would save the country of about \$15 million.

This is not surprising. In 2014, out of the 192 legislatures in the data base of the Inter Parliamentary Union (IPU), 113 (59%) were unicameral while 79 (41.15%) were bicameral (Drexhage 2015). Out of these countries, however, Yemen, Ethiopia, Oman, Slovenia, categorised as bicameral, are functionally unicameral because their second chambers, the senate, play mere advisory role. Countries like Botswana,

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Iran, and Indonesia that are declared unicameral in the IPU data base were considered in the literature to be bicameral systems, because two decision-making assemblies are involved in passing legislation (Russell 2013). Nevertheless, Coakley (2014) has discovered that there was a resurgence after the initial decline of the second chamber.

In bicameral legislature, the relationship between the two chambers is usually regulated by extant constitutional provisions. This is essential because of the need for boundaries of operation since the primary function of the legislative branch of the government is to represent the totality of the interest of the citizens. Essentially, bicameralism is a measure to prevent misuse of law-making power of the legislature. As the custodian of the general will of the society, the legislature is the conscience of the population. The purpose of its establishment is to serve as the approving authority for the necessary 'measures that will form the law of the land' (Norton 2013, p. 1).

In parliamentary systems, the legislature has the power to make, break or maintain the government (Martin et al. 2014). With the fusion of the executive and legislative power, the majority leadership has a monopoly of control of legislative process, to determine the agenda of the government. In other words, the legislatures in presidential systems lack the autonomy to operate without executive interference. On the contrary, the legislatures in presidential systems operate as independent institutions with agenda-setting power for the executive. Thus, the executive requires the cooperation of the legislature for policy process. In other words, the policy influence of the legislatures in presidential system is significant.

Perspectives on Inter-Chambers Relations

There are two major perspectives to explain the establishment of bicameral legislature. The first perspective incorporates Montesquieu's position on the danger of concentration of the power of the government in a single individual or institution (Shell 2001; Coakley 2013, 2014). In other words, while it is good to enforce separation of powers among the three branches of the government, it was also right to ensure that legislative power is not domicile in only one group. The argument is that such arrangement could provide avenue for abuse and misuse of power. As such, it would be expedient to have a 'blend or mixtures sources which contribute to the authority exercised by government' (Shell 2001, p. 5). Thus, the theory that underlies the establishment of bicameral legislature is rooted in the notion of checks and balances.

The justification for this perspective stemmed from the works of classical political philosophers on the need to protect the citizens against the oppression of the rulers. The Aristotelian conception of a mixed constitution sought for the combination of the elements enshrined in the monarchical, aristocratic and democratic principles with a view to preventing tyranny and abuse of public power (Drexhage 2015). The central focus is the need to exercise power in a manner that would cater

for the interest of the public. Thus, the concept of separation of powers among the institutions of government, as championed by Montesquieu, was informed by the need to safeguard the political freedoms and interests of the citizens (Drexhage 2015).

In England, as of the time Montesquieu propounded his theory of separation of power, the English monarch was the custodian of power in a unicameral parliament. The advent of a two-chamber parliament in England decentralized the political power of the state. And the interest of the people 'were best safeguarded, because the political power there was divided between the King, who had the executive power, and two legislative assemblies in which the various estates were represented' (Drexhage 2015, p. 7).

Montesquieu has noted

In such a state there are always persons distinguished by their birth, riches, or honours: but were they to be confounded with the common people, and to have only the weight of a single vote like the rest, the common liberty would be their slavery, and they would have no interest in supporting it, as most of the popular resolutions would be against them. The share they have, therefore, in the legislature ought to be proportioned to their other advantages in the state; which happens only when they form a body that has a right to check the licentiousness of the people, as the people have a right to oppose any encroachment of theirs. The legislative power is therefore committed to the body of the nobles, and to that which represents the people, each having their assemblies and deliberation apart, each their separate views and interests (Montesquieu 1752 (2006), pp. 153–154).

The second perspective has to do with the need for a multiple source of wisdom in the administration of the power of the people. The notion is that counsels from various sources would energise the government, especially when special attention is 'given to the wise, the experienced, the distinguished, the elderly and the meretricious' (Shell 2001, p. 6). As Shell (2001, p. 6) has noted, 'government is not simply about the exercise of power; it is also about sound judgement and persuasion based on reasoned argument'. James Madison in the *Federalist Papers No 63*, rose in the defence of the senate on this ground.

Yet however requisite a sense of national character may be, it is evident that it can never be sufficiently possessed by a numerous and changeable body. It can only be found in a number so small that a sensible degree of the praise and blame of public measures may be the portion of each individual; or in an assembly so durably invested with public trust, that the pride and consequence of its members may be sensibly incorporated with the reputation and prosperity of the community (Madison 1788 [2008]).

This argument has its root in the ideas of the ancient political philosophers. Aristotle was an advocate of the composition of the elders, who, with their experience and wisdom, reinvigorate decision making in the government (Tesebelis and Money 1997). Ancient advocates of aristocratic government were motivated not by a self-seeking desire in the system but by the fact that the few educated class of people at the time when education opportunities were limited, would bring their wealth of knowledge and wisdom into the improvement of the government. Thus, the idea of a second chamber was based on the assumption that the wisdom of the senate would ensure better political outcomes.

Speaking further, Madison acknowledged the importance of the popular will but pointed out the danger of a rash decision engendered by passion. Thus, to him, a second chamber was 'necessary as a defense to the people against their own temporary errors and delusions' (Madison 1788[2008]).

As the cool and deliberate sense of the community ought, in all governments, and actually will, in all free governments, ultimately prevail over the views of its rulers; so there are particular moments in public affairs when the people, stimulated by some irregular passion, or some illicit advantage, or misled by the artful misrepresentations of interested men, may call for measures which they themselves will afterwards be the most ready to lament and condemn. In these critical moments, how salutary will be the interference of some temperate and respectable body of citizens, in order to check the misguided career, and to suspend the blow meditated by the people against themselves, until reason, justice, and truth can regain their authority over the public mind? What bitter anguish would not the people of Athens have often escaped if their government had contained so provident a safeguard against the tyranny of their own passions? Popular liberty might then have escaped the indelible reproach of decreeing to the same citizens the hemlock on one day and statues on the next (Madison, 1788[2008]).

Tesebelis and Money (1997) have posited that efficient bicameral legislatures are capable of producing both better legislation and stable political outcomes. They argue that the concurrence voting requirement from the two chambers for the passage of major legislations would eliminate the potential tendency of majoritarian autocracy of a unicameral legislature. The concurrent majority is an instrument designed to reduce 'corruption and slowing the legislative process' (Tesebelis and Money 1997, p. 40).

The collusion of the opinion of more individuals in two separate institutions is essential to provide a safety avenue for second thoughts on public policy. Thus, the delay in legislative process arising from the presence of a second chamber is a healthy strategy to ensure the outcome of an efficient and enduring legislation. Essentially, the second chamber affords the polity of an institution of quality control in decision making process though the practice of second opinion in decision-making process (Tesebelis and Money 1997).

Quality control rests on two ideas. The first is preventive: knowing that some else will examine the product makes the producer more careful initially. Second, there is a system to discover mistakes after they have been made been committed. A second chamber, regardless of its level of expertise and wisdom, constitutes such a quality-control mechanism (Tesebelis and Money 1997, p. 40).

In other words, the practice of checks and balances in legislative process is necessary to ensure quality control of legislative decisions. The authors of the Federalist Papers, especially Hamilton and Madison, were concerned about the necessity of averting the tyranny of a single chamber in policy process. They were more interested in a constitutional safeguard in order to cater for the error arising from the individuals who might forget their obligations to their constituents (Tesebelis and Money 1997; Coakley 2013, 2014). To them, the second chamber would serve as measure to double the security of the interest of the people because of the concurring requirements of bicameral legislature in legislative decisions.

Evolution of Inter-Chamber Relations

The bicameral legislative structure evolved as part of the developments in the legislative institution. Primarily, the legislature became recognised structure of the government in order to serve as an avenue of consultation for the kings in the medieval Europe (Shell 2001). Bicameralism emerged 'because different forms of consultation were deemed appropriate with different sections or orders of society' (Shell 2001, p. 5). It evolved, more or less by chance, in different forms and period in England and the United States (Drexhage 2015). As Drexhage (2015, p. 7) has noted, its evolution 'was not underpinned by a carefully thought-out philosophy about the institutional design of state government'. The second chamber was created in the English parliament in the fourteenth century (Shell 2001, p. 5). The essence of its creation was to ensure separate representation for the nobles and the church, and the 'remainder of society'. The House of Lords represents the interests of the feudal lords, spiritual and temporal, and the House of Common represents the interests of the citizens, the commoners (Drexhage 2015; Shell 2001).

The bicameral parliament in the British political system has grown in power above the king and 'became an enduring institution in which both chambers could develop their own right to exist and their own legitimacy' (Drexhage 2015, p. 7).

Thus the intellectual roots of bicameralism do not lie simply in the need for the different classes of society, or different estates of the realm, to be separately represented in different parliamentary chambers. Instead they lie in much more ancient notions going back to the dawn of government as a rational endeavour of the human mind and spirit (Shell 2001, p. 5).

In the United States, the idea of a second chamber, the senate, was a compromise of the two competing opinions over the representative institution. During the confederal period in American politics, there was a single congress composed of one member each of the thirteen British Colonies of North America (Drexhage 2015; Wood 1998). The drafters of the constitution however opted for a bicameral legislative structure to comprise the Senate, where all the states will have equal representation, and the Congress, with membership drawn in proportion to the population size of each state. Unlike the British system, the bicameral legislature in the United States was based on territorial interest rather than the interests of different estates or social classes (Wood 1998). This territorial representation is congruent with the principle of federalism in a plural society. In America, there was the notion that a second chamber was a necessity to serve as a bridge between the power of the people expressed in the House of Representatives, and the power of the executive, domicile in the presidency.

Bicameral Legislature in the Nigerian Presidential System

In Nigeria, the adoption of a presidential system of government in the Second Republic heralded the era of separation of powers between the legislature and the executive arms of the government. The parliamentary system of the First Republic operated on the principle of fusion of the executive and legislative powers (MAMSER 1987). The choice of a bicameral legislature at the centre did rest on the principle of federalism; the need to balance the interests of the component units. With varied population of the states, the House of Representatives would not be able to achieve the need for equal representation of the varied interests of the people in the policy making process in an ethnically differentiated federal state (MAMSER 1987).

The thinking of the drafters of the constitution was that a bicameral legislature in the Nigeria's presidential system would provide equal voice to all sections of the country in the policy making process. Aside from this, a second chamber in the legislature would also provide an opportunity for a second opinion in the policy making process.

The Political Bureau that was set up in 1986 to fashion an appropriate system of government for the country however recommended a unicameral legislature for the then impending Third Republic (MAMSER 1987). One of the arguments against a bicameral legislature at the National Assembly was that it was expensive for the country, and that it was a conflict prone legislative arrangement capable of slowing down the machinery of the government (MAMSER 1987). The Political Bureau specifically states:

We are of the view that a second chamber either at the state or federal level is superfluous. We therefore, recommend unicameral legislatures of both state and federal levels. This, in our view, does not diminish the role that a legislature has to play in sustaining the democratic system. In a presidential form of government, such as we have recommended, we are persuaded that the unicameral legislature should not only make laws but also be informed of the way in which those laws are executed. In our situation, a unicameral assembly is probably more able to fulfil the function of a vigilant check on presidential powers than a bicameral one. Finally, in recommending a unicameral legislature the Bureau is guided also by the expressed wishes of the Nigerian peoples to minimize the cost of government (MAMSER 1987, p. 80).

This insight indicates the two perspectives upon which the Nigerian society views the appropriateness of a bicameral legislature. Nevertheless, the acceptance of a bicameral legislature, in theory, might have been informed by the need to uphold the federal principle (Mba 2014; Oni 2013; Lafenwa 2009; Awotokun 1998; Oyediran 2007; Nwabueze 1982).

This position was succinctly puts thus:

The rationale for the establishment of bicameral legislature in Nigeria was based on issues of ethnic suspicion, fear of political and economic domination at federal and state levels and uneven access to wealth among others. Consequently, the National Assembly was created with the wisdom of the great compromise...The compromised arrangement that put the

National Assembly in place in 1999 envisaged an assembly with diverse interest and views which make conflict and disagreement inevitable (Mba 2014, p. 678).

The Nigeria's Fourth Republic, like the Second Republic and the aborted Third Republic, operates on a bicameral legislature at the national level with constitutional requisites for the performance of a collaborative legislative activities.

Constitutional Provisions on Inter-Chambers Relations in Nigeria's Fourth Republic

The National Assembly is composed of two chambers: the Senate, the upper chamber, and the House of Representatives, the lower chamber. Sections 48 and 49 of the constitution stipulate the composition of the membership of each of the chambers. The Senate consists of 109 members elected on the basis of three senators per state and one from the Federal Capital Territory (Constitution of the Federal Republic of Nigeria 1999). The House of Representatives, on the other hand, is composed of 'three hundred and sixty members representing constituencies of nearly equal population as far as possible, provided that no constituency shall fall within more than one state' (Constitution of the Federal Republic of Nigeria 1999).

The legislative power of the country is domicile in the National Assembly. Section 4 (1–5) of the constitution vests the National Assembly with the 'power to make laws for the peace, order and good government of the Federation or any part thereof with respect to any matter included in the Exclusive Legislative List...' This power is to be shared by the two chambers of the National Assembly. Section 58 (1) of the constitution states: 'The power of the National Assembly to make laws shall be exercised by bills passed by both the Senate and the House of Representatives...' (Constitution of the Federal Republic of Nigeria 1999).

This law-making power of the National Assembly is guided by the constitutional collaborative procedures on specific matters. Section 59 limits this collaborative power to the money bills. The section states that the provisions of section 58 are applicable to:

- a. An appropriation bill or a supplementary appropriation bill, including any other bill for the payment, issue or withdrawal from the Consolidated Revenue Fund or any other public fund of the Federation of any money charged thereon or any alteration in the amount of such a payment, issue or withdrawal; and
- b. A bill for the imposition of or increase in any tax, duty or fee or any reduction, withdrawal or cancellation thereof.

The constitution does not provide for a rigid interaction in case of any gridlock. Rather, the provisions make rooms for the application of second and diverse opinions. Where the two chambers could not agree on a particular bill 'within a period of 2 months from the commencement of a financial year, the President of the Senate shall within 14 days thereafter arrange for and convene a meeting of the joint

finance committee to examine the bill with a view to resolving the differences between the two Houses' (Section 59 (2), Constitution of the Federal Republic of Nigeria 1999). The section states further that in case the joint finance committee could not resolve the differences, 'then the bill shall be presented to the National Assembly sitting at a joint meeting, and if the bill is passed at such joint meeting, it shall be presented to the President for assent' (Section 59 (3), Constitution of the Federal Republic of Nigeria 1999). The drafters of the constitution also pushed the collaborative imperative further even if the president withheld his assent to the bill. Section 59 (4) of the Constitution states:

Where the President, within thirty days after the presentation of the bill to him, fails to signify his assent or where he withholds assent, then the bill shall again be presented to the National Assembly sitting at a joint meeting, and if passed by two-thirds majority of members of both houses at such joint meeting, the bill shall become law and the assent of the President shall not be required (Constitution of the Federal Republic of Nigeria 1999).

The essence of these provisions was to present a holistic and unified legislature in the process of the passage of fiscal bills. The process is more of collaboration rather than independent activities that are prone to gridlock.

In terms of protocol, the Senate is superior to the House of Representatives. Section 53 (2) (a–b) affirms the seniority of the Senate over the House of Representatives, as indicated in the case of a joint sitting of the two chambers. It states:

At any joint sitting of the Senate and House of Representatives:

- (a) The President of Senate shall preside, and in his absence the Speaker of the House of Representatives shall preside; and
- (b) In the absence of the persons mentioned in paragraph (a) of this subsection, the Deputy President of the Senate shall preside, and in his absence the Deputy Speaker of the House of Representatives shall preside.

By the order of protocols, the Senate President, is the head of the National Assembly while the Speaker of the House of Representatives is the deputy. Each of the chambers has its rules and order that guides its legislative activities. Section 60 of the constitution states each of the chamber has the power 'to regulate its own procedure, including the procedure for summoning and recess of the House' (Constitution of the Federal Republic of Nigeria 1999). This means that each of the chambers has its own measure of freedom in a coordinated relationship.

Another area of legislative collaboration is in respect of the removal of the President and or his deputy. Section 143 provides elaborate procedures to be followed by the collaborative decisions of the two chambers of the National Assembly. Section 143 (2) makes the Senate president, the presiding officer, and the recipient of the written allegation 'signed by not less than one-third of the members of the National Assembly' stating that the holder of the office of President or Vice-President is guilty of gross misconduct in the performance of the functions of his office' (Constitution of the Federal Republic of Nigeria 1999). Subsequent legislative processes are to be coordinated by the Senate President. The resolution

to confirm the commencement of the investigation of the allegations is expected to be the outcome of a motion 'supported by the votes of not less than two-thirds majority of all the members of each House of the National Assembly' (Section 143 (3-4). Section 143 (8-9) of the Constitution stresses further the collaborative imperative of the two chambers of the National Assembly on this sensitive political decision thus:

Where the Panel reports to each House of the National Assembly that the allegation has not been proved, no further proceedings shall be taken in respect of the matter. Where the report of the Panel is that the allegation against the holder of the office has been proved, then within fourteen days of the receipt of the report at the House the National Assembly shall consider the report, and if by a resolution of each House of the National Assembly supported by not less than two-thirds majority of all its members, the report of the Panel is adopted, then the holder of the office shall stand removed from office as from the date of the adoption of the report (Constitution of the Federal Republic of Nigeria 1999).

This constitutional provision strengthens the primacy of the second opinion and enforces the collaboration of the two chambers of the National Assembly in arriving at a decision on such a sensitive but political issue.

The constitutional amendment procedure is another area where the two chambers of the National Assembly have to collaborate. Section 9 of the constitution empowers the National Assembly to carry out amendment of the constitution. Indeed, this constitutional responsibility goes beyond the domain of the National Assembly. Since it has to do with the alteration of the laws of the nation, the constitution also involves the input of the state houses of assembly with specificity. The proposal would emanate. Section 9 (3) of the constitution states:

An Act of the National Assembly for the purpose of altering the provisions of this section,... shall not be passed by either House of the National Assembly unless the proposal is approved by the votes of not less than four-fifths majority of all the members of each House, and also approved by resolution of the House of Assembly of not less than two-third of all States (Constitution of the Federal Republic of Nigeria 1999).

The implication of this is that constitutional amendment in Nigeria is a collaborative legislative action by the legislatures at the state levels and the two chambers of the National Assembly.

Aside from these provisions on specific issues, there are other areas where legislation or other national legislative actions require the concurrent activities of the two chambers of the National Assembly. For instance, section 8 (1-2) of the constitution makes provisions for the creation of additional and adjustment of boundaries for the existing states of the federations based on an act of the National Assembly (Constitution of the Federal Republic of Nigeria 1999). The process for this legislative action is similar to the procedure for the amendment of the constitution. State creation and boundary adjustment exercises involve the concurrent legislative actions of the legislatures in the concerned states, and the two chambers of the National Assembly, with specificity of votes.

The constitution also makes provisions for other collaborative legislative actions by the two chambers of the National Assembly on the issue of treaty. Section 12 (1) stipulates that 'No treaty between the Federation and any other country shall have

the force of law to extent to which any such treaty has been enacted into law by the National Assembly' (Constitution of the Federal Republic of Nigeria 1999). Section 12 (2–3) empowers the National Assembly to 'make laws for the Federation or any part thereof with respect to matters not included in the he Exclusive Legislative List for the purpose of implementing a treaty' provided 'it is ratified by a majority of all the House of Assembly in the Federation' (Constitution of the Federal Republic of Nigeria 1999).

The intentment of the drafters of the constitution for these collaborative legislative activities is to enable the National Assembly exercises its power of making 'laws for the peace, order and good government' of the country (Section 4 (2), Constitution of the Federal Republic of Nigeria 1999). The import of this is for the realization of the *Fundamental Objectives and Directive Principles of State Policy* contained in part II of the constitution. Section 12–24 of the constitution itemised these fundamental issues directed towards the improvement of the quality of life of the Nigerian citizens. These provisions are expected to energise the oversight power of the legislature in a manner that would be enable efficient political outcomes of public policy.

It shall be the duty and responsibility of all organs of government, and of all authorities and persons, exercising legislative, executive or judicial powers, to conform to, observe and apply the provisions of this Chapter of this Constitution (Section 13, Constitution of the Federal Republic of Nigeria 1999).

Events since the beginning of the Fourth Republic have not shown adherence to the intentment of these collaborative legislative actions in the National Assembly.

Inter-Chambers Relations and the Conduct of Legislative Activities in the National Assembly

Essentially, the constitutional design of bicameral legislature, especially in presidential systems, is to promote collaboration rather than competition in policy process (Shell 2001; Tesebelis and Money 1997). The two chambers are expected to work together as a single legislative body for the promotion of good governance through effective legislative process. Thus, the idea of supremacy struggle does not arise. The two chambers are usually equal partners in the legislative process with specific responsibilities defined by the constitution. The assumption is that the activities of modern government are becoming more complex and there was the need to balance diverse views (Shell 2001). The imperatives of good governance, therefore, requires mobilisation in the area of supports and cooperation from diverse views and opinions rather than competition among the institutions and structures of government.

The design of the Nigerian presidential constitution rests on this assumption. Section 4 of the constitution vests the legislative power of the country in the National Assembly which is composed of the senate and the House of Representatives.

Except in the order of protocols, both the Senate and the House of Representatives have specific collaborative and complimentary roles. Thus, in policy process and role specification, there is no provision for supremacy. Requisite constitutional provisions as identified in the immediate section provide the avenue for the Senate and the House of Representatives to work together in harmony (Mba 2014). Nevertheless, there have been a series of struggles between the Senate and House of Representative on certain issues. Two major issues have generated supremacy row between the \senate and the House of Representatives: Budget and amendment of the constitutions.

Row Over the Presentation of the 2010 Appropriation Bill

Section 81 (1) of the constitution mandates the President to present the fiscal plan of the year for legislative authorisation. The sections states:

The President shall cause to be prepared and laid before each House of the National Assembly at any time in each financial year estimates of the revenues and expenditure of the Federation for the next following financial year (Constitution of the Federal Republic of Nigeria, 1999).

This provision does not specify the mode of the presentation neither does it stipulate where the presentation should take place. Conventionally, since 1999, the president usually presents the Appropriation Bill at a joint sitting of the Senate and the House of Representatives (Majebi 2009; Sam-Tsokwa and Ngara 2016). Since these are not constitutional matters, the considerations were usually treated as mere administrative issues. Nevertheless, this administrative matter became a major political issue in the presentation of the 2010 Appropriation bill.

The President, Alhaji Musa Yar'Adua had agreed to present the bill to the joint sitting of the Senate and the House of Representatives in November 23, 2009 (Onuorah et al. 2009; Mba 2014; Majebi 2009). The problem was the choice of the venue for the joint sitting of the national Assembly for the presentation of the bill by the president. The House of Representatives insisted that the presentation must be done in the Green Chamber, the official venue of the sitting of the House of Representatives. The position is that the chamber is more spacious than the Red Chamber of the Senate (Majebi 2009; Mba 2014).

The leadership of the two chambers disagreed on the appropriate venue for the joint sitting for the purpose of presentation of the bill. Conventionally, the venue for the joint sitting of the two chambers of the National Assembly is the House of Representatives chamber because of space. In view of this conflict, the 2010 budget was presented separately to the Senates and the House of Representatives (Onuorah et al. 2009). Mba (2014, p. 687) attribute this to the 'personal interest and ego' of the members of the House of Representatives who trivialized 'little issues of no importance'. The conflict was celebrated and drew public attention to the conduct of the members of the National Assembly. While there was great public expectation of

positive political outcomes from their representatives, the entire machinery of government was thrown into confusion (Mba 2014; Majebi 2009).

Legislative action over the appropriation bill is a crucial instrument for the promotion of good governance in the Nigerian presidential system. The executive cannot execute any project without legislative authorisation. Sections 80-89 of the constitution empower the National Assembly to have a grip control over public funds. The practice in accordance to the constitution is that all government revenues are expected to be paid into the ‘Consolidated Revenue Fund of the Federation’ (Section 80 (1), Constitution of the Federal Republic of Nigeria 1999).

No moneys shall be withdrawn from the Consolidated Revenue Fund of the Federation except to meet expenditure that is charged upon the fund by this Constitution or where the issue of those moneys has been authorised by an Appropriation Act, Supplementary Appropriation Act or an Act passed in pursuance of section 81 of this Constitution. No moneys shall be withdrawn from any public fund of the Federation, other than the Consolidated Revenue Fund of the Federation, unless the issue of those moneys has been authorised by an Act of the National Assembly. No moneys shall be withdrawn from the Consolidated Revenue Fund or any other public fund of the Federation, except in the manner prescribed by the National Assembly (Section 81 (2–4), Constitution of the Federal Republic of Nigeria 1999).

By virtue of these provisions, no public project could be executed by the executive branch of the government without legislative authorisation. This constitutional imperative makes consideration of appropriation bill a matter of national importance (Sam-Tsokwa and Ngara 2016; Mba 2014). The drafters of the constitution envisage that appropriation bill should be prepared and approved before the commencement of the fiscal year. Section 81 (1) of the constitution states:

The President shall cause to be prepared and laid before each House of the National Assembly at any time in each financial year estimates of the revenues and expenditure of the Federation for the next following financial year (Constitution of the Federal Republic of Nigeria 1999).

With the exception of the 2007, none of the appropriation bills since 2000 was approved before the commencement of the fiscal year. Table 1 below shows the presentation and approved periods of appropriation bills from 2003 to 2015.

The drafters of the constitution realised the feasibility of delay in the approval of the appropriation bill. Section 82 of the constitution states:

If the Appropriation Bill in respect of any financial year has not been passed into law by the beginning of the financial year, the President may authorise the withdrawal of moneys in the Consolidated Revenue Fund of the Federation for the purpose of meeting expenditure necessary to carry on the services of the Government of the Federation for a period not exceeding months or until the coming into operation of the Appropriate Act, whichever is the earlier: Provided that the withdrawal in respect of any such period shall not exceed the amount authorised to be withdrawn from the Consolidated Revenue Fund of the Federation under the provisions of the Appropriation Act passed by the National Assembly for the corresponding period in the immediately preceding financial year, being an amount proportionate to the total amount so authorised for the immediately preceding financial year (Constitution of the Federal Republic of Nigeria 1999).

Table 1 Presentation and enactment of federal appropriation acts 2003–2015 fiscal years

Fiscal year	Date bill presented to the national assembly	Date bill sent to the president for assent	Date bill assented by the president
2003	20-11-2002	11-03-2003	10-04-2003
2004	18-12-2003	20-04-2004	21-04-2004
2005	12-10-2004	18-03-2005	12-04-2005
2006	06-12-2005	21-02-2006	22-02-2006
2007	11-10-2006	22-12-2006	22-12-2006
2008	08-11-2007	27-03-2008	14-04-2008
2009	02-12-2008	03-02-2009	10-03-2009
2010	23-11-2009	25-03-2010	22-04-2010
2011	15-12-2010	25-05-2011	26-05-2011
2012	15-12-2011	21-03-2012	13-04-2012
2013	10-10-2012	30-01-2013	26-02-2013
2014	19-12-2013	22-04-2014	21-05-2014
2015	17-12-2014	06-05-2015	06-05-2015

Source: Adapted from Obadan (2014)

The implication of this is that the legislature might not have the opportunity of scrutinising the projects that government intended to execute since there is no provision for authorisation before the withdrawal from the CRF. Thus, late approval of the fiscal policy often leads to distortion and haphazard implementation (Sam-Tsokwa and Ngara 2016). Over the years, 'government budget has generally not met the expectation of quality economic growth, poverty reduction, high level of employment, first grade infrastructure' (Obadan 2014, p. 15). Consequently, governance crisis could not be abated, as the general improvement in the quality life of the citizens depreciates. Effectively, budget process in Nigeria has been reduced to mere political and administrative rituals.

Disagreement Over the Amendment of the Constitution

Another issue that had generated conflict between the Senate and the House of Representatives was the furore over constitutional amendment. In 2009, a process of the amendment of the constitution generated conflict between the House of Representatives and the Senate (Ajani and Aziken 2009). The Deputy Speaker of the House of Representatives, Alhaji Usman Bayero Nafada, led 43 other members of the House of Representatives in the Joint Committee on Constitutional Review (JCCR) to walk out of the retreat, held at Minna, Niger State, organized for in preparation for the amendment of the constitution (Mba 2014; Onuorah et al. 2009; Majebi 2009).

The reason for the boycott by the legislators was simply because the Deputy Speaker of the House was designated as the Deputy Chairman of the Committee

(Ajani and Aziken 2009; Nwabueze 2009). Rather, they wanted him to be designated as Co-Chairman. The Deputy Senate President, Ike Ekwerenmadu, was the Chairman of the Committee. The justification for their demand was that as co-chairman, the House of Representatives would have equal role and input into the decisions of the committee (Majebi 2009; Mba 2014). In other words, the members of the House were requesting equality with the Senate, thinking that parliamentary leadership is an executive position. In reality, parliamentary leadership at any level is a presiding position meant to direct the affairs of the legislative deliberations (Mba 2014; Zwingina 2009).

The action of the legislators from the House of Representatives was interpreted to mean a deliberate ploy to frustrate the amendment of the constitutions which would invariably affected the interest of some key political elites (Ajani and Aziken 2009; Nwabueze 2009; Onuorah et al. 2009). Contentious issue such as the removal of immunity of the state governor was slated for amendment. Section 308 of the constitution shields the elected leadership of the executive branch of government at the state and federal level against prosecution while in office. The section states in part:

...no civil or criminal proceedings shall be instituted or continued against a person to whom this section applies during his period of office; a person to whom this section applies shall not be arrested or imprisoned during that period either in pursuance of the process of any court or otherwise; and no process of any court requiring or compelling the appearance of a person to whom this section applies, shall be applied for or issued:...This section applies to a person holding the office of President or Vice-President, Governor or Deputy Governor; and the reference in this section to "period of office" is a reference to the period during which the person holding such office is required to perform the functions of the office (Section 30891-3), Constitution of the Federal Republic of Nigeria 1999).

Popularly known as the immunity clause, this provision has remained an opportunity for sitting elected leadership of the executive to engage in sleaze without prosecution in the absence of an effective legislative oversight (Fagbadebo 2016; Bashir and Nwanesi 2016). There have been debates over the desirability of retaining the clause in the constitution (Ekott 2013; Bashir and Nwanesi 2016; Azu 2015). While this is beyond the scope of this chapter, it is pertinent to point out that the call for the amendment of the provisions, relation to the immunity of the elected members of the executive branch of the government was not necessary if there are effective legislative institutions that were willing to exercise their requisite oversight powers. Thus, a possibility of frustrating the constitutional amendment partly because of the plausibility of removing the immunity clause was a demonstration of a failed institution of governance.

The issue of the leadership of the JCCR should not have generated any conflict. Section 53 (2) of the constitution is clear about the leadership of joint sitting of two chambers of the National Assembly. The idea of co-chairman is strange to parliamentary proceeding of such because in the absence of the chairman, the deputy presides with the same power. Ego with the pursuit of pecuniary gain rather than the pursuit of public good was responsible for the wrangling (Mba 2014). The motivation for the wrangling was the need to protect the welfare interest of the

members. As Mba (2014, p. 685) has noted, 'the House members of the Joint Committee are more interested in the perquisites of a co-chairman—allowance, jeeps, luxury hotel suite and such other privilege befitting the dignity of a co-chairman of the committee—than in delivering to the Nigerians a reformed constitution better suited to their needs for good governance'.

Conclusion

The two cases of internal wrangling in the National Assembly were not based on disagreement over policy. A majority of the Nigerian citizens do not see the usefulness of their representatives other than as a set of people feeding on the resources of the nation (Oladesu 2016). The activities of the National Assembly since inception in 1999 have been shrouded with scandals, a development that has impaired its image. The issues of the pursuit of their pecuniary interest at the expense of the public good have created integrity problem for the legislative houses in Nigeria. Budget padding, outrageous salaries and emoluments, money-for budget syndrome, constituency projects, among other ethical issues, coupled with spiralling governance crisis, have eroded public sympathy and support for the legislature. The scourge of corruption and gross abuse of power by elected and appointed government officials is a reflection of a failed intuition bereft of the importance of its oversight power (Fagbadebo 2016). Rather than appropriate the requisite constitutional provisions to ensure sanity in the political system, the Nigerian legislators bicker over pecuniary issues through the manipulation of statutes to settle personal political scores.

The initiators of bicameral legislature did not envisage internal wrangling over pecuniary issues. The two-chamber parliament in England was a design to protect the interest of the commoners against the decision of the nobles who constituted the unicameral parliament. 'The legislative power is therefore committed to the body of the nobles, and to that which represents the people, each having their assemblies and deliberation apart, each their separate views and interests' (Montesquieu 1748, cf. Drexhage 2015, p. 8). In other words, the second chamber prevented 'the voice of the minority, which differed from the masses through birth, wealth or merit' from being lost to the overriding power of the nobles in the English unicameral system (Drexhage 2015, p. 8).

In essence, collaborative legislative activities enshrined in bicameralism are a design to strengthen governance institutions for effective political outcomes. In the Nigerian political system, since the First Republic, the legislative institution has remained an ineffective governing institution that has failed to proof its usefulness in the political process. The design of the institution as well as the constitutional provisions for its functionality is realisable only if the actors that empowered to administer the institution are responsible. Collaboration and cooperation in a presidential system is a measure to arouse consciousness of the need for a national community in a diversified polity through meaningful political outcomes. While

this chapter is not advocating for the scrapping of the legislative institution in the Nigerian political system, the position is the need for a reform that will make it less attractive to looters who seek powers for the promotion of pecuniary gains.

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