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THE OVERSIGHT FUNCTIONS OF THE LEGISLATURE: WHITHER NIGERIA?

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Abstract

Legislative oversight is the principal mechanism through which an elected assembly holds the executive to account, and it is a practical expression of separation of powers in a constitutional democracy. This paper examines legislative oversight in Nigeria under the 1999 Constitution, using the AIRAC method to state issues, rules, their application, and the conclusions that follow. It pursues four objectives, namely to examine the constitutional and legal foundation of legislative oversight in Nigeria, to analyse the nature, scope and limits of its oversight powers, to assess how effectively the legislature has exercised those functions, and to identify the factors constraining effective oversight. The paper adopts separation of powers, checks and balances, and principal agent theory as its framework, treating the legislature as agent of the electorate and monitor of the executive. Methodologically, it relies on a doctrinal legal research design, drawing its population and sample from the Constitution, statutes, decided cases, official reports and scholarly literature, selected through purposive sampling, and analysed through qualitative content and case analysis, with reliability and validity secured through triangulation of legal sources. The findings show that although Sections 88 and 89 confer wide investigative and financial oversight powers on the National Assembly, executive dominance, weak enforcement, partisan politics, judicial caution and institutional capacity gaps have blunted the practical effectiveness of oversight. The paper recommends judicial clarification of Sections 88 and 89, statutory strengthening of enforcement mechanisms, and reform of the committee system.

Keywords – Legislative oversight, Separation of powers, National Assembly, Executive accountability, Constitutional democracy.

I. INTRODUCTION

Separation of Powers Doctrine is grounded on the assumption that legislative, executive, and judiciary branches of government should be separated from each other in order not to enable any of them to possess so much power as to govern arbitrarily.¹ Because such a clear distinction is impossible to make in practice, all constitutional arrangements temper this rule through a mechanism of checks and balances, by which each organ of government has some method of checking the others.²

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¹ Baron de Montesquieu, *The Spirit of the Laws* (Thomas Nugent tr, first published 1748, Cambridge University Press 1989) 157.

² M.J.C. Vile, *Constitutionalism and the Separation of Powers* (2nd edn, Liberty Fund 1998) 14.

The legislative oversight is an obvious example of this restraining role, and it means the set of instruments used by the legislature, such as questioning, inquiry, investigation, appointment confirmation, and public spending control, in order to monitor the behavior of the executive.³

In Nigeria, the Legislative Powers vested by the 1999 Constitution of the Federal Republic of Nigeria (as amended) in the National Assembly include both the legislative process and investigative and financial control powers.⁴ In specific, sections 88 and 89 of the Constitution give each House the ability to inquire into any subject matter that falls under the jurisdiction of its legislature and into the activities of any institution carrying out any laws.⁵

These powers, combined with the appropriations power and the legislative houses powers and privileges, provide the core of a constitutional structure whose strength on paper is the substantial ability of the National Assembly to check the executive branch. The significance of such a structure for the Nigerian political system cannot be overstressed as it is through oversight and not through the occasional use of the ballot that any corrupt and wasteful behavior of the executive during the time between elections is supposed to be controlled.⁶

This particular discussion within this paper starts from the above-mentioned general theory of legislative oversight to the particular case of Nigeria's constitutional and institutional setting, to proceed from there to the practice of how the National Assembly has used its powers, and what barriers have been and remain on its path.

Statement of the Problem

There are various provisions for the National Assembly's supervisory powers as stipulated in the Constitution. However, there is an alarming disconnect between the written and the actualized supervisory powers of the Assembly.

Budget-padding scandals on a periodic basis, the consistent failure of public servants to heed calls made by the legislature, the claim that the investigatory hearings are being used for purposes of blackmail rather than that of scrutiny, and the inability of legislators themselves to ensure their body conforms to constitutional requirements of decency all suggest an ineffective legislative oversight process.⁷

The issue at the heart of this paper may thus be put into question form as to why legislative oversight, which is constitutionally enshrined in Nigeria, has not been effective in executive accountability.

Aim and Objectives of the Study

The general aim of this paper is to critically examine the legal and constitutional framework governing legislative oversight in Nigeria and to assess its effectiveness as an instrument of executive accountability. In pursuit of this aim, the paper pursues four specific objectives, namely:

- i. To examine the constitutional and legal foundation of legislative oversight in Nigeria.
- ii. To analyse the nature, scope and limits of the oversight powers of the Nigerian legislature.

³ Policy and Legal Advocacy Centre, *Guide to Legislative Oversight in the National Assembly* (PLAC 2019) 5.

⁴ Constitution of the Federal Republic of Nigeria 1999 (as amended), s 4.

⁵ *ibid*, ss 88 and 89.

⁶ E. Alemika, "Legislative Oversight and the Fight Against Corruption in Nigeria" (2018) 6 *Journal of African Law and Policy* 33, 35.

⁷ T. Ojo, "Legislative Oversight and the Paradox of Accountability in Nigeria" (2021) 9 *Nigerian Journal of Legislative Studies* 21, 24.

- iii. To assess the extent to which the Nigerian legislature has effectively exercised its oversight functions.
- iv. To identify the legal, constitutional, institutional and political factors constraining effective legislative oversight in Nigeria.

Scope of the Study

This study will deal mainly with the responsibilities of supervision of the National Assembly at the federal level, but also with the practice elsewhere, including State Houses of Assembly, where it is pertinent to understanding the situation in Nigeria. The historical context ranges from the post-civilian era since 1999 and will be more focused on events and decisions of the courts up to date during the Fourth Republic.

Clarification of Key Concepts

Legislature: In this study, the legislature means the National Assembly as per the *bicameral body that constitutes the federal legislature as set out in Section 47 of the Constitution*.

Legislative oversight: It pertains to the powers provided for in the constitution and statute law that allow the legislature to watch over and control the activities of the executive arm of the government regarding the administration of laws and funds.

Executive accountability: In relation to this research, it means the accountability of holders of executive offices to provide explanation and justification of their actions to the legislature and eventually to the people.

Checks and balances/ Separation of Powers: This concept is explained using the classical view according to Montesquieu.

Legislative investigation: It refers to the inquiry carried out by virtue of Sections 88 and 89 of the Constitution.

Parliamentary Committees: This refers to the committees created to conduct legislative business in Parliament.

II. CONCEPTUAL AND THEORETICAL FRAMEWORK

The Concept and Forms of Legislative Oversight

Legislative oversight is broadly defined as the review, monitoring and supervision of the actions taken by the executive and agencies of government by the legislature for the purpose of ensuring that power is exercised effectively and lawfully.⁸

It has been traditionally differentiated from ordinary lawmaking because while the former involves a backward-looking process of examining the law-making process already in place, the latter is a forward-looking process of law-making, even though the two processes are related to one another in the sense that information for future law-making is often provided through the former.⁹

There are different ways oversight is practiced, ranging from oral and written questions to ministers, hearing before committees, inquiries, examination of budget and public account, approval of

⁸ R. Pelizzo and R. Stapenhurst, *Legislative Oversight and Budgeting: A World Perspective* (World Bank Institute 2006) 3.

⁹ *ibid*, 4.

executive appointments and treaties, to the point of impeachment and dismissal of guilty public officials.¹⁰

Each of the instruments fulfills the same basic objective of bridging the knowledge gap between the executive, who executes the policy on a day-to-day basis, and the legislature, which sanctioned and financed the policy in the first place.

Theoretical Framework

There are three theories which explain the analysis carried out in this paper. These theories include the separation of powers theory, which was proposed by Montesquieu and argues that the best way to protect freedom is through having separate entities for the exercise of legislative, executive, and judicial powers.¹¹

The second one is that of checks and balances, which provides some flexibility in the concept of separation of powers, by allowing each organ to exercise some form of control over other organs, such as the legislature's ability to conduct investigations on the executive.¹²

Third and perhaps most useful for this paper is the principal-agent theory from institutional economics, where the electorate acts as the final principal, the legislature acts as the intermediary agent, whose role is to monitor the other agent, the executive, through the process of oversight, which helps to minimize the information gap and moral hazard to enable the agent to act against the interests of the principal.¹³

The above three theories jointly help one understand the rationale behind the existence of oversight as well as the reason for its failure most of the time because the very information and incentives asymmetries that oversight aims to remedy may also affect the ability of the legislature to fulfill its oversight responsibility especially when the legislature is of the same political party as the executive.

METHODOLOGY

This research project employs a doctrinal approach to legal research. The target population in the study is comprised of all legal documents that are pertinent to legislative oversight in Nigeria, including the Constitution, legislation, case law, rules and academic literature.

A non-probability sample, which was selected for reasons of being relevant to the research objective, was chosen from this population through a purposive sampling technique.¹⁴

The tool for data collection was document analysis, involving the analysis of the primary documents especially the Constitution of 1999, the Legislative Houses Powers and Privileges Act, judicial decisions, National Assembly Standing Orders and secondary documents including journals, textbooks, reports of non-governmental organisations and governmental agencies.

¹⁰Policy and Legal Advocacy Centre (n 4) 9.

¹¹Montesquieu (n 2) 157.

¹²Vile (n 3) 18.

¹³K. Strom, "Delegation and Accountability in Parliamentary Democracies" (2000) 37 European Journal of Political Research 261, 264.

¹⁴T. Hutchinson and N. Duncan, "Defining and Describing What We Do: Doctrinal Legal Research" (2012) 17 Deakin Law Review 83, 101.

In doctrinal research, reliability and validity is assured not through the application of statistical techniques but rather through the process of triangulation which involves verifying each statement of law using more than one source.¹⁵

The technique for data analysis used is Qualitative Content Analysis and Case Analysis, using the AIRAC technique, where AIRAC stands for Issue, Rule, Application and Conclusion, which helps in organizing the treatment of every legal issue in this paper in a structured way, whereby there is an identification of the legal issue, the appropriate rule is stated, the rule is then applied to the facts or precedents and a conclusion reached.¹⁶

III. THE CONSTITUTIONAL AND LEGAL FOUNDATION OF LEGISLATIVE OVERSIGHT IN NIGERIA

This section will discuss the first objective of the research, which is the legal and constitutional framework of legislative oversight in Nigeria. The application of the AIRAC model will be used to determine the issue, the rule, its application and conclusion.

Constitutional Basis of Legislative Power and Oversight

Issue

The question to be addressed in this case is which provisions of the Constitution give the National Assembly the powers of oversight, and what those powers are.

Rule

The relevant rule can be mainly found in Chapter V of the Constitution.¹⁷ Section 4 entrusts the National Assembly with the legislative powers while Section 88 and 89 give the investigative powers.

Section 88 (1) gives each House the power to order an investigation on any matter in respect of which it is competent to legislate, and on the conduct of any person or authority or ministry or government department responsible for implementing the laws made by the National Assembly or distributing funds appropriated by it.¹⁸

This power is restricted by Section 88(2), which states that it can only be used to enable the National Assembly to make laws within its jurisdiction and to correct any defects in such laws, or to reveal any corruption, inefficiency or wastage in the implementation of such laws or in the use of public money.¹⁹

Section 89 provides the procedure for conducting such inquiries, giving the concerned House or Committee the authority to gather evidence, question witnesses under oath, summon any person within Nigeria to appear and give evidence or produce documents, and, if necessary, issue a warrant for their appearance.²⁰

¹⁵ibid, 103.

¹⁶R.K. Neumann and K.K. Tiscione, *Legal Reasoning and Legal Writing: Structure, Strategy and Style* (8th edn, Wolters Kluwer 2017) 76.

¹⁷Constitution of the Federal Republic of Nigeria 1999 (as amended), s 4; ss 88 and 89.

¹⁸ibid, s 88(1)(a)-(b).

¹⁹ibid, s 88(2)(a)-(b).

²⁰ibid, s 89(1)(a)-(d).

Application

From this rule, it is evident that the Constitution gives wide, although not unrestricted, investigatory powers to the National Assembly. The powers are limited to two objectives only, specifically, to amend flaws in legislation and expose corruption, inefficiency, or wastage, a limitation which later on became important in the judicial supervision of such powers, as will be seen in the next section.²¹

Conclusion

The conclusion to be drawn from this is that Sections 88 and 89 form the main constitutional basis for investigating oversight in Nigeria, but this is done in a way which is already anticipating and limiting the scope of what may be legitimately investigated.

Legislative Control of Public Finance

The control of the financial affairs of the country is another key component of this oversight function. This is set out under Section 80 of the Constitution where the Consolidated Revenue Fund is created and no money can be taken from it unless it has been authorized by an Appropriation Bill or supplementary appropriation.²²

The office of the Auditor General of the Federation is established under Section 85 while the reports on the public accounts of the Federation made by the Auditor General must be laid before the National Assembly for examination by the Public Accounts Committee of each House.²³

With the appropriation power, these clauses ensure that financial control, which includes the examination of the annual budget, auditing of public accounts, and supervision of public debt, becomes a distinct constitutional element of legislative oversight, different from but working with the investigatory power found in Sections 88 and 89.

The Legislative Houses (Powers and Privileges) Act

In addition to the Constitution, the Legislative Houses Powers and Privileges Act provides the legislative enforcement mechanisms, which specify what constitutes contempt of the legislative body and what sanctions apply to those found in contempt for, among other things, willful non-compliance with a summons.²⁴

The provision of Section 14 of the Act, amended in 2017, specifically confers upon each House the discretion to suspend a member for being in violation of its rules, which, as will be noted in the next chapter, has in itself been subjected to judicial examination.²⁵ In this regard, the Act operates as the enforcement body for the constitutional power of oversight, which, without the Act, would make the power to call and question witnesses according to Section 89 an empty one.

²¹Constitution (n 21).

²²Constitution of the Federal Republic of Nigeria 1999 (as amended), s 80(1)-(4).

²³ibid, s 85(2) and (5).

²⁴Legislative Houses (Powers and Privileges) Act, Cap L12, Laws of the Federation of Nigeria 2004, s 4.

²⁵Legislative Houses (Powers and Privileges) Act 2017, s 14(2).

IV. NATURE, SCOPE AND LIMITS OF THE OVERSIGHT POWERS OF THE NIGERIAN LEGISLATURE

This section highlights the second objective of the research, which involves the analysis of the nature, scope, and limitations of the oversight power of the legislature in Nigeria using an AIRAC analysis of relevant case laws.

The Investigative Power under Sections 88 and 89: An AIRAC Analysis

Issue

It is the matter of whether or not, and in what measure, the National Assembly can examine people and issues that do not fall within the categories clearly spelled out in Section 88(1) and (2).

Rule

This restriction, which has already been mentioned above, limits investigation to the cases related to the competence of legislation and to the actions of those individuals who are responsible for enforcement of the laws or distribution of the allotted money and also connects its use with the two objectives of improving legislative deficiencies and exposing corruption, inefficiency, or waste.²⁶

Application

One of the earliest cases which touched on the subject was the case of *The Senate of the National Assembly v Tony Momoh*, where the senate issued a summons to an editor of a newspaper with regards to an article that was published and the issue arose as to whether such investigative powers could be exercised against a private individual.²⁷

It was argued by the court that the investigatory power could not be extended to include a private individual simply due to his publishing something that did not please the legislative body since this investigatory power is limited by the purposes set out in the Constitution.²⁸

Another issue similar to this was raised in *El-Rufai v House of Representatives*, wherein the petitioner, who at the time was a public servant, complained about an invitation issued by the committee inviting him to appear before the committee.²⁹ It was clarified that, although wide, the investigative power was not an unrestricted authority for investigating any matter chosen on the whim of the committee members, but had to be carried out within the scope set by Section 88(1) and (2) and the invitee had the right to know the exact subject matter under investigation.³⁰

Conclusion

Applying the rule to these facts, the result reached by the court in both cases is that the investigatory power, although wide in theory, is a purposive power, which means that the proper use of the power requires at all times that there must be a real connection between the matter and either legislative jurisdiction or the rectification of defects, corruption, inefficiency or wastefulness, as distinguished from any public issue or any private behavior unrelated to lawmaking or public fund administration.

²⁶Constitution (n 21).

²⁷*The Senate of the National Assembly v Tony Momoh* (1983) 4 NCLR 269.

²⁸*Tony Momoh* (n 31).

²⁹*El-Rufai v House of Representatives* (2003) FWLR (pt 173) 162.

³⁰*ibid.*

V. JUDICIAL ATTITUDE TO THE SCOPE OF INVESTIGATIVE POWERS

This problem concerns how far the investigative powers in Section 88 can be exercised in relation to corporate private bodies which are neither public officers nor administrators of public money.

The case of *Shell Petroleum Development Company of Nigeria Ltd v Speaker, House of Representatives* involved the House of Representatives inviting the company to make representations regarding a petition made against it by some Niger Delta groupings.³¹

According to the Court of Appeal, in analyzing the language of the invitation in the light of Section 88, the Court found that this section did not widen the scope of investigation to a private company which is not involved in the execution and administration of laws made by the National Assembly or appropriation of moneys for government purposes.³²

The practical import of the decision, therefore, is that, when the National Assembly proposes to conduct investigations into a private company, it should be in a position to prove that the company belongs to one of the two categories mentioned under Section 88(1)(b), or else the summonses served will be open to cancellation.

The restrictive interpretation was further adopted in the case of *Stanbic IBTC Bank Plc v Speaker, House of Representatives*, where the bank was seeking an injunction to restrain compliance with a request from a House Committee for the disclosure of confidential information about foreign exchange dealings.³³

The bank's claim and the Federal High Court accepted the same that the powers of investigations conferred under Sections 88 and 89 are for the purpose of enacting legislation and remedying any deficiencies in existing legislation, and not for individuals who are not accountable for implementing the laws enacted by the National Assembly. This is because an attempt to obtain personal and confidential information from an individual who is regulated under federal legislation is not within the constitutional ambit of investigation.³⁴

In light of the authorities of *Momoh, El-Rufai, and Shell*, it becomes apparent that when taken in conjunction, the above line of authorities establishes that there is an unwavering judicial insistence on the nature of the investigative power being one that is limited and purposeful in nature, and which will be checked by the courts where there is deviation from the category of person or purpose listed in Section 88.

Limits on Disciplinary and Coercive Powers over Members

Another independent deficiency in this regard pertains to the powers of a House to regulate its members, even though this may not fall within the ambit of oversight of the executive but exemplifies judicial intervention into the scope of regulation of the legislature.

This was the case in *Akpoti-Uduaghan v Senate of the National Assembly* where a sitting senator brought herself into court in connection with an indefinite suspension levied on her.³⁵ The Federal High Court ruled that the provisions of the Senate Standing Orders and Section 14(2) of the Legislative Houses Powers and Privileges Act, which were being used to justify the indefinite

³¹*Shell Petroleum Development Company of Nigeria Ltd v Speaker, House of Representatives* (Court of Appeal, unreported).

³²*ibid.*

³³*Stanbic IBTC Bank Plc v Speaker, House of Representatives* (Federal High Court, Lagos, 2023) (unreported).

³⁴*ibid.*

³⁵*Akpoti-Uduaghan v Senate of the National Assembly* (Federal High Court, Abuja, 2025) (unreported).

suspension resulting in the deprivation of a member of her membership as well as her representation of her constituents, were contrary to the spirit of the Constitution, and any period of suspension had to be definite.³⁶

This ruling demonstrates that even the powers which are used by the legislature to exercise control over its own membership and not just those that are aimed outwards against the executive are constrained by the constitution and are reviewable, thus proving the general observation made in this section that the powers of legislative oversight in Nigeria are not plenary but are limited and the limits are enforced by the courts.

VI. EFFECTIVENESS OF LEGISLATIVE OVERSIGHT IN PRACTICE

The discussion in this section attempts to answer the third research objective by analyzing the performance of the legislature of Nigeria with respect to its oversight roles in terms of its scope and limitations based on some recent practices.

Budgetary and Financial Oversight

One of the most prominent tests of the legislature's efficacy is financial oversight because that is where the actions of the National Assembly are put to test.

There have been many budget padding cases from one assembly to the next, including a case where a serving senator alleged that trillions of naira were added into a budget that did not specify locations of the projects.³⁷

An even clearer case in point is *Socio-Economic Rights and Accountability Project v National Assembly*, where a civil society organization took issue with the approval by the National Assembly of large sums for the acquisition of vehicles and allowances for its members through a supplementary appropriation on the ground that such an allocation was contrary to the Public Procurement Act and the Code of Conduct for Public Officers.³⁸

According to the decision of the Federal High Court on this matter, the separation of powers doctrine cannot be used to protect legislation from judicial oversight whenever there are claims of illegalities. The court further held that the expenditure at issue here is not only illegal but also goes against the oath of office of the legislature.³⁹

This particular case makes for an interesting example of the theme of this paper, because it represents an instance where the financial scrutiny process takes place not from the side of the National Assembly against the Executive branch, but from that of the Judiciary branch against the Legislative branch.

Oversight through Investigations and Public Hearings

Apart from ensuring sound financial management, the National Assembly has conducted various investigations in the past regarding the management of public money and institutions, such as the

³⁶ibid.

³⁷B. Ningi, cited in "Budget Padding Allegations Rock National Assembly" *The Guardian* (Lagos, 30 January 2024).

³⁸*Socio-Economic Rights and Accountability Project v National Assembly* (Federal High Court, Lagos, Suit No FHC/L/CS/1606/2023).

³⁹ibid.

investigation regarding the fuel subsidy scheme, management of money by the Niger Delta Development Commission, and the activities of the federal revenue agencies.⁴⁰

This process has resulted in comprehensive committee reports and sometimes even recommendations for criminal action or change of policy, illustrating that the right to investigate pursuant to Sections 88 and 89 is not just a theoretical one but a real process carried out in practice. Nevertheless, the history of enforcement of committee recommendations has been far more patchy than the history of the hearings themselves, and there have been serious accusations of certain legislative hearings being employed by some legislators as tools of obtaining some kind of settlements from investigated organizations.⁴¹

An Overall Assessment of Effectiveness

The sources presented here seem to paint a rather ambivalent picture. On the one hand, the National Assembly has proved its ability to call, investigate, and interrogate executive officials and public institutions. On the other hand, the courts sometimes seem to be ready to use their authority to make the other state actors accountable, even including the legislature – *SERAP v National Assembly* is a good example of such court decisions.

On the other hand, budget padding, insufficient reaction to the outcomes of the investigations, and the accusations of abuse of investigative hearings point out that the practice of oversight fails to meet the requirements outlined in the constitutional text.

What the paper concludes from this is that the process of legislative oversight in Nigeria takes place frequently enough to show the ability of the institution, but not often enough, nor always for the proper reasons, to prove its efficiency.

VII. CONSTRAINTS ON EFFECTIVE LEGISLATIVE OVERSIGHT IN NIGERIA

This is where the fourth research objective of this study will be accomplished in the sense of examining what limits legislative oversight in Nigeria.

Executive Dominance and Political Constraints

Ineffective oversight is most often said to arise because of the overriding influence of the executive on the legislative agenda, especially when the same political party that holds the presidency holds a majority in each of the two houses of Congress, due to the nature of political discipline and patronage.⁴²

Partisan loyalty takes precedence over institutional loyalty in many cases to the point where any investigation that would implicate party members of the government is neither initiated nor continued once it becomes clear that those in charge of conducting it will come under fire for investigating politically sensitive issues, although such investigations into opposition loyalists are

⁴⁰Alemika (n 7) 41.

⁴¹Ojo (n 8) 27.

⁴²Fagbadebo and Ruffin (n 1) 58.

actively pursued, resulting in some instances of oversight in Nigeria being characterized as political tools.⁴³

Institutional and Capacity Constraints

Institutional constraints form the second set of constraints.

The legislative committees rarely have the research capability to carry out an objective and thorough investigation of the agencies due to the lack of forensic accounting capabilities among others.⁴⁴

The high turnover rate of the legislators between one parliament and another weakens institutional memory and experience, while the non-compliance of the summoned officials to appear before the legislature weakens the potency of the investigatory powers even when they are exercised rightly.⁴⁵

Further compromise of the oversight process is corruption or inducement by the officials/ agencies under investigation themselves through bribing members of the committee. This is a transformation of the oversight process from an accountability system to one where rent seeking occurs.⁴⁶

Legal and Judicial Constraints

Moreover, the very legal and constitutional structure has inherent limitations, some of which are necessary and some not.

As has been pointed out in the second part of the essay, the courts have always sought to limit the persons and purposes covered by the investigative power granted under Section 88, in order to respect individual rights and company privacy, yet at the same time limit the scope of the supervisory power in cases of blurred lines between public and private acts.⁴⁷

The lack of an obvious statutory procedure that governs the manner in which these inquiries are conducted, including evidence, proof, and rights of persons being investigated, has also made several parliamentary inquiries open to justifiable criticism and even legal action.⁴⁸

The cumulative impact of all these legal, institutional, and political restrictions means that the theoretically broad oversight powers outlined in the previous two sections, in practice, are actually carried out within a much more limited range of possibilities.

VIII. CONCLUSION AND RECOMMENDATIONS

The purpose of this study was to critically look at the constitutional and legal basis for the power of oversight in Nigeria, to critically analyze the nature, scope and limitations of the oversight powers of the National Assembly, to evaluate the efficiency of the exercise of these powers, and to determine the factors inhibiting the efficient exercise of these powers.

The analysis reveals that the 1999 Constitution, which is largely embodied in Sections 4, 80, 85, 88 and 89, alongside the Legislative Houses Powers and Privileges Act, provide a real comprehensive framework for legislative oversight.

Interpretation of this regime, in cases ranging from *The Senate of the National Assembly v Tony Momoh*, through *El-Rufai, Shell Petroleum Development Company of Nigeria Ltd v Speaker, House*

⁴³Ojo (n 8) 29.

⁴⁴Policy and Legal Advocacy Centre (n 4) 22.

⁴⁵Alemika (n 7) 44.

⁴⁶Ojo (n 8) 31.

⁴⁷*Stanbic IBTC Bank Plc v Speaker, House of Representatives* (n 37).

⁴⁸Hutchinson and Duncan (n 10).

of Representatives, *Stanbic IBTC Bank Plc v Speaker, House of Representatives and Akpoti-Uduaghan v Senate of the National Assembly*, reveals, however, that despite their breadth, the powers in question are purposive and constrained, not plenary.

Indeed, implementation of such powers by the National Assembly in practice has proven to be rather inconsistent, possessing the potential for accountability results, as exemplified by *SERAP v National Assembly*, but often rendered ineffective by executive dominance, partisan affiliation, lack of institutional capability, corruption in the oversight process itself and a lack of procedural regulation. The answer to the question raised in the title of this paper, namely 'Whither Nigeria?', is therefore that the country has a constitutional regime for legislative oversight that can hold up well against many other constitutional democracies in the world, but its transformation into effective executive accountability demands reform, not further adherence to the letter of the Constitution.

In this regard, the following recommendations are made in this paper:

- i. That the National Assembly and the courts strive for judicial clarity regarding the exact scope of Sections 88 and 89 so as to minimize the uncertainty surrounding the use of investigatory powers.
- ii. Amendment to the legislative Houses Powers and Privileges Act, so as to enhance the enforcement of summonses, and to put proper checks and balances on disciplinary powers over members based on the case of Akpoti-Uduaghan.
- iii. Creation of an independent legislative research and forensic support system so as to lessen the reliance of the National Assembly on the investigating agencies.
- iv. A framework of mandatory implementation of the recommendations of the committee to ensure that investigations have teeth.
- v. Internal party and institutional guidelines which will protect investigative committees from partisan capture, making oversight a neutral mechanism of accountability.

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