



## HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

### VOTES AND PROCEEDINGS

Wednesday, 2 October, 2019

1. The House met at 12:03 p.m. Mr Speaker read the Prayers.
2. The House recited the National Pledge
3. **Votes and Proceedings**  
Mr Speaker announced that he had examined and approved the *Votes and Proceedings* of Thursday, 26 September, 2019.

*The Votes and Proceedings was adopted by unanimous consent.*

4. **Announcement**  
***Visitors in the Gallery:***

Mr Speaker recognised the presence of the following:

- (i) Members of *The Parliament, Law Students Association of Nigeria*, University of Abuja;
- (ii) Staff and Students of the *ECWA Yepwi Memorial College (EYMC)*, New-Karu, Nasarawa State;
- (iii) Members of the *Students' Representatives Council (SRC), Students's Union Government*, Rufus Giwa Polytechnic, Owo, Ondo State;
- (iv) Staff and Students of *St Aloysius Secondary School*, Garki, Abuja; and
- (v) Staff and Pupils of *Spring Garden Immaculate White Schools*, Jabi 1, Abuja.

5. **Admittance into the Chamber (Order Nineteen, Rule 8 (1) and (2))**

***Motion made and Question proposed***, "That the House do admit into the Chamber, former Presiding Officers of the House, former Clerks to the National Assembly, former Clerks of the House of Representatives, the Chief Justice of the Federation, Hon. Ministers of the Federal Republic of Nigeria, the Secretary to the Government of the Federation, the Head of Service, Service Chiefs, the Inspector-General of Police, Heads of Departments and Agencies of the Federal Government, Representatives of Civil Society Organizations (CSOs) and other invited guests for the purpose of the

inauguration of Special and Standing Committees of the House of Representatives, pursuant to Order Nineteen, Rule 8 (1) and (2) of the Standing Orders of the House of Representatives" (*Hon. Garba Alhassan Ado — House Leader*).

*Agreed to.*

*The invited guests accordingly admitted into the Chamber of the House.*

#### 6. **Welcome Address**

The House Leader, Hon. Garba Alhassan Ado, on behalf of the House, welcomed all invited guests to the inauguration of the newly constituted Committees. He underscored the centrality of Committees in the conduct of legislative business, and assured that the present Committees would meet the expectations of Nigerians.

#### 7. **Goodwill Messages**

The following guests presented goodwill messages:

Former Speaker, House of Representatives, Hon. Umar Ghali Na'abba,

Former Clerk to the National Assembly, Alhaji Nasiru Ibrahim Arab.

#### 8. **Paper Presentations**

- (i) Former Clerk to the National Assembly, Alhaji Ibrahim Salim, CON presented a paper on *Fostering Smooth Legislature — Executive Relations in Nigeria's Governance Structure* as follows:

##### **INTRODUCTION**

*It is my singular honour and esteemed privilege to have been invited to make a presentation on this auspicious and historic occasion of the inauguration of the Committees of the 9th Assembly of the House of Representatives of the Federal Republic of Nigeria. It is axiomatic that the Legislature is the foundational basis and the fulcrum of any democracy, the world over. In fact, when you take away the Legislature, there is nothing that can, in point of fact, be called a democratic system of government. No wonder, for instance, that when military intervention in government was fashionable, the first, and perhaps, the only casualty as soon as that infamous announcement, "Fellow Countrymen, we members of the Armed Forces of the ... blah blah blah ..." came through the airwaves it was usually the Legislature, that was immediately suspended, while the other two Arms of government, namely the Executive and the Judiciary continued to function almost seamlessly.*

##### **Types of Legislature:**

*The type of Legislature can determine the relationship or partnership that exists between the executive and the Legislative arms in a given governmental system. There are four variants of the model, namely:*

- (i) **Rubberstamp Legislature:** *The simplest of Legislatures. It simply endorses decision made by parties and/or the executive branch.*

*Example: The Dumas of the former Soviet Union and the Mexican Congress.*

**Features:** *Make use of little internal structure or expert staff; do not conduct long Legislative sessions; non-democratic; communicate with citizens extensively; do not process great quantities of information; do not hold public hearings; do not amend laws and budgets; resource requirements are few; and are expensive to run.*

- (ii) **Arena Legislatures:** *These are more powerful than rubberstamp Legislatures, and are places of real discussion, speech, and debate.*

*Example: The British House of Commons today is an Arena Legislature.*

*Features: Do not initiate or amend policy proposals; the information needs are greater than rubberstamp Legislatures. They require sufficient internal capacity to organize debate; utilize a Committee system to channel the business of the house; capacity to analyze proposals in order to comment on them critically, and make some technical amendments.*

- (iii) *Transformative Legislatures: This kind of Legislature represents the diverse societal interests and shape budgets and policies.*

*Examples: US Congress is a transformative Legislature. Nigeria falls into this group.*

*Features: Amend Legislation and budgets received from the executive branch; initiate own policy proposals; reach out to citizens, and conduct public hearings; expensive to operate; highly complex internal structure including strong Committee system; utilize information greatly, and depend heavily on highly trained professional staff.*

- (iv) *Emerging Legislatures: These are in the process of change from one type to another. Exercise greater influence over government policies and carry out oversight responsibilities more effectively. Emerging Legislatures cause major Legislative changes such as amending rules and procedures, building stronger committee, expanding professional staff, developing improved information systems, and others*

*Examples: Mexico's Congress, Kenya's and Uganda's Parliaments.*

*Features: Play an assertive role in the budget process using the Parliament Budget Office; Independent of executive and set their own budgets. They require new kind of professional staff, better information systems, additional office space, and other capacities to help in carrying out representation, lawmaking, and oversight roles more effectively. Legislators demand more Parliamentary staff members, who must respond more quickly, work faster, and do more than they have in the past.*

*Important Note: Emerging Legislatures are under significant stress, the managers and staff struggle to meet the increasing demand.*

#### **THE RELATIONSHIP BETWEEN THE LEGISLATURE AND THE EXECUTIVE IN THE GOVERNANCE STRUCTURE OF NIGERIA**

*It is gratifying that after a long period in the history of Nigeria which was marked by intervention of the military in the governance of the country, the nation, a couple of months ago, marked an unbroken period of twenty years of civilian democratic rule! This is a milestone because prior to this, the longest we had ever experienced was six years, after independence between 1960 and 1966. And after twenty years, Nigeria's democracy can no longer be called nascent, but a couple of years ago, it was rightly so described, having just emerged from authoritarian military rule. And by happenstance, the person who emerged as the President, following a return to civilian rule, was a retired military general. So, a combination of authoritarianism, which was the dominant political culture, which values, norms and attitudinal dispositions many Nigerians had internalized and the emergent political wheel being driven by a former General, was a perfect recipe for constant friction between the Executive Arm of government that sought to impose its will on a Legislative Arm which it saw as an irritant. Given that majority of Nigerians had known only military rule up until that time, democratic culture was alien to them. Therefore, the Legislature and Executive relationship was characterized by friction, acrimony and mutual suspicion, especially in the area of budgetary appropriation which has remained unresolved to date as the argument has continued to rage on whether the Legislature has powers to raise or reduce a budgetary figure that is submitted to it by the Executive.*

### **THE RELATIONSHIP OF THE LEGISLATURE AND THE EXECUTIVE IN THE CONTEXT OF SEPARATION OF POWERS**

*The relationship of the two Arms of government can best be understood and analysed within the context of the Doctrine of Separation of Powers as propounded by the French Philosopher, Montesquieu. It is the practice of allocating the powers of government among branches to avoid concentration of powers on one Arm as to enable it overwhelm the others to the point of abuse, or tyranny. The doctrine therefore advocates the separation of governmental powers into the Legislative, Executive and Judicial Arms where the legislature is saddled with the function of making laws for the order and good governance of the country, while the Executive implements the laws and the Judiciary interprets those laws in order to settle conflicts where they arise.*

*In Nigeria, the doctrine of separation of powers was first introduced by the Presidential Constitution of 1979 and was retained in 1999. It is instructive, and I dare say, perhaps for a reason that in allocating powers to the three Arms of government the Constitution of the Federal Republic of Nigeria, 1999 listed the Legislature ahead of both the Executive and the Judiciary. The framers of the Constitution allocated powers in Sections 4, 5, and 6 of the Constitution to the Legislative, Executive and Judicial Arms, in that order.*

*Section 4 of the Constitution vests Legislative powers of the Federal Republic of Nigeria in a National Assembly which shall consist of a Senate and a House of Representatives.*

*Although Constitutions usually provide for separation of powers explicitly as if each branch of government remains inviolate with separate and distinct roles, however the complexity of governance necessitates growing inter-relationship among the branches of government in practice. Thus, through checks and balances, they can work harmoniously in a bid to ensure that no single branch gains absolute powers over the other.*

#### **Legislative Powers**

*Express Powers, i.e. provided for in the Constitution, Section 4 Exclusive list, i.e. For NASS:*

- (i) *Section 4 (7) for SHoAs, Concurrent Legislative List*
- (ii) *Powers and Control over Public Funds (Sections 80 - 83 and 120 -123)*
- (iii) *Approval of Executive and Judicial appointments (by the Senate), Sections 147 (2), 171 (4), 153 (1) and (2); 238 (1) and 250 (1)*
- (iv) *Approval of the appointment of a new Vice President in a situation where the President-elect dies or is unable to be sworn, wherein the Vice President earlier on elected with that President had been sworn in and then another Vice President was nominated, Section 136*
- (v) *Power to impeach the President or Vice President, Section 143*
- (vi) *Sections 143 and 188 Powers of Impeachment*
- (vii) *Alteration of the Constitution, Sections 8 and 9*
- (viii) *Oversight (Sections 88, 89, 128 and 129)*
- (ix) *Ratification of Treaties and Executive Appointment (Section 12) SHoAs can domesticate treaties*
- (x) *Powers to regulate its own procedure — Sections 60 and 101*

**Implied Powers**

*Powers necessary for the effective execution of express powers, e.g. Powers of appointment also indirectly means powers to recommend for removal.*

**Privileges and Immunities**

*Conditions necessary for the Legislature to prosecute its powers i.e. not just unnecessarily given:*

- (i) *'Privileges', i.e. rights enjoyed by the Legislature collectively and by members of House individually conferred by the Legislative Houses (Powers and Privileges) Act, Cap. 208, LFN, 1990 — Act, Cap. L12, LFN, 2004*
- (ii) *Section 101 applies to SHoA - within the ambit of the SHoA Constitutional powers*

**Scope of Privileges**

- (i) *Freedom of Speech — Free to speak what is fit at debate. This also covers any document circulated by a Legislator in the form of report or motion i.e. Members are insulated from liability*
- (ii) *Freedom of Arrest or Molestation — Derived from customs and conventions, no arrest or molestation during sitting and when journeying to or returning from Parliament. Though, not against treason, felony and breach of peace*
- (iii) *Privileges of Evidence before Committees — Powers to order attendance of witness, Issue and Service of the Summons to produce documents before any Committee, etc. — Sections 4 - 13 of Legislative Houses (Powers and Privileges) Act*
- (iv) *Powers to compel attendance of witness by means of issuance of a warrant of arrest directed at a police officer for the apprehension of the witness or person. Check Legislative House (Powers and Privileges) Act, Sections 6, 8, 9, and 13*
- (v) *Restriction on Evidence as to Certain Matters — Section 23 of the Legislative House (Powers and Privileges) Act, i.e. debates, minutes of Committee meeting unless permitted by authority of the House.*
- (vi) *Restriction on Access to Legislative House — Section 2 of Legislative House (Powers and Privileges) Act*
- (vii) *Restriction of Service of Court Process within Legislative Chambers or Precincts*
- (viii) *Others — e.g. regulates own affairs, right to expel unfit members, direct Attorney General to prosecute persons guilty of contempt of the House, etc.*

**LEGISLATIVE OVERSIGHT OF THE EXECUTIVE ARM**

*Of all the powers conferred on the National Assembly by the Constitution perhaps the most widely and more commonly deployed is the investigative power, which it exercises through its various Committees appointed under the power derived from Section 62 of the Constitution. The Section provides that the Senate or the House of Representatives may appoint a Committee of its members for such special or general purpose as, in its opinion, would be better regulated and managed by means of such a Committee, and may by resolution, regulation or otherwise, as it thinks fit, delegate any functions exercisable by it to any such Committee.*

*The power to conduct investigations conferred on the Senate or House of Representatives by Section 88 of the Constitution is only for the purposes of exposing corruption, inefficiency or waste in the execution or administration of laws within the Legislative competence of the National Assembly. And for the purposes of any investigation under Section 88 above, the Senate or the House of Representatives is empowered under Section 89 of the Constitution to:*

- (i) *procure all evidence, written or oral, direct or circumstantial and examine all persons as witnesses whose evidence may be material to the subject matter;*
- (ii) *require such evidence to be given on oath;*
- (iii) *summon any person to give evidence or produce any document or other thing in his possession or under his control; and*
- (iv) *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 to order him to pay all cost 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 failure, refusal or neglect; and any fine so imposed shall be recoverable in the same manner as a fine imposed by a court of law.*

*The Senate or the House of Representatives can summon any person to appear before it at plenary or before any of its Committees. Most times, however, the oversight functions are conducted through the Committees of both Houses. And in the course of carrying out those oversight activities, conflicts arise between some Committees and some Ministries, Departments and Agencies (MDAs) of the Executive Arm on the extent of investigative powers of the Committees and to what purpose. At certain times officials of the Executive Arm had either refused to attend hearings when invited or stonewalled when they attended, all which have impeded investigations.*

*The failure, refusal or neglect of Agencies or Officials of the Executive Arm to respond to summons only serves the purpose of straining relationship between the Legislature and the Executive, and invariably hurts the smooth relationship required to build a strong polity and a vibrant economy for the nation.*

*It amounts to a serious act of disrespect to ignore summons to appear before the Legislature which could lead to the issuance of a warrant of arrest, a development that could worsen the already strained relationship between the two Arms of government. This can clearly be avoided and should be avoided.*

### **CONCLUSION**

*It is therefore advisable that Ministries, Departments and Agencies should honour summons to appear before either the Senate or the House of Representatives at plenary or before any of its Committees as failure, refusal or neglect to do so would not ensure a smooth relationship necessary for orderly and efficient governance and this could tempt the Legislature to apply its powers fully, as provided by the Constitution to enforce appearance before it.*

- (ii) *\*Professor Ladi Hamalai presented a paper on the **Role of Committees in a Presidential System of Governance** as follows:*

*Committees are normally seen as sub-divisions of the Legislature. to increase level of productivity and efficiency. Committees are the factory production lines of the legislature. Committees wield a great deal of decision making powers in the sense that most legislative decisions are taken at that level. Cummings said Committees are where congress does most of its works. Policies are shaped, interest groups heard, and legislation hammered out (Cummings and Wise, 1997). It is said that Committees are most powerful where parties are weak. Powers of Committees increase when the ruling party loses majority control. Shaw has observed that in fact 'where the committees are strongest ... one finds the lowest level of party control over the committees'. It is also said that Presidential regimes are especially conducive to powerful committees, but they are also to be found in parliamentary systems where no single party dominates the legislature therefore giving credence to the notion that weak parties make for strong committees, and vice versa.*

*The argument on influence/power of Committees can also be presented by a scrutiny of the typology of legislatures. There are four basic categories of Parliaments:*

- *Rubber Stamp Legislatures as in China and some authoritarian States in Africa.*
- *Emerging Legislatures such as in Rwanda, Kenya. Uganda and to a less extent Nigeria where parliaments are still trying to assert their constitutional powers vis-a-vis the executive arm that are insistent on wielding some control.*
- *Arena Legislatures in mostly European Parliamentary systems where there is inter-penetration of the Legislature and the executive arms thus making plenaries central in decision making. Arena Legislature cannot review money Bills. Marginal increase or decrease in taxes are allowed.*
- *Transformative Legislatures found in Presidential systems where the Legislature and its Committee wield extensive powers.*

*Transformative Legislatures are rare in the world. Good examples are the US Congress, Nigerian National Assembly, Philippines and more recently Kenya. The Transformative Legislature serves as an independent shaper of policy and has the powers to initiate policy, rewrite Appropriation Bills, shape and channel societal demands, as well as reconcile and channel conflicts. The Committee system is strong, well developed and perform extensive oversight of the executive arm. The Transformative Legislature requires to develop the internal capacity of a highly complex, modern organization capable of performing all these roles. There is the need to have extensive capacity to generate independent information, evaluate and initiate policies, evaluate policy implementation and be able to sanction the executive. US Congress is perhaps the most successful Transformative Legislature in the world. I will outline some of the critical success factors that may fast-track the transiting process of National Assembly to full blown transformative legislature in practice. I will focus on the role of Committees.*

#### ***Application of legal framework***

*The Nigerian Legislature has one of the strongest sets of constitutional powers among African Legislatures. One of NILDS publications listed 120 powers in the Constitution. Other Powers are embedded in the Schedules. That is why when interviewed in 2016, Legislators had this to say:*

- *"NASS has the power to compel the executive to comply with request for information";*
- *"NASS has the power but some committees are too close to the MDAs under their jurisdiction"*

*Educational qualification of legislative aides and legislators is normal given that majority or 74% and 79% (8th Assembly) respectively have University Degrees compared to 95% in the US. However, a survey of Legislators indicated that only 54% of those interviewed were satisfied with the quality of staff. That being the case, we need to focus on the recruitment process of Committee staff and legislative aides. We need to reorganize the way legislative aides are recruited and staff posted to Committees while training is also intensified. I suggest that requisite qualifications be identified and applied. Committees could also utilize better the academic resources in NILDS.*

*Committee staff were also asked on adequacy of means and mechanisms for NASS Committees to effectively fulfil oversight roles.*

- Only 30 out of the 77 of the Committee Clerks and staff surveyed stated that NASS had adequate means and mechanisms to effectively fulfil its roles. 83.5 percent of the responding committee staff indicated the non-existence of a website that provides information on committee activities to the public.*

*I believe that most resources in terms of infrastructure (except effective ICT network) are adequately available but funding is abysmal.*

#### ***Integrity Issues***

*Poor public image and moral questions have been a dark cloud overhanging the Nigerian Legislature. Most of it we know are not as portrayed by the public. That said, there is a need for internal self-assessment and adherence to the manual on ethics approved by the HOR. Erosion of integrity leads to erosion of power and erosion of effectiveness. I am sure we don't want that and thus we must change.*

*Thank you for listening.*

#### **9. Mr Speaker's Inauguration Address**

Mr Speaker presented his address as follows:

*On behalf of the House, I welcome all of you to the inauguration of the Standing Committees of the 9th House of Representatives, and I thank you all for being here today.*

2. *The legislative committee system is as old as the legislature itself, and it is through these committees that most of the work of the legislature is done, and accomplishments are achieved. Whatever the judgment of history will be for this 9th House of Representatives, whether for good or not, will depend largely on the conduct and the activities of the Committees we are inaugurating today.*

3. *In constituting these Committees, the leadership of the House of Representatives, have taken time to ensure that members are assigned to Committees that fit perfectly with their legislative interests and priorities, their prior experience and skills as well as the identified needs of the constituencies they represent. It is now left to you; Chairmen and members, to go forward and show yourselves capable of meeting the responsibilities to which you have been assigned and deserving of the mandate which you hold in trust for the Nigerian people.*

4. *I charge you to be dutiful in the discharge of your constitutional responsibilities of oversight and law-making, taking every care to ensure that at all times your conduct is without reproach, and your service is motivated only by considerations of the best interests of our country. You know as well as I do, that our country for several years has been contending with serious challenges on multiple fronts. From the economy to national security, social justice to healthcare, infrastructure to the environment and climate change, this is a time that calls for determined efforts to achieve substantive*



reform and ensure that our country can overcome its challenges and take advantage of the opportunities that abound for economic advancement and social development. I trust that as you recognise these realities, your efforts will reflect this recognition, and be motivated by it.

5. Let me use this opportunity to appeal to the Ministries, Departments and Agencies of government for their cooperation and collaboration. It is only through our joint efforts that 'Ne can meet the objectives of the administration and keep the promises we have made to the Nigerian people. We in the House of Representatives intend without reservation to exercise the full authority of the legislature as it relates to the oversight of the MDAs. However, our purposes are not punitive, neither are our intentions adversarial, but in furtherance of our shared objectives of national development, peace, progress and prosperity for all. To this extent we will be fully supporting and empowering our Committees for effective oversights particularly the Committee on Legislative Compliance.

6. The Ad-hoc Committees on the Niger Delta Development Commission and that on the Ports and Harbours are to conclude their investigations and submit their reports by Friday the 4th of October, 2019. All other Ad-hoc Committees are to conclude their activities and submit their reports before the 14th of October, 2019. I thank the Chairmen and members of these Ad-hoc Committees for their dedication and a job well done. Already, the House has begun to act on some of the issues they have unearthed and the recommendations they have made. These efforts will continue through the respective Standing Committees.

7. Let me say once more that the job of nation-building is a joint task and the ambitions we have for our country can only be achieved through the dedicated efforts of every citizen, especially those of us elected officials in whom our fellow citizens have invested their hopes, their dreams and their expectations of a better life for themselves and a better future for their children. We must never lose sight of this reality as to do so will be a betrayal of our commitments to God and country.

8. I congratulate all of you, Chairmen, Deputy Chairmen and Members of the Standing Committees of the 9th House of Representatives, and I wish you success in your new assignment.

9. By the powers vested in me through the Constitution and House Rules, I hereby inaugurate the Committees of the House.

10. Once again, thank former Presiding Officers, former Principal Officers, former Clerks, Service Chiefs, MDAs represented, all lowvers of democracy for your attendance. Thank you.

#### 10. Vote of Thanks

The Deputy Speaker of the House, Hon. Ahmed Idris, in his vote of thanks, conveyed the House' appreciation to the guests for honouring the invitation. He thanked all the appointed Committee Chairmen, Deputy Chairmen, and Members of the various constituted Committees for accepting to serve the nation in their individual capacities and enjoined them to discharge their duties efficiently.

#### 11. Adjournment

That the House do adjourn till Thursday, 3 October, 2019 at 11.00 a.m. (Hon. Garba Athassan Ado — House Leader).

The House adjourned accordingly at 2.06 p.m.

Femi Hakeem Gbajabiamila  
Speaker

