

## Chapter 9

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# Legislative Productivity in Nigeria: Beyond the Chambers

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### Introduction

The concept of 'productivity' is a recurring one in the discourses on organisation and management. Numerous theoretical and empirical analyses of productivity abound in the literature on organisation and management. These discourses explore the various dimensions of organisational productivity. The concerns for the study of organisational productivity stems from the fact that they are established to accomplish certain predetermined objectives. Thus, for an organisation to flourish and survive, it must be productive within the context of its values and objectives. Productivity, therefore, provides the necessary framework for understanding the pattern and dynamics of organisational development and/or decay. It should however be noted that organisations vary in size, scope and philosophy, and to a large extent, these factors affect organisational productivity. For instance, there are formal and informal organisations, private and public organisations as well as simple and complex organisations. These variations, sometimes, explain the dynamics of organisational productivity. This paper

explores the questions of productivity in a legislative organisation.

As a political institution, a legislature represents a typical example of a formal and complex organisation. It is established to facilitate representation, participation and accountability. The actualisation of these values by a legislature in a democracy is to be explained within its mandate of representation, law making and oversight functions. These core functions of a legislative organisation, therefore, provide the basis for discussion and analysis of legislative productivity. In the context of this paper, the question of legislative productivity is examined. It thus seeks to examine a number of questions: How is the legislature structured and organized in Nigeria? How does the structure and organisation of the legislature in Nigeria affect its productivity? What are the major challenges of the legislature in Nigeria? Answers to these and other relevant questions will undoubtedly provide insight on the question of legislative productivity in Nigeria. This analysis will however be preceded by a theoretical discussion of legislative productivity.

### **Legislative productivity: A Theoretical Viewpoint**

The question of productivity is an important one in all organisations. In some theoretical perspectives, organisational productivity provides the yardstick for measuring the performance and, thus, the prospects of their survival. The dominant perspective to the understanding of organisational productivity is the managerial approach. This is understood from the standpoint of resource mobilisation, utilisation and maximisation. Thus, the efficient and effective management of both human and material resources, to a large extent determines the level of organisational productivity. Productivity is, therefore, explained within the context of yielding the desired results.

As a political organisation in a democracy, the legislature is a public institution. It is established to make laws and ingrain democracy through a number of functions that are provided for by the law. The traditional functions of representation, law making and oversight activities provide the yardstick for measuring the productivity of a legislature. Thus, to classify a particular legislature as productive, one needs to understand its concrete inputs in governance, using the aforementioned functions as the checklist. Accordingly, series of theoretical arguments abound in the literature as to what constitutes productivity in a legislative organisation. There are various perspectives to understanding legislative productivity. For instance, some perspectives are basically concerned with individual legislators (members of the legislature and/or their aides), while other perspectives shift focus to the institution itself. In addition to these dominant perspectives, some scholars based their analysis of legislative productivity on the standpoint of environmental influence on the legislature itself. All these perspectives are essentially important in enhancing our understanding of the theoretical viewpoints of legislative productivity.

Mezey's (1979) analysis of legislative productivity across legislatures around world is considered as a landmark study of comparative legislatures. In this work, Mezey divided legislatures into: active, vulnerable, reactive, marginal and minimal. This categorization was based on the perceived contribution of various legislative institutions in governance. Some of the benchmark for assessing the productivity of legislatures which form the basis for the above classification include:

- (1) which actor (executive or legislators) initiate bills that eventually become laws;
- (2) the policy making power of legislatures and; (3) the level of support for legislatures by the political elites and the public.

It can be argued that European parliaments are generally considered as reactive legislatures, while legislatures of the Latin American countries are described as marginal legislatures. The latter are adjudged to have limited policy making power and enjoy little support from the elites. However, scholars of Latin American politics argue that as marginal as Latin American legislatures are, they still remain critical actors in policy making and play central role in law making (See Jones, 1995; Mainwaring, 1993). European legislatures have vast policy making powers and enjoys tremendous support from the elites, which enhances their productivity in governance.

Another theoretical perspective to the understanding of legislative productivity is the development of Constituency Development Fund (CDF). There are studies that attempted a broad-based analysis of legislators' efforts towards constituency services. In the literature constituency services are more often linked to incumbency advantage. In other words, constituency services are used by incumbent legislators to mobilise votes (See Cain *et al*, 1987; Fiorina and Rivers, 1989; King, 1991; Levitt and Synder, 1997). However, it is also argued that voter attachment to political parties, to some extent, determines the impact of constituency services on the legislators. For instance, in parliamentary regimes, where parties are stronger, constituency services are less pronounced. On the other hand, constituency services seem to be more important in presidential regimes, because parties are less strong. In this context, therefore, citizens who are represented by elected officials in a legislative organisation expect some benefits in form of goods or services and this provides a yardstick for measuring the productivity of a legislature.

It is along this line that Keefere and Khemani, (2008) argued that two reasons are essentially important for the study of voter attachment to political parties in relation to constituency services. In the first place, voter attachment

influences the electoral benefits to legislators. This assertion was buttressed by Asworth and Bue no de Mesquita (2006) in their analysis of voter's preferences on candidates with high ability to deliver public goods and constituency services. In this context, ability is described in form of constituency service. However, where voter's preference for party platform agenda appears to be high, the ability of the incumbent becomes immaterial and the drive towards the provision of constituency services by the incumbents falls drastically.

Another theoretical perspective to understanding the level of productivity of legislatures revolves around the quest for the professionalisation of legislative institutions. Squire, (1992) argues that legislative professionalisation is contextualised into three major components, members' renunciation level, staff support and facilities as well as service time demand. Thus, legislative professionalisation supposedly enhances the capacity of individual legislators in their drive for effective legislative productivity. For example, legislators seek to professionalize the legislature and advance their career prospects by demanding for more legislative staff, which not only benefits legislative leaders in their quest for equal standing with the executive, but also works to the advantage of individual legislators by giving them resources to improve their re-election bids and to become more assertive in policy making process.

Professionalisation, therefore, presumably improves the productivity of legislative institution. This is because members are empowered with both human and material resources as well as adequate time for legislative deliberations. However, studies have shown that some professionalized legislatures, particularly in the United States, are not favourably assessed by the public (See Jewell and Breaux, 1988). This suggests that other factors such as the characteristics of the population shape people's perception of political institutions, legislatures inclusive (See Jewell,

1992; Fenon, 1997; Davidson and Paker, 1997). Accordingly, professionalisation is one dimension of understanding legislative productivity but is an insufficient condition for effective legislative productivity.

Krutz S. Glen (2000) conceives legislative productivity from the standpoint of party affiliation of members. He argued that fragmented legislatures along party lines are likely to be constrained in their quest for effective productivity. Fragmented legislatures are, therefore, more prone to uncertainties in law making and policy deliberations at the legislative chambers. It is thus argued that party membership distribution in the legislature, to some extent, affects the productivity of the institution, especially in areas of policymaking. Therefore, party control of Congress and presidency is essential in the production of legislation. In other words, unified control of legislature by one party, it is said, results in more policy innovations and less gridlock than those in divided governments.

Legislative oversight also provides another theoretical viewpoint to understanding legislative productivity. The task of overseeing the activities of the executive and other institutions of government remain one of the fundamental functions of a legislature. Thus, the effectiveness or otherwise of legislative oversight provides a standard measure for assessing the level of productivity of a legislative institution. In both parliamentary and presidential democracies, the conduct of oversight responsibilities distinguishes a legislature from other branches of government. However, oversight tools vary from one system of government to another. The number of tools and the level of involvement of legislatures in oversight define the complex nature of the institution, which is the key to understanding its productivity.

Pillezo and Stonpenhurst (2004) documented data on various tools of legislative oversight amongst eighty three (83) countries. The investigation focused on the instruments of parliamentary control, the distribution of these control

measures, how they relate to different forms of governments and the role of parliaments in budget process. Oslon (2004) on the other hand, investigated the pattern of administrative oversight in post-communist countries of Bulgaria, Poland, Czech Republic, Estonia and Hungary. The study revealed that though these legislatures are relatively weak, they are adopting new strategies of oversight to enhance their productivity. It is argued that Czech and Hungary pay more attention to budget and economic policy linked to state budget. There are also similar studies by Schneir (2004) on Indonesian legislature, Deposto (2004) on Brazilian sub-national legislature and Sheppard (2004) on the experience of West Minister on administrative review and oversight. All these and similar studies attest to the centrality of legislative oversight, particularly in assessing the productivity of a legislative institution.

Polsby's (1968) theoretical analysis of legislative institutionalisation is another dimension to understanding legislative productivity. His thesis is that political organisations need to be institutionalised to run and function effectively. He argues that institutionalization is a broad theme in social science discourses, which deal with a variety of factors depending largely on the nature of organisations being studied. He began his analysis of legislative institutionalisation by acknowledging the general agreement among political scientists on the proposition:

For a political system to be viable, for it to succeed in performing the task of authoritative resource allocation, problem solving, conflict settlement, and so on, on behalf of population of any substantial size, it must be institutionalised. That is to say, organisations must be created and sustained that are specialized to political activity.

Polsby identified three major characteristics of institutionalised organisations: establishment of boundaries,

internal complexity and universalistic and automated methods of conducting business. The first indicator of institutionalisation suggests that membership of the organisation must be stable. More so, leadership positions are acquired from within the members. In other words, members are expected to serve for a relatively longer period to acquire the requisite experience and knowledge necessary for effective legislative productivity. Thus, frequent entry and exit in a legislative institution may well affect its productivity.

Durkeim's theoretical analysis of division of labour provides the justification for internal complexity. Here Polsby is concerned with role specification and separation of functions within legislative organisations. For some certain important purposes also, interdependence of various units and departments is equally important. In the case of a legislature, it implies growth and autonomy of standing committees, which represents the machinery that conducts the bulk of legislative duties. It is further argued that internal complexity in a legislative organisation connotes multiplicity of departments and units within the organisation. Thus, the functionality and efficiency of a legislative organisation, more often than not is contextualized within the framework of its internal complexity and organisation. In this regard, legislative organisations depend largely on their component units and internal agencies in terms of decision making. This is against the conventional thinking that the legislative chambers represent the decision making machinery of legislative organisations. This is where division of labour and specialization become especially important. Thus, the multiplicity of departments and units in a legislative organisation paves way for division of labour and specialisation, which further strengthen and institutionalise the legislature in its quest for enhanced productivity.

## **Explaining the Dynamics of Legislative Productivity in Nigeria**

This section examines the dynamics of legislative productivity in Nigeria, dwelling on the challenges and prospects of legislative productivity as it affects the National Assembly. As a democratising state, Nigeria's institutions of governance, particularly the legislature needs to be strengthened and institutionalised to respond adequately to the challenges of democratic governance. Thus, to strengthen the mobilisation, utilisation and maximisation remain a crucial one. Accordingly, has the Nigerian legislature acquired the requisite capacity to be productive and efficient in the discharge of its constitutional mandate?

In the context of performance, institutions are assessed on the basis of their strength and capacities to produce desired results. In other words, this is to be explained from the standpoint of resources, both human and material. To this end, however, the legislature as an emerging institution is weak and has low capacity to enhance the quality of democracy in the country. Thus, Barkan (2005:2) stresses that:

The collective resources and capacity of legislature including the level of overall budget, its autonomy in setting its budget, the quality and experience of parliamentary staff, the level of support for parliamentary committee, the level of quality of infrastructures etc. define the strength and capacity of a legislative body, especially in its drive to democratic values and particularly in enhancing accountability in democratization.

Thus, the argument about the capacity of legislatures centers mainly on resources, both human and material. As such, to enhance the efficient functioning of the legislature in a democracy, the institution must be provided with adequate resources to run as an autonomous branch of government. In other words, legislators should have access

to quality infrastructure and facilities that could enhance their capacities in the discharge of constitutionally assigned responsibilities. There is also the need for provision of adequate financial resources for efficient running of the institution. The quality of parliamentary staff is one aspect of legislative resources that impact on its performance. Like other branches of government, elected officials alone cannot run and manage an institution. This necessitates the recruitment of various categories of staff to provide support services for elected/appointed leaders. Barkan (2005:180) also argues that:

Legislatures that cannot acquire or otherwise generate adequate resources to support their members and their operations are unlikely to become autonomous and powerful bodies. The level of salary is especially important, particularly where MPs are elected from a single member districts and thus confronted by a series of incentives to devote time to constituency services than the collective functions of the legislature.

In Nigeria, the National Assembly is confronted with the challenge of adequate resources needed for the efficient functioning of the institution. Although the legislature enjoys relative autonomy in the allocation of resources for its functioning, it must be stated that, the veto of the executive and in some cases its autocratic tendencies limits the financial autonomy of the legislature. In spite of the inadequate resources for the legislature, sometimes access to funds budgeted may constitute a constraint for its smooth running. Moreso, the overemphasis of the legislators on their emoluments and incentives as against the provision of quality infrastructure, facilities and superior parliamentary staff of equal standing with the executive, to a large extent, affect the operational efficiency of the institution. (See Editorial of Daily Trust July 22, 2008 and Leadership Abuja, July 2008).

After barely a decade of its existence, the National Assembly has not acquired a convenient and adequate office accommodation for members and staff. It should be noted that, some of the law makers and staff are still accommodated outside the National Assembly Complex, while some, particularly parliamentary staff are congested in temporary office accommodation. Although significant progress has been made to provide structures that could accommodate both legislators and staff within the complex, more resources need to be voted for infrastructural development and upgrade, to provide habitable and convenient accommodation to enhance the capacity and performance of the Nigerian legislature.

There also seems to be the problem of facilities and equipment necessary to support the activities of the legislators and staff. The National Assembly is lacking in ICT. Even in the newly commissioned extension of the Senate and House wings, the offices are lacking in some basic facilities. Thus, the poor infrastructural facilities of the Nigerian legislature remain a challenge inhibiting its efficiency, thereby affecting its capacity to function as co-equal of the executive and more importantly in holding government accountable for its actions and inactions.

To examine the resources and capacity of the Nigerian legislature, the place of parliamentary staff must be stressed. In other words, the legislative staff play significant role in the efficient functioning and operations of the legislature. The argument for an independent and resourceful staff for the legislature is anchored on the need to ensure balance and parity between the legislature and the executive in their interactions as relatively autonomous institutions of democratic governance. This is central to the realisation of the principle of separation of powers. Otherwise, depending on the staff of the executive erodes the autonomy and thus the capacity of the legislature. Kefee (1964:68) opines:

The central reason for creating professional staff was to prevent committees from excessive reliance on research studies produced by executive agencies. For congress to function as co-equal partner with the executive in the legislative process, the congress should empower itself to obtain its own independent staff services and that it pays adequately for them.

The existing workforce of the legislature is poorly remunerated. This has become a reason for its inefficiency in the provision of necessary administrative and legislative support services for the legislature. For instance, consistent agitations by the parliamentary staff for the adoption and implementation of parliamentary scale in the payment of their salaries and allowances have been on the increase. In various ways, this has posed a serious challenge for the legislature in Nigeria. This is because in the conduct of the legislative committees, which does the bulk of legislative functions, the parliamentary staffs are central to its organisation and general conduct.

The parliamentary staff of various committees is accommodated in various committee rooms meant for sittings and hearings. This is in addition to non-payment of some unique allowances commensurate with their schedules and responsibilities. The attendant consequences of this scenario are corruption and indiscipline among legislative staff, which also affect the conduct of the legislature, especially in ensuring accountable governance.

Similarly, the poor quality of legislative staff in the National Assembly is as a result of poor or non existence of comprehensive training programmes that could build their capacities to support the legislators with information and quality services for effective legislation. Although funds are said to be voted for training and capacity building, these funds are most often siphoned by the leadership of the legislature in collaboration with the management. There is

little effort to attract funding for capacity building from donor agencies.

Quite a number of legislative strengthening programmes, funded by donor agencies, are available for the benefit of emerging democracies. Schulz (2004:55) identified some priority areas of the international funding programmes for capacity building among emerging democracies:

A major component of many internationally funded legislative strengthening programs in transitional and emerging democracies is assistance to develop capacity of legislatures to exercise oversight of the executive branch and its agencies. This assistance can take many different forms including technical assistance on oversight strategies, exposure to comparative oversight practices, capacity development for public accounts and budget committees and training on conducting committee investigations and hearings.

However, the Nigerian legislature has not taken advantage of the international donor funded legislative strengthening programmes, neither has it prioritized the need to allocate and utilize judiciously funds for the development of comprehensive legislative capacity building programmes for both the legislators and staff. Worst still, the executive and its agencies sometimes organize training workshop for legislators and staff, with the view to strengthening their knowledge on some proposed executive bills and/or policies before the legislature for ratification and the funds are misapplied or stolen by the officials. A typical example of this is the workshop claimed to be organised and funded by the Federal Ministry of Health for members of the legislature involving some of the legislators and executive officials. This in some respects undermines both the capacity and autonomy of the Nigerian legislature in its drive to engender accountability in democratic process and governance.

It is clear from the antecedents of Nigerian legislature that it lacks the commitment to develop quality, routine and sustainable legislative capacity building programmes, largely on the account of corruption. Thus, partnership with donor agencies becomes a viable option. Different donor agencies exist the programs of which address the training needs of the legislatures of emerging democracies like Nigeria. These donor agencies include: the United Nations Development Programme (UNDP), European Union (EU), and Inter-Agency for International Development (USAID) etc. While evaluating the scope and impact of legislative strengthening programmes in particular, Schulz, (2004:56) notes that:

Many of these programmes focus on the relationship between the executive and the legislature. It is well accepted that government dominated by the executive branch, with a legislature that lacks the capacity to effectively oversee the executive or influence policy, cannot be deemed truly democratic. As a result, legislative strengthening programs often focus assistance efforts on improving the political will and capacity of legislatures to monitor and check executive power.

The emphasis of these programmes, generally, is to build legislative capacity to engender accountability, especially in emerging democracies, whose legislatures are conspicuously weak. Nigerian legislature represents a typical example of a weak parliament in dire need of capacity building and legislative strengthening programmes.

Similarly, the Nigerian legislature is also faced with the challenge of effective budget scrutiny as well as monitoring and evaluation. Budget is a major activity of government that engages the services of both the executive and the legislature. It provides in detail, the intended expenditure and expected revenue of the government for a year. This is otherwise known as Appropriation Act. Once approved by

the legislature and assented to by the chief executive, it becomes a legal document. The role of the legislature in budgeting centres on scrutiny of executive proposals. It also plays a significant role in monitoring implementation of the budget. It is evident from the conduct of the Nigerian Legislature that it lacks requisite capacity to effectively scrutinize executive proposals in line with the needs and priorities of the people.

Maimako (2007:30-1) outlines the major factors impeding the effective participation of the Nigerian legislature in budget process: (1) exclusion of the legislature in budget formulation; (2) limited time for committee scrutiny of the budget proposals; (3) inadequate legislative budget analysis capacity; (4) unclear amendment powers of the legislature; (5) non-involvement of civil society in budget process; (6) absence of budget implementation monitoring mechanisms; and (7) a dependent state audit. Even though these factors hinder the participation of legislature in budget monitoring and evaluation, the crux of the issue is that the failure of the legislature to discharge this function is a symptom of the many problems that beset it.

Each of these aforementioned factors constrain the Nigerian legislature to impact positively on budgeting process. Therefore, the period of budgeting in Nigeria, is seen by the legislators, including staff, as the peak period of money making venture. During the budget exercise, law makers bargain with the executive and their agencies for increase of budgetary allocations and/or sharing of unspent monies (The Tide online.com April 18, 2008). It is alleged that members of the legislature in Nigeria most often insist on collecting bribe and/or contracts from the executive agencies with the view to influence an increase in their budgetary allocations (See Nigerian Tribune, February 10, 2008). The competition and lobby for leadership of some strategic or so-called 'juicy committees' suggests some truth to this allegation. On this note, the legislature is challenged

by both capacity and intention, to influence budget for the general wellbeing of the people.

In Nigeria, the legislature has not been productive. The abuses on the part of the executive in the implementation of budget remain unchecked. The legislature has not institutionalised mechanisms for effective monitoring and evaluation of budget. As a result, information about budget performance is grossly inadequate to the legislature. But the corrupt tendencies of the legislature itself contribute immensely to its poor performance in budget monitoring and implementation. The concerned legislative committees, the leadership and the entire legislative organisation are more interested in attracting different forms of gratification to cover up the illegalities and misconduct of the executive and its agencies in the implementation of budget (Otorofani, Nigerian News Paper, Sept. 15, 2008). This affects the integrity of the legislature and its productivity.

### **Conclusion: Responding to the Challenges**

The question of legislative productivity is a complex one, which is to be understood beyond the chambers. It revolves around the efficient and effective functioning of a legislative organisation. The clear mandate of legislatures in a democracy provides the yardstick against which the level of productivity of legislatures can be analysed. The areas of jurisdiction of legislative organisations in a democratic set up sometimes define its objectives. Thus, these predetermined objectives of representation, law making and oversight responsibilities constitute the core functions of legislative organisations. In the discharge of these functions, therefore, the level of productivity of legislatures can be assessed. However, in this discourse, legislative productivity is conceived beyond the chambers. In essence, it is argued that the legislative proceedings at the plenary or in the chambers, represents only the political dimension of legislative decision making. In other words,

for a decision to be taken in a legislature, information must be gathered and articulated. This activity is done outside the chambers, either at the level of legislative committees or by different categories of legislative staff. These processes and procedures represent the principles, rules and conventions of legislative organisations, world over. Thus, the capacity and efficiency of legislatures, to a great extent is conceived from the perspective of its internal complexity, explained in the context of the multiplicity of agencies and units as well as specialization and division of labour, which define the strength and capacity of legislative organisations. In Nigeria, the productivity of legislatures is highly limited by the weak capacity of legislative staff and organisation. Therefore, unless the capacity of legislatures is enhanced through the provision of adequate human and material resources and its prudent management, the question of legislative productivity will remain unanswered.

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