



THE TALES OF LEGISLATURE'S INDEPENDENCE AND MENACE OF POLITICAL INTERFERENCE: A CRITIQUE OF THE ENUGU STATE HOUSE OF ASSEMBLY

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ABSTRACT

The Legislature is a creation of law, and an important arm of government that has exclusive power for lawmaking and oversight over government activities in any political community. Because of the strategic importance of legislature, constitution provides for its independence through separation of powers among the organs of government. However, in most post-colonial states, incidences of political interference and executive meddling roles have continued to challenge the independence of the legislature. This interference has continued to affect the performance of statutory roles of the legislature, especially in the area of oversight over executive activities. The enormity of the problem necessitates the study which major aim is to ascertain how the menace of political interference erodes the independence of the legislature and thereby influence the performance of its functions. The study applies documentary method for data generation, content analysis for discussion of thematic issues and post-colonial state theory as the theoretical framework. The findings show clusters of indicators that affect the independence of the legislature. Among the key components, include the nature of political party organization, the electoral process, the emergent value orientation, and elite class mentality; nature of political economy, which creates a symbol of godfather or moneybags syndrome and the prevalent docility to revolutionize the ugly trends. Based on the findings, it recommends reversal of the current political culture, adherence to the principles of constitutional democracy, separation of powers, internal party democracy, and abolition of politics of godfathers or moneybags.

KEYWORDS: Legislature, Independence, Political Interference, Critique and State House of Assembly

INTRODUCTION

The legislature is one of the important arms of government, apart from the executive and judiciary (Thomas, 2004). In other words, the legislative branch is one of the three divisions



of government and works in conjunction with the executive and judicial branches. Its main responsibility is the creation of laws (Kotlik, 2017). The roles of legislature are diverse and derive from the system of government in practice. There is a seeming agreement that there are three functions common to parliaments in democracies, namely, representation, lawmaking, and oversight (Johnson, 2005). In performing these three key functions, parliaments or legislatures represent the diversity of individuals and groups in society, and promote good governance, (Erunke & Uchem, 2012). The basic reason is that legislature:

As the supreme lawmaking institution in a nation, make the rules by which society is governed and they are designed to oversee executive spending and performance. How successfully, they carry out these functions varies dramatically, and for a number of reasons (Johnson, 2005).

Although scholars readily discuss lawmaking and representation roles of the legislature, the oversight functions started to evolve lately despite that it is a constitutional provision, perhaps because executive branch see oversight as the most nauseating roles of legislature, which it often attempts to undermine and snub. This assumption is intensely debated but it is already an established fact that,

In nearly all democracies, leaders of the executive branch (i.e., presidents, prime ministers, cabinet ministers) typically command much of the political power, control the financial resources, possess staff dedicated to developing policies and implementing laws, produce the bulk of legislation, and manage government contracts and administer government programs (Johnson, 2005).

The domestic political culture in each political system determines how the executive posturing regards, treats and absorbs legislature into the mainstream of democratic governance. In most developing political systems, there is always a tendency to consign legislative institution to deplorable domain and thereby neglects the strategic roles it plays in governance and most importantly, in oversight functions over executive activities. Thus,



the phenomenon of executive domineering influence attests to the problems associated with concentration of government powers in any branch of government. In this instance, there appears to be a consensus among proponents of constitutional democracy that of the three organs of the government, the place of primacy belongs to the legislature. They argue that the function of government begins by lawmaking and is followed-up by law-enforcement and adjudication functions. As such, the legislature is the first organ of the government (Remington, Thomas, 2004), and should occupy strategic position in every democratic government.

However, while lawmaking and representation may have fared better in many political systems, executive overwhelming powers and manipulative intrigues tend to overshadow and emasculate the oversight powers of legislature. It partly explains the fact that oversight places torchlight on the spending of public funds, and no executive personnel easily acquiesces to such watchdog role. Remarkably, the legislative role in budgeting evolved over centuries in most advanced democracies in Europe and America. In England, for instance, the ascendancy of the legislature as a political and fiscal institution was integral to the shift from a monarchy to a democracy, (Posner and Park, 2007).

Most importantly, democracy emphasizes popular participation and reflects the ideas of government, which according to Hobbes, Locke and Aristotle “recognizes the primacy of accountability in policy implementation and where government governed according to the will of the citizens”, (Perry, et-al, 1995). It implies that legislature should operate in an atmosphere of freedom without any forms of political interference. In consonance, this paper therefore, examines the conditions under which legislature or parliament performs its statutory functions. The core objective of the study is to ascertain whether legislature suffers from political interference by the executive or any external factors, the implications on its independence and roles relating to oversight over policy implementation to enforce executive accountability.



THEORETICAL FRAMEWORK

The study adopts post-colonial state theory as theoretical framework. The theory assumes that the forms of administrative system, attitudes and government's domineering tendency, with which the regimes of colonial masters contaminated colonial territories, transplanted into the post-colonial states. Young (2001:74-112) draws three perspectives in which postcolonial theory emerges, namely humanitarian (moral), liberal (political) and economic. Whereas humanitarians and economists staged anti-colonial campaigns, politicians (liberals) supported colonisation as a means of civilising the heathens by any and all means, including force. Ever since the development, theorists such as Ashcroft et al (1989:1-4), Slemon (1995:45-52), Young (1996:67-68; 2001:1-10) and Moore (2001:182-188) have tried to address this issue. Much later, Crawford (2012) combined a wide-ranging research basis and a theoretical foundation to provide contemporary scholarship of the African political economy. In that context, and looking at colonial system, the first contention to clarify is the notion that the kinds of inequity and injustice, exclusion and oppression found in post-colonial societies are simply explicable in terms of class, (Ashcroft, et al, (2000, 2007).

To provide a better insight, Nwoke and Omoweh, (2006) note that, *"the central theme of the theoretical framework is that the state is an instrument of class domination and its apparatuses are the instruments for primitive accumulation of capital by the same dominant class"*. The class structure in Nigerian state cut across the arms of government (Executive, Legislature, and Judiciary). Besides being independent, in terms of functions, they perform in a political system, their organizational structure and functions inter lock their interests in unending search for power and economic resources, in which state administration becomes the epic entre of wars of supremacy. Expectedly, the struggles that characterized primitive accumulation in colonial states, and percolated through post-colonial political practices, overly refreshes the inevitable tradition of subjugation, hegemony, marginalization and penchant for monopolistic control of every government apparatuses in post-colonial states.

Therefore, the predominant manifestations of colonial abhorred policies in the government of African independent states, thereupon, speedily imploded the administration of post-colonial states in every ramification and breeds wanton rivalry among political actors from



varied backgrounds. Crawford (2012) interlaced the underlying natures of colonial heritage in Africa with some disingenuous outcomes of the political process and leadership problems, to pose some investigative questions. *Firstly, to what extent does the legacy of the colonial state shape post-colonial politics in Africa? Secondly, why are state structures weaker in Africa than elsewhere? Thirdly, what accounts for Africa's slow political and economic development?* Generally, there is great variation within Africa in political, economic, and social development. The central thesis of the interrogatory questions is that:

The premature evolution of the colonial state to the postcolonial state prevented African nations from gradually consolidating the necessary components of performing developmental state functions. The inability of these countries to master their developmental functions forced many to morph into a one-party state, a military state (as a result of coups d'état), or a hybrid state, (Crawford, 2012).

Research studies carried out by Nkrumah, (1964; 1970), Mazrui, (1993), Loomba, (1998), and Lazare, et al, (2007) provide a quick tour of Africa's recent political history with an examination of critical structures. In retrospect, the forceful expropriation of native resources by the colonial masters, which fitted into their politico-economic objectives, tactically isolated the legislature from having any influence over the executive. The result was unparalleled liquidation of government treasury and muzzling of administrative checks or institutional regulatory procedures. Thus, at independence, most post-colonial states copied and adopted these erstwhile executive domineering roles in governance, in addition to subjugation of the legislature. Astoundingly, the legacy of colonial insensitivity to checks and balances in the management of public policy found further expressions in super-ordinate and sub-ordinate phenomenon in post-colonial states with attendant high incidences of impunity in the entire political practice. Some examples include disagreement over modalities for exercise of governmental power, establishment of exploitative mechanism that depends on rent economy; powerful leaders that preside over weak institutions and political positions that corruption and abuse of office denote. These clusters



of systemic problems make political actors to neglect established rules or institutionally approved behaviours for selfish purposes.

FOOTAGE OF COLONIAL LEGACIES IN POST-COLONIAL NIGERIA

A country's constitution divides governmental powers among the organs of government. It assigns the responsibilities of lawmaking and oversight to the legislature and safeguards the independence of each branch of government with the principle of separation of power. By so doing, it empowers the legislature to appropriate the country's resources to the executive based on budget proposals, for implementation of public policy. The phenomenon of strong executive where the legislature systematically becomes weak, which emanated from colonial architecture, serves as major incubator of legislature's dependence on the executive for virtually everything, including funding, which erodes its independence and effective discharge of its functions. Hamdok and Adejumobi, (2012) assert that,

The relevance of legislature in governance buttresses the assertions that in a parliamentary democratic system, the parliament derives its powers directly from the consent of the people expressed through periodic elections and that parliament is to implement the will of the people, among other functions.

In essence, supervising executive arm in policy implementation is pivotal. This supervision denotes oversight i.e. a watchdog role, which ensures that policies conform to government's approved developmental agenda and implemented in accordance with approved funds. It also ensures accountability, which is one of the key elements of good governance, (Adjetey and Techie, 2004). The role and functions of parliament in Africa to promote accountability and good governance differ from the developed political systems in the advanced world. The differences are not only hinged on the peculiar colonial experiences of the former, (which suffered the adverse effects of undemocratic systems of government under the auspices of the latter that undermined the development of strong legislature in the continent), but that almost every African country is emasculated by post-colonial dependencies (Okibe, 2000). Accordingly, scholarly debates tilt towards approving the notion that,



Despite the fact that colonialism introduced many constitutions that instituted powerful executive council, the weak structure of the legislative council made the executive to operate unchecked. The legislature lacked power to influence the implementation of government policy, and many post-colonial constitutions reinvented the practice. The executive still views and treats the legislature as appendage, a mere advisory body to the executive, and not the equal in the governance process (Okibe, 2000).

Besides that the colonial governments introduced systems of administration that were strange to the indigenous African system, there were little efforts to integrate Africans into the new system following their exclusion in the governance process. The membership of both the executive and legislative arms were initially limited to the Europeans until the nationalist efforts brought about the first inclusion of few African members in the legislature, through the elective principle, which was introduced in different African colonial territories. The Hugh Clifford's Constitution of 1922 introduced elective principle in Nigeria. Thereafter, the successive constitutions, (Arthur Richard's Constitution of 1946, John Macpherson's Constitution of 1951 and Oliver Lyttleton's Constitution of 1954), made provisions for decentralization of legislative functions to regional levels. They incrementally expanded the numbers of legislators and the powers they exercised on government fiscal matters and in policy implementation (Okibe, 2000). This was despite the fact that the roles assigned to legislative institutions across the evolving colonial states in Africa were dismal. None wielded influence over the activities of the executive; therefore, it only had theoretical significance.

The attainment of political independence in Nigeria in 1960, (not uniform with other states) ushered many unsuccessful attempts at strengthening the legislative institution as the executive and judiciary. It failed, despite the fact that it begun initially to evolve at all levels amidst systemic problems occasioned by frequent military interventions in civil politics. Chikendu and Kalu (1996), argue that,



The proscription of the legislative institution by the military and adoption of unitary form of administration where the executive held sway plagued the efficacy of legislature and rendered it completely impotent in governance compared to executive.

An example is that the military used different nomenclatures that denote various legislative bodies to usurp the role of lawmaking without imprints of representation and oversight, throughout the nearly three decades of its administration in Nigeria. In this category includes the Supreme Military Council, Armed Forces Ruling Council and Provisional Ruling Council, etc (Okibe, 2000). It fostered executive domineering posture in the system and has adversely affects the growth of legislative institutions and their watchdog roles over the executive. It has also remained the bane of executive orientation in Nigeria's democratic governance. In fact, Erunke and Uchem, (2012:7) cite Adigun, (2004), that summarily highlights scenarios where, *"There were many cases where the president's political power submerged the interests of the legislature and the wider Nigerian public"*.

Based on the foregoing premise, it is apparent that the lawmaking, representation and oversight functions of the legislature in each turn of democratic dispensation in Nigeria have been an uphill task. It can even be said that because of the above background, the independence of the legislatures in Nigeria have been watered down. The implication is that in the absence of legislative monitoring, the executive continues to dominate the governance process and compromises the tenets of accountability. It is significantly worsened by the fact that in the African model of democracy for example, the legacies of the continued dominance of one party in a multiparty system continues to shape the functioning and performance of African parliaments (Acevedo, 2009). Meanwhile, it was not until the democratization wave of the 1990s replaced one-party assemblies with elected multiparty assemblies in several countries (Acevedo, 2009) that legislature in many African countries began to play visible roles, especially in oversight over the activities of the executive, despite the difficulties.



THE TRANSITIONAL EXPERIENCES DURING THE POST-COLONIAL PERIODS

The role of legislature in modern African governments could only assume greater significance today in view of the basic principles and assumptions associated with parliamentary democracy, (Sayeed, 1992). These include periodic elections, (however free and credible), accountability by State officials in the spending of public funds (whether factual or fictional), and the rule of law, respect for fundamental human rights and sovereignty of the people which the parliament represents. Until recently, these practices rarely featured in African systems of government that experimented theatres of autocratic leadership (military and civilian). Thus, the later evolution and gradual domestication of popular regimes in many African countries marked critical shifts from autocratic regimes (Military/Civilian) to democratic system, in which legislature is the voice of the people. It conformed to the global pressure for democratic system, thus reinforcing the assertion by the New Partnership for African Development (NEPAD Basic Document, 2001) that the switchover:

Follows clear indication and recognition by the African Heads of State and Governments that development is impossible in the absence of true democracy, respect for human rights, peace and security, and good governance, (NEPAD, 2001).

To that extent, African model of democracy and state legitimacy were redefined to include accountability, a culture of respect for human rights and popular participation as central elements, (NEPAD, 2001) but it deemphasized the independence of the legislature that could safeguard the stated objectives. In consonance, the 1979 Constitution of Nigeria, for instance, outlawed military incursion into civil governance to allow for the deepening of democratic practice where the role of legislature will be of great significance in monitoring the exercise of state power and control of public funds, (Okibe, 2000). In addition, the presidential system of government, which the constitution introduced, made provisions for separation of powers, thus apportioning disparate powers and duties to the executive, legislative and judicial arms of government (Nwagwu, 2014). This was to arrest fears that



the presidential process could easily be abused if the legislature is not vigilant and capable enough to act as a check (Orluwene, 2014) over the activities of the executive branch.

Nevertheless, the 1979 constitution introduced presidential system in Nigeria which Ann, (2003); Erunke and Uchem, (2012:8) argue: “*Presidential elections foster a “winner-takes-all” mentality that can exclude other groups from government*”. Winner-takes-all phenomenon contradicts the nature of Nigerian environment where ethno-religious diversity justifies the rationales for inclusiveness in governance. The 1979 constitution tended to accord the legislature a virile watchdog portfolio. It blossomed in the course of gradual solidification of democratic governance in Nigeria, especially, with the exit of military elements from coercive activism in civil politics in 1999 and injection of new crop of leaders, labelled as democrats in the polity. There was belief, as indicated by scholars that:

For the new national leaders ‘the passionate search for a national culture, which existed before the colonial era finds its legitimate reason in the anxiety shared by many indigenous intellectuals to shrink away from that western culture in which they all risk being swamped’ and to ‘renew contact once more with the oldest and most pre-colonial springs of their people, (Fanon, 1961:153–4).

It remains a watershed in the anticipated independence and powers of the legislature, which represents the voice of the people, to serve as a check on executive rascality, restores confidence on probity and accountability in governance. Ironically, the legislature remains effusive since after the military government led by General Abdulsalami Abubakar handed over power to President Olusegun Obasanjo and the 36 State Governors on May 29, 1999. The notorious disregard for legislature during the military era contaminates the civilian regimes and reasonably affects its resurrection from the preceding political abyss. It casts serious doubts on the performance of its roles and independence.

The development has continued to challenge the legislators to assert their autonomy, enforce separation of powers, conduct effective oversight over executive activities with



diligence, and ensure that the executive observes accountability and compliance with legislative enactments, which regulate policy implementation. It is more so, especially when the available fact shows that without such checks through oversight, there may be tendency to undermine accountability and fidelity in the management and spending of public funds earmarked for projects. The new awakening rejuvenates the primary duties of the legislature in lawmaking, representation and oversight at the national and state levels in Nigeria. Nonetheless, there has been persisting arguments that the legislature stunts and has not fully developed to wither executive meddling roles in its constitutional responsibilities. Global democratic principle has placed high premium on the function of oversight. It acknowledges the independence of the legislature as significant in governance process and separation of power is widely taken as indispensable in checkmating the activities of the executive in policy implementation at all levels of government. The subsisting controversy necessitates the assertions that political interference impedes on both the independence and oversight functions of legislature. Thus, investigating the foregoing assumption reveals how menace of political interference affects the independence of legislature and creates disturbing linkage between legality and illegality in the polity.

THE CURRENT TRENDS AND NAGGING CONSEQUENCES IN NIGERIA

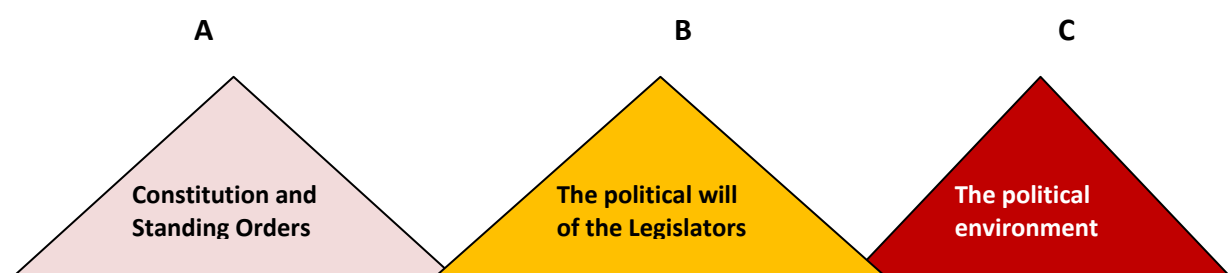
Nigeria practices federal system based on three tier levels of government; the federal, state and local government. Except for the local government, (that does not have judiciary arm), each of the federal and state governments has three arms of government, which are the executive, legislature and judiciary. At any level of government in Nigeria, the politics is solely to elect one person, either as president of the country, as governor of a state or Chairman of a local government. The electoral body organizes each election for the positions under one political constituency and the elected candidates wield much power (either expressly stated in the constitution or implied). For the legislature, the constitution divides the electoral districts into federal and state constituencies, with elections into the State Assembly based essentially on the demarcated number of constituencies that make up each state.



Ironically, selection of candidates for elective positions, especially for the State legislature are of late relinquished to the discretions of the sitting governor, influential political godfathers in some instances and the party bigwigs in very rare cases. Based on the fact that the legislators are not freely elected by the respective constituents that they represent but products of political intrigues by the interplay of godfathers and those in the power-control-room, there is a feeling that legislative oversight function on policy implementation, at all levels of government in Nigeria, suffers from many forms of interference. The practice of god fatherism forecloses the primary duties of political parties to nominate candidates for elective positions through internal party democracy. They make the cost of elections become quite high for many aspirants that godfathers could not sponsor in election.

The avalanche of “money-bags” and political godfathers that command much influence in the system render the electoral process vulnerable to manipulation. It places the successful candidates in the election under external influence, thereby making legislators that are victorious in the electoral process to be viewed as rubber stamps and incapable of discharging their responsibilities accordingly. There is no denying the fact that most godfathers who benefit from the system influence legislators to pay lip service to oversight functions over policy implementation by the executive branch. For example, a legislator, sponsored in an election owes much allegiance to his/her godfather and lacks independence to operate. Such conditioning on legislator’s psyche skews decision-making process negatively and foists predetermined actions on them against their preferences. Figure 1 classifies the three determinant perspectives on what influences the legislators in the performance of their roles, which represents the general systemic problems that characterize the governance process in Nigeria.

Figure 1: Key areas that influence legislative oversight powers and their enforcement



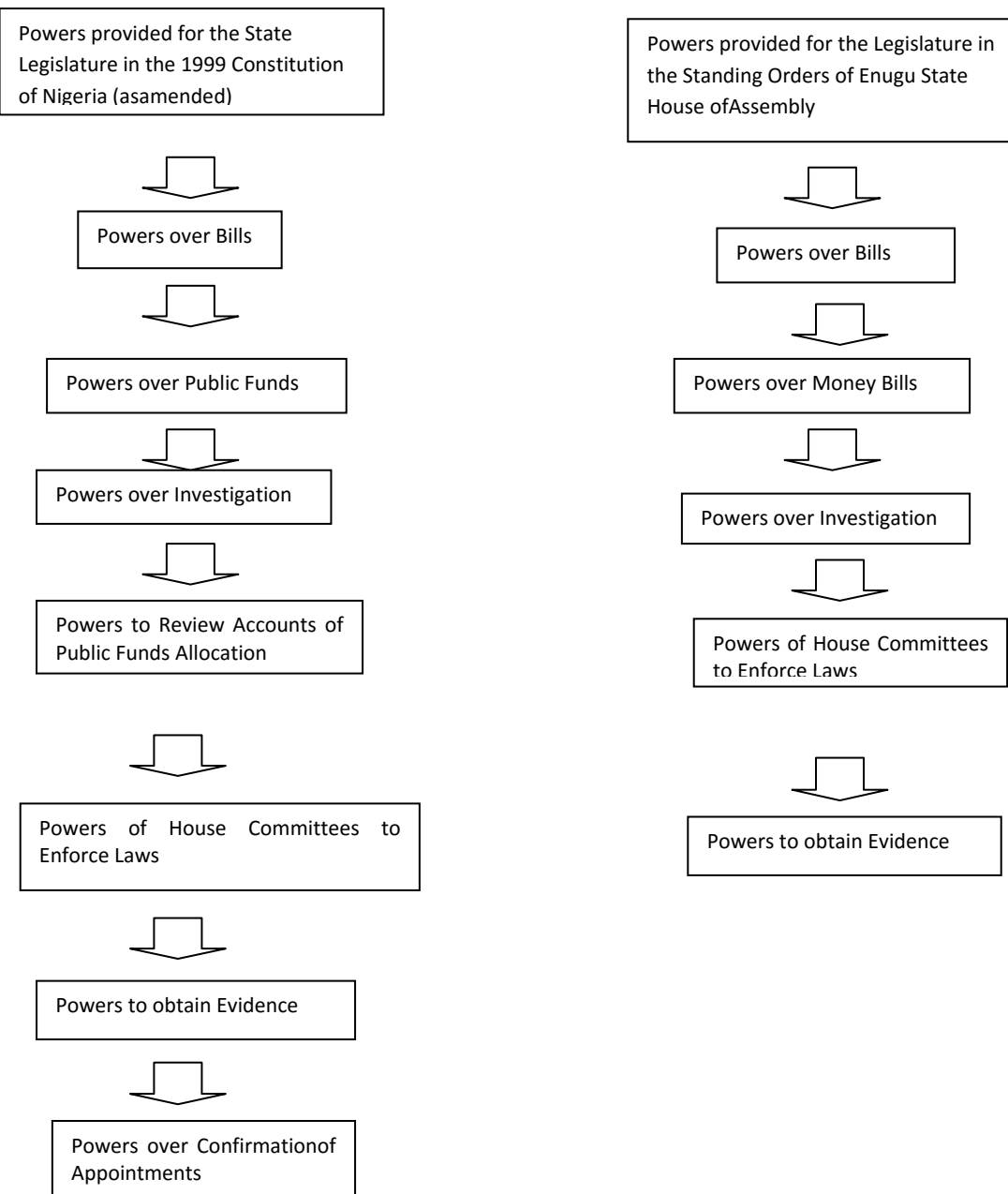


- A. *This relates to legal structures that determines and regulates the activities of the legislators. Constitution defines the composition, operation and activities of the legislature generally. Therefore, the constitution makes uniform provisions for general application in every State House of Assembly in Nigeria. On the other hand, the Standing Orders of the House are specific to each State House of Assembly. For example, the Standing Orders (2012) of the Enugu State House of Assembly, encapsulate the “Internal Rules” guiding the sittings and personal demeanours of the legislators.*
- B. *This relates to personal ambitions of a legislator other than selfless service to the State and constituency he represents, which affects the exercise of his constitutional powers and independence.*
- C. *This relates to the dominant behaviours and trending culture in the system, and influences how a legislator performs his functions.*

Listed in a diagram below are the legal powers that the House of Assembly wields over the executive branch, to influence how the executive through oversight, implements government’s public policies.



List of Powers conferred on the State Legislature (Enugu State) by Law



Sources: Extracts from the 1999 Constitution, as amended and Standing Orders of Enugu State House of Assembly (2012)

In spite of these powers conferred on the legislature, the political environment makes the executive become insensitive and not submissive to the legislature. The legislators, on the other hand, rarely employ these powers appropriately because of their subservient posture towards financial/material inducement by the executive. It affects the independence of the



legislature and performance of its functions because of lure to personal material empowerments. Invariably, the result is that the legislature operates in an environment that makes it vulnerable to executive control and manipulation.

The House depended on the executive for funding of its activities, which are made available according to its discretion. The legislature is starved of funds when they have programmes that targets at unraveling or investigating the activities of the executive (Mogaji, 2017).

Apart from the general poor funding, some observers who monitor the business of the House argue that weak economic background of prospective legislators contributes to their subservient posture towards the executive and perhaps, their ineffective oversight. This individual's economic status and political willpower precludes the fact that the State Assembly encounters funding challenges as an institution and for which the executive tosses it around. In that context, the prevailing opinion is that the State Houses of Assembly may henceforth harness the financial autonomy, which the constitution has granted legislatures at the state level and probably evade further underfunding by the executive, if the penchant of individual legislators to enrich themselves at the expense of strict legislative functions does not pose a hiccup. This appears feasible since no State House of Assembly can afford anything that hinders their robust relationship with the executive except in extreme circumstances. Once the member's material interests are strategically bargained, it provides situation where legislators fatally betray effective performance of their functions relating to lawmaking, representation and oversight.

For some reasons related thereto, they rarely sponsored private-member bills because of lack of funds or speak vocally and authoritatively for fears of being denied financial benefits like sitting allowances (Mogaji, 2017).

There are many cases to buttress the foregoing assertion based on the fact that majority of Nigerian politicians and public officeholders are predisposed to corrupt enrichment. In as much as the legislature operates in the same environment, the members are not immune to



corrupt tendencies and therefore, subject to selfish aggrandizement. Taking the Nigeria National Assembly for example, some cases out of many so far witnessed since the return to democratic rule in May 1999 suffice to substantiate the assertion. They are part of the reason that legislature is not taken seriously and scarcely passes integrity test when some of the proponents of integrity dogma are themselves corrupt.

- ❖ Firstly, Aguda (2012) talked about the extortion allegation by Ms Aruma Oteh, the Director- General of the Securities and Exchange Commission (SEC) against the Chairman of the House Committee, Mr. Herman Hembe.
- ❖ Secondly, the Nation Newspaper, (March 21, 2012) published the bribe allegations against Honourable Farouk Lawan, Chairman House of Representatives Ad Hoc Committee on the Monitoring of Fuel Subsidy by Zenon Oil and Gas Chairman, Mr. Femi Otedola.
- ❖ Thirdly, and perhaps worse of them all, Wale Odunsi, (2016) discussed the newly introduced lexicon in the budget process, referred to as 'Budget Padding' in Nigeria parlance. In this case, the former House of Reps Committee Chairman on Appropriation, Abdulmumin Jibrin leveled allegations of insertions of N40 billion projects into the 2016 budget by the Speaker, padding of the budget with projects worth over N284 billion and padding of the budget by some Committee Chairmen".
- ❖ Further allegations include, "duplication of contracts by Speaker, Yakubu Dogara; renting of Guest Houses for the Speaker at very high rate; receiving of self-rent by the Speaker and others at inflated cost when they have got accommodation allowances; abuse of office and of funds by the House leadership (Wale Odunsi, 2016).
- ❖ These are in addition to the fact that the National Assembly is known to have conducted series of public hearings and probes of agencies without official reports



on some of these investigations at all levels of government since the inception of the new political dispensation (Jaja, 2014).

These allegations are generalized to be the bane of legislative oversight and part of the reasons the executive arm of government, despite its own indelible corrupt tags, easily brings legislature into public disrepute. In other words, there are many criticisms against poor performance of the national budget implementation and compromised legislative oversight by the National Assembly. The usual omission in such criticism is the fact that there is inadequate or concise explanation of why the executive arm of government conform or violate the provisions of Appropriation Act during the implementation of national budget in Nigeria and why the National Assembly appears indifferent. In other words, there is often incoherent accounts on why full budget implementation and accountability by the government in a democratic system based on the principles of separation of power, checks and balances, is a mirage in Nigeria. Furthermore, many emphases on oversight rarely underscore the inherent challenges in facilitating proper scrutiny of project guidelines, or in monitoring policy implementation by the executive branch. There is also inadequate attention on the peculiar nature of our political system and the predominant influence of power rivalry with diverse triggers like ethnicity, religion and other socio-cultural factors that shape the political process and the work of legislators. It is therefore glaring that the factors that inhibit independence of legislature are diverse in nature and not properly accounted for, and sometimes misrepresented, in most literature on the subject.

On this score, Okanya (2009) lends credence to this when he hints the fact that some inherent problems hinder the works of the legislature in making milestone or significant impacts on policy implementation. These inherent problems stem from improper application of constitutional and other related internal rules provided for effective legislative oversight of the executive. Incidentally, many of such problems never feature in the front burner in considering behaviours of actors involved in policy implementation and those charged with the responsibility of oversight. The implication is that most legislatures in Nigeria lag in the exercise of constitutional powers vested in them. The corollary is that



the meddlesome roles of the executive in internal affairs of legislature may hinder effective oversight on budget implementation.

POLITICIZATION OF LEGISLATURE'S INDEPENDENCE IN ENUGU STATE

The term "independence" means that a person or an institution conducts its affairs without any external influence, interference or control. The 1999 Constitution in Section 4 (6) states that, "The legislative powers of a State of the Federation shall be vested in the House of Assembly of the State". Furthermore, Section 100 confers the powers to make law through bills on the House of Assembly. Also, Section 120 unambiguously vests "Powers and Control over Public Funds" in the House of Assembly, while other supplementary provisions made thereto in pursuant of the preceding section are expressed from Sections 121 to 127. In addition, Sections 128 and 129 embody the oversight powers that the State House of Assembly exercises over the executive branch. The constitution reserves these powers for the House to the exclusion of any other arms of government (executive and judiciary). It is in that regard independent in the composition of its leadership, internal organization, determination of rules guiding its internal affairs and in the manners that it carries out its statutory duties (Section 101). The principle of separation of power encapsulates the fullness of these powers.

Essentially, Section 176 (1-2) vests the executive powers of the state in the Governor and Section 270 (1-2) reserves judicial powers in a state for the State Courts. The isolated cases in which the executive could attend the sittings of the House are clearly stated in Section 108 (1-2). However, it is fast assuming a common occurrence in Nigeria (both at the federal and state levels) that the executive branch of government exerts much influence over the legislature since the return to democratic government in Nigeria in May 1999, thus contradicting the independence of the legislature as enshrined in the constitution. The development has impliedly reduced the independence of the legislature at all levels of government in the country to mere tale in every national political discourse.

The executive's influence over the legislature emanates from the nature of political party organization and electoral system, both of which it plays catalytic and decisive roles to manipulate their outcomes.



It is instrumental to the funding and shaping of political parties, and in the appointment of election management bodies. Sometimes, it overtly displaces other contenders for control of political parties and in personification of superpower posture that loyalists revere. It is not surprising that it exercises unique powers in the nomination of any candidate to contest election for both legislative offices and other categories of elective positions in the State either directly or in collaboration with loyal and trusted stakeholders. In that regard, the executive overshadows party supremacy, prioritizes its agendas in place of programmes officially endorsed by the party and foists them on the legislature. At each circle of the legislative session, members are compelled to respect the party that sponsored them, work in synergy with the executive and implement programmes promised during campaign. The ruling party (personified in the chief executive, i.e. president or governor, as the case may be) invokes severe sanctions against the interests of the legislature, if at variance with the executive programmes.

Once the members belong to the same political party that produces the president or governor (for example PDP, in the case of Enugu State), party loyalty demands that legislators cooperate with the executive to deliver on the party's manifesto. It explains part of the reasons there is an argument that party membership and loyalty, obligates legislators to play along with the executive and not become cogs in the wheel of policy implementation. However, there are some exceptions to this fluid rule, whereby a party could produce a president or governor, including majority seats in the legislature but still have its majority members in the legislature playing serious opposition to the executive branch.

The administration of former Governor Chimaroke Nnamani, had 100 percent PDP members in the House, yet the House broke into two; 13 lawmakers disagreed with the governor and relocated to Abuja, while the minority 11 members continued here in Enugu. Also during the tenure of former Governor Sullivan Chime, only eight members purported to remove the Speaker on the ground that they were supporting the governor, while the



majority still supported the Speaker. They were still 100 percent PDP (The Nation Newspaper, 1st and 2nd July 2017).

The sixteen years of PDP leadership and the 1st four years of APC leadership at the national level respectively, has witnessed similar scenarios in the relationship between the executive and legislature. The trend remains a common occurrence in many states in Nigeria. It is now perceived as usual games that political gladiators play in pursuit of pecuniary interests and no longer considered a strange development. The apparent indication, therefore, is that it does not matter whether a ruling political party has majority of its members in the legislature; instead, what is given priority consideration is how the executive satisfies the economic and material needs or demands of legislators; the party financiers and godfathers. In other words, there is a shared view that material interests and juicy positions in the House polarize legislators and derail oversight over policy implementation. In addition, it is evident that the polarization of the legislators creates disunity that the executive needed, to function without proper legislative checks, and thus weakens the unity of the legislators to conduct effective oversight on executive activities in the area of policy implementation.

Therefore, the natures of electoral process and sponsorship of candidates for each elective position, determine to a reasonable extent, the entry behaviour of the prospective legislators, both in their relationship with the executive and their benefactors. The trend makes each administration to impose leadership on the House and thereby subjects the legislature to willing tools. By doing the bidding of executive, some legislators secure supports for re-election to serve more terms in office. Thus, the fears of being dropped in next election makes legislators in the House to maintain closed lips and blind eyes to policy abuses by the executive. The result, therefore, is that no legislator behaves in a manner suggestive of any trace of opposition to the policies of the administration. It make legislative independence and strict oversight over executive activities to ensure accountability in policy implementation a complete nullity. Thus, the notion that loyalty gives high premium makes each administration commits itself to facilitating the election of candidates who have favourable disposition towards its programmes and not opposed to any form of executive actions.



For example, in 2003 general elections, about 80% of the legislators in Enugu State, (the same applicable to many other States in Nigeria) did not win second term ticket to return to the Assembly because of the faceoff between their benefactors and the incumbent Governor. Majority of loyalist legislators were re-elected in 2003 and continued to maintain their loyalty to the executive for possible re-election in subsequent elections. Apart from the exigencies of rotation of legislative seats according to agreed zoning formula (where the arrangement exists); most of the substituted legislators are most times blackmailed and usually labeled opposition to the administration or the godfathers that brought them into limelight. It conforms to the view that the natures of politics revolving around conflicting personal/group interests also influence the forms of relationship between executive and legislature in Nigeria. Fundamentally, the interests of each party in the political contrivance manifest in clear inordinate pursuit of material gains and political positions. Both factors serve as dividends that any politician could derive from political investments with the attendant divisions and infighting among legislators or godfathers. Sometimes, it could go beyond ordinary party indoctrination and fuel greed, corruption and winner-takes-all syndrome that characterize political leadership in Nigeria.

The dominance of such system of political culture that inspires secluded individualistic posture and promotes consumption-oriented mentality, greed and inordinate ambition, ensures that the legislators reciprocate to the prevalent cultures of personal enrichments by developing large appetite, even at their collective expense and that of society. As a result, legislators frequently engage in material oriented goals in the forms of appeals for land allocation, award of plum contracts to their proxy companies, approval of constituency projects, and sponsorship of overseas travels with huge allowances. The executive usually responds by funding programmes that seek to satisfy some of their selfish interests, and financial gratification to compensate their praise singing activities to bolster the ego of the chief executive, etc. In many cases, the legislators personalize these goals and disregard their constitutional roles of lawmaking, representation and oversight on executive activities. It has become great disservice to the integrity and identity of legislature as an independent arm of government and barometer for measuring the wellbeing of democratic practice in a



country. The essence, according to most analysts, is particularistic than general in nature, probably to promote the agenda of their re-election ambition to the detriment of their independence and effective oversight on policy implementation.

The foregoing case studies show that environmental factors inhibit the independence and functions of the legislature in Nigeria generally but it appears that there is predominance of the phenomenon at the state levels. Ideally, the independence of the legislature, determines the ways in which the conduct of oversight influences executive actions. Legislature in most developing society is not close to using the extant constitutional powers conferred on it to realize this objective. It typifies the natures of politics played in Africa, where executive interference and meddlesome roles by other political actors, appear to have become a norm. Obviously, such forms of power relations oftentimes overshadow the parliament in all ramifications, amidst executive control of public funds and project implementation.

HOW INTERFERENCE AFFECTS THE INDEPENDENCE OF ENUGU STATE ASSEMBLY

The Enugu State House of Assembly was established in 1991 after the state creation exercise. Since it assumed the responsibility of lawmaking and oversight over executive activities, the nature of politics played in Nigeria influences its entire being and functions. First, godfathers, moneybags, and interplay of varied political forces, influence the selection and election of each prospective legislator in Enugu State. Second, the executive plays major roles in nurturing the legislators to become subservient to the executive when they eventually win election by imposing their principal officers or leadership on them. It started from 1999 when the state returned to civil rule.

Starting with the administrations of Chimaroke Nnamani (1999-2003, 2003-2007), the executive imposed both Hon. Cletus Enebe, Dr. Festus Uzor and Hon. Able Chukwuat different intervals as Speakerson the House. It was only for internal crisis during the first term mainly that a factional Speaker (Hon. Kenneth Ogbozor) emerged but his group that opposed the governor never had access to the legislative chamber until the governor served



out first term in office. Similarly, Sullivan Chime during his term as governor (2007-2011, 2011-2015) also imposed Hon. Eugene Odo as Speaker but factional members allegedly impeached him and allegedly elected Hon. Chinedu Nwamba in his stead, at the twilight of his second term. During the first term of Ifeanyi Ugwuanyi (2015-2019) and probably second term (2019-2023), the executive also imposed Hon. Edward Ubosi as Speaker. The executive merely selects all the principal officers of the House and for now, none amongst them has ever been elected in true elections.

Meanwhile, zoning sometimes plays a part in allocation of the various positions in the leadership of the State House of Assembly; however, the problem is that the House members have never freely chosen their leadership without the executive wading into the process to determine the directions of the pendulum. Unfortunately, many legislators at the state level lack courage to assert their independence from executive manipulation because the executive sponsors or influences their elections and turns to **“He who plays the piper dictates the tunes”** persona. It explains the reason that the executive applies several measures to demean the independence of the House, by deliberately interfering in their internal affairs with a view to scuttling its statutory functions. On that note, it tries to dodge accountability to the legislature after policy implementation. It is a common practice that no level of government in Nigeria is free from complicity and culpability, hence, during the administration of former Governor Chimaroke Nnamani, his perception of legislature is a rubberstamp portfolio, which the major preoccupation should be ratifying executive actions. In addition, the relegation of legislature by the administration of Sullivan Chime took similar dimension:

- ❖ The Governor frustrated the invitation of most of the Ministries, Departments and Agencies (MDAs) that relevant committees had cause to invite in the exercise of their oversight functions.
- ❖ Even when the House invited some key members of the line ministries and MDAs, most of them did not respond and those who came, appeared in a manner, as if the House does not exist.



- ❖ They never supplied the documents requested from them and those supplied were without full details (Odo, 2015).

Accordingly, the officials of the MDAs usually concoct insidious tactics to evade accountability in policy implementation. It is a common tradition that the executive dissuades its agencies from divulging sensitive information on how they implement policies to the House. Because it is a blanket order, it punishes any official found culpable to serve as deterrent to others, as exemplified below:

- ❖ The House through the Committee on Water Resources brought the issue of water concession and invited the Commissioner and Managing Director of Water Corporation for questioning. The Committee later advised the Commissioner to anchor the concession on existing law and go through normal due process, but after he went back and perhaps, conferred with the Governor, he ignored what the House said. Contrarily, the executive thereafter fired the Managing Director for saying that he was not party to the agreement even though he signed, (Odo, 2015).
- ❖ The executive fired two Board Members of ENSUBEB, few days after they wrote petitions to the House, alleging some underhand deals going on at ENSUBEB. This is apart from the earlier admission by the Chairman of ENSUBEB that it made full payment of N600 million, which was the worth of its contract job, to the company that was unable to execute the job, (Odo, 2015).

In Nigeria, public officials do not easily volunteer information about the activities of the MDAs except they clearly understand the body language of the chief executive and also convinced that the information intended to be released for public consumption does not portend any threat to the administration. It mocks the fact that the legislature is about the most sensitive arm of government in every democratic system, and symbolizes the strength of popular participation in governance. It further disregards the status of legislature as medium for expression of public interests and a watchdog over the activities of the executive arm. In fact, some scholars always shift blame of the remarkable manifestation of the anomie on the fact that:



The legislature is the least developed of the three arms of government, which is a factor of the reality of our political evolution, where the military had been in power for almost three-quarter of our post-independence period. Each time the military came, the legislature was under lock and key. It was not allowed to grow along with the other arms of government. So the growth has been stunted and that stunted growth has also affected the capacity (Onuigbo & Eme, 2015).

It poses problems to issues relating to capacity building in the institution and the legislature has not fully recovered from the outlandish political circumcision inflicted on it during the military era. In Enugu State, many of the emergent legislators lack basic legislative capacity or skills, the demeanor, and sense of public service. The majority who find their way to the legislative assembly are due to political patronage and persisting culture or practice of money politics. It promotes electoral fraud and impudence associated with the bandwagon effects of military legacy in governance. It makes the institution remain in comatose condition, thus creating a situation where only the executive and judicial arms dominate the polity because of their long hold on the system. In view of the foregoing disadvantage, the State Houses of Assembly from the period 1999-2003 became and has remained,

The appendages of the State Executive Councils. The same way parliamentary quackery and mercantilism have steadily remained the bane of the lawmaking processes in Nigeria. Through parliamentary quackery, status quo or lazy lawmaking became the order of the day. Thus, legislative intellectualism was nowhere to be seen, (Umeagbalasi, Oguejiofor & Onwuatiegwu, 2015).

As a result, the executive continuously tries to jettison the legislature as insignificant in governance and merely regards it as political appendage. It is a general trend and Enugu state is not an exception. In politics, power and wealth are the main alluring factors that influence ambitions to contest and win elective position. The positions afford the occupant access to many opportunities and once elected; the primary focus is to maximize those



opportunities. Thus, they focus on outwitting each other in pursuit of power and money, through whatever means possible, including impeachment threats on the executive, internal friction among the legislators, and impeachment or suspension of members across the factions. The essence is to take actions that guarantee material incentives from the executive. For example, the Speaker, Eugene Odo, alongside 14 other members of the House, on 4th May 2015, directed the Clerk of the House, Christopher Chukwurah, to serve impeachment notice on Governor Chime over alleged misappropriation and other breaches, (Njoku, 2015), and as would be expected:

The attempt created division in the House as nine members, allegedly working for the governor, sat and announced the “impeachment” of Odo, as well as suspension of other principal members of the House (Njoku, 2015).

The perception was that the nine-member faction made themselves a willing tool in the hands of the Governor, who quartered them in a hotel, gave them N2million each, and asked them to go and remove the speaker (Odo, 2015). In furtherance of political party complicity in the saga, the State Chairman of PDP, Ikeje Asogwa, supported the nine-member faction that “impeached” Odo and elected a new Speaker, Chinedu Nwamba (Njoku, 2015). Since every legislative faceoff with the executive found expressions in material terms, the occasion results in internal cracks and divisions among the legislators, thus exposing them to easy manipulation by the executive. It is commonplace in all legislative assemblies in Nigeria.

The political interference in the constitutional roles of legislature by the executive branch affects the independence and effective performance of legislative oversight, in addition to instigating infighting among the legislators, in their bids to become anointed godson and favourites of the executive. The sycophancy degenerates into serving as tools in the hands of the executive to penetrate the House and frustrate its oversight over executive activities. In other words, it is among the potent factors that compromise powers of the legislature to bring executive actions under control in conformity with the provisions of the constitution and thus, deepens self-serving agenda that both the legislature and executive considers as



beneficial to mutual interests. It dovetails into obnoxious practices in the forms of extortion and corrupt enrichment. **Umeagbalasi, Oguejiofor & Onwuatiegwu, (2015)** assert that the consequent corrupt activities betray integrity of the legislature, promote the five main unabated bribery induced areas that have dominate legislative business of the State Houses of Assembly in Nigeria, such as demand for money to take actions on state requests. It manifests during, *“Budget defense/passage, approval of commissioners/office appointments, consideration of executive borrowings, approval of security votes and legislative probes”*.

It makes the public to view legislature as assembly of people that collaborates with the executive to mismanage public funds through weak oversight or by deliberate connivance to feed fat on public coffers, **thus prompting the executive to neglect strict compliance with laws passed by the legislature. The consequence is that the executive conspires to loot public treasuries further and deeper with the adverse effects suffered by the public through poor budget implementation.** This is so common in a presidential system of government, as obtained in Nigeria, where the executive has so much power, with the inherent potential to frustrate the oversight activities of any credible legislature. It is more so at the State levels where executive dominance abhors any rivalry and prefers legislature to be mere rubberstamp. In fact, the executive seems to operate in an atmosphere of liberty in Enugu State, with little sense of legislative checks. It is for the foregoing reason that the executive takes the legislature for granted and unmindful of the powers it has to expose corrupt practices in its activities. The executive controls public funds and detests monitoring by the legislature on how it spends them or asked to account for policies it implements. In many instances, the executive exhibits disgust and nonchalance towards legislative oversight, as though it is not constitutional. Nevertheless, the essence of legislative powers over the executive branch in policy implementation is to ensure that there is good governance and accountability in the system.

The legislature cannot perform these roles effectively when menace of political interference erodes its independence or when it betrays the mandates given to it by the extant legal instruments through avaricious instincts. However, there is no denying the fact that the independence of the legislature remains a key area that both the legislature and the



executive always differ on what power that the constitution provides for legislative oversight, when the exercise of such powers are supposed to take place, how it should be exercised and gain obedience of the executive. The interplay of these factors relegate legislature as a separate arm of government like the executive and the judiciary, and deny the institution the responsibility to assert itself in accordance with the prescriptions of the constitution and not subject to executive manipulation or the dictates of godfathers. Apart from some of the self-destructive actions taken by some legislators in Nigeria, peculiarity of the political economy equally exposes legislature to undue influence that emanates from the political environment. For example, the quest for material enrichments, which infects the general psyche of most public officeholders in all aspects of the political cum economic system, also impedes the effectiveness of legislators in the performance of their constitutional functions.

CONCLUSION AND RECOMMENDATIONS

The foregoing discussions reveal that many indices emanating from the nature of politics in Nigeria affect independence of the legislature in the discharge of its constitutional functions. The indices include executive interference, the meddlesome roles of godfathers, party stalwarts, party ideology or loyalty, in addition to financial and political interests of the individual legislators. They synergize in conditioning personal attitudes and public perception of legislators in governance process. It thus validates the hypothesis posed in the study, that political interference on the independence of the legislature affects its functions. The cases cited in Enugu State buttress the eroding independence of the Enugu State House of Assembly, especially, in the area of oversight over executive activities.

Characteristically, political interference is unparalleled among factors that negate legislative independence and distortion of democratic process. It creates absurd political culture that promotes lack of internal party democracy, imposition of candidates by political godfathers, electoral malpractice, bribery and corruption, among others. The lust for power and material possession serve as triggers for venturing into politics. The moneybags either directly or through the influence of the executive sponsor many people that win elections into the State House of Assembly. The development afflicts the legislature. Composite evils



of executive interference, meddlesome roles of godfathers, party stalwarts and mandatory party loyalty; apart from greed and lust for materialism implied or expressed in the conduct of legislators, serve as big snag to legislature's independence. The juxtapositions of these conflicting interests render the legislature porous for easy manipulation, thus resulting in its relegation by the executive and other political gladiators as a mere rubberstamp.

Based on the foregoing discussions, there is need for concise policy reform and re-design of the institutional conducts that the colonial type of unconventional administrative system, which focused on suppressing every checks and balances and circumventing rules of engagement bequeathed to the post-colonial states. The constitution has provides a roadmap for exercise of governmental powers and from the inception, separation of power serves as a buffer for any likely encroachment on the areas of jurisdiction of each branch of government. Executive develops and implements policy, the legislature makes law and oversight the activities of executive, while judiciary adjudicates cases and interprets the law. Once any part of the highlighted functions is affected, the whole system suffers. This is evident in the nature of politics played in most third world countries that impedes on the independence of the legislature and renders the state vulnerable to tyranny and mismanagement of public funds. It does not augur well for democratic system; hence, the independence of the legislature is a desideratum for good governance and guarded moderation in the exercise of state authority.

Granting financial autonomy to the State Assembly should be a path to delinking itself from executive control. It can now fund and facilitate the performance of its activities without depending on the executive discretion, which previously suffered executive censorship. In addition, the electoral process should be overhauled; to allow internal party democracy and ensure level playing grounds for all aspirants to elective position for possible emergence of popular choice that owes the public quality service and loyalty other than the derisive enslavement to the godfathers. Furthermore, there is urgent need to reduce the cost of election and retrench moneybags from trading on the life wire of a society. This will open the doors for persons who are popular, credible, qualified and appealing to the public;



hence, a compromised legislature is national disaster and pathway to collapse of democratic ethos.

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