Guide to Legislative Oversight in the National Assembly
GUIDE TO
LEGISLATIVE
OVERSIGHT IN
THE NATIONAL
ASSEMBLY
ACKNOWLEDGEMENT

PLAC wishes to acknowledge the support of the British Department for International Development (DFID) in the publication of this guide.
PREFACE

This guide explores the oversight function of the National Assembly and makes recommendations on how legislators and legislative staff can sustain the principles of good governance and accountability to citizens through conduct of effective oversight.

Legislative oversight powers are provided for in the Constitution of the Federal Republic of Nigeria, as well as in the Rules of the two chambers of the National Assembly. It is also an added responsibility of overseeing the executive arm in implementation of projects over which the National Assembly has approved funds. Oversight requires that the National Assembly conduct investigations into governance issues through its committees and that they monitor the performance of MDAs (ministries, departments and agencies) for the benefits of citizens.

However, often times, committees are faced with the challenge of carrying out effective oversight for different reasons. This guide explores these challenges and suggests practical ways legislators can overcome them and improve their skills for effective oversight. It further provides ready tools and templates required for effective oversight reporting. It is hoped that legislators and legislative staff will find this guide to be a useful reference material in their exercise of this very important function of the legislature.
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<td>CNA</td>
<td>Clerk to the National Assembly</td>
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CHAPTER ONE

1.0 INTRODUCTION

This guide seeks to provide a background on the procedure and effects of legislative oversight. It also highlights its legality in the context of relevant constitutional provisions which empowers the National and State Houses of Assembly to carry out this role. It further examines the realities and challenges surrounding the performance of oversight and examination of its prospects especially in the present democratic dispensation. The guide concludes with suggested templates for the conduct of oversight, its reporting and also highlights the content of such templates to assist Committee Clerks and Staff in carrying out oversight activities effectively.

1.1 MEANING, LEGALITY, SIGNIFICANCE, OBJECTIVES AND TOOLS FOR OVERSIGHT

Legislative oversight is a tool used by the legislature to perform its role of checks and balances in a democracy. Legislative oversight therefore refers to the legislature’s review and evaluation of selected activities of the executive branch of government. After making a law, the legislature’s main role is to see whether laws are effectively implemented and whether the laws capture the intent of their drafters. Oversight can also be referred to as behavior by legislators and their staff, individually or collectively, which results in an impact, intended or not, on bureaucratic behaviour. Therefore, oversight is said to have an end result in, or inevitable aim of, affecting executive behaviour, if effective. In summary, Legislative oversight, as a concept, cannot be confined by one definition or the other. In fact, it is its scope that gives meaning to it and provides direction on what it aims to achieve.

1.2 MEANING

Oversight is defined as the process by which a legislative body monitors, scrutinizes, reviews and evaluates the performance of the executive arm of government or its agencies on a continuous basis to ensure effectiveness, efficiency and good performance.

This definition agrees with Oyewo (2007, p.8), who defines oversight more elaborately as “the exercise of constitutional powers by the legislature to check or control the exercise of constitutional powers of other arms of government, and more specifically to check or control the exercise of executive powers or to make the executive accountable and responsible to the electorate”. The import of this, as Madue (2012:435) argues is that “oversight can be performed ex-ante-
during the design and implementation of a programme or policy, as well as ex-post, after its implementation”. Hence, he defined oversight as follows “…it follows that oversight entails the informal and formal, watchful, strategic and structured scrutiny exercised by legislatures in respect of the implementation of laws, the application the budget, the strict observance of statutes and the constitution” (Madue, 2012:434).

The use of the term ‘oversight’ is traced to Professor Woodrow Wilson who defined it as the “duty of a representative body to look diligently into every affair of government and to talk much about what it sees. It is meant to be the eyes and the voice and to embody the will and wisdom of its constituents.” It has also been defined as “the review, monitoring and supervision of government and public agencies, including the implementation of policy and legislation.” Legislative oversight involves keeping an eye on the activities of government agencies especially the executive branch, on behalf of the Nigerian people. This process brings to the knowledge of the public what the executive branch is doing, and affords the electorate the opportunity to determine whether public servants are really serving their collective interest or not.

Legislative oversight therefore refers to the power of the legislature to review, monitor and supervise government agencies, programmes, activities and policy implementation strategies of the executive arm of government. This is to ensure that the arm sustains the principles of good governance, remains responsive, transparent and accountable to the electorate. The Committee structure of the National Assembly (House of Representatives and Senate) is used to execute oversight functions and ensure that activities of the executive arm of government and its agencies are kept under constant surveillance and scrutiny by the legislature.

1.3 LEGALITY

The investigative oversight powers of the National Assembly are enshrined in the 1999 Constitution of the Federal Republic of Nigeria, in sections 88, 89, 128 and 129. However, it must be noted that the power of the legislature to undertake legislative oversight is not absolute. Chief Justice, Earl Warren, American Jurist and Politician captured the limits on the power of Legislative oversight when he stated thus:

“the power of the congress to conduct investigation is inherent in the legislative process. The power is broad; it encompasses inquiries concerning the administration of existing laws as well as proposed or possibly needed statutes. It includes surveys of defects in our social, economic or political system for the purpose of enabling congress to remedy them. It comprehends probes into department of the Federal Government to expose corruption, inefficiency and waste.
Also, in the Nigerian case of TONY MOMOH v. SENATE OF THE NATIONAL ASSEMBLY (1982) NCLR, 105, the court held that the legislature is not given powers to usurp the general investigating functions of the executive nor the adjudicative functions of the judiciary. Therefore, any invitations by the legislature to any person outside the purpose defined in the relevant section is invalid. Also, the prosecution of persons found guilty of corrupt practices or gross inadequacies or misconduct in the discharge of the public office is left to the executive. Furthermore, any investigation which is sought to only expose or ridicule persons, especially their private affairs, without any legislative intent, will not be entertained.

The conduct of oversight is also legalized by the various Standing Orders of Nigerian Legislative Houses. **Sections 60 and 101 of the 1999 Constitution (as Amended)** empower the National and State Houses of Assembly to regulate their own procedure, including the procedure for summoning and recess of the House. The Rules have also defined jurisdiction of all Special and Standing Committees over all legislative activities including oversight of MDAs under jurisdiction of a particular committee.

### 1.4 SIGNIFICANCE

The legislative branch of government ensures that existing programs are implemented and administered efficiently, effectively and in a manner consistent with legislative intent. For example, the budget oversight process includes many different aspects because the National Assembly must weigh the overall value of a program against the value of other programs competing for funding from limited state resources. It gives the legislatures an opportunity to assert their independence and also provides an avenue for them to enhance their capacity to play a more active role in the policy making process. The Commonwealth
Parliamentary Association (CPA) (2002) asserts that the principle behind legislative oversight is to ensure that public policy is administered in accordance with legislative intent. Legislative oversight can also be viewed as a strong weapon used by the legislature in checking executive tendency towards dictatorship. Therefore, the legislature oversees the affairs of government and consequently, holds the government responsible for its actions or omissions. Proper oversight function is of enormous benefit to the political system and it has encouraged international cooperation from different countries to strengthen the legislature as a means of enhancing democracy in developing countries.

1.5 OBJECTIVES OF OVERSIGHT

Legislative oversight seeks to:

- To protect the rights and liberties of citizens by curbing the excesses of the government.
- To detect waste within the machinery of the government and public agencies, improve efficiency, economy and effectiveness of government operations by making the government accountable to the people.
- To improve the transparency of government operations and enhance public trust in the government.
- To ensure that policies announced by the government and authorised by the legislature are actually delivered.
- Determine the extent of compliance with constitutional, statutory and legislative directives.
- Determine whether the right caliber of parties are in charge of administering programmes or policies of government.
- Evaluate the impact of programmes on target and spillover groups.
- Generate information to develop new legislative proposals or amend existing statutes.
- Determine the impact of policies, programmes, laws on the society and life of the people to create opportunities for legislative intervention.
- Increase knowledge and understanding of government priorities.
- Inform the general public and ensure that executive policies reflect the public interest.
• Prevent executive encroachment on legislative authority and prerogatives.

• Facilitate good governance through practicalisation of separation of powers.

• Provide opportunity for informed legislative decision that is evidenced based.

• Promote the observance of one process, transparency and accountability in public expenditure management.

1.6 TOOLS

The most common oversight tools are oversight visits, committee hearings (public/investigative), hearings in plenary sessions of the parliament, the creation of commissions of inquiry, questions, the public account committees, auditors general, interpolation and ombudsman.

In particular, the legislative standing committees are responsible for continuous review of work of MDAs in their subject areas. Legislatures also have created special and standing committees to evaluate agency operation and performance. In addition, the National Assembly may review the rules and regulations developed by the executive. The personal qualities of competent and trained members of the legislature are of utmost importance in carrying out their legislative oversight functions. If there is no competent personnel, legislative oversight will fail. Therefore, it is imperative to have periodic training for the members of the legislature in order to equip them with the tools they need to be able to effectively conduct this duty.

Committee hearings are avenues for citizens to become involved in the parliamentary business of legislative oversight. Experts can be heard in or become advisers; committees can invite interested parties to hearings or invite members via public hearings and so on.

The floor of the Senate or House of Representatives is also a means of conducting legislative oversight because the legislature can hear ministers and government officials and discuss all aspects of government policy.

Also, section 89 of the 1999 Constitution provides a list of guidelines and powers that are to assist the legislature in carrying out this function. These include issuing summons, warrants and fines when its orders, as approved by the Constitution, are violated.

Other tools or ways the legislature can conduct oversight include the following:
• The legislature can simply ask the government for information.
• The legislature can ask the government for public clarification of policy.
• The legislature can obtain information from sources outside the government.
• The legislature can express its view to the government and the public.
• The legislature can undertake informal meetings with executive officials.

In more drastic instances, the legislature has the constitutional power to recommend the removal of office holders whose appointments the legislature has power to confirm where it is believed that the office holder(s) is not effectively discharging his constitutional or statutory duties.

In conclusion, it is apparent that there are quite a number of tools that can be used in conducting legislative oversight; those borne out of the constitution and those borne out of practice. The purpose of these is to enable the easy and efficient discharge of this function for the greater good of the nation and the progress of democracy.
CHAPTER TWO

2.0 TYPES, FORMS OF OVERSIGHT POWERS AND PROCEDURE FOR LEGISLATIVE OVERSIGHT

This chapter examines the broad classification of oversight, forms of constitutional powers and procedure for conduct of oversight functions.

In order to carry out its functions effectively, the members of the legislature are usually divided into Standing or ad hoc Committees. **S.62 of the 1999 Constitution (as amended)** empowers both the Senate and the House of Representatives to create Committees as may seem appropriate to them. However, they are not empowered to directly delegate the power of legislation to these Committees. See **Section 62(4) of the 1999 Constitution (as amended)** which provides that:

*Nothing in this section shall be construed as authorising such House to delegate to a committee the power to decide whether a bill shall be passed into law or to determine any matter which it is empowered to determine by resolution under the provisions of this Constitution, but the committee may be authorised to make recommendations to the House on any such matter.*

The case of **Attorney General of Bendel State v. Attorney General of the Federation (1982) 3 NLLR 1**, also supports the above constitutional provision. The purpose of legislative committees is to facilitate the carrying out of oversight functions of the legislature; the purpose of oversight functions being to ensure that Acts of the National Assembly are well implemented, including the Appropriation Act. This is in addition to several other duties of legislative committees.

2.1 TYPES OF OVERSIGHT

Broadly speaking, oversight may be classified into two:

i. “political” oversight which takes place during question time or when the actions of government are scrutinized during public sittings; and

ii. “technical” oversight, which requires more attention of committees to establish facts and evidence to guide informed legislative decisions in a speedy and more efficient manner than could be possible at plenary sittings.

In a more specific sense, this classification includes:

- **Routine oversight:**

  This is the regular oversight carried out by a legislative House either through
committees or plenary. In order to ensure compliance with laws in conducting governmental activities by ministries, departments and agencies (MDAs), routine oversight is carried out by committees within their jurisdiction as provided in the Standing orders. It includes the regular visits to MDAs, screening and confirmation of executive nominations, committee hearings and inquiries or any informal meeting between members of parliament (MPs) and the executive in furtherance of a public concern.

- **Appropriation Oversight:**

This relates to power of the legislature to consider, scrutinize and approve the budget. This form of oversight enjoys both constitutional and statutory flavor. The committee on Appropriation is usually the lead committee while other standing committees become sub – committees for the purpose of consideration of the Appropriation Bill. This is one of the most important form of oversight as it empowers legislative committees to subject estimates of MDAs to critical scrutiny to facilitate further consideration and approval of the Appropriation Bill.

This form is conducted at the time of enacting the law which gives committees the opportunity of checking excesses and abuse through misallocation of funds. It is also conducted during the implementation phase of the budget cycle.

The success of a budget depends to a great extent on ability of a legislature to carry out oversight effectively. In particular, the legislature will be expected to ensure:

- Timely submission of the Appropriation Bill to the legislature. This however depends on the time line for submission / presentation provided by the Constitution. This area is one of the challenges that affects the timeliness of approval and extends also to affect implementation and outcome;

- Diligent and meticulous scrutiny;

- Compliance with rules of practice and procedure in the conduct of budget defence and other components of the consideration process;

- Timely and comprehensive reporting to the Appropriation committee and committee of supply or committee of ways and means depending on jurisdiction;

- Utilization of relevant apparatus such as Public Account Committee (PAC) reports in scrutinizing estimates timely;

- Effective and efficient oversight to monitor implementation; and,
Timely and comprehensive submission of oversight reports.

- **Investigative Oversight**

  Under this classification, the legislature is empowered to conduct investigation into activities of government agencies either at plenary, or through standing or adhoc committees, depending on the resolution of the legislative House. Section 88 (1) and (2) of the 1999 Constitution (as amended) provides the scope and rationale of this form of oversight.

  For the purpose of clarity, the following factors must be taken into consideration by a legislative House or committee in exercise of its powers under this classification:

  i. The subject matter of oversight must be within the jurisdiction of the legislative house, under Section 4, 58, 59 and 100 of the 1999 Constitution (as amended)

  ii. The focus of investigation by a legislative committee must be on conduct of affairs of any person or authority charged with the responsibility to execute or administer law and disbursing or administering moneys appropriated by the legislature.

  iii. The philosophy of investigative oversight is to enable the legislature:

      a. Make laws on any matter within its legislative competence or correct defects in existing laws

      b. Expose corruption, inefficiency or waste in public expenditure management.

- **Public Accounts Committee Oversight**

  Public Accounts Committee is both a standing and special committee in both the Senate and the House of Representatives. Its specialty originated from its being the only committee mentioned under Section 85 (5) of the 1999 Constitution (as amended) and recognized as a special committee in the Standing Orders of the two chambers of the National Assembly.

  Unlike other committees whose jurisdictions are limited to specific subjects and jurisdictions, the Public Accounts Committee is vested with broad jurisdiction of examining the Auditor General’s Report of audited accounts of MDAs in the federation under Section 85 (2) – (5) of the 1999 Constitution (as amended) . In the exercise of its oversights pursuant to Section 85 (5) of the 1999 Constitution (as amended), the committee is obliged, subject to the provisions of the Standing Orders of the Senate or House of Representatives to:

    » Subject the report to critical scrutiny to identify issues and queries against
some MDAs;

» Communicate such queries and demand response from the affected MDAs within a particular time frame;

» Invite MDAs whose responses require further clarification to the Committee, including those who did not respond at all or whose responses were either inadequate, contentious or unsubstantiated by documentary evidence. The Committee will engage MDAs in interactive session to verify, ascertain or establish unresolved issues in responses by the affected MDAs; and,

» Report the outcome of committees’ findings to the plenary to validate and approve through resolutions, the recommendations contained in the report.

2.2 FORMS OF OVERSIGHT POWERS

As stated earlier, the Constitution of the Federal Republic of Nigeria, 1999 is the foundation of legislative oversight powers of the National Assembly. Such powers are in the following forms:

i. **Investigative powers:** This power of investigation is conferred on the National Assembly by **Section 88 (1) of the 1999 Constitution (as amended)**, wherein it is empowered (via Resolution published in its Journal or in the Official Gazette of the Government of the Federation) to direct or cause to be directed, an investigation into:

a. **any matter or thing with respect to which it has power to make laws, and**

b. **the conduct of affairs of any person, authority, ministry or government department charged or intended to be charged with the duty of or responsible for** -

i. **executing or administering laws enacted by the National Assembly, and**

ii. **disbursing or administering monies appropriated or to be appropriated by the National Assembly.**

Investigation has been regarded as the most important power the legislature has in the exercise of control over the executive arm of government. It is only an aspect of oversight and one of the means available to the Legislature to ensure compliance by the executive and to obtain certain crucial information that would assist in future legislation. One of the cardinal merits of investigative hearings or oversight is that it puts public officers on their toes, literally. This acts as a restraining influence on government action.

ii. **Evidential Powers:** Under **Section 89 (1) of the 1999 Constitution (as amended)**, the National Assembly is empowered for the purpose of any
investigation under **Section 88** of the Constitution to:

a. procure all such evidence, written or oral, direct or circumstantial, as it may think necessary or desirable, and examine all persons as witnesses whose evidence may be material or relevant to the subject matter;

b. require such evidence to be given on oath;

c. summon any person in Nigeria to give evidence at any place or produce any document or other thing in his possession or under his control, and examine him as a witness and require him to produce any document or other thing in his possession or under his control, subject to all just exceptions; and

d. issue a warrant to compel the attendance of any person who, after having been summoned to attend, fails, refuses or neglects to do so and does not excuse such failure, refusal or neglect to the satisfaction of the House or the Committee in question, and order him to pay all costs which may have been occasioned in compelling his attendance or by reason of his failure, refusal or neglect to obey the summons, and also to impose such fine as may be prescribed for any such failure, refusal, neglect; and any fine so imposed shall be recoverable in the same manner as a fine imposed by court of law. A summons or warrant issued under this section may be served or executed by any member of the Nigeria Police Force or by any person authorised in that behalf by the President of Senate or the Speaker of the House of Representatives, as the case may require.

(Section 89 (2) of the Constitution).

**iii. Control of Public Funds:** This is referred to as the power of the purse which is about the most effective weapon in the hands of most legislatures across the world in checking recklessness in government. In this regard, **Section 80 (3) of the 1999 Constitution (as amended)** stipulates that:

“No money shall be withdrawn from any public fund other than the Consolidated Revenue Fund of the Federation, unless the issue of those moneys has been authorized by an Act of the National Assembly.”

In furtherance of the National Assembly’s power over public fund, **Section 80(4) of the 1999 Constitution (as amended)** provides that:

“No money 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.”
Since the return to democratic governance in May 1999, the power of the National Assembly to exercise control of public funds has often been misconstrued in various quarters as attempting to create conflict in a democracy. By the above constitutional provision, the executive is required to obtain approval from the legislature before any money is spent. This had been an age-long practice and a universal tradition of governments all over the world. Through this power of control over the purse, lawmakers are able to exercise control over the activities of the executive branch. The executive arm prepares the Appropriation Bill and presents to the legislature for passage into law. The Appropriation Committees of the Legislature then go through each aspect of the Budget and invite the appropriate officials of the executive branch for clearance and or information as are thought necessary to guide the Committees in the discharge of their oversight functions.

iv. **Removal and Confirmation of Appointments:** The National Assembly is empowered by **Section 143 of the 1999 Constitution (as amended)** to remove the President or Vice-President from office. Under this Section, the National Assembly is empowered to remove the President or Vice-President from office for gross misconduct, which is defined “as great violation or breach of the provisions of the Constitution”. This power of removal is popularly referred to as “impeachment powers”, which is the ultimate oversight power. Similarly, the Senate is empowered to confirm appointments of Ministers of the Government of the Federation for such appointments to be valid. Under **Section 147(2) of the 1999 Constitution (as amended)**, the President shall, if the Senate confirms the nomination of any person to such office, make any appointment to the office of Minister of Government of the Federation. In the same vein, an appointment to the office of Ambassador, High Commissioner or other Principal Representative of Nigeria abroad shall not have effect unless the appointment is confirmed by the Senate **(Section 171(4))**. Furthermore, **Sections 231(1) and (2), Section 238(1), Section 250 (1), Section 256(1), Section 261(1) and Section 292(1)** provide for the Senate to confirm and remove judicial officers and other matters of the Judiciary. **Section 86 (1) and (2)** provide for the Senate to confirm the appointment of Auditor General of the Federation, while **Section 87 (1)** for the removal of same.

v. **Audit Queries:** Under **Section 85 (2) of the 1999 Constitution (as amended)**, “the public accounts of the Federation and all offices and courts of the Federation shall be audited and reported on by the Auditor-General who shall submit his reports to the National Assembly; and for that purpose, the Auditor-General or any person authorised by him in that behalf shall have access to all the books, records, returns and other documents relating to those accounts”.
This is a vital tool the National Assembly uses to ensure that there is compliance with the intention of the Legislature in appropriation matters. It should be noted that the Constitution does not expressly specify what the National Assembly should do with such report. However, it can be implied that since the Legislature appropriated the fund which the executive branch utilizes, the audit report would enable the National Assembly to see whether or not the executive has complied with the appropriate laws and the Appropriation Act. Audit queries have thus prodded the National Assembly to carry out oversight investigation of management of funds by some units of the executive branch. The National Assembly can also initiate audit investigation of activities of the executive. For instance in November 2000, the House Committee on Industries, pursuant to Section 88 of the 1999 Constitution, initiated an audit investigation of the Standards Organization of Nigeria (SON).

2.3 PROCEDURE FOR OVERSIGHT

The procedure to be employed in the conduct of oversight depends generally on the types of oversight. Generally, the procedure entails certain activities indicated by the Committee Secretariat on the authority of the Committee after its resolution to conduct oversight. These activities are required before, during and after the conduct of the exercise.

For clarity, the procedure is as follows:

i. Pre-Oversight

• Development of agenda for oversight. This should be discussed and approved at committee meetings before the exercise.
• Committee meetings to consider agenda (subject) of oversight, logistics required, date, information or records/documents needed and any other issue that will facilitate a successful conduct of the exercise.
• Internal official communications to the President/Speaker and Clerk of the House.
• Communication to the MDAs to be oversighted. Any document or information needed should be reflected in this communication with a clear time line for submission of such documents.
• Security arrangements depending on types, nature, location and time of oversight.

ii. During Oversight

• Arrival, check-in and preparation for first meeting.
• Formal meeting to introduce committee members, MDAs management
team and the subject of oversight.

- Inspection, visit, record checking, interactive session.
- Closing remarks (usually in a brief meeting or executive session)

iii. **Post Oversight**

- Development of report by committee secretariat.
- Committee meetings to consider, deliberate and make further recommendations in the report.
- Presentation and laying of report on the table.
- Deliberation by the House and resolutions which may include investigative hearing, interactive session or any other legislative activity that the House may order.
- Follow up actions by committee.

2.3.1 **Public/Investigative Hearings**

Public or investigative hearing is a major legislative activity conducted by a special or standing committee of the legislature based on a referral order. It may be conducted as a result of a resolution on a motion, public petition report, oversight report or a consideration of Bill.
CHAPTER THREE

3.0 OUTCOMES OF OVERSIGHT

3.1 INTRODUCTION

Effective monitoring and evaluation of programmes, activities and policies of MDAs enhance good governance and accountability and establish clear links between past, present and future initiatives and development results. Monitoring and evaluation can help the National Assembly to extract relevant information from past and ongoing activities that can be used as the basis for programmatic fine-tuning, reorientation and future planning. Without effective planning, monitoring and evaluation, it would be impossible to judge if work is going in the right direction, whether progress and success can be claimed, and how future efforts might be improved.

This exercise can be conducted through the application of the doctrine of separation of powers under Sections 4, 5, and 6 of the 1999 Constitution (as amended).

The principle of separation of powers is the major ingredient of democracy which guarantees the independence of the executive arm of government, the legislature and the judiciary. Essentially, the legislature as a symbol of true democracy makes laws which the executive is under obligation to implement. The judiciary is legally called upon in the determination of civil rights and obligations to interpret the laws. This system of government understands from the onset that powers may be abused and therefore introduced a system that guarantees checks and balances amongst the three arms of government. Therefore, through the power of interpretation, the courts can declare laws made by the legislature unconstitutional, null and void. On the other hand, the legislature has the power of oversight over the execution and administration of laws by the executive. The executive holds the powers of investigation, coercion and implementation of laws and can as well use these powers to call the legislature and judiciary to order.

3.2 THE CONCEPT OF MONITORING

Monitoring has been described as the periodic assessment of programme and project implementation in relation to agreed schedules, input and opinions of beneficiaries of such programmes/projects to aid evaluation of overall policy objectives and decision making. It is the systematic collection, analysis and use of information from projects and programmes for purposes of learning from the experiences acquired (learning function), accounting internally and externally...
for the resources used and the results obtained (monitoring function) and taking decisions (steering function).

3.3 THE CONCEPT OF EVALUATION

Evaluation of project has been described as a time-bound exercise that attempts to assess systematically and objectively the relevance, performance and success, or the lack thereof, of ongoing, completed and abandoned projects/programmes. Valuation is assessing as systematically and objectively as possible, an ongoing or completed project, programme or policy. The objective is to be able to make statements about their relevance, effectiveness, efficiency, impact and sustainability. Based on this information, it can be determined whether any changes need to be made at a project, programme or policy level, and if so, what they are. Evaluation thus has both a learning function - the lessons learned need to be incorporated into future proposals or policy - and a monitoring function - partners and members review the implementation of policy based on objectives and resources mobilised.

Monitoring and evaluation are complementary. During an evaluation, as much use as possible is made of information from previous monitoring. In contrast to monitoring, where emphasis is on the process and results, evaluation is used to provide insight into the relationships between results (for example, the strengthened capacity of an organisation), effects (for example, improved services / products) and impact (for example, improved living conditions for the ultimate target group).

3.4 SIGNIFICANCE OF EFFECTIVE MONITORING AND EVALUATION

Effective Monitoring and Evaluation are significant for the numerous positive impacts they have on implementation of programmes, policies and facilitation of other activities. They help the National Assembly and MDAs to achieve the following:

a. determine the extent to which the programme/project is on track and to make any needed corrections accordingly;

b. make informed decisions regarding operations management and service delivery;

c. ensure the most effective and efficient use of resources; and

d. evaluate the extent to which the programme/project is having or has had the desired impact.
3.5 **GENERAL OUTCOME(S) OF EFFECTIVE MONITORING AND EVALUATION**

i. **Amendment of Existing legislation**

Effective monitoring and evaluation ultimately results in amendment of existing legislation. This occurs when it is discovered that existing laws regulating a particular issue is inadequate for a particular purpose. In such situation, the legislature examines the status of the legislation at the time of monitoring and evaluation, the mischief to be addressed which the old legislation did not provide and the remedy recommended in consequence. The inadequacies of the existing legislation must have manifested to justify amendment for the purpose of remedying the mischief identified. In such a case, purposeful and literal approaches must have been adopted to test the suitability or otherwise of the legislation. This is done by considering the words used in a legislation its purpose or object.

The following questions are necessary in the process of amending the legislation:
   a. What was the situation and law before the present legislation was enacted?
   b. What was the mischief and defect for which the existing legislation did not provide? and
   c. What advantages exist if the legislation is amended?

Once the above questions are answered, amendment to an existing legislation can be effected to cure defects in the said legislation.

ii. **New legislation**

As mentioned above, effective monitoring and evaluation of policies, programmes and activities of MDAs discloses lacunae in our laws. It may be that there is no existing law regulating certain programmes or activities, hence making such programmes or activities to be carried on without a legal framework. In such situations, a new legislation is always enacted to fill the gaps discovered. Similarly, it may also be discovered that existing legislation on a particular issue is spent and does not substantially cover the field. This often leads to repeal and re-enactment of legislation to make new provisions that can stand the test of time. The weaknesses in an existing legislation can easily be discovered through effective monitoring and evaluation of activities and programmes of MDAs.
iii. Policy Intervention

In addition to the above, policy intervention is another significance of effective monitoring and evaluation of activities of MDAs. Such intervention comes by way of introduction of new government policies that could enhance good governance. It may be that there is loss of revenue or unproductivity on the part of workers or that contractors are executing government projects contrary to specifications or that there is poor motivation to work, amongst others. When such negative trends are unveiled through monitoring and evaluation, introduction of new policies become inevitable to facilitate accountability and good governance.

iv. Exposing and Curtailing Corruption/reducing waste in governance

The basic aim of oversight is exposure of corruption, waste and inefficiency in the management of public resources, as provided in Section 88(2)(b) of the Constitution. When the legislature effectively monitors/evaluates activities, programmes and policies of MDAs, corrupt practices are eliminated or drastically reduced with a view to enhancing transparency and good governance. Such exposure of corruption can also lead to prosecution of those found culpable wanting in such circumstances. Sanctions that are meted out on those found guilty in consequence of such prosecution serve as deterrent against future corrupt practices.

On the whole, monitoring and evaluation encourages checks and balances; it entrones fiscal discipline, good governance and, accountability and transparency in public office. It promotes accountability in government through enforcing efficiency and cost effectiveness in the course of generating people-centred policies and programmes necessary to address the numerous challenges confronting governments at all levels. This helps the National Assembly to establish issues and address problem areas in order to make the necessary improvements or changes to create an effective process. This legislative process brings to the knowledge of the public, what the executive branch is doing, and it affords the electorates the opportunity to see what public office holders are actually doing, whether they are really serving their collective interest or not. Most often, the public is not aware of what the government is actually doing. This was captured by Woodrow Wilson's (1885) classic study of the legislative branch when he observed that:
Modern legislative practice through the use of the Committee System gives the legislatures the advantage of deploying their resources efficiently and effectively for the purpose of thoroughly conducting law-making and oversight functions. This system enables the National Assembly to adequately examine complex and wide ranging issues than subjecting such issues to debate at plenary. This is the most convenient way of effectively monitoring and evaluating activities, programmes and policies of MDAs.

3.6 UTILIZING OVERSIGHT AS A VERITABLE TOOL FOR GOOD GOVERNANCE AND ACCOUNTABILITY

The term ‘Good Governance’ has very broad meanings and is not necessarily defined in any written law. The closest description is contained in Chapter 2 of the 1999 Constitution (as amended), which provides for fundamental objectives and directive principles of State policy. This Chapter lays out the broad principles and objectives that the State should aspire to, in order to attain good governance.

In particular, Sections 4(2) and 14(2) (b) of the 1999 Constitution provides that the “National Assembly shall have power to make laws for the peace, order and good government of the Federation or any part thereof…” and Section 14(2) (b) of the Constitution proclaims that “the security and welfare of the people shall be the primary purpose of government”

Good governance can be described as governance that meets or satisfies the yearnings or needs of the people in terms of development and welfare. Good governance has also been defined as the process of allocating resources through the instrumentalities of the state, for the attainment of public good. Thus, good governance includes institutional and structural arrangements, decision making processes, policy formulation and implementation capacity, development of personnel, information flows and the nature and style of leadership within a political system. Hence, governance is largely about problem identification and solving.

“The informing function of Congress should be preferred even to its legislative function. Unless Congress have and use every means of acquainting itself with the acts and dispositions of the administrative agents of the government, the country must be helpless to learn of how it is being served; and unless Congress both scrutinize these things and sift them by every form of discussion, the country must remain in embarrassing, crippling ignorance of the very affairs which it is most important it should understand and direct.”
In a democratic regime good governance has three principal characteristics: Participation, transparency and accountability.

**Participation** essentially has to do with involvement and inclusiveness of the citizens in the affairs of government. The public plays a significant role in choosing their leaders and representatives. In the Nigerian context, the legislature provides for public participation in the legislative activities and processes when it calls for memoranda from the public and when it conducts public hearings.

This enhances citizen’s access to the legislature and contributes to good governance. In the House of Representatives, in particular, the mechanism of Public Petitions Committee, guarantees that citizen’s grievances are presented and ventilated before the representatives of the people. All these speak to the constitutional prescription in Section 14(2) (c) to wit: “*The participation by the people in their government shall be ensured in accordance with the provisions of these constitution.*”

**Transparency** envisages that activities and decisions of government are open to public view and scrutiny. When we open our Committee and government meetings to the press and the public, when our budgets and expenditures are reviewed by citizens; when our courts and legislative chambers admit the public; when our laws, rules and decisions of government are open to discussion, they are seen as transparent and there is less opportunity for any authority to abuse the system. This position is further reinforced by the Freedom of Information Act, initiated and passed by the National Assembly to aid good governance and accountability. This law specifically makes public records and information more freely available to any citizen. Transparency strengthens democracy, promotes efficiency and effectiveness in governance.

**Accountability** denotes the degree to which government or any of its agencies are held responsible for its actions. In the legislature, members of parliament give periodic account of their stewardship to their constituents during constituency briefings. The four-year tenure also ensures that political office holders render accounts of their stewardship to the electorate especially before any possible renewal of mandate.

The increasing demand for good governance within the political framework of democracy by international organizations and the civil society make the oversight functions of the legislative arm of government imperative to the deepening of democratic governance.

Legislative oversight promotes checks and balances, it instills fiscal discipline, good governance, accountability and transparency in public offices. It also serves
a number of other objectives and purposes such as:

1. Improve the efficiency, economy and effectiveness of governmental operations;

2. Evaluate programmes and performance of MDAs;

3. Detect and prevent poor administration, waste, abuse, arbitrary and capricious behaviors or illegal and unconstitutional conduct;

4. Inform the general public and ensure that executive policies reflect the public interest;

5. Gather information to develop new legislative proposals or to amend existing statutes, ensure administrative compliance with legislative intent and prevent executive encroachment on legislative authority and prerogatives.

6. Hold the executive branch accountable by scrutinizing whether the government’s policies have been implemented and whether they are having the desired impact.

7. Provide financial accountability by approving and scrutinizing government spending by highlighting wasteful expenditure within publicly – funded services.

In political systems where legislatures are able to accomplish these objectives, legislative oversight becomes not only an indispensable and powerful instrument, but also an indicator of good governance.
CHAPTER FOUR

4.0 PRACTICAL WAYS TO IMPROVE LEGISLATIVE SKILLS FOR OVERSIGHT

4.1 Introduction

The performance of oversight functions of the legislative arm of government have over the years fallen below expectation. This is as a result of limited political will by legislators, inadequate funds, alleged greed among stakeholders, deteriorating infrastructural facilities which in itself is a consequence of ineffective oversight, among others. This failure has affected good governance and development in addition to generating public comments against the legislature.

The guide is designed to provide practical ways to improve skills of stakeholders in the conduct of oversight. Some of the skills considered imperative include:

• Use of Committee workplan – Legislative committees must be trained to acquire skills to develop and operationalize a workplan. This will guide and make implementation of committee’s work easy. It will also provide a good source for committees support by development partners and makes report of completed task effective.

• Provision of regular capacity development services to both legislators and legislative staff on techniques, guiding principles, objectives, procedures and significance of oversight. This will address capacity gaps in both the legislators and legislative staff, which constitute impediment to effective conduct of the exercise.

• Exchange of experience and study visit to parliaments of other jurisdictions to avail Nigerian legislators and especially National Assembly members of the practical ways and methods of conducting oversight.

• Increased funding of oversight activities to reverse the current ugly trend of relying on Ministries and Departments to fund National Assembly Committees oversight. In view of the fact that the National Assembly is placed on a first line charge by Section 81 of the 1999 Constitution (as amended), the opportunity should be maximally utilized to equip the National Assembly committees with both the resources and funds that will enable them conduct oversight independent of any external financial assistance that may negate their freedom and objective of the exercise.

• Legislative oversight best practices must be identified and implemented. A sound mechanism must be developed to facilitate external intervention by CSOs, whistle blowers and other stakeholders.
• There is need to strengthen the oversight function of the legislature through the proper utilization of existing institutional and legal frameworks. Opportunities should be created to enable legislators and staff appreciate the scope of their constitutional powers and how best it can utilize existing institutions such as the National Institute for Legislative Studies (NILS), National Assembly Budget and Research Office (NABRO) and other support opportunities.

• Creating citizen’s access to legislature and its operation including oversight.

• Legislative committees should engage the services of consultants and academia for the provision of technical support needed.

• There is the need for the National Assembly to establish its own independent network or machinery through which requisite information and data about the activities of various governmental ministries, Departments and Agencies could be generated. Relying on information and data provided by the MDAs the legislators are supposed to monitor is not only unhealthy but can also be counterproductive.

Undoubtedly, the current practice where in the bulk of the information required by the legislative body to perform its oversight functions is provided by the Presidency through the MDAs has been one of the reasons for the ineffectiveness and inefficiency of the legislative body in the performance of its legislative oversight functions. This is because the MDAs are more disposed to supplying inaccurate information, ostensibly to either impress the National Assembly of good performance or to attract the sympathy of the legislative body for increased budgetary allocation.

There is the need to ingeniously and constructively deepen the level of people’s participation in the process of governance in general. Good governance of any sector of a nation’s economy is complemented by active community participation.

The level of people’s participation, especially at the local level, in the governance process is still very low. This can be attributed in part to the failure of the Nigerian State to meet the basic needs of the mass of the people. Consequent to the failure of the State to meaningfully serve as a vehicle for improved standard of living, the mass of the people rather than participate in what operates in the ‘civic public’, invest their energies and resources in promoting what has to do with their primordial public – advancing the course of their ethnic associations.

Against this background, it is imperative that conscious efforts be made to galvanize the citizenry to be interested in what obtains in the civic public realm – the arena of the state. This can be achieved through improved service delivery by
the state and mobilization programmes anchored by credible leadership of civil society organizations.

There is the need for a comprehensive review of the 1999 Nigerian Constitution to ensure effective parliamentary oversight over the nation’s security sector, on the other hand. This exercise should be carried out with active participation of all the stakeholders, with the civil society playing a pivotal role.

It has been observed by experts that a first step to addressing the challenges confronting effective legislative oversight of the security sector lies in developing a clear picture of the actors and mechanism implicated in the governance of the security sector and delineating clear roles and duties. The 1999 Nigerian constitution, as it were, is weak with reference to legislative oversight of the security sector. Therefore a comprehensive constitutional review is needed to legally back the reforms to deepen the capacity of the National Assembly in carrying out its legislative oversight functions over the security sector.

The electoral system should be re-invented in Nigeria with a view to promoting free, fair and credible elections for the emergence of true and authentic representatives of the people. The reforms brought about by the Constitution (First Alteration) Act and the subsequent re-enactment of Electoral Act both in 2010, did not address the multiple electoral gaps to guarantee the sanctity of the process to produce the caliber of representatives that can overcome the challenges of ineffective oversight in Nigeria.

Given the fact that the Nigeria’s judicial system is not immune from corruption of the larger society, the true winners of these election more often than not, are not declared. Consequently, many of the members of the National Assembly cannot be said to be authentic representatives of the people. This, perhaps, explains the uncooperative relationship and the wide gap between the mass of Nigerians and the “elected” representatives. For the views and positions of the representatives to align with the aggregate view of and aspirations of the electorates, there must be a regular dialogue between the representatives and the electorate. It is only when this is established that legislation and performance of parliamentary oversight functions, whether in the security sector or any other areas of the nation’s life, can truly advance the wishes and aspirations of the generality of the people. The critical place of political party’s internal democracy to the emergence of the true representatives of the people and the entire electoral system should be emphasized. This would go a long way to restore public trust and confidence in the nation’s electoral system.
Utilization of Information and Communication Technology (ICT) in the conduct of oversight cannot be over emphasized. This will make Nigeria's Legislative practice in tune with practices of developed democracies which constitute the best practices for emulation by younger democracies. It also makes oversight easy, transparent, and better result oriented.
CHAPTER FIVE

5.0 CHALLENGES AND PROSPECTS OF LEGISLATIVE OVERSIGHT BY THE NATIONAL ASSEMBLY

5.1 INTRODUCTION

In every democratic system of government where federalism is practised, there are fundamental principles that form the foundation of good governance. Under this arrangement, governmental powers are distributed among the three arms of government, namely, the executive, the legislature and the judiciary. Certain principles guide operations of the three arms so as to avoid encroachment into the realm of others as well as ensuring accountability. Such principles are autonomy, separation of powers and checks and balances. Each arm of government performs defined functions and serve as watchdogs of the other. These various arms of government perform complimentary roles, all working together to promote the rule of law and to ensure that the citizens of a nation enjoy good governance.

This chapter examines the realities of legislative oversight in Nigeria, unveiling Constitutional provisions, objective of oversight, mode of performance, legislative/executive face-off, challenges and prospects of legislative oversight by the National Assembly. It finally proffers solutions to National Assembly and the Executive in Nigeria on the issue.

5.2 CHALLENGES OF LEGISLATIVE OVERSIGHT IN NIGERIA

The following are some of the reasons why oversight function is not effective in Nigeria:

a. Lack of Established Democratic Culture

The fact that Nigeria’s democracy is young is a significant factor militating against legislative oversight in Nigeria. According to Akomoled (2012), the debilitating effect of prolonged military rule in Nigeria has produced negative consequences that continue to haunt individuals and institutions in Nigeria. The legislature is not an exception. The legislature today is truly not independent of the Executive and therefore, is often incapacitated from acting as the watchdog of executive activities. Thus, the inordinate ambition of members and leadership of the legislative houses often sees them hobnobbing with the executive such that valuable time for law-making is lost in the process of lobbying for juicy leadership positions and committees in the legislative houses.
b. Corruption And Nepotism

Nigeria has a poor reputation on corruption and nepotism. This does not exclude the legislature, as members of the National Assembly have been severally accused of bribery and corruption in the exercise of oversight functions. An example is the Securities and Exchange Commission (SEC) investigation which was carried out by the House of Representatives in the 7th Assembly. Arising from the crash of the stock market and the concomitant loss of the several billions of Naira, the House of Representatives commenced a probe on the activities of the SEC which is the regulatory body of the stock market. In the course of the probe and while the then Director-General of SEC, Ms. Arunma Oteh, was testifying before the Committee, she forcefully accused the Chairman of the Committee of demanding gratification from her; a demand she stoutly refused to meet. She alleged that the hostile disposition of the investigating Committee towards her during the public hearing was due to her refusal to meet the demand of the Committee Chairman. The uproar generated by the accusation forced the Chairman to step down as Chairman and member of the Committee. The subsequent indictment of the Director-General and the House Committee’s recommendation that she be removed from her position as Director-General did not therefore come as a surprise to many who concluded that the indictment was the House’s way of getting back at her for the embarrassment she caused to the House. Besides, the House refused to appropriate any amount to SEC in the 2013 budget, thus starving the body of funds.

c. Personal Interests and Ambition of the Legislators

It has often been said that a good number of members of the National Assembly (including legislators at the State levels) pursue pure selfish interests that often inhibit them from combating the challenges of law-making, representation and oversight. Many of them focus on obtaining contracts from the leadership of the houses and even from Chief Executives of the various MDAs their committees are to oversight. This personal interest serves as a challenge to the discharge of their oversight functions, thereby making them to easily compromise when it comes to contributing meaningfully to debates on the floor of the house. At times, some members resort to absenteeism from the floor of the house and do not participate at all in the proceedings.

d. Docile citizenry

The citizens of Nigeria have the power under S.69 & S.110 of the Constitution to recall representatives who they feel are not performing well at the National Assembly. However, this power is hardly made use of. The effect is that the
legislators become lukewarm in their oversight functions.

e. Executive Interference

As discussed above, the Constitution empowers the National Assembly to perform oversight functions and act as watchdog over the executive. Similarly, the Senate must screen and approve certain appointees of the executive. This also happens at the State level. (See Sections 147, 154(1), 171(4), 231, 238 and 250 of the Constitution). This also includes power to remove the President, Vice President, Governor and the Deputy Governor through procedure provided for in the Constitution. (See Sections 148 and 188 of the Constitution). In the same way, the Legislature oversees MDAs. The unfortunate thing is that the executive often interferes with the above functions by ensuring that their cronies are elected as the leaders of the various legislative houses through excessive politicking orchestrated and funded by the executive. Again, where the legislature musters enough courage and ventures to carry out any of the oversight functions, the executive often resorts to the use of money to pursue a “divide and rule” agenda to break the rank and file of the legislators. The effect of this interference is sacrifice of good governance on the altar of personal and political interests.

f. Ethnic loyalty

Often times, Legislators who belong to a particular ethnic group are usually reluctant to indict members of the executive who belong to the same ethnic group as they are. This is due to the fact that the legislators sometimes put their ethnic interests above national interests.

g. Lack of solid legislative framework for oversight

Whenever oversight functions are carried out, most often than not, the legislature would pass a Resolution to that effect. However, it should be noted that resolutions could be ignored by the executive. Thus it would be best if there were legislation making it mandatory for the executive to respond to resolutions and to give reasons for not implementing them.

5.3 LEGISLATIVE/EXECUTIVE CONFLICT IN THE PERFORMANCE OF OVERSIGHT FUNCTIONS

Tension arising from exercise of oversight functions may occur between the National Assembly and the Executive over issues in which the former has constitutional and statutory responsibility. The National Assembly, relying on the principle of checks and balances in governance and in exercise of its power of oversight, may make laws, initiate or amend existing laws or policies in the public
interest. Such legislative actions could be potential sources of conflict between the National Assembly and the Executive arm of government.

**Sources of Conflict between the National Assembly and the Executive:**

- Delay in presentation of Appropriation Bill to the National Assembly for timely consideration and passage;
- Delay in consideration and passage of Appropriation Bill by the National Assembly;
- Power of the National Assembly to increase or decrease total sum of proposed Annual Budget by the Executive;
- Inadequate consultations between the National Assembly and the Executive at preparatory stages of Annual Budget;
- Non-release of information on revenue profile of government;
- Non-release or late release of funds by the Executive to implementing Ministries and Agencies for projects approved in the Appropriation Act;
- Refusal to honour invitation to appear before any Committee of the National Assembly and to give evidence;
- Refusal to appear before any Committee of the National Assembly and to produce any paper, book, record or other documents in the possession or control of such persons in line with Section 4 of the Legislative Houses (Powers and Privileges Act) Laws of the Federation of Nigeria (LFN) 2004;
- Refusal to comply with Resolutions of the Senate/House.;
- Inadequate technical capacity;
- Inadequate reporting and consideration by the National Assembly (NASS);
- Inadequate funding;
- Inadequate preparation by legislative committees; and,
- Poor executive cooperation in releasing information.
Proposed Solutions to National Assembly/Executive Conflict:

- Statutory compliance with the provisions of Standing Orders 93 (Senate) and XVI (House) on presentation of Annual Reports and Other Sessional Papers;

- Effective liaison between the Executive and the National Assembly throughout the stages of budget development. (That is, conception, budget hearings, implementation, monitoring and evaluation);

- Early presentation of Appropriation Bill by the Executive to give ample time (at least two to three months) for legislative consideration of the proposals;

- Legislative amendment of budget only where necessary, and in the national interest, devoid of political considerations or assertion of legislative authority;

- Engagement of professionals with financial and technical knowledge of budgetary matters;

- Regular interactive sessions between Committees of the National Assembly and Ministries, Departments and Agencies of the Executive;

- Respect for decisions of the National Assembly on issues of public policy and governance.

5.4 SUGGESTED RECOMMENDATIONS TO CHALLENGES OF OVERSIGHT

- Amendment of Section 81(11) of the 1999 Constitution (as amended) to facilitate timely presentation of budget;

- Demonstration of patriotic and nationalistic will by legislators in the conduct of oversight;

- Provision of sufficient funds for conduct of oversight with a fair sense of neutrality, independence and effectiveness;

- Creation of platforms to educate and enlighten the Nigerian citizens;

- Openness and transparency in creating citizens access to legislature and public participation in the law making process;

- Development and utilization of workplans and oversight templates to guide effective conduct of the exercise and proper reporting; and,

- Improved legislative-executive relations.
6.0 USE OF TEMPLATES IN THE CONDUCT OF OVERSIGHT

6.1 INTRODUCTION

The constitutional powers of parliament to oversee the affairs of MDAs in Nigeria will only make meaning if relevant tools, expertise, political will and legislative independence is asserted in the conduct of the exercise. Over the years, the exercise has been ineffective due largely to absence of legislative framework to guide monitoring and evaluation of projects, policies and implementation of programmes by MDAs across the Federation. This Section provides a working template that is designed to assist legislative committees in the conduct of oversight.

6.2 OBJECTIVES OF THE TEMPLATE

The use of templates in relating with MDAs cannot be over emphasised

✓ It makes the overall oversight simpler for Committees.
✓ It captures all policies, projects and programmes of the MDAs.
✓ It makes MDAs to be more alert to their responsibilities.
✓ It gives direction to oversight by legislators.
✓ It is not a substitute to physical oversight but a necessary complimentary exercise.

6.3 TEMPLATE FOR OVERSIGHT OF PROJECTS

<table>
<thead>
<tr>
<th>S/N</th>
<th>PROJECT NAME</th>
<th>DETAILS</th>
<th>REMARKS</th>
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<tbody>
<tr>
<td>1</td>
<td>Name of Policy from which the Project is derived</td>
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<td>2</td>
<td>Name of Programme from which the Project is derived</td>
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<td>3</td>
<td>Project Title/Description</td>
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<td>4</td>
<td>Name and address of Contractor</td>
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<td>5</td>
<td>Project Objective(s)</td>
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<td>6</td>
<td>Expected outcome of Project</td>
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<td>7</td>
<td>Indicators of successful implementation of the Project</td>
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<tr>
<td>S/N</td>
<td>PROJECT NAME</td>
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<td>8</td>
<td>Impacts of the Project on the citizens/economy</td>
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<td>9</td>
<td>Project location</td>
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<td>10</td>
<td>Commencement Date</td>
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<td>11</td>
<td>Expected Date of Completion</td>
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<td>12</td>
<td>Project Estimated Cost</td>
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<td>13</td>
<td>Sources of Funding and Amount</td>
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<tr>
<td>14</td>
<td>Amount Allocated During the Fiscal Year</td>
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<tr>
<td>15</td>
<td>Amount Released During the Fiscal Year</td>
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<tr>
<td>16</td>
<td>Amount Spent During the Fiscal Year</td>
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<tr>
<td>17</td>
<td>Variation Amount/Date</td>
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<tr>
<td>18</td>
<td>Total Amount Spent From Inception to Date</td>
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<td>19</td>
<td>Physical Achievements</td>
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<td>20</td>
<td>Percentage (%) of Completion</td>
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<td>21</td>
<td>Was the Project Certified Through Due Process</td>
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<tr>
<td>22</td>
<td>Is the Project worthy of continuation (if not, Why?)</td>
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<tr>
<td>23</td>
<td>Outstanding Components as at the time of report</td>
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<td>Immediate Need and Revised Cost</td>
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<td>New Estimated Date of Completion</td>
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<td>26</td>
<td>Implementation Problems</td>
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<td>27</td>
<td>Suggested Solutions</td>
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<tr>
<td>28</td>
<td>M and E Team's General Comments</td>
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<td>29</td>
<td>List of Participants</td>
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<td>Other comments</td>
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## 6.4 TEMPLATE FOR POLICY IMPLEMENTATION

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<td>Date of commencement period for implementation</td>
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<td>3</td>
<td>Summary of policy thrust/objectives</td>
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<td>4</td>
<td>Indicators of successful implementation of policy</td>
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<td>5</td>
<td>Impact/outcomes of policy implementation</td>
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<td>6</td>
<td>Sources of funding and amount</td>
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<td>7</td>
<td>Amount allocated during fiscal year</td>
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<td>8</td>
<td>Amount released during the fiscal year</td>
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<td>9</td>
<td>Amount spent during the fiscal year</td>
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<tr>
<td>10</td>
<td>Total amount spent from inception to date</td>
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<td>11</td>
<td>Percentage of implementation</td>
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<td>12</td>
<td>Is the policy worthy of continuation?</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Does the policy require translation into legislation?</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Challenges of implementation</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>Suggested solutions</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>M &amp; E Team’s general comments</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>List of participants</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>Other comments.</td>
<td></td>
</tr>
</tbody>
</table>
### 6.5 TEMPLATE FOR OVERSIGHT OF RECRUITMENT EXERCISE

<table>
<thead>
<tr>
<th>S/N</th>
<th>DETAIL</th>
<th>REMARK</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Name of recruiting agency</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Recruitment mandate (Federal Executive Councils Approval, Budgetary Allocation or Policy Directives)</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Evidence of advertisement in National Dailies</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Evidence of logistic preparations to conduct the exercise</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Amount allocated for the exercise</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Amount spent in the exercise</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Whether exercise was conducted by recruiting agency or consultant</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Evidence of hiring consultants (Management, Board or Council's approval)</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Evidence of compliance with public procurement Act in hiring consultants</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Amount spent in procuring consultancy service?</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Evidence of compliance with Federal Character Principles</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Number of candidates position applied for and job specification</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Number of applicants recruited with indication of states of origin and designation</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Evidence of recruitment report</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>Evidence of validation of recruitment report by the Federal Character Commission</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>Challenges faced in recruitment exercise</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>Suggested solutions</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>General observations</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>General comments</td>
<td></td>
</tr>
</tbody>
</table>
## 6.6 Template for Conduct of Public/Investigative Hearing

**Introduction**

The template is developed to guide legislative Committees in the conduct of the public hearing based on activities that are implemented in the exercise. It covers three major activities as follows:

| Pre-hearing activities | • Committee meeting to discuss referral order to conduct public hearing  
|                        | • Engagement of consultants  
|                        | • Identification of relevant stakeholders  
|                        | • Notification/invitation to relevant stakeholders stating date, time, venue and nature of contribution requesting for approval to conduct the hearing with attached proposed programme  
|                        | • Advertisement in some popular national dailies and electronic media  
|                        | • Development of agenda/program of event  
|                        | • Distribution of notification to the Clerk of the National Assembly (CNA), Clerk of Senate/House of Representatives, Sergent-at-Arms and other parliamentary security agencies  
|                        | • Equipping of committee secretariat with relevant facilities for entertainment and conduct of the hearing  
|                        | • Submission of memos to committee  
|                        | • Follow up actions on all correspondences to stakeholders to ensure full participation |

| Hearing Activities | • Arrangement of venue  
|                    | • Setting of secretariat  
|                    | • Registration of participants  
|                    | • Ushering invited guests committee members and principal officers into the venue  
|                    | • Ushering of Senate President/Hon. Speaker into the venue and commencement of event  
|                    | • Role of Master of Ceremony (MC) in conducting the opening ceremony  
|                    | • Closing of opening ceremony and departure of Senate President/Hon. Speaker and principal officers  
|                    | • Commencement of technical session  
|                    | • Interactive session  
|                    | • Vote of thanks  
|                    | • Closing |

| Post Hearing Activities | • Analysis of memo by consultants  
|                         | • Public hearing report  
|                         | • Letter of appreciation to relevant stakeholders  
|                         | • Committee meeting and presentation of report to the Committee of the whole |
7.0 Template for Writing Oversight Report

7.1 Introduction

This chapter provides explanatory notes on reports and templates for writing legislative oversight reports. The templates highlight some issues and key components of legislative oversight reports which provides a general guideline towards understanding the operations of the template. Major issues considered include: responsibility of production of such report, essentials of a good report, tools for effective oversight report and structure.

7.2 Writing Reports

7.2.1 Responsibility for Production of Report

- Committee clerks and their staff
- Legislative consultants
- Civil Society Organisations (CSOs) working with the legislature

7.2.2 Essentials of a Good Report

- Must be complete and as accurate as possible for reader to base their judgements on them;
- The body of the report must be objective – it should be factual and unbiased;
- The conclusion must evaluate the facts or findings; and
- If recommendations are required, they should be specific and consistent with the conclusions.

7.2.3 Tools for Effective Report Writing

- Access to internet;
- Computers;
- Libraries;
- Books;
- Journals;
• Dailies;
• Submissions to a legislative body;
• Comprehensive Briefs/Instructions on subject matter of report; and
• Organized committee secretariat.

7.2.4 Structure of Report

• Orientation section – title, executive summary, table of content. The organization section is particularly useful for those who are attempting to find out quickly what the report is all about. The remainder of the report is written for readers who want the details;

• Body of the Report;

• Conclusions;

• Acknowledgements; and

• Appendices.

7.2.4.1 The Front Page

The layout of the front page is very important. It has a major impact on the reader’s mind. The front page has to draw the reader’s attention immediately. The questions to ask about the front page are:

• Is it informative?

• Is it attractive?

• Is it well set out?

7.2.4.2 Title Function

• To inform readers what the document is all about;

• To distinguish one document from another;

• Title should be short and precise preferably one line and should only say what the report is about.
7.2.4.3 The Summary

• Gives a brief on what the report is about and it helps the readers to decode if they need to read the whole report or just do with the key points as quickly as possible.

• Summary Styles – the summary may be descriptive or informative. The descriptive summary tells what was done, while the informative summary gives details about results and conclusions.

7.2.4.4 Table of Contents

• Provides readers with quick information on what the document contains and how it is put together.

• Makes it easy for readers to find their ways around the Report easily.

• The table of content should be numbered in a manner that corresponds with the body of the report.

Creating a Table of Content

◊ Use same heading as in body of the report
◊ Include page numbers
◊ Make headings specific
◊ Don’t include to many levels

7.2.4.5 Body of the Report

• Should be informative. It must contain the main activities being reported in detail. It should contain the followings:

◊ Introduction;
◊ Work done (and methodology);
◊ Results/findings;
◊ Discussion/analysis/arrangement;
◊ Conclusion;
7.2.4.6 Introduction

The introduction should:

- Provide the background of the report in a summarized manner;
- Explain why the report is necessary; explain what the report is all about;
- Tell what scope was given in the presentation of the report; and
- Inform what constraints were present e.g. time, personnel, materials, etc.

7.2.4.7 Results and Findings

- The results and findings depend on the aim of the report and the audience. Key questions are: what do the readers want or need to know?

7.2.4.8 Conclusion

- The concluding segment should succinctly repeat the logical outcomes of all that has gone before. It should avoid a restatement of the facts.

7.2.4.9 Recommendations

- Are required only in reports for action;
- They should be clear and concise;
- Should not be discursive; and
- To be presented as a numbered list. The numbering is important if the report is to be acted upon e.g. “recommendation 2.1” than just saying e.g. – The recommendation about time for submission of quarterly brief by ministries.
7.2.4.10 Editing

- Editing is as important as writing the report itself. Editing the report is a critical stage of report writing after the initial draft. The draft report should be summarized so as to correct all grammatical errors. This can be done manually or preferably using the software (Microsoft Word). At this stage, ensure that the report is properly numbered.

7.2.4.11 Printing and Distribution

- After editing the report, the writer should proceed to print the report in as many copies as possible for distribution to the target audience. The report should also be available on the Committee’s website for citizens’ access.

7.3 Template for Writing Legislative Oversight Visit Report

List of Members of Legislative Oversight Committee

Executive Summary and Findings

Table of Contents

1. Introduction
   - Purpose of the oversight
   - Name of MDA /Corporation visited
   - Name of Chief Executive of the MDA /Corporation visited
   - Date of visit

2. Report of inspection visits
   - Briefing by the Chief Executive
   - Remarks by Committee Chairperson
   - Highlights of the inspection visit

   What to expect:
   i. Revenue Model (Sources of funding)
   ii. Expenditure model (Spending Heads)
   iii. Highlights of specific targets during the current fiscal year
iv. Performance indicators
v. Impact analysis
vi. Challenges
vii. Efforts to overcome challenges

3. **Fiscal Activities**
   i. Amount earmarked (budgeted)
   ii. Amount allocated by Federal Government
   iii. Amount released
   iv. Amount utilised
   v. Amount generated internally
   vi. Amount remitted to Consolidated Revenue Fund
   vii. Operating Surplus

4. **Report of interactive and questioning sessions**
   Key questions and responses

5. **Implementation Status Report if any**
   Physical inspection of projects
   Key questions and responses

6. **Audit report (if any)**
   Committee comment(s) on the audit report
   Response(s) to the queries
   Decision of the Committee on the queries

7. **Public petition report (if any)**
   Key questions and responses

8. **Report of public hearing (if any)**
   Key questions and responses

9. **Summary of findings from the oversight**
10. Conclusion
11. Recommendations

List of tables and figures (if any)

7.4 Format for Writing Investigative Oversight Report

Title of the Report

*Executive Summary*

1. Membership
   
   Members of the Committee, Secretariat (Committee Secretariat/Consultants)

2. Background/Introduction

3. List of persons invited to give evidence

4. Presentation of the subject matter

5. Analysis of subject matter of investigation

6. Committee findings

7. Conclusion

8. Recommendations

9. Attestation

___________________________  ________________________
Committee Chairman     Committee Secretary
8.0 CONCLUSION

Legislative oversight is an indispensable tool in modern democracies. It is important in ensuring transparency, accountability and good governance. It is also a means of ensuring checks and balances without prejudice to the doctrine of separation of powers. Every aspect of oversight is backed by law. The powers may be expressed or implied in the Constitution. Another source of powers is the Standing Orders/ Rules of the parliament. In addition, the instruments with which the functions are performed are many.

As a matter of fact, most legislatures have developed constitutional mechanisms and tools designed to facilitate the performance of their oversight functions in relation to the executive branch. The performance of this role is done through a wide range of channels, organizations and structures. Notably, the appropriation process provides an important opportunity for the legislature to exercise legislative oversight. Through the legislative power of the purse, all the Committees, particularly the Appropriation Committee, play prominent roles in oversight and can influence executive behaviour and government policy direction in the process.

Experience so far has shown that both Federal and State Assemblies have not lived up to expectation in the area of oversight. This notwithstanding, it is apt to emphasize that sustenance of good governance in a constitutional democracy is a collective role of all governmental organs discharging their duties diligently. However, the legislature remains the most prominent actor in facilitating good governance through oversight, the success of which to a large extent depends on the organization, capacity, and strong will of such legislature.

For the purpose of ensuring good governance at all levels which is no doubt a collective responsibility, all government organs must discharge their obligations with a high sense of commitment but most importantly, the legislature must exercise their role as the peoples’ representative and vanguard of democracy.

In conclusion this guide has highlighted the following key points on Legislative Oversight:

- Strong correlation exists between weak oversight and corruption.
- Nigeria needs to strengthen legislative oversight.
• Effective oversight prevents corruption.

• Anti-corruption agencies should be independent – They should report to the legislature rather than the executive.

• There is need to increase public trust and confidence in NASS.

• The Nigerian Constitution has conferred on the legislature an impressive array of powers enough to undertake the task of keeping a check on the executive.

• The Nigerian legislature is not a “rubber-stamp” and therefore should strive to be independent.

It is hoped that efforts would be made to address the challenges highlighted in this guide and also, to adopt its recommendations. It is also hoped that legislators and legislative staff would utilize this guide in the exercise of their oversight function.
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About PLAC

Policy and Legal Advocacy Centre (PLAC) is a non-governmental organization committed to strengthening democratic governance and citizens’ participation in Nigeria. PLAC works to enhance citizens’ engagement with state institutions, and to promote transparency and accountability in policy and decision-making processes.

The main focus of PLAC’s intervention in the democratic governance process is on building the capacity of the legislature and reforming the electoral process. Since its establishment, PLAC has grown into a leading institution with capacity to deliver cutting-edge research, policy analysis and advocacy. PLAC receives funding support from donors and other philanthropic sources.