

Belle

ROLE OF COMMITTEES IN A PRESIDENTIAL SYSTEM OF GOVERNANCE
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PROTOCOLS

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. 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 legislative powers. 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-à-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 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"
- "Besides our powers to compel executive to release information, the Freedom of Information Act makes it easier to get information from MDAs"
- "It is not a question of the availability of power; NASS has the power to function optimally in terms of oversight, what is lacking is commitment and using the available powers."

However, Legislators are of the strong opinion that the legal framework fails to enable enforcement of oversight recommendations, motions and resolutions. In most countries, resolutions of parliament are not enforced but implemented. For example, 50-80% of resolutions of some key Lokh Sabah Committees such as Defence and Agriculture are implemented by government. The success factor seem to be good synergy on policy development between the Committees and government agencies, as well as strong personality of Committee Chairs. There is also a strong tracking system in the Lokh Sabah. Resolutions are tracked by Committees and reported upon.

What is perhaps missing in the National Assembly is the tracking mechanism. I know that most resolutions are treated in a routine manner and communicated to the executive through mails as House resolutions. Most Committees don't make it a point of duty to follow through to ensure a response is received. I know some Committees that have attempted hard to get the attention of the

President or MDA^s on a resolution or oversight recommendation to be implemented, have succeeded. Another notable is that some of the resolutions may not be relatable or ~~credible enough~~ ^{supported by budget} to attract serious interest. Whatever be the case, it will be difficult to make resolutions enforceable because they fall short of being laws. I suggest Committees engage relevant MDAs and the Presidency over resolutions emanating from their work. Snap interactive sessions with MDAs may be useful in pulling through a resolution. Each Committee should have a desk for tracking of their resolutions and Bills processed. Quarterly reports should be viewed and adopted by Committees.

Committee Budget

There is very little legislative Committees can do if they are not effectively funded. Oversight visits, training, Public Hearings, Inquiry (Investigation) and analyses of bills referred, all guzzle up money. Without funds, these activities cannot be carried through. Committees must be properly funded. That may be one of the reasons why Legislators are accused of being funded by the same agencies they are oversighting.

Total budget for Nigerian NASS has been N120-150 billion the past decade. which was 621 Million Dollars in 2015 compared \$4.3 Billion for US Congress. Committees of US Congress spent \$295,440,000 in 2015 compared to NASS Committees allocation of \$18.8 Million. The US Congress spent \$106,095,000 on library and books alone in 2015. See NASS Institutional Needs Assessment Report by NILDS for details. The \$18.8 million allocation to NASS Committees can be gulped by only oversight function and may not be enough. We estimated the financial needs of committees of NASS to effectively discharge functions of Public Hearings, Meetings, oversight visits, interactive sessions and investigative hearings and came up with a total of N99.8 billion a year. Contrary to public outcry, I believe NASS is underfunded and Committees are impoverished and compromised thus cannot effectively perform their functions without depending

on MDAs they oversight and sponsors of Bills being processed. There is an urgent need to improve the funding of Committees through budget allocations and in addition to un-collapsing some of the collapsed funds.

Benchmarking

Committee activities such as Meetings, Oversight Visits, Public Hearings, Interactive Sessions, Bills Processing, Reporting and Communicating among others need to be benchmarked. Committee activities are benchmarked based on either comparative standards or establishment of new benchmarks based on research. IPU and UK House of Commons have done some work on Benchmarking. Rick Staphenurst and Ricardo have also done some work under the auspices of the World Bank Institute. Suggestions coming out of these reports indicate a minimum of 5 oversight visits, 5 public hearings and 5 interactive sessions with MDAs should be maintained. Reporting and communicating standards are also specified. IPU ranks Parliaments by the presence and quality of websites. The 8th House of Representatives developed and adopted 6 manuals which provided some benchmarks to cover these activities. Implementation of the guidelines in the manuals is yet to be assessed.

Studies in 2016 (NILDS) showed that Committees met an average of three times a year with the exception of Appropriations and Public Finance Committees that met over 50 times annually (7-8th HOR). The same applies to oversight visits. I have seen a few Committees in the HOR that performed up to 24 visits in 2016. Indian Lokh Sabah Committees average about 12 visits a year. Canada House of Commons Committees held 30 meetings each while Finance Committee met 50 times during the 2007-2008 session. Committees of the House of Commons held over 30 meetings with the Public Accounts and Finance Committees meeting over 41 and 50 times respectively. US Congress Committees held between 23 to 323 public hearings in a session of 2 years. Note that US Congress has many sub-committees. It may be difficult to benchmark public

hearings because they are dependent on Bill Referrals, inquiry referred, and petitions received. However, Nigerian Legislatures Committees have been doing well by African standards.

I suggest that Committees should meet at least 10 times a year, perform oversight visits at least 5 times a year and conduct public hearing on all Bills referred (except Bills that have ^{strategically} decided to put to sleep). I am aware many Bills are rested because of lack of funds. Funds should be provided.

REPORTING

Reporting and communicating constitute the heart bit of Committee activities and provide a public face for the Legislature. Critical to the life of a parliament are the documentation, preservation and dissemination of committee reports. Preservation of these reports is the institutional memory of a parliament. I have often encountered a response that reports of previous years of a committee are not available. I had to resort at times to asking legislators if they had their personal copies at home

Reports of Chamber plenaries (verbatim Reports), meetings, oversight visits, public hearings, Bill reports, and sessional Reports among others if properly done and presented to the public on web would make visible parliamentary work and lead to public appreciation. This would in turn remove some of the bad publicity.

Committee Reports differ greatly in length from a few paragraphs to several hundred pages. Most US Congressional Committees have sessional reports exceeding 100 pages detailing all activities. Most parliaments abroad have verbatim reports on the same day on the web. Canadian Commons committees have reports ranging between 100-200 annually. US Congressional Committees have more. I read a sessional report of a Congressional Committee that

exceeded 500 pages. We need competent staff to do that. I suggest that each Committee should have a website. Web pages are available for Committees on the National Assembly website. Committees could also develop their website and create a link with the NASS website. We should invest resources in developing and archiving ^{very} reports as the life line of the legislature.

Institution Building

Institutional Capacity Development simply refers to quality and quantity ^{and the output of those resources} resources available. Resources refer to competent staffing, efficacy of legal framework, infrastructure, efficiency of work processes, infrastructure, networks, equipment and institutional memory. Institutional memory is already hurt by the 70% turnover rate of legislators each general election. Studies have shown that most African Countries suffer 60-70% turnover rate. Retention rate of Legislators in the US is over 80% while for most European Countries, it is between 60-70%.

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.