ASSESSMENT OF THE ROLE OF NATIONAL ASSEMBLY OVERSIGHT FUNCTIONS ON CORRUPTION IN THE NIGERIAN FEDERAL PUBLIC SERVICE (2007 – 2013)

BY

USMAN MOHAMMED MARI

DEPARTMENT OF PUBLIC ADMINISTRATION

AHMADU BELLO UNIVERSITY, ZARIA

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USMAN MOHAMMED MARI

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A THESIS SUBMITTED TO THE SCHOOL OF POSTGRADUATE STUDIES, AHMADU BELLO UNIVERSITY, ZARIA, IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE AWARD OF MASTERS OF SCIENCE IN PUBLIC ADMINISTRATION.

DEPARTMENT OF PUBLIC ADMINISTRATION, FACULTY OF ADMINISTRATION, AHMADU BELLO UNIVERSITY, ZARIA.

MAY, 2015

DECLARATION

I declare that the work in this Thesis entitled: "ASSESSMENT OF THE ROLE OF NATIONAL ASSEMBLY OVERSIGHT FUNCTIONS ON CORRUPTION IN THE NIGERIAN FEDERAL PUBLIC SERVICE (2007 – 2013)" has been carried out by me in the Department of Public Administration. The information derived from the literature has been duly acknowledged in the text and list of references provided. No part of this project dissertation was previously presented for another degree or diploma at this or any other Institution.

…….. …… ……..

Name of Student **Signature** **Date**

CERTIFICATION

This thesis entitled: "ASSESSMENT OF THE ROLE OF NATIONAL ASSEMBLY OVERSIGHT FUNCTIONS ON CORRUPTION IN THE NIGERIAN FEDERAL PUBLIC SERVICE (2007 – 2013)" by USMAN MOHAMMED MARI meets the regulations governing the award of the Degree of M.Sc. in Public Administration of the Ahmadu Bello University, and is approved for its contribution to knowledge and literary presentation.

_____ _____

Dr. Hamza A. Yusuf **Date**
Chairman, Supervisory Committee

_____ _____

Dr. Idris Musa **Date**
Member, Supervisory Committee

_____ _____

Dr. Hamza A. Yusuf **Date**
HOD Public Administration

_____ _____

Prof. A. Z. Hassan **Date**
Dean, School of Postgraduate Studies

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Abstract

Oversight is one of the key functions of the National Assembly meant at identifying and avoiding inefficiency and waste, determination of government effectiveness and compliance with legislative intent. It is also a veritable tool for the fight against corruption and a constitutional tool for the realization of accountability of the government to the people. This study evaluates the role of National Assembly Oversight Functions on Corruption in the Federal Public Service and it is an attempt at documenting the significance of this political institution in addressing the most challenging issue of Nigeria's nascent democracy. By means of descriptive approach, case study and analysis of documentary sources and conversational interviews, a review of selected literature on the subject and the data analyzed revealed that the National Assembly have not been able to sanction those found wanting as regards to corruption in the Federal Public Service, and in addition, corruption and personal agenda of the Legislators hindered effective oversight functions of the National Assembly within the period under review. Therefore, the study recommended that access to required information to establish corruption should be broadened and stakeholders be allowed to feature in all legislative processes.

CHAPTER ONE

GENERAL INTRODUCTION

1.1. Background to the Study

In the quest for promoting positive change in a democratic system, the fundamentals of democracy have to be understood within the context of power, responsibility, management and distribution of resources. In an ideal situation, democratic governance stands to ensure that there is free and open competition and participation in the continued struggle for political power. Political actors are held accountable for the power they exercise and how they conduct government business which is expected to be in an open and transparent manner. The Legislature is expected to help build and sustain these values in practice, through its legislative oversight which ensures accountability of public office holders to the general public, thereby ensuring greater dividend of Democracy.

However, since the rebirth of democratic dispensation in Nigeria decades ago, the dividend of democracy is still a mirage, depriving Nigeria and Nigerians of fundamental changes and an improved standard of living, instead poverty, squalor, hunger and disease have overwhelmed the society. The trappings of democracy which includes greater citizen's participation, welfare and justice for all, championed by a government that responds to popular demands for socio-economic reforms in any meaningful way is still a remote possibility.

Arising from these developments, the United Nations Human Development Report (2009) succinctly expounded that, most developing countries (Nigeria inclusive) will miss almost all the Millennium Development Goals (MDGs) and extreme poverty will continue to thrive based on

the existing trend. This fact is attributed to the significant implications that widespread corruption has on growth, equity and poverty.

These seemingly "devastating scenarios have their roots in the weak legislative institutions" Bello-Imam (2005). The legislature is supposed to be the engine of democratic governance, as laws made by it sets agenda for government and regulate the conduct of the people. Its oversight and representational duties are critical to sustainable development which is considered as one of the ends of democracy. But the power and roles of the legislature in resolving the challenges facing democratization project has not manifested yet (Bello-Imam, 2005), citizens continue to face enormous challenges, characterized by diminishing quality of human life, "with over 70% of Nigerians reported to be living below $1 per day" U. Chukwumwrije (2014).

In 2009, the Global Corruption Barometer released by Transparency International listed Nigeria among the most politically corrupt nations in the world, in 2011, Nigeria was also ranked as the 47th most corrupt nation out of 183 in the world (Corruption Perception Index, 2011). Worse still, Nigeria was adjudged the second most corrupt Nation next to Kenya by the Gallup World Polls Data (Daily Post, Nigeria Online Newspaper, 16th November, 2012).

Corruption remains one of the main obstacles to achieving sustainable development in Nigeria. Consequently, the desire for comprehensive attack on corruption remains a task that Nigerian Government have to face, hence numerous avenues were put to the fore to tackle the hydra-headed menace. A broad-based coalition of actors, especially comprising the executive, legislature and the judiciary is needed if any progress will be made in curbing corruption (Leautier, 2006), however, the role of the legislature particularly appears all encompassing and very important (Wolffowitz, 2006).

National Assembly, the apex law making organ of government, has considered and passed laws to ensure accountability and transparency in every government sphere. According to Bello-Imam (2005), "the National Assembly has made some attempts to fight against corruption" through a number of Legislations, these include:

i. Enactment of the Corrupt Practices and Other Related Offences (ICPC) Act 2000;
ii. Establishment of Economic and Financial Crime Commission (EFCC) in 2003 through the enactment of EFCC Act 2002, which was amended in 2004;
iii. Fiscal Responsibility Act was also passed in 2007 to allow for a peer review mechanism, to bring executive heads of government together to exchange views on how well counterparts are performing; and
iv. Public Procurement Act passed in 2007 to ensure sanity into our Contract Processes and Procedures.

The Legislature having the power to create legal frameworks needed to prevent and curb corruption through reinforcing integrity in governance, fostering transparency and accountability, can minimize areas of discretion and address such issues as conflicts of interest, nepotism and statutes of limitation, through the provision of necessary punitive measures and promoting administrative and social environments hostile to corruption.

This is reminiscent that the legislature has a role to play in ensuring a strong legal system as encapsulated in Section 88(1) of the Constitution, the National Assembly is empowered by resolution published in its journal or in the Official Gazette of the Federal Government to direct or cause to direct an investigation into:

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

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

   i. executing or administering monies appropriated or to be appropriated by the National Assembly, and

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

Furthermore, Section 88 (2) also enables the National Assembly to:

a. make laws with respect to any matter within its legislative competence and correcting any defects in existing laws, and
b. expose corruption, inefficiency or waste in the disbursement of funds appropriated by it.

These formed the legal basis for addressing corruption by the Legislature through effective enforcement of policies and greater controls/oversight over the activities of Public Servants, through detecting weak processes and procedures in governance and also identifying signs that may underlie instances of corruption.

1.2. Statement of the Research Problem

Legislative Oversight constitutes a core function of the National Assembly on governance and public office management. It is a Legislative tool used all over the world to:

i. Ensure Executive Compliance with Legislative Intent;
ii. Improve Efficiency, Effectiveness, and Economy of Governmental Operations;
iii. Evaluate Program Performance, Prevent Executive Encroachment on Legislative Prerogatives and Powers;

iv. Investigate Alleged Instances of Poor Administration, Arbitrary and Capricious Behavior, Abuse, Waste, Dishonesty, and Fraud;

v. Assess Agency or Officials' Ability to Manage and Carry out Program Objectives;

vi. Review and Determine Federal Financial Priorities;

vii. Ensure That Executive Policies Reflect the Public Interest; and

viii. Protect Individual Rights and Liberties.

This power as reflected in section 88 of the 1999 Constitution of the Federal Republic of Nigeria, gave the National Assembly the requisite legal backing to assemble information on proposed Bill, prevent or expose corruption, inefficiency or wastage in the implementation of laws within its legislative competence and in the disbursement and administration of funds appropriated by it.

Thus the National Assembly (Senate and House of Representatives) in this respect had within the period under study (2007 – 2012), constituted over 80 Oversights/Probe Panels investigating various instances of alleged corruption, gulping millions of Naira in the conduct of the exercises (oversights), yet corruption and corrupt practices continued to fester in the Federal Public Service (Nairaland, 2012). It seems imperative to understand and appreciate why corruption seemingly and systemically institutionalized in the Federal Public Service, and the Legislative Power in curbing corruption incapacitated. It is this regards that the following Research Questions are posited.

1.3. Research Questions

Considering the Statement of the Research Problem, it became imperative to answer the following research questions:

1.3.1. to what extent has the National Assembly engaged expertise/skills of NGO's/Media/Consultant in the Process of establishing corruption **(Transparency)** ?

1.3.2. does National Assembly Probe Panels (Investigative Committees) been able to obligate Federal Public Service to publicly substantiate that their decisions/actions/inactions are within their mandate **(Answerability)?**

1.3.3. are there control mechanisms in the National Assembly to sanction actions/inactions of the Federal Public Service that run counter to given mandate or has the National Assembly enlisted the judiciary in this regard **(Controllability)?**

1.3.4. what are the challenges militating against the effective discharge of the National Assembly Oversight Functions with regards to corruption in the Nigerian Federal Public Service?

1.4. Objectives of the Study

The major objective of the study is to ascertain the role of the National Assembly Oversight in curbing corruption in Federal Public Service, while the specific objectives are to:

1.4.1. examine the capacity of the National Assembly to access the necessary information required to substantiate corruption or otherwise;

1.4.2. assess the Power of the National Assembly Probe Panels to obligate Federal Public Service/Servant to justify actions or inactions publically (Prove innocence of guilt);

1.4.3. assess the National Assembly Control Mechanisms in sanctioning actions/inactions and decisions that run contrary to given mandate;

1.4.4. Identify the lacunae undermining effective Legislative Oversight Powers of the National Assembly and proffer solutions to the problems of effective oversight, as it effect corruption in Federal Public Service.

1.5. Significance of the Study.

Until recently, National Assembly Oversight is one critical area in Governance and Public Administration in Nigeria that has attracted little attention in the academics. Thus, literatures on Oversight are scanty, hence the few we reviewed concentrated more on general functions, roles and relationship of the Legislative Arm of Government with the Executive Arm.

In essence, the perspective of this research is significantly on the role of Legislative Probes and General Oversight Functions of the legislative Arm in curbing corruption in the Nigeria's Federal Public Service. Thus an appraisal of the National Assembly in that direction is intended to show the supposed Legislative Oversight/Probes as a very significant enterprise in curbing corruption.

Hence the overriding significance of this study is to add up to the growing literature on legislative oversight and corruption in Nigeria Federal Public Service in order to enriched body of knowledge.

1.6. Basic Assumptions

1.6.1. Lack of Technical Expertise and use of consultants by the Legislators, incapacitates the National Assembly in accessing the required information to establish corruption in the Federal Public Service;

1.6.2. The inability to effectively apply the Legislative Oversight Powers to compelled alleged corrupt Public officers to answer the National Assembly has significantly contributed to the slow pace in curbing corruption in the Federal Public Service; and.

1.6.3. Lack of effective control mechanisms to sanction has limited National Assembly Probe Panels ability to significantly curb corruption in the Federal Public Service.

1.7. Scope and Limitations of the Study

The general focus of the study is on the National Assembly's Oversight Functions with respect to corruption in the Nigerian Federal Public Service. The period of study cover 2007 – 2012, when "Nigeria's fortune has tripled within the period referred, yet poverty has continued to spiral in a dramatic proportion" Onu (2013). Furthermore, 2007 marked the beginning of the 6th Assembly (2007 – 2011), while 2013 is part of the ongoing 7th Assembly (2011- 2015).

Therefore, the study considers Legislative Oversight activities of the two chambers; the Senate and the House of Representatives from 2007 to 2012.

In essence, the study is an appraisal of the role of the National Assembly in unraveling corruption in the Nigerian Federal Public Service, thus selected Legislative Probe Panels (2007 – 2012) were identified to provide the basis for analysis.

Some of the constraints that militate against this study include the following:

i. The period (2007 – 2012) under review, witnessed over 80 Investigative Oversights, which the study could not cover in totality. Therefore the study limited itself to selected cases, as not all Investigative Oversights by the National Assembly is covered;
ii. The National Assembly as an institution has been one of the most unsteady institutions of government in Nigeria. As a result, there is paucity of data and/or information and Literature on the workings of the National Assembly which indeed has not had the opportunity for growth and research. However, the Researcher being an insider was able to acquire the available data.
iii. The Staff of the Head of Service were suspicious of the researcher being a staff of the National Assembly. However, after series of assurances and the intervention of a former

Permanent Secretary in the office of the Head of Service, our questionnaires were attended to.

1.8. Definition of Concepts

The following keywords will be defined for the ease of understanding the work:

1.8.1. Legislative Oversight

The process by which the legislative bodies take active role in understanding and monitoring the performance of the executive arm of government and apply such knowledge to its primary functions of: law making and public policy; budget setting; and revenue generations. A Legislature must know and understand the operations of government in order to make informed decisions on the laws to pass and the financial decisions to make.

1.8.2. Investigative Oversight Panels

These are temporary Committees with jurisdiction limited to investigating a matter for which they were established. These Committees are effective oversight tools in addressing specific issue identified and suggest corrective measures after which there are dissolved.

1.8.3. Technical Expertise/Consultants

Sufficient information is available through Technical Experts/Committee or through Consultants, for the agencies and the general public to have access and assess whether the relevant procedures are followed in public activities, consonants with given mandates.

1.8.4. Answerability

An obligation on the part of Federal Public Service to justify decisions publicly and substantiate actions/inactions are within mandates, also to respond appropriately to legislative questioning in all their actions/inactions.

1.8.5. Sanctions

The ability of the National Assembly to sanction actions/inactions and decisions of the Federal Public Service that run contrary to given mandate.

1.8.6. Transparency

Sufficient information is available so that other agencies and the general public can assess whether the relevant procedures are followed, consonant with given mandate.

CHAPTER TWO

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.1. Introduction

This Chapter presents a review of existing literature and the theoretical framework adopted for this study.

2.2. Concept of Corruption

Corruption is a topical issue of discourse amongst various scholars, thereby resulting in diverse perceptions and definitions; its conceptualization has in the recent past attracted competing and numerous views and approaches, as a result, it has no single universally acceptable definition. However, corruption is widely accepted as a worldwide phenomenon which has long been with every society in the world and also identified as the bane of most political and economic problems in societies (Khan,1996).

Transparency International defined corruption operationally as the misuse of entrusted power for private gains. This involves the abuse of power of those in authority usually for personal gains at the expense of the public. This view was corroborated by Johnston (1996) in Integrity Training Manual 2009 as the "use of public offices or resources for private benefit"

Khan's (1996) definition of corruption is not far-fetch; he viewed corruption as an act which deviates from the formal rules of conduct governing the actions of someone in a position of public authority because of private - regarding - motive such as wealth, power or status.

In essence, "Corruption is the perversion of integrity or state of affairs through bribery, favour or moral depravity. It takes place when at least two parties have interacted to change the structure

or processes of society or the behavior of functionaries in order to produce dishonest, unfaithful or defiled situations" (Otite, 2000).

Succinctly put therefore, corruption is a systematic vice in an individual, society or a nation which reflects favoritism, nepotism, tribalism, sectionalism, undue enrichment, amassing of wealth, abuse of office, power, position and derivation of undue gains and benefits. Thus, corruption includes bribery, smuggling, fraud, illegal payments, money laundering, drug trafficking, falsification of documents and records, window dressing, false declaration, evasion, underpayment, deceit, forgery, concealment, aiding and abetting of any kind to the detriment of another person, community, society or nation (Ojaide, 2000). Otite (2000) further opined in this regard, that corruption goes beyond the peripheral definition to include "treasury looting and also the deliberate bending of rules of the system to favour friends or hurt foes".

Furthermore, the Centre for Democracy and Governance in its Book "the Handbook on Fighting Corruption" defines corruption as "the abuse of public office for private gain". It encompasses unilateral abuses by Government officials such as embezzlement and nepotism as well as abuses that link public and private actors such as bribery, extortion, influence peddling and fraud. Corruption arises in both political and bureaucratic offices and may be petty or grand, organized or not organized. Transparency International in the same vain also defines corruption as "a behaviour on the part of officials in the public sector, whether politicians or civil servants, in which they improperly and unlawfully enrich themselves or those close to them, by the misuse of public power entrusted to them". These include embezzlement of funds such as bribery, extortion or influence peddling.

Also furthering the behavioral perspective, Nye (2010) viewed corruption as a "behavior which deviates from the normal duties of a public role because of private-regarding (family, close private clique), pecuniary or status gains; or violates rules against the exercise of certain types of private-regarding influence". This includes such behavior as bribery (use of reward to pervert the judgment of a person in a position of trust); nepotism (bestowal of patronage by reason of ascriptive relationship rather than merit); and misappropriation (illegal appropriation of public resources for private regarding uses). It is a behavior that abuse societal legal or social standards as well as public role or resources for private benefit (Integrity Training Manual, 2009). Klitgaard's (1991) explanation of the concept followed similar pattern. According to him, corruption is "the misuse of office for private ends". These definitions, however explicit and well put narrowed the scope of corruption.

While attempting to broaden the scope of corruption, Kobonbaey (2004) defines corruption as "the abuse of formal rules of the game by actors for their private gains". Although kobonbaey notes that this definition is inexhaustive, it nevertheless captured all types of actions and organizations (public, private and non-governmental).

By this, any individual, either a public officer or private operator who deliberately refuses to follow due process in the course of carrying out his or her assigned responsibility for the purpose of personal gain is engaging in corrupt practices. At the center of this corrupt behaviour, therefore, is the motive for private gain, either as private citizen or public officer.

Our conception of corruption in this research work tilts towards the latter view, because it is all encompassing, it went further to view political corruption as aimed at private and group enrichment, and for power preservation purposes. From this perspective, political corruption may be seen as the use of governmental powers by government officials for illegitimate private gains.

As Klifgaard (1991) notes, some forms of corruption overlap are inevitable as they both feature in discourse and relations of both private and public nature.

In the public sphere, political corruption appears in diverse shapes and forms, as it is naturally dynamic. Perhaps, because of the size of government institutions and the pervasiveness of their activities, political corruption has become a major and all encompassing aspect of discussion on politics. (Lederman, et al, 2006) underscores the prominence of political corruption when they argue that, "a large part of the growing literature in the determinants of corruption has focused on the political nature of corruption and how different institutional designs affect its extent".

Bureaucratic corruption appears to be a very strong avenue for civil servants to earn illegitimate income and thereby raise their compensation above what the law prescribes. This arises, as Blackburn, Bose and Hague (2005) note, because opportunities exist for bureaucrats to appropriate public funds by misinforming the government about the cost and quality of public goods provision. A critical review of the various dimensions and features of corruptions suggested by the foregoing perspectives will show that in both political and bureaucratic realms of Nigeria, these features and dimensions are apparent.

Corruption exists everywhere in the world and it becomes the norm particularly if the chances of being caught and severely punished are low and if it is a generally accepted or tolerated mode of behavior, thus it becomes endemic as such and found almost in all aspects of life, perverting the normal use of connections, networks and reciprocity and leads to increased personalization of power. As a result, people come to rely on connections and favours instead of formal political, social and economic rules and illegitimate use of state resources becomes acceptable.

In the final analysis, corruption can be described as the conscious attempt or deliberate diversion of resources from the satisfaction of the general interest to that of self (personal) interest. The disdain for corruption is clearly felt mainly on ground of morality. There is no doubt that it inflicts some sorts of adverse effects on any society where it exists and persists until such society is purged of its immorality (Ojaide, 2000).

2.2.1. **Economic Theorists Perspectives of Corruption**

Economic Theory has developed two basic views of corruption (CADAL, 2005). One view is set within the framework of the principle-agent theory. This approach is based on the assumption that there is an asymmetry of information between principals (politicians or decision makers) and agents (civil servants or bureaucracy).

Accordingly, the benevolent politicians are not informed about the misdemeanors of their subordinates. This approach is analytical, clear, rich and well developed to explain the wide range of corrupt behaviors. However, this model is limited in the sense that it cannot explain political corruption, where the state is seen as benevolent, thereby without possibility of corruption. Corruption in this model is seen as exogenous to the political process; in essence corruption is not institutionalized, therefore not influenced by the political process.

On the other hand, when corruption is considered endogenous, it is institutionalized and influenced by the political process. In this methodological approach which is based on contributions to literature on the economics of conflict and appropriation, the economics of organized crime, and the political economy of dictatorship, according to Charap and Harms (2011), corruption is considered as a form of rent appropriation by the ruler where Corrupt civil servants are created to satisfy the rulers desire to foster loyalty through patronage.

This approach is tempting because it provides grounds for understanding and explaining the relationship between corruption and the political process. Nonetheless, this methodological approach does not provide a clear analytical framework for consideration, given the level and structure of corruption. The main problem is that the structure of incentives to the political decision makers and the change of that structure are not explained, hence we have no information on the driving force of the change, although the model provides information on the structure of incentives for rent appropriation.

Arising from these approaches, Charap and Harms (2011) postulated three basic types of corruption. The first one is corruption for achieving or speeding-up materialization of some specific right that the citizen or legal entity is entitled to – corruption without theft, as suggested by Shleifer and Vishney (1993). "If a person bribes a civil servant in charge of issuing a passport that a briber/corruptor is entitled to, i.e. there is no legal barrier for his passport to be issued"

The second type of corruption is a corruption that violates the legal rules, or a very biased enforcement of the rules. This is administrative corruption and is the most modeled type of corruption; the vast majority of theoretical contributions in the field are about administrative corruption. This is usually based on very clear motives and incentives for each economic agent and very clear relations between them. This type of corruption corresponds to the principle-agent model of corruption, as the total supply of corruption (demand for the bribe for violating the rules) is provided by the Civil Servants.

Finally, there is "state capture" – corruption that is aimed at changing the rules and regulations into rules and regulations that favor the interests of the corruptor. "The concept of state capture was developed by the World Bank primarily for explaining the reality of political life in

transitional economies" (CADAL, 2005). The underlying assumption is that legislation and public policies are decisively influenced by the bribing of legislators by a few, thus public policies are inevitably formulated to favor the few at the expense of the public. The concept of "state capture" lacks analytical clarity, because lobby of legislative decisions are legal and legitimate in developed countries. The crucial analytical problem of the "state capture" concept is specifying a cut-off line between legitimate political lobbying and "state capture" created by corruption.

2.3. Causes of Corruption in Federal Public Service

As clearly stated above, corruption appears in different forms and contexts, certain factors often tend to aggravate or encourage it. According to Kaufmann & Dininio (2006), corruption flourishes in conditions of poverty and weak public institutions. Given the pervasive grip of poverty on the citizenry, corruption becomes not only inevitable but also prevalent. Furthermore, Kaufmann and Dininio argued that bad incentives and systems, rather than bad ethics, induce people to act corruptly. If poverty and bad incentives system are critical to the ethical erosion in a state then high incidence of corruption in the Nigerian public sector may rightly be attributed to poor and inadequate compensatory and remuneration structure. This view is corroborated by Bello-Imam (2005) who argues that "low wages and salaries (nominal or real) in the public sector relative to wages in the private sector are a source of low level corruption", insisting that "where there is extreme poverty, the citizens are less able to resist corruption".

The intrusion of the military into the political arena in post independence Nigeria has only succeeded in aggravating income distortion (Dibie in Bello-Imam, 2005). Considering the level of corruption and economic waste under successive military regimes (Babawale in Bello-Imam, 2005) and the poor resource management under the civil rule of the Second Republic, not only

have the gap between the rich and the poor became widened, but the real income of the majority also plummeted to starvation level (Omotola in Bello-Imam, 2005). The implication of this, especially in the face of ostentatious display of corrupt wealth, was the aggravation of unethical behaviour among public office holders and civil servants in general in Nigeria. Bello-Imam, 2009 put forward the following as the cause of corruption in Nigeria Federal Public Service:

2.3.1. Desire for unfair advantage

Many officials are motivated to participate in corrupt behavior because of the inherently selfish desire to have an unfair advantage over their peers. Through bribery, extortion, embezzlement, nepotism and other means, corruption can help dishonest people get ahead while the public pays the price. "A corrupted politician may seek to sway a person's opinions, actions, or decisions, reduce fees collected, speed up government grants, or change outcomes of legal processes" (Bello-Imam, 2005)

2.3.2. Inadequate Punitive Measures

According Hobbes in Bello-Imam, 2005 "A man's conscience and his judgment is the same thing; and as the judgment, so also the conscience, may be erroneous." This idea that individuals cannot always rely on a working inner moral compass alone to guide them to virtue is at the heart of the next motivating factor for participating in corrupt behavior.

When the legal agencies do not impose sanctions/punitive measure for corrupt behavior or when there are no punitive measures to assure transparency, monitoring, and accountability through a working justice system, some people will participate in corrupt behavior simply because they can get away with it.

2.3.3. Lack of Transparency

When rules, procedures, and objectives of the government are not available to the public, there is no budgetary and administrative oversight to balance the power of government officials, transparency is lacking and corruption can be bred. Without oversight and transparency of budget and rules, national resources may be plundered and power may be abused in favor of the corrupt official only.

2.3.4. Poor Incentive Structures

Bad incentives, such as clerks not earning a living wage or not having job security might also encourage corrupt behavior such as supplementing income with bribes. Some people who do not have an incentive to perform their official duties, but actually pay for their jobs with the understanding that they will make money through bribes.

2.4. Corruption Indicators

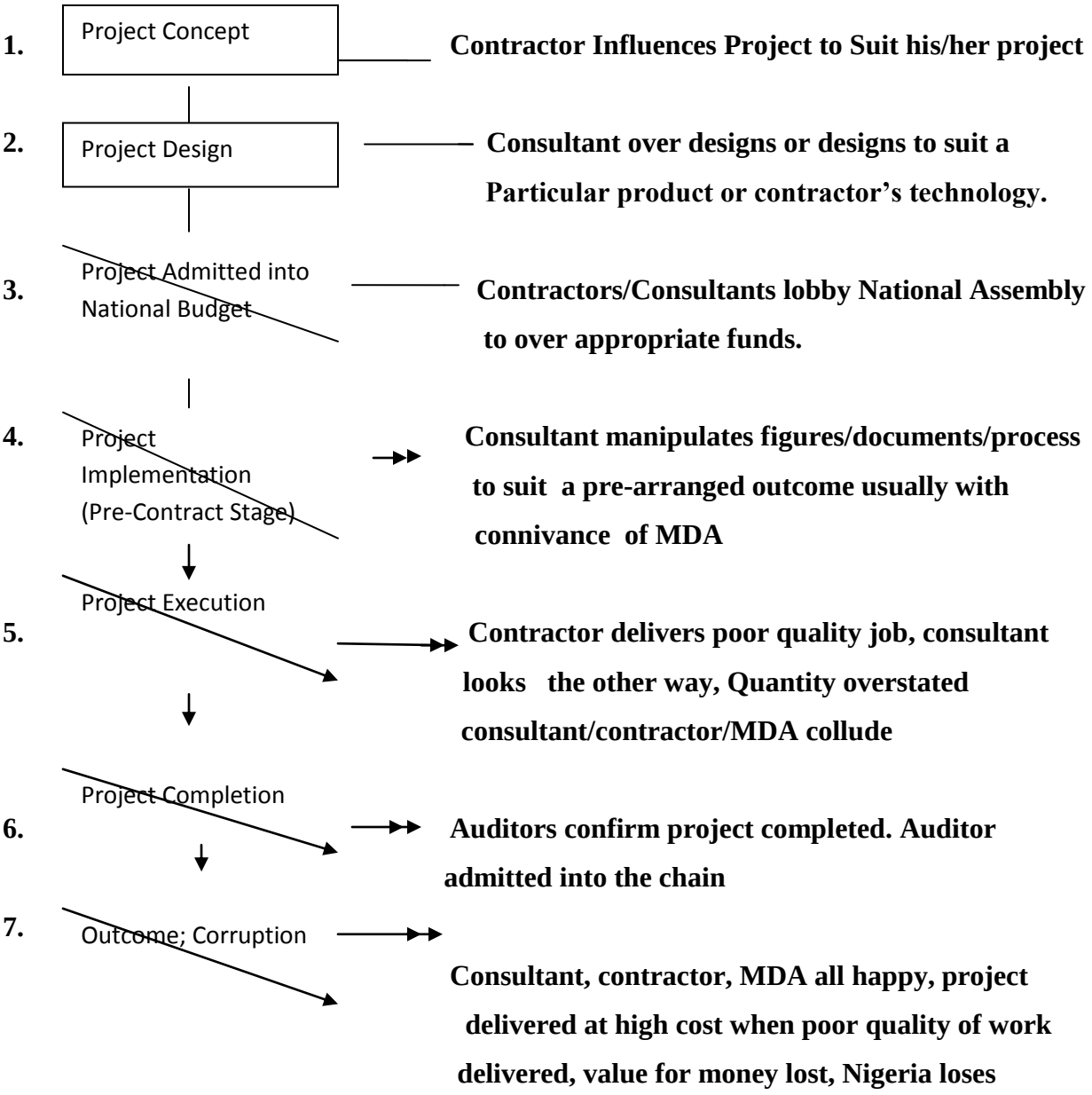
"The greatest obstacle in the empirical analysis of corruption is that, for obvious reasons, there is no directly observable indicator. It is necessary therefore, to rely on some sort of survey" Rick Stapenhurst, et al (2006). Thus indicators like the International Country Risk Guide (ICRG), The World Development Report (WDR), the Global Competitive Survey (GCS), Country Risk Review (CRR-DRI), although with their limitations, these bodies give relevant measure of corruption. Thus the list of corruption indicators is not exhaustive:

i. Abnormal cash payments;
ii. Pressure exerted for payment to be made urgently;
iii. Payments through 3rd party;
iv. Abnormally high commission percentage being paid to a particular transactions;
v. Lavish gifts being received;

vi. Individuals not taking time off even when ill, or holidays, or insists on dealing with specific contractors; and.

vii. Making unexpected or illogical deposit.

2.5. Features of Corruption in the Federal Public Service



Source: Public Procurement Act 2007, as it affects contractors and consultants (BPE)

2.6. Concept of Oversight

Oversight is one of the corner stone of Democracy and is a concept that refers to the crucial role of the Legislature in Monitoring and reviewing the actions of the Executive Organs of Government. This is represented by an exercise of power in a constitutional democracy where administration or Executive is checked by being held accountable by an organ of Government that is separate from it.

The famous British Utilitarian, John Stuart Mill, perhaps the first to use the Term Oversight (in Considerations on Representative Government, 1861, p. 104) in the context of a proper office of a representative assembly to watch and control the government; to throw the light of publicity on its acts; to compel a full exposition and justification of all of them which any one considers questionable behavior.

Woodrow Wilson (Congressional Government, 1885, p. 297), the term "oversight" to refer to the review and investigation of the executive branch: Quite as important as legislation is vigilant oversight of administration. It is the proper duty of a representative body to look diligently into every affair of government and to talk much about what it sees. It is meant to be the eyes and the voice, and to embody the wisdom and will of its constituents.

However, traditionally, "oversight is the monitoring and control of one person or institution (generally termed the agent) by another (the principal), such that the agent acts in the principal's interest" (Manzetti and Morgenstern, 2000). The legislature is the direct representative of the people therefore it is the principal, while the executive, constituted largely by unelected people are the agents for prosecuting the wishes of the people. Oversight in this context encompasses the principal's ability to verify the actions or correct an agent's objectionable decisions; the

relationship in this instance is not between a superior and a sub-ordinate, or master and a servant. It is, indeed, a relationship that is anchored on the equality of the institutional trinity of democratic governance.

The United Nations Office of Internal Oversight (OIOS) conceives oversight as the process of ensuring "responsible administration of resources, a culture of accountability and transparency and improved programme performance" (Par Oversight 2001). Here, oversight is seen from the prisms of effective resource management, accountability, transparency and good governance.

The National democratic Institute describes legislative oversight as the "obvious follow-up activity linked to law-making**"**. After participating in law-making, the legislature's main role is to see whether laws are effectively implemented and whether in fact, they address and correct the problems as intended by the drafters (Elai, in Habu, 2008). In this respect, legislative oversight refers to the legislative power to review, evaluate and monitor the implementation of enacted laws and policies, including use of government funds by the executive branch.

In common parlance, the concept "oversight" is a paradox of sorts. It has two opposing meanings; one is negative and the other positive incidentally, both are intrinsically the two sides of the same coin as the existence of one warrant and negates the existence of the other. On the negative note, Kirkpatrick (1980) describes it as failure to carry out an act. However, from the positive point of view, oversight is regarded as a skilful supervision aimed at ensuring compliance with laid down principles for carrying out a given act and ensuring that the act is executed to yield desired result.

In many respects, these conceptions capture the role of the legislature in overseeing government programmes and policies after they have been enacted. However, John Lees strongly argued that

legislatures may after all be engaged in oversight activities well before policy is enacted. Parliaments, he stressed, oversee the executive not only with regard to execution and implementation but also with regard to preparation of policies. Thus, he defines legislative oversight as **"**the behaviour by legislators and their staff, individually or collectively, which result in an impact, intended or not, on bureaucratic behaviour**"** (NDI, 2000). This is what has been paraphrased to imply "the behaviour of legislators and their staff which affects the executive behaviour" (Lees 1997).

Accordingly, it can safely be said that oversight is an extensive concept which includes a wide range of activities undertaken by the legislature to monitor, review and encourage compliance with constitutional obligation by the executive. Oyewo, (2007) sees oversight as overlapping, as well as involving the discharge of the legislative functions of law-making, watchdog of public finance, investigative functions and even constituency outreach programmes necessary for the survival of democracy.

The study uses the following working definition of Parliamentary Oversight: "the review, monitoring and supervision of government and public agencies, including the implementation of policy and legislation". This definition focuses on the purpose and nature of the oversight activities rather than on the procedural stages in which they take place. It covers the work of parliamentary committees and plenary sittings, as well as hearings during the parliamentary stage of bills and the budgetary cycle.

2.6.1. **Objective of Parliamentary Oversight**

Contending the extreme importance of oversight in a democracy, President Woodrow Wilson made the following convincing argument at the federal level in his classic work: *Congressional Government* (1885):

> *It is the proper duty of a representative body to look diligently into every affair of government and to talk much about what it sees. It is meant to be the eyes and the voice, and to embody the wisdom and will of its constituents. Unless Congress have and use every means of acquainting itself with the acts and the disposition of the administrative agents of the government, the country must be helpless to learn how it is being served and unless Congress both scrutinize these things and sift them by every form of discussion, the country must remain in embarrassing, crippling ignorance of the very affairs which it is most important that it should understand and direct. The informing function of Congress should be preferred even to its legislative function. The argument is not only that discussed and interrogated administration is the only pure and efficient administration, but, more than that, that the only really self-governing people is that people which discusses and interrogates its administration.*

From these definitions, "the key functions of parliamentary oversight can be described as follows" (Frederick M. Kaiser, et al, 2011):

- improve the efficiency, economy, and effectiveness of governmental operations;
- evaluate programs and performance;
- detect and prevent poor administration, waste, abuse, arbitrary and capricious behavior, or illegal and unconstitutional conduct;
- protect civil liberties and constitutional rights;
- inform the general public and ensure that executive policies reflect the public interest;
- gather information to develop new legislative proposals or to amend existing statutes;
- ensure administrative compliance with legislative intent; and

- Prevent executive encroachment on legislative authority and prerogatives.

2.6.2. Oversight Tools

Parliaments are generally equipped with numerous mechanisms to exercise control and/or oversight of public budgeting and public finances. The exact nature of the mechanisms will depend on the parliamentary and legal-administrative systems in place, but most commonly these mechanisms consist of two dimensions:

(1). First Dimension (Oversight Ex Ante and Oversight Ex Post):

The first dimension of Oversight tools are time based, either Ex Ante or Post Ante

- **Oversight Ex Ante**: This tools of Oversight Tools is "performed before Government enacts a specific policy or become engaged in specific activity, the Oversight tools are instruments of control Ex Ante" (Greg Nzekwu, 2006):

- Hearing in Committees;
- Hearings in Plenary Sessions;
- Request of Documents.

- **Oversight Ex Post:** These tools are "performed after Government has enacted a policy, therefore is premised on checking if the policy is properly implemented, this type of Oversight is Ex Post"(Greg Nzekwu, 2006):

- Questions and Interpellations;
- Probe Committees;
- Enquiries.

(2). Second Dimension (External or Internal Tools):

The second dimension pertains whether the Oversight tool are established inside or outside the Legislature (internal or external oversight tool)

- **Internal Tools include the following**:

- Questions,
- Question Time,
- Interpellations,
- Hearings,
- Public Account Committee,
- Enquiries,
- Probe Panels

- **External Tools Include the following**:

- Ombudsman,
- Auditor General

2.7. Theoretical Framework

In research, theoretical framework facilitates the understanding of the nature of the interrelationship that exists among the variables of interests. A theoretical framework therefore, helps to place our research in its relevant perspective, thereby directing us on what to look for and the standard against which to analyze the data collected. For the purpose of this study, theory of Accountability was adopted.

2.7.1. Theory of Accountability

To facilitate the understanding of the subject of this research, we adopted the Accountability theory. This theory has been advanced by the following scholars (Dwight D. Frank, Andreas Schelder, Richard Mulgan, Jabbra J.G. etc) in explaining the relationship between the various Arms of Government and Good Governance.

According Andreas Schedler (1999) the "term accountability… expresses the continuing concern for checks and oversight, for surveillance and institutional constraint on the exercise of power".

Furthermore, Schedler argues that:

> The notion of political accountability carries two basic connotations: *answerability*, the obligation of public officials to inform about and to explain what they are doing; and *enforcement*, the capacity of accounting agencies to impose sanctions on power holders who have violated their public duties. This two-dimensional structure of meaning makes the concept a broad and inclusive one that, within its wide and loose boundaries, embraces (or at least overlaps with) lots of other terms – surveillance, monitoring, oversight, control, checks, restraint, public exposure, punishment – that we may employ to describe efforts to ensure that the exercise of power is a rule-guided enterprise.

The concept of accountability constitutes one of the foundations of democracy and rule of law; it places a responsibility on organizations to acquire the necessary ability to perform; the obligation to provide information, explanations and/or justifications and the necessity to absorb the consequences of unaccountable actions including disciplinary measures.

Furthermore, in his effort to throw more light, Schedler viewed the concept of accountability as "embracing three different ways of preventing and redressing abuse of political power. It implies

subjecting power to the threat of sanctions; obliging it to be exercised in transparent ways; and forcing it to justify its acts".

This view was buttressed by Osman (2007) in his three elements of accountability as propounded:

*"**Transparency**":* sufficient information is available so that other agencies and the general public can assess whether the relevant procedures are followed, consonant with the given mandate;

*"**Answerability**": A*n obligation on the part of the decision -makers to justify their decisions publicly so as to substantiate that they are reasonable, rational and within their mandate;

*"**Controllability**"*: The existence of mechanisms to sanction actions and decisions that run counter to given mandates and procedures or a system of checks and balances or enforcement mechanisms.

Although a comprehensive system of accountability comprises institutions of accountability of three forms - horizontal, vertical and external, the emphasis of the paper is on the horizontal accountability.

> Horizontal accountability too may take place both within and across state and civil society. A judge compelling a military officer to testify in court is an example of horizontal accountability within the state; a journalist denouncing nepotism within the bar association represents an example of horizontal accountability within the civil society; and the chamber of commerce questioning the constitutionality of selective price subsidies may count as an example of horizontal accountability from civil society to state, (Schedler 1999).

This clearly reflects the ideal democratic setting, the division of power – executive, legislative, and judiciary constraining each other through the classic "checks and balances" – represents its (accountability) prototypical expression" (Schedler 1999)

Thus a government is said to be accountable when there are institutional conditions that force public officials to inform about, justify, and to be eventually sanctioned for their decisions. The notion of accountability according to R. Mulgan (2003) involves a specific form of exchange between two autonomous actors that can be characterized by three distinctive properties.

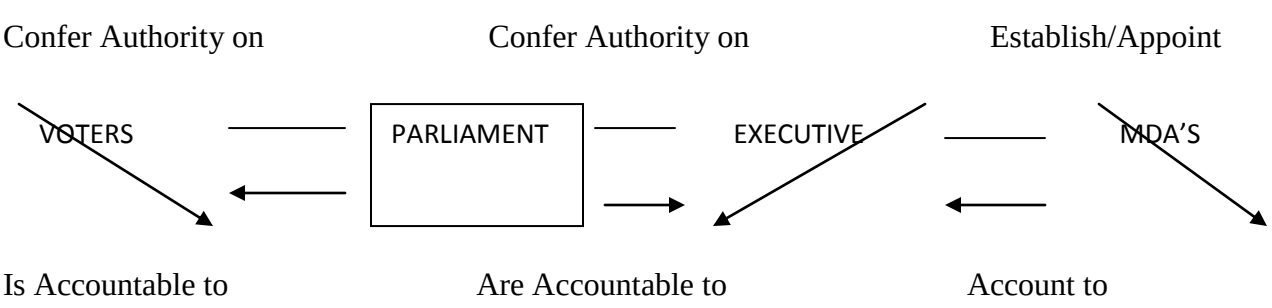
First, the exercise of accountability is always external, that is, it entails an act of control by someone that is not part of the body being held accountable. Second, accountability is an *interaction*, i.e., a two-way social exchange between those demanding accountability and those being held accountable (the seeking of answers, response, rectification, etc). Third, relationships of accountability presuppose a structural asymmetry of power in favor of those who have the right to demand answers. Delegation of power occurs only within a hierarchical relation: accountability means that the principal has the right to withdraw the conditionally delegated authority (i.e. Impeachment and recall).

This theory better explains the relationship between the Legislature and the Executive as it relates to Legislative Oversight and corruption in the Federal Public Service. Furthermore, it positioned the two variables of Oversight Functions and the Corruption in their right perspectives.

The choice of the Theory of Accountability is based on the fact that "Oversight and Accountability" although clearly different are however some of the key attributes of good governance. Without effective oversight there can be no accountability and without accountability the quality of governance deteriorates. Where the quality of governance is poor, corruption flourishes with results that are hugely damaging for development" J. Davies (2009).

Furthermore, the three elements of Accountability, as propounded by C. Osman (2007) was used in assessing each of the selected Investigative Oversights to ascertain their ability to extracts necessary information required to established corruption, ability to compel those concern to defend or justify actions/inactions and ability to sanction where appropriate to serve as deterrent. Undoubtedly, in a democracy, parliament is the central institution of oversight and accountability, and so it follows that a strong parliament is absolutely essential in the fight against corruption.

2.7.2. Model of Accountability



Source: Christiana Murray, et al (2002), Building Representative Democracy: South Africa's Legislature and the Constitution.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1. Introduction

Research Methodology here refers to the techniques for collecting the relevant information regarding the areas of the research questions of the study for the purpose of verifying them. According to Srindhar (2009), Research Method is the behavior and instruments in selecting and constructing technique. Thus, this section is designed to acquaint us with research design, various sources which data was collected in this study, the different methods employed for data collection and analysis.

3.2. Research Design

The research interest focuses on the role of the National Assembly Oversight Functions on corruption in the Federal Public Service, giving the broad nature of this study and difficulty anticipated if we are to capture all the 80 probe panels of the National Assembly within the period under study, the researcher in this regard employs a case study that focuses on 11 probe panels. According to Gummersson, (2010), the case study is becoming a suitable scientific tool in management research, especially to obtain an in-depth understanding of the mechanism of change". Case studies are exploratory and descriptive in nature and use both qualitative and quantitative data collection methods, thereby giving the study analytical rigor. Therefore, research questions guiding this study were adopted into an analytical framework that helped answer questions in the most effective way possible, based on the assumption that the National Assembly Oversight Functions has considerable influence on corruption in the Federal Public Service.

3.3. Population and Sample Size

The Population of the subject is as follows:

i.	Distinguished Senators of the Federal Republic of Nigeria:-	**109**
ii.	Honorable Members of the House of Representatives:-	**360**
iii.	Committee Secretaries of the two Chambers:-	**201**
iv.	Members of the National Assembly Press Corp that covered the selected probes:-	**22**
v.	Members of Civil Society Groups that covered the selected probes:-	**2**
vi.	Staff of Head of Service of the Federation:-	4
	Total	**698**

In line with Leedy (2005) 20% of a population is representative enough to infer accurately of a wider population. Therefore, deducing from the total target population of this study (698), the sample size of this study is 140 (i.e. 20% of the population under study).

S/No.	Target Population	Population Size
1.	**Distinguished Senators**	**109**
2.	**Honorable Members**	**360**
3.	**Committee Clerks of the two Chambers**	**201**
4.	**Members of National Assembly Press Corp**	**22**
5.	**Civil Society Groups**	**2**
6.	**Staff of Head of Service of the Federation**	**4**
Total Population under study		**698**
Sample Size		**140**

3.4. Sampling Techniques

According to Nwogu (1991), sampling technique is a plan specifying how elements will be drawn from a population. Supporting this view, Imosili (1996), defines it as the mechanism of choosing designated quantities or proportion as representative of the whole population.

There are two categories of sampling techniques; and these are the probability and non-probability sampling. However, to lend credence to the reliability and validity of this research work, the probability sampling was used in this study. The reasons being that:

i. There is every tendency that every member of the population will have equal chance of being included in the sample representing the total population, and;

ii. Greater confidence would be placed in the representation of the type of sample.

Probability sampling could come in different forms. For instance, we have simple random sampling, systematic sampling, stratified sampling, proportional stratified sampling etc. But as regard this research work, proportional stratified sampling will be adopted. In this technique the population was first divided into strata or sub-group, and simple random sampling techniques was used to select the element from each group. Thus the Distinguished Senators, the Honorable Members of the House of Representatives, Committee Clerks of the two Chambers, Members of the National Assembly Press Corp and Civil Society Groups, constitutes the population under study, based on their population. Then on the basis of proportion of each group, opinions were

elicited using questionnaire. Greater effort was put to draw representative sample from each group, and the number to be drawn from each stratum depends on their population.

3.5. Sources of Data

In the course of the research, two main types of data were engaged, namely; the primary and secondary data respectively.

3.5.1. The Primary Data

The primary data was collected through the basic procedures such as interview and questionnaire or survey. This study enlisted the Interview and Questionnaire, as a medium of collecting Primary Data.

3.5.2. The Secondary Data

On the other hand, this type of data was already collected and analyzed in form of: the 1999 Constitution of the Federal Republic of Nigeria; Standing Rules/Orders of the House of Representatives and Senate; Book from the National Assembly library/Internets and documented materials in form of oversight reports of the two Chambers; reports of Public Hearings and other publications.

3.6. Administration of Instrument

3.6.1. Development of Questionnaire and pilot survey

Following informants' observations, the initial questionnaire was modified. The initial questionnaire had only closed-ended questions, open ended questions were added in order in

to give respondents their say on the issues. Although this made codification of the data more complex, however, it provided a more objective view to the respondents.

3.6.2. Administration of Questionnaire

Based on the knowledge gained from the pilot survey, the final questionnaire was developed (Appendix II). This was finalized after a series of interviews with informants, literature reviews and informal focal group discussion with colleagues. The informal method was employed, to encourage open expression on the issues discussed. During the administration of the questionnaires, the researcher used the help of Committee Clerks, Senators Forum and Legislative Aides of Senators and House of Representatives. The researcher being a staff of the National Assembly provided an esprit de corps that helped to achieve the near impossible feat of getting data from the Legislators. The administration of the questionnaire started in September, 2014 and ended in November, 2014, of the 158 questionnaires distributed, 146 were recovered, an excellent recovery rate given the nature and sensitivity of the research.

3.6.3. Interview

The researcher understood that the study's innovative approach would be challenging, as experience and knowledge of the system are essential to gain understanding. It was therefore pertinent to seek the assistance of the people who are knowledgeable about the workings of the National Assembly and General Oversight Functions at different periods. These experts helped in the identification of important issues and gave their views and opinions on the issues at stake. Their insights into the workings of the National Assembly and General Oversight Functions and the knowledge gained from the literature review acted as a base for the formulation of our questions for both the interviews and questionnaires. The information

solicited relates to opinions and perceptions of the respondents about issues affecting Oversight in National Assembly Generally and some selected Probe Panels in particular.

The first task was to identify these people; a purposeful sampling method was used for them or otherwise referred to as criterion based selection. We identified and interviewed seven people that met the following criteria:

- Ability to give information on oversight and Corruption;
- Ability to express their views and opinions on such issues;
- Had earlier worked with any of the Probe Panels under study; and.
- Accessibility

3.7. Method of Data Analysis.

Data analysis refers to the strategies and procedure for summarizing and exploring relationship between variables on which data have been collected. Different techniques are employed in analyzing data depending on the objective of the study. For instance, if one wants to determine the number of people that are involved in particular behavior, frequency could be used. On the other hand, where average behavior is to be determined, measures of central tendency such as (mode, mean and median) could serve the purpose. Furthermore, where it is to determine how scores vary from one another, measures of variability or dispersion shall be employed.

But for the sake of this research effort, our data was analyzed using frequency and simple percentages. In this direction, charts were drawn showing clearly the respondent opinions and percentages of people who hold different or the same opinion.

CHAPTER FOUR

OVERVIEW OF LEGISLATIVE OVERSIGHGT BY THE NATIONAL ASSEMBLY

4.1. Introduction

In this chapter we shall look at the historical background of the National Assembly; the foundation of Nigeria's Oversight. In looking at the National Assembly Oversight Functions, attempt was made to establish the National Assembly's Oversight role on corruption in the Federal Public Service.

4.2. Evolution of the National Assembly

The history of modern legislature in Nigeria pre-dates the era of Nigeria's political independence. It actually began in 1922 when the Sir Hugh Clifford's Constitution was drafted. Clifford was one of the colonial governors that administered colonial Nigeria. This constitution created a Legislative Council due to increased pressure from the National Congress of British West Africa (NCBWA), a Pan-West African body founded by the educated elites from British Colonies of West Africa (Egwu cited in Gana, and Omelle, 2006).

The Legislative Council was composed of 46 members, 27 of whom were official members. The Clifford's Constitution (1922) introduced what was known as the ***"elective principle"*** which enabled the immediate emergence of the first Nigerian political party, the Nigerian National Democratic Party (NNDP) (Egwu cited in Gana, and Omelle, 2006).

The Legislative Council, as provided for in the 1922 constitution had limited powers which amounted to its weakness. First, the legislative council was a mere rubber stamp of the wishes of the colonial Governor who was subjected to the whims and caprices of the colonial office in London. Second, the legislative council lacked the power to legislate for the whole country; the Northern Nigeria was still ruled by the Governor's proclamations (Egwu cited in Gana, and

Omelle, eds. 2006). These attendant weaknesses spelt the end of the Clifford's constitution that necessitated the introduction of Richard's Constitution of 1946. Richard identified the causes of failures of Sir Clifford's constitution and introduced some modifications bearing in mind the political realities of the time.

One of the remarkable changes Richard introduced in his constitution was the expanded jurisdiction of the Legislative Council. The constitution expanded the competence of the Legislative Council to legislate for the entire country. It also created regional Legislative Councils in the (North, East and the Western Regions) three provinces. The regional councils were composed of two chambers: a House of Chief and House of Assembly, all with unofficial majority (Dauda, 2008)

In spite of the modifications, the Richard's Constitution still received several criticisms from various quarters in Nigeria. One of arguments against it was that Governor Richard produced the constitution without consulting with Nigerians as they were earlier promised. The constitution was opposed by many Nigerian elites and interest groups especially the National Council of Nigeria and Cameroun (NCNC). The party took the case of its objections to the constitution, to the whole country in a nationwide tour of explain to the masses the errors in the constitution. Above and beyond these criticisms, the Richard's constitution was allowed to be experimented for a period.

In 1948, John Macpherson became the Governor of Nigeria, and soon after assuming, he felt the country had made much progress after Richard's constitution and so was ripe enough for a change. To avoid mistakes of the Richard's constitution, Macpherson carried out consultation with the grassroots including various groups and opinion pools in the country for about four years before producing a constitution in 1951(Egwu in Gana and Omelle, eds.).

The constitution created Regional Houses of Assembly in the North, East and West and a Central House of Representative in Lagos. It provided for the Northern and Western Regions to have bicameral legislature, each made up of the House of Representatives and House of Chiefs, the central legislature each of which is a unicameral legislature. The Eastern Region had no House of Chiefs until sometimes later. The constitution provided for four Nigerians from each of the three regions to be appointed minister to the executive council. However, the Ministers were not given any ministerial responsibility. Each region was headed by a lieutenant Governor (Dauda, 2008)

John Macpherson's constitution had the character of a unitary constitution because the regions were essentially dependent on the central government. The constitution gave rise to the birth of new political parties; for example, the Action Group because of its policy of regionalization. The Macpherson's constitution could not stand the test of time as a result of the number of challenges:

First, the NCNC that won the election to lead the Western Region Government was rigged out of power overnight by its supporters who had cause to cross-carpet and declared for the Action Group (AG) that was defeated in the election. The AG which had now gotten a majority took lead of the government. This incident created a lot of ill-feelings that contributed to the collapse of the constitution.

Second, crisis developed within the NCNC partly in the Eastern Region. This crisis which was partly caused by the defeat of Azikiwe in the West brought about confusion and division in the party.

Third, the motion for self government introduced by Anthony Enahoro was rejected by legislators of Northern Nigeria and so discussion on it broke down. The Northern legislators were subsequently booed by Lagos crowds and were offended and so swore never to attend any meeting again in Lagos.

Fourth, there were riots in Kano in 1953 in which many Southerners were killed and many others wounded. Soon after the riots the British Government believed that the constitution could not work well in Nigeria and therefore should be revised and

Finally, the colonial Secretary, Oliver Lyttleton, convened a conference in London which was attended by representatives of political parties in Nigeria. The outcome of the conference was what led to the 1954 constitution which recommended:

i. a unicameral national legislature of 184 members, half of whom would come from the North and the other half to come from the Southern Nigeria;
ii. Nigeria became a federation of three regions, a federal capital territory of Lagos and a quasi-federal territory of southern Cameroun;
iii. new office of Governor General was created;
iv. each region had a Government and a Premier and
v. each region was allowed to make laws within the limit of power given to it.

The 1954 constitution laid down the federal system of government which has continued to be in use up till today. Though with some modifications, the Lyttleton's Constitution marked the end of nationalist struggle with Britain for independence. The constitutional conference was convened in 1959 which brought about a number of constitutional changes including:

i. the Eastern and Western Regions were granted immediate self government while the Northern Region would get its own in 1959;

ii. A commission of inquiry was set up to study the problems in Nigeria and recommend whether or not new states could be created;

iii. a House of Chiefs was created in the Eastern;

iv. there would be a federal bicameral legislature made up of the House of Senate and House of Representatives;

v. the post of Federal Prime Minister was created and

vi. a date for Nigeria's independence was fixed for first October, 1960.

The independence Constitutional Conference was held in the London Colonial Office in early 1960. The Nigerian delegation consisted of the Prime Minister, Alhaji Abubakar Tafawa Balewa, the President of the Senate, Dr. Nnamdi Azikiwe and the Regional Premiers, Sir Ahmadu Bello of the Northern Region, Michael Okpara of the East and Chief S. L. Akintola of the Western Region.

The independence constitution made provision for the post of Governor-General who would be a Ceremonial Head of the State. There would also be a Prime Minister who would be the head of government. Dr. Nnamdi Azikiwe was and the only indigenous Governor General of Nigeria. Nigeria became independent as scheduled on October 1, 1960, and in 1963 it had its Republican Constitution which eventually put an end to the reign of the Queen of England as the official leader of Nigeria's Parliament ceased since then. That marked the beginning of the first sovereign Parliament in Nigeria (Egwu cited in Gana and Omelle, 2006).

The present day National Assembly evolved from a Legislative Council to Regional Councils and Regional Legislatures (Egwu cited in Gana and Omelle, 2006). The independence constitution of 1960 established a National Parliament which consisted of the Queen, the Senate (the upper legislative House) and the House of Representatives (the lower House). While the Senate was made up of 44 members the House of Representatives was composed of 305 members.

The National Parliament which the 1960 Constitution established did not have a sovereign status until the enactment of the Republican Constitution in 1963. The Republican Constitution marked the end of the reign of the Queen of England as the official leader of the legislative house (Gana et al, 2006).

The First Republic (1963-1966) operated a Parliamentary system of government with Sir Abubakar Tafawa Balewa as the Prime Minister. The system shared governmental powers between the Head of state (the President and the head of Government (the Prime Minister). The Head of Government is first an elected member of the legislature called to become the Prime Minister being the leader of the party with majority of seats in the Parliament (Nwankwo, 2002). The parliamentary system of government encouraged selection members from the legislature. It also guarantees fusion of powers as well as collective responsibility towards policy formulation and implementation.

The power fusion resulting from the parliamentary character of the then government fostered greater legislative-executive relations. Since the Prime Minister, Sir Tafawa Balewa and his cabinet were chosen by the party with the largest number of votes, the legislature had greater control of the executive. Thus, domestic or foreign policy formulation and implementation was

generally a collective responsibility of both governmental arms, and that the failure of one governmental arm had a collective impact on the rest.

4.3. Organizational Structure of the National Assembly

The purpose of organizational structure is to bring together people in order to work in a harmonious manner. Supporting this view, Ekhator (2002) opined that:

> *Organization is the most significant and integral part of administration, that without proper organization, administration is not possible. That administration involves corporative efforts by number of person to achieve certain objectives.*

In similar vein, Akpala (1988:74) highlighted the series of sequence through which an organizational structure is formed. He therefore, views it as:

> *The outcome of the process of dwindling work into accomplishable units, of combining the units into sections, departments and divisions called departmentation; the assignment of organizational incumbent the authority to perform eventually result to organization.*

Therefore, according to the above views, an organizational structure is a framework that holds various functions, departments, individual positions and their relationship together for order and logical arrangement. The importance of organizational structure cannot be overemphasized as it is usually designed to clarify the environment so that everyone knows who is to do what and who is responsible for what results; to remove obstacles to performance caused by confusion and uncertainty of assignment; and to furnish a decision-making communications network, reflecting and supporting organizational objectives. Reinforcing this position Omar (1996) say "the way an

organization move towards achieving efficiency and effectiveness in the performance of its overall functions depend very much on the functional connectedness of its parts such that the effective operation of one part activates others in a kind of chain reaction". Very often organizational structure is expressed in a pictorial form called organizational chart which is a device used to portray the organizational structure in diagrammatic form, as thus:

4.4. Powers and Functions of NASS

Section 4(1) of the 1999 Constitution of the Federal Republic of Nigeria vests Legislative powers in the National Assembly consisting of the Senate and House of Representatives. Sections 48 and 49 expressly states that the Senate shall consist of three Senators per State and one from the Federal Capital Territory, Abuja, while that of House of Representatives shall be three hundred and sixty members.

These Legislative houses in the National Assembly are saddled essentially with the responsibility of making laws among others:-

4.4.1. Power Over Public Fund:

The National Assembly controls the purse strings, so its influence over all federal issues including foreign policy is derived from the above. The power of the purse is the most effective weapon in the hands of most parliaments across the world in checking recklessness and immoderations. In this regards, Section 80 (3) of the 1999 Constitution stipulates:

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

In furtherance of the National Assembly's power over public fund, S*ection 80(4) provides:*

> *No money shall be withdrawn from the consolidated Revenue Fund or any other public fund of the federation, except in the manner prescribed by the National Assembly.*

Since the rebirth of democratic governance in May 1999, the power of the National Assembly to exercise control of public funds has often been misconstrued in various quarters as attempting to wreck the nascent democracy. One factor responsible for this understanding is the known practice during the period of military rule whereby the Head of State, with the approval of the

Supreme Military Council or the Armed Forces Ruling Council announce the annual national budget at the beginning of each fiscal year. The National Assembly has the power to appropriate funds for government projects and programmes by way of reducing, increasing or approving the budget proposal from the Executive. The National Assembly can do this through an Appropriation Bill including details of proposed government programmes and projects according to Ministries, Departments and Agencies which eventually becomes an Act of Parliament. These Ministries are required by law to honour invitation by the National Assembly for a budget defense before the respective Committees of jurisdiction and finally at the appropriation Committee.

4.4.2. Confirmation of Appointment:

Section 147(2), 171(4), of the 1999 Constitution of the Federal Republic of Nigeria states:

- ***The President shall, if the Senate confirms the nomination of any person to such office, make any appointment to the office of Minister of Government of the Federation.***
- ***An appointment to the office of Ambassador, High Commissioner or other principal Representatives of Nigeria abroad shall not have effect unless the appointment is confirmed by the Senate".***
- ***Section 231(1) and (2), Section 238(1), Section 250 (1), Section 256(1), Section 261(1) and Section 292(1) Provide for the Senate to confirm and remove judicial officers and other matters of the Judiciary.***
- ***Section 86 (1) and (2) provide for the Senate to confirm the appointment of Auditor General of the Federation, while Section 87 (1) for the removal of such.***

4.4.3. Power to Alter the Constitution

The National Assembly is also empowered to alter the Constitution to remove or amend any section in order to check possible abuse of power.

4.4.4. Removal of President and Vice President from office

Section 143 stipulates the condition under which the President or the Vice President may be removed from office.

4.4.5. Implied and Assumed Powers of the National Assembly

There are also some implied and assumed powers of the National Assembly. These powers are not independent but in effect supplementary to the powers of the executive. For instance, Section 89(1) (a) of the 1999 Constitution empowers the Senate or House of Representatives to secure all such written and oral evidence, direct or circumstantial, as it may consider necessary or desirable, and to examine all persons as witnesses whose evidence may be relevant to the subject at issue. Intrinsic in this provision is the power to order arrest and imprisonment of any such person who hamper the procurement of evidence. On the other hand, the assumed powers refer to as rights claimed by the National Assembly which is not tenable as rights, though are constitutional rights since there is no constitutional provision prohibiting them.

4.4.6. Function of Representation

The Legislature represent its electorate in the fullest way possible, the National Assembly provides a national forum for the public consideration of issues. It gives the citizens the best possible opportunities to be heard and provides link between the Government and the people.

4.4.7. Power to Conduct Investigations/Oversight of the Executive

The powers of the National Assembly to conduct investigation on anything or matter within its legislative competence are provided for in section 88 of the 1999 Constitution of the Federal

Republic of Nigeria. This provision empowers the National Assembly to assemble information on proposed Bill, prevent or expose corruption, inefficiency or wastage in the implementation of laws within its legislative competence and in the disbursement or administration of funds appropriated by it. The exercise of this power is usually through investigations and Committee public hearings.

The National Assembly can shape Executive Policy through Oversight (mechanisms such as hearing and investigations). In particular, hearing on annual authorizations and appropriation of funds for the executive branch agencies implementing policy provide an opportunity for Senators/Honourable Members to question and influence activities and policies. Hearing and investigation conducted on any matter or subject within the jurisdiction of the Committee and such occasions creates opportunity for Senators/Members to raise critical policy issues for public discussion. This measure is aimed at ensuring efficiency or effectiveness of government operations with an eye towards uncovering administrative lapses and other short comings. Through the vested powers of oversight, the National Assembly may question its executive counterparts on their activities as well as summon them to testify at Parliamentary meetings.

4.5. National Assembly Oversight Functions and Corruption

In Nigeria, it is the functional duty of the state to fight corruption. Section 15(5) of the 1999 Constitution provides that "the state shall abolish all corrupt practices and abuse of power". Although external factors affect the type and outcomes of most anticorruption policies in Nigeria, a virile and strong legislature at all level of government is a critical factor in the crusade against corruption.

Combating corruption is neither straightforward nor easy; however it is possible, it requires a consistent, coherent, broad-based approach and a long-term perspective. "The first major step of parliament is to prevent corruption in parliament itself, by building a parliament that is accountable to any wrong doings in office" (Imam-Bello, 2005). It needs to play an essential leadership role in combating corruption, including legislative oversight and financial role as representatives of the people (Imam-Bello, 2005):

4.5.1. National Assembly Legislative Role

National Assembly has the authority to create the legal framework needed to prevent and curb corruption, for example laws against inappropriate behavior by citizens, businesses, and other organizations. Legislature can also bolster integrity in governance by establishing incentives to public officials and transparency and accountability (NSNL, 20004). In order to be effective, laws must follow a key set of principles in clear language to minimize areas of discretion, and adapt them to the local circumstances and should address some issues such as conflicts of interest, nepotism and statutes of limitation, not only to provide for the necessary punitive measures but also to promote an administrative and social environments adverse to corruption.

4.5.2. Financial Control

National Assembly also plays a key role in the budgetary cycle; financial integrity is central to anti-corruption efforts. The budget cycle is comprised of drafting, legislation, implementation, and audit. The ultimate control over the national budget rests with parliament. This power of the purse constrains governments to tax and spend in only specific ways and seeks to ensure management of funds, disciplined reporting and transparency. It also provides a means for parliamentarians to be heard on how money is to be obtained and spent. National Assembly also considers the audit findings and provides recommendations for the next budget.

4.5.3. Specialized Agencies

National Assembly is also involved in the functioning of the major oversight tools of specialized agencies. The best known is Auditor General. The Auditor General office is constitutionally mandated to deter waste and corruption by attesting to the financial accuracy of the data provided by the government; checking whether the executive's spending has complied with applicable provisions, laws and regulations, and reviewing the government's performance. The Audit Institution feature a clear mandate, independent, continuously update its expertise, and be allowed to report its results to specialized parliamentary committees such as the Public Accounts Committee, which should then consider making recommendations to parliament for enactment.

4.5.4. Representation

Representation, which occurs through a number of different channels such as the participation of civil society or the formation of political parties, is an important parliamentary instrument for building integrity in public governance. It can have the effect of empowering citizens to reject corrupt practices and expose politicians and officials who engage in corrupt activity providing a role for parliamentarians in helping to establish public standards for appropriate behavior. A good parliamentarian will travel back regularly to their Constituency to organize forums of discussions, listen to their constituents, understand the causes and effects of corruption, include this information in the anticorruption policies, and monitor their impact.

4.5.5. National Assembly engagement with Civil Society

National Assembly can also help to channel the interests and concerns of civil society into an open debate and help create political will to fight corruption. This will allow it to gain credibility and legitimacy thereby extending support for anticorruption efforts.

4.5.6. Inter-parliamentary Links

Parliamentarians can play a role in corruption prevention by participating in the collective power of inter-parliamentary links. The Global Organization of Parliamentarians Against Corruption (GOPAC) is an example of a single-purpose network aiming to combat and prevent corruption through the strengthening of integrity in governance. It does so by providing its membership with a platform to exchange information, relevant training, and crucial peer-support mechanisms. Parliamentary Network on World Bank (PnoWB), on the other hand, was created to strengthen parliamentary involvement in development issues. Through a diverse range of activities, it seeks to increase transparency, accountability, and parliamentary participation in international development

4.6. Previous Probe Panels (Investigative Oversight) by the National Assembly

"Probe Panels are core part of Governance and Public office Management. It is a tool used all over the world to get to the roots of an incident" (Nairaland, 2012). The thrust of Probe or Investigation Panel is to make sure the causes of the problem are known, persons behind it punished if there is need for that and to generally ensure there is a safeguard built against a repeat.

From 1999 till date, Nigeria witnessed about 400 Probe Panels (Nairaland, 2012): The two Chambers of the National Assembly had 176, the Federal Government had 120, in addition to State Panels over natural Incidents, disturbances and state management outcomes giving a conservative of 400 Probe Panels across the Federation.

4.7. Assessing the role National Assembly Oversight Function on Corruption in Federal Public Service in Nigeria

The National Assembly has consistently demonstrated in the past ten years that it is "bereft of the political will to check corruption through its power of oversight" (U. Chukwumerije, 2014). However, in certain respects, it has largely proved that it did not lack the power to expose corrupt practices as evidenced by the exposure of abuse of power in the executive branch. The investigation of former president Obasanjo and his deputy, Alhaji Atiku Abubakar, over the mismanagement of Petroleum Technology Development Funds PTDF and the power sector spending between 1999 and 2007 are few examples of successful investigations undertaken by the National Assembly to expose abuse of power in the executive arm.

While the foregoing suggest that the legislature could effectively expose and by implication reduce corruption in governance, the personal gain to be derived by members of the assembly through acquiescence or compromise often override the imperative to check corrupt practices. The tendency to compromise has often eroded the capability of the National Assembly to serve as safeguard against corrupt practices in government institutions, impliedly, the National Assembly has been incapable of discharging its oversight responsibility effectively (Fashagba, 2009).

Furthermore, lack of interest of the Legislators to scrutinize audited accounts of the federation on the floor of the house since 1999. The Public Account Committees of the two Chambers did not consider it worthwhile to present to the central legislature any audited report of the federation account between 1999 and 2007 while President Obasanjo was in power. "Until 2008 when it was mention, even then nothing came out of it" U. Chukwumerije, 2014. The National Assembly, as Fashagba asserted, has been home to series of scandals bordering on financial

impropriety and other corrupt tendencies (See Appendix v). The series of scandals in the National Assembly has resulted in the removal of at least three Senate Presidents and two Speakers of the House of Representatives between 1999 and 2009 (Bello-Imam, 2005). These scandals arising from the National Assembly, has crippled its fight against corruption, affecting the extent to which the legislature would have performed in the fight against corruption.

CHAPTER FIVE

DATA PRESENTATION AND ANALYSIS

5.1 Introduction.

This Chapter presents data collected through questionnaire and from secondary sources. The data is presented and analyzed in accordance with the research questions stated in chapter one, which are aimed at assessing the role of the National Assembly Oversight Functions on Corruption in the federal Public service.

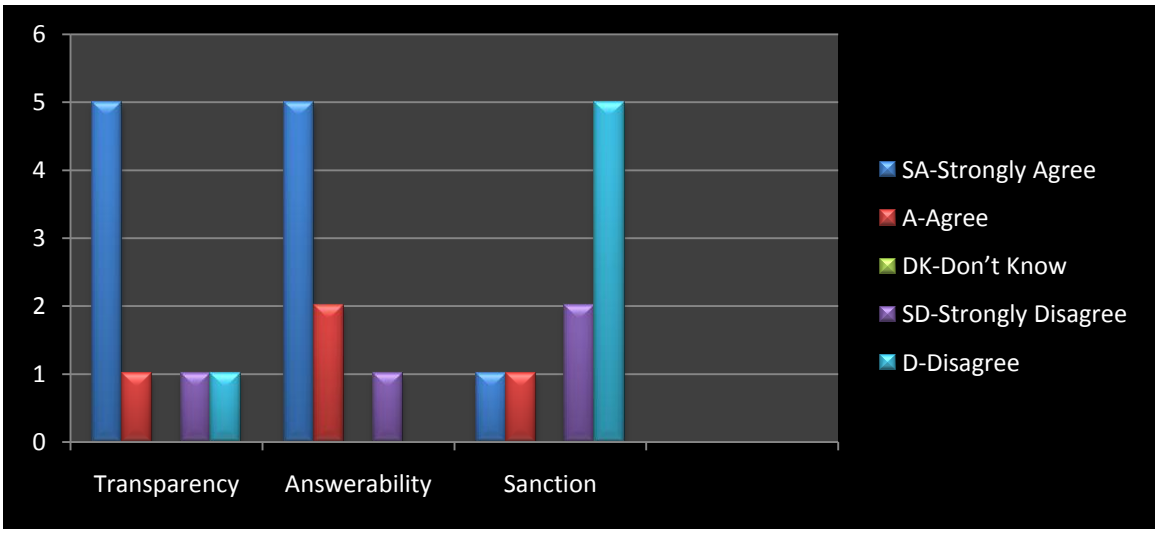
5.2 Data Presentation

The stratified random sampling method was used in the administration of the questionnaires. In all, total of 158 questionnaires were administered, however 8 were not returned and 4 were returned but not properly filled. Thus the analysis is based on the information provided by 146 respondents that is analyzed in this chapter to form the findings of this survey. Charts and simple percentage were used in the analysis of data and conclusion drawn there from.

5.1.1. Senate Probe of the use of N17Billion earmarked for the for the Independent National Electoral Commission (INEC), 2007.

A total of 8 respondents (4 Senators, 1 Member of the National Assembly Press Corp, 1 Staff of the Head of Service of the Federation and 2 Staff of the Secretariat of Senate Ad-Hoc Committee investigating the use of INEC N17B) responded as follows:

Figure 1



Source: Field Work, 2014

Figure 1 shows that of the 8 respondents:

i. 6 respondents, (representing 75%) agree that the Senate Ad-hoc Committee on INEC had access the necessary information required to establish corruption, while 2 respondents (representing 25%) disagree;

ii. 7 respondents (representing 87.5%) agree that the Senate Ad-hoc Committee on INEC was able to obligate decision makers to justify decisions taken, while 1 respondent (representing 12.5%) disagree; and.

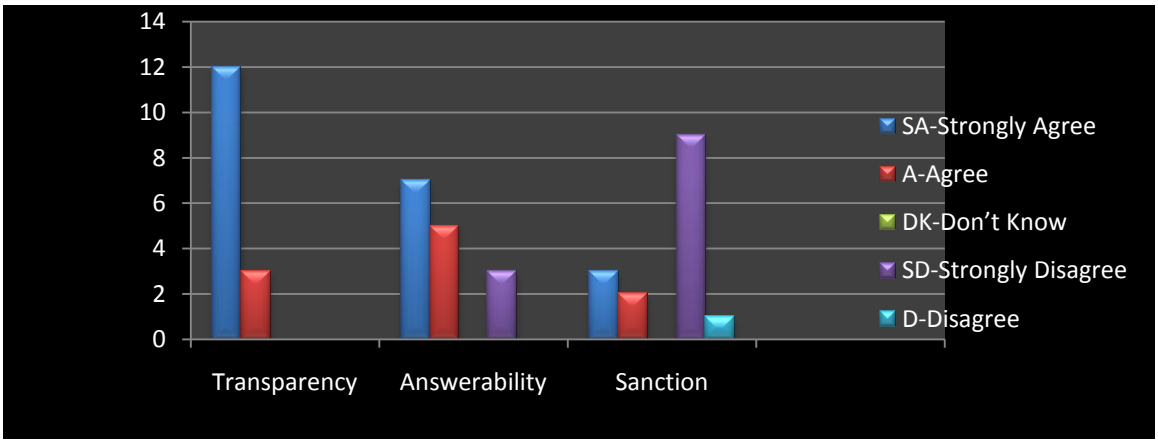
iii. 2 respondents (representing 25%) agree that the Senate Ad-hoc Committee on INEC was able to sanction actions/decisions that ran contrary to given mandate, while 6 respondents (representing 75%) disagree.

The analysis is indicative that the Senate Ad-Hoc Committee on INEC was able to access the necessary information required to establish corruption and was able to obligate decision makers to justify decisions taken, however it was unable to sanction those found wanting.

5.1.2. Senate Probe of FCT Minister El-Rufai over fraudulent allocation of Land in FCT, 2008.

A total of 15 respondents (10 Senators, 1 Member of the National Assembly Press Corp, 1 Member of the Civil Society Organization, 1 Staff of the Head of Service of the Federation and 2 Staff of the Secretariat of Senate Committee on FCT) responded as follows:

Figure 2



Source: Field Work, 2014

Figure 2 shows that of the 15 respondents:

i. 15 respondents, (representing 100%) agree that the Senate Committee on FCT had access the necessary information required to establish corruption;

ii. 12 respondents (representing 80%) agree that the Senate Committee on FCT was able to obligate decision makers to justify decisions taken, while 3 respondent (representing 20%) disagree; and.

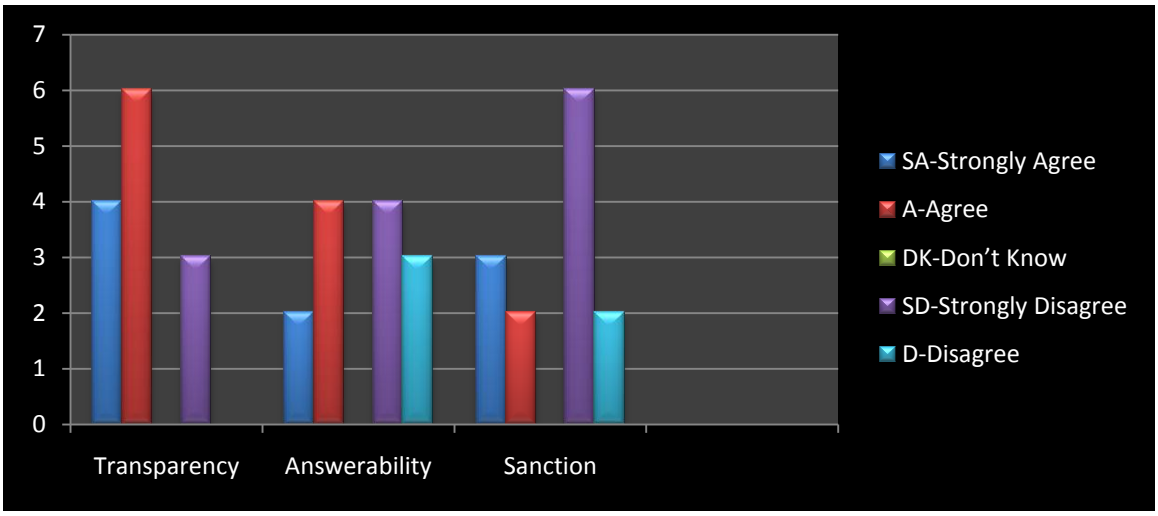
iii. 5 respondents (representing 33.3%) agree that the Senate Committee on FCT was able to sanction actions/decisions that ran contrary to given mandate, while 10 respondents (representing 66.7%) disagree.

The analysis is indicative that the Senate Committee on FCT was able to access the necessary information required to establish corruption and was able to obligate decision makers to justify decisions taken, however it was unable to sanction those found wanting.

5.1.3. House Probe of Ministry of Finance over partial implementation of 2007 Budget , 2008.

A total of 13 respondents (10 Honorable Members, 1 Staff of the Head of Service of the Federation and 2 Staff of the Secretariat of House Committee on Finance) responded as follows:

Figure 3



Source: Field Work, 2014

Figure 3 shows that of the 15 respondents:

i. 10 respondents, (representing 77%) agree that the House Committee on Finance had access the necessary information required to establish corruption, while 3 respondents (representing 23%) disagree;

ii. 6 respondents (representing 46%) agree that the House Committee on Finance was able to obligate decision makers to justify decisions taken, while 7 respondent (representing 54%) disagree; and.

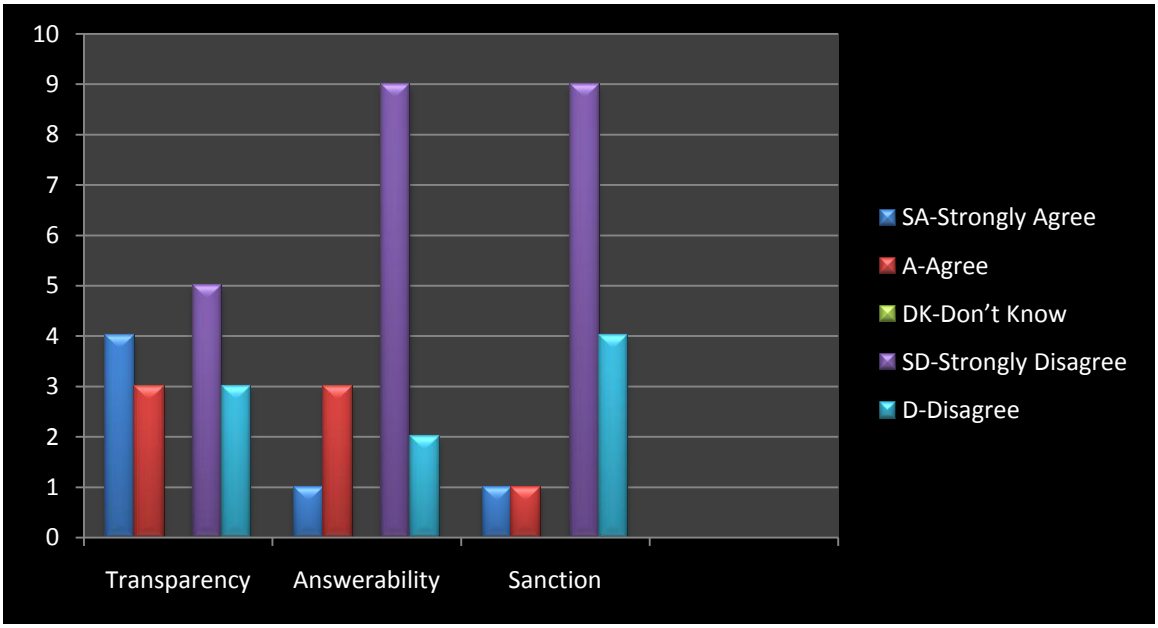
iii. 5 respondents (representing 38.5%) agree that the House Committee on Finance was able to sanction actions/decisions that ran contrary to given mandate, while 8 respondents (representing 61.5%) disagree.

The analysis is indicative that the House Committee on Finance was able to access the necessary information required to establish corruption but could not obligate decision makers to justify decisions taken nor sanction those found wanting.

5.1.4. Senate Probe of utilization of $61.65b World Bank Aviation Loan (2006), 2009.

A total of 15 respondents (10 Senators, 1 Staff of the Head of Service of the Federation, 1 Member of National Assembly Press Corp and 3 Staff of the Secretariat of Senate Committee on Aviation) responded as follows:

Figure 4



Source: Field Work, 2014

Figure 4 shows that of the 15 respondents:

i. 7 respondents, (representing 46.7%) agree that the Senate Committee on Aviation had access the necessary information required to establish corruption, while 8 respondents (representing 53.3%) disagree;

ii. 4 respondents (representing 26.7%) agree that the Senate Committee on Aviation was able to obligate decision makers to justify decisions taken, while 11 respondent (representing 73.3%) disagree; and.

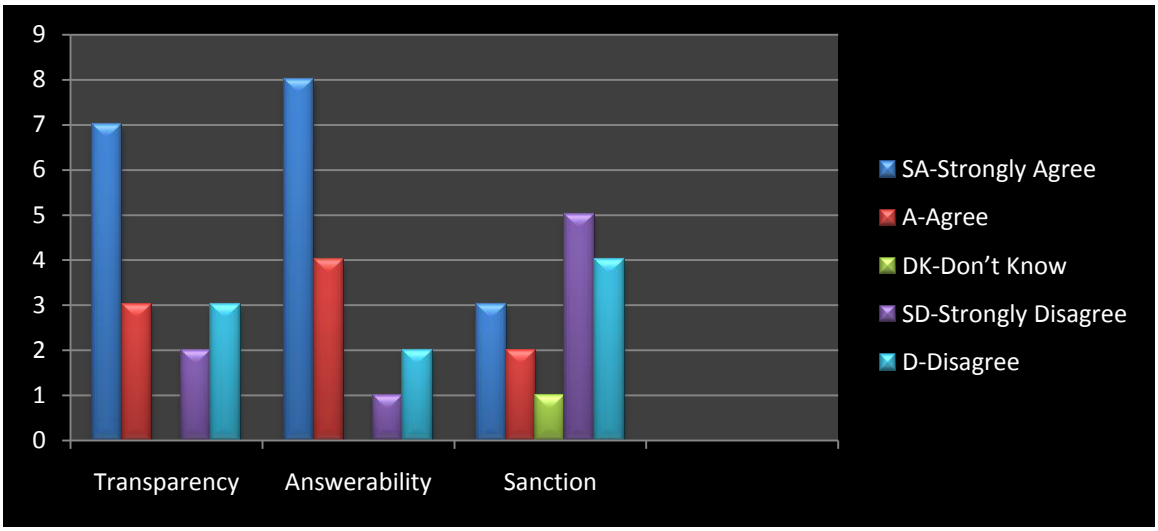
iii. 2 respondents (representing 13.3%) agree that the Senate Committee on Aviation was able to sanction actions/decisions that ran contrary to given mandate, while 13 respondents (representing 86.7%) disagree.

The analysis is indicative that the Senate Committee on Aviation could not access the necessary information required to establish corruption, was unable to obligate decision makers to justify decisions taken and also could not sanction those found wanting.

5.1.5. House Probe of Energy Sector , 2009.

A total of 15 respondents (9 Honorable Members, 1 Staff of the Head of Service of the Federation, 1 Member of Civil Society Organizations, 2 Members of the National Assembly Press Corp and 2 Staff of the Secretariat of House Committee on Energy) responded as follows:

Figure 5



Source: Field Work, 2014

Figure 5 shows that of the 15 respondents:

i. 10 respondents, (representing 67%) agree that the House Ad-hoc Committee on Power/Energy had access the necessary information required to establish corruption, while 5 respondents (representing 33%) disagree;

ii. 12 respondents (representing 80%) agree that the House Ad-hoc Committee on Power/Energy was able to obligate decision makers to justify decisions taken, while 3 respondents (representing 20%) disagree; and.

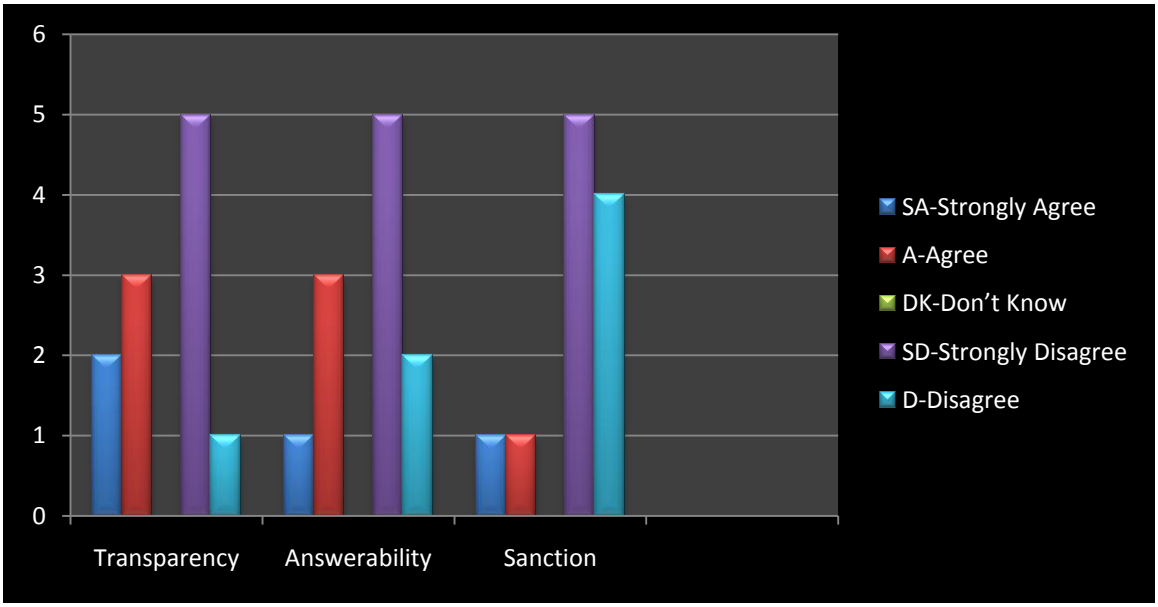
iii. 5 respondents (representing 33.3%) agree that the House Ad-hoc Committee on Power/Energy was able to sanction actions/decisions that ran contrary to given mandate, 1 respondent (representing 6.7%) don't know, while 9 respondents (representing 60%) disagree.

The analysis is indicative that the House Ad-hoc Committee on Energy/Power was able to access the necessary information required to establish corruption, was also able to obligate decision makers to justify decisions taken but could not sanction those found wanting.

5.1.6. House Probe of the Sale of Nigerian House in New York, 2010.

A total of 11 respondents (10 Honorable Members and Committee Clerk) responded as follows:

Figure 6



Source: Field Work, 2014

Figure 6 shows that of the 5 respondents:

i. 5 respondents, (representing 45.45%) agree that the House Committee on Foreign Affairs had access the necessary information required to establish corruption, while 6 respondents (representing 54.55%) disagree;

ii. 4 respondents (representing 36.36%) agree that the House Committee on Foreign Affairs was able to obligate decision makers to justify decisions taken, while 7 respondent (representing 63.64%) disagree; and.

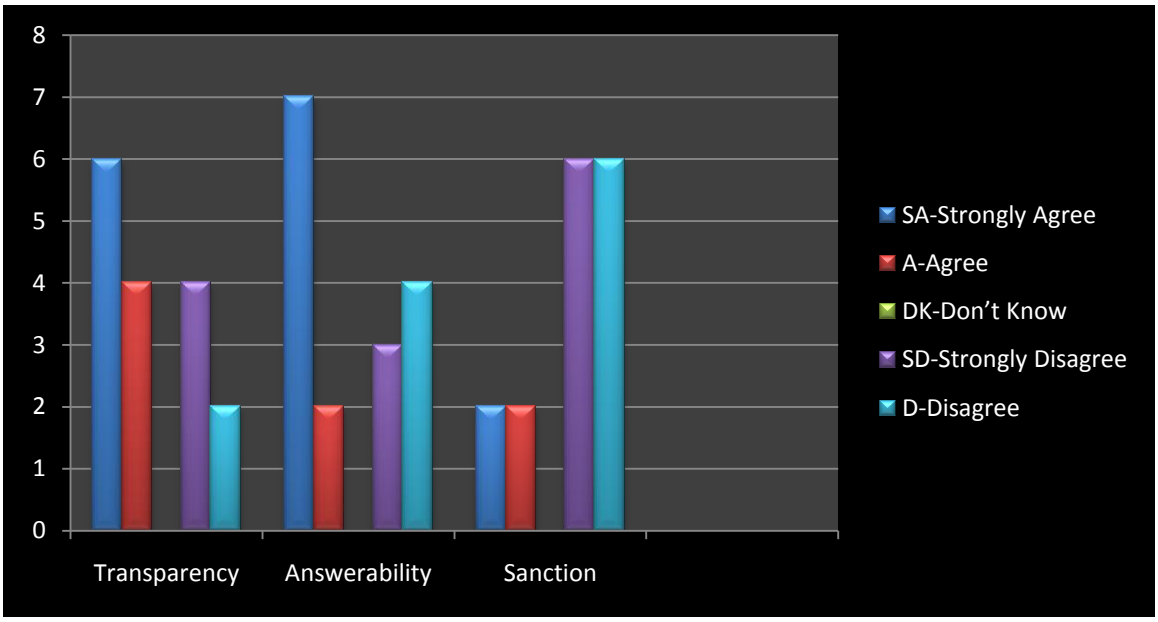
iii. 2 respondent (representing 18.18%) agree that the House Committee on Foreign Affairs was able to sanction actions/decisions that ran contrary to given mandate, while 9 respondents (representing 81.82%) disagree.

The analysis is indicative that the House Committee on Foreign Affairs could neither have access to the necessary information required to establish corruption, could not obligate decision makers to justify decisions taken nor sanction those found wanting.

5.1.7. Senate Probe of Sale of Federal Government Houses in Lagos & Abuja, 2010.

A total of 16 respondents (10 Senators, 4 Members of the national Assembly Press Corp and 2 Staff of Ad-hoc Committee Sales of Government Houses) responded as follows:

Figure 7



Source: Field Work, 2014

Figure 7 shows that of the 16 respondents:

i. 10 respondents, (representing 62.5%) agree that the Senate Ad-hoc on Sales of Federal Government Houses had access the necessary information required to establish corruption, while 6 respondents (representing 37.5%) disagree;

ii. 9 respondents (representing 56.25%) agree that the Senate Ad-hoc on Sales of Federal Government Houses was able to obligate decision makers to justify decisions taken, while 7 respondent (representing 43.75%) disagree; and.

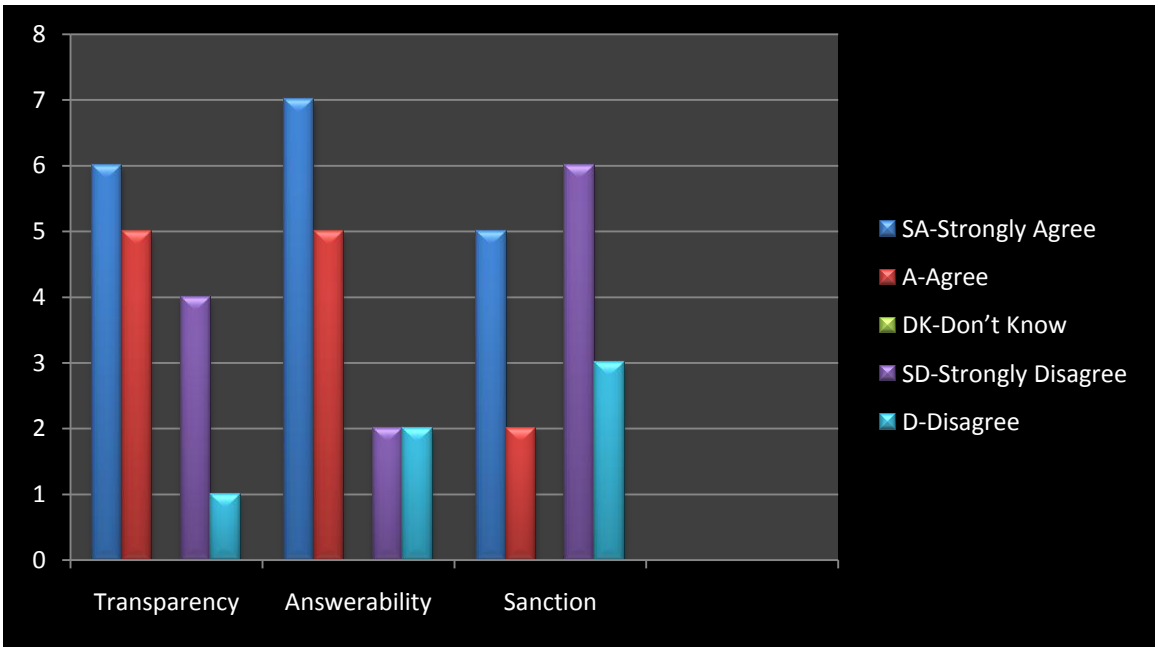
iii. 4 respondents (representing 25%) agree that the Senate Ad-hoc on Sales of Federal Government Houses was able to sanction actions/decisions that ran contrary to given mandate, while 12 respondents (representing 75%) disagree.

The analysis is indicative that the Senate Ad-hoc on Sales of Federal Government Houses was able access to the necessary information required to establish corruption, obligate decision makers to justify decisions taken but was unable to sanction those found wanting.

5.1.8. House Probe on Endemic Corruption in Fuel Subsidy, 2011.

A total of 16 respondents (10 Honorable Members, 2 Members of the National Assembly Press Corp, 2 Members of Civil Society Organization and 2 Committee Clerks) responded as follows:

Figure 8



Source: Field Work, 2014

Figure 8 shows that of the 16 respondents:

i. 11 respondents (representing 68.75%) agree that the House Committee Probing Fuel Subsidy had access the necessary information required to establish corruption, while 5 respondents (representing 31.25%) disagree;

ii. 12 respondents (representing 75%) agree that the House Committee Probing Fuel Subsidy was able to obligate decision makers to justify decisions taken, while 4 respondent (representing 25%) disagree; and.

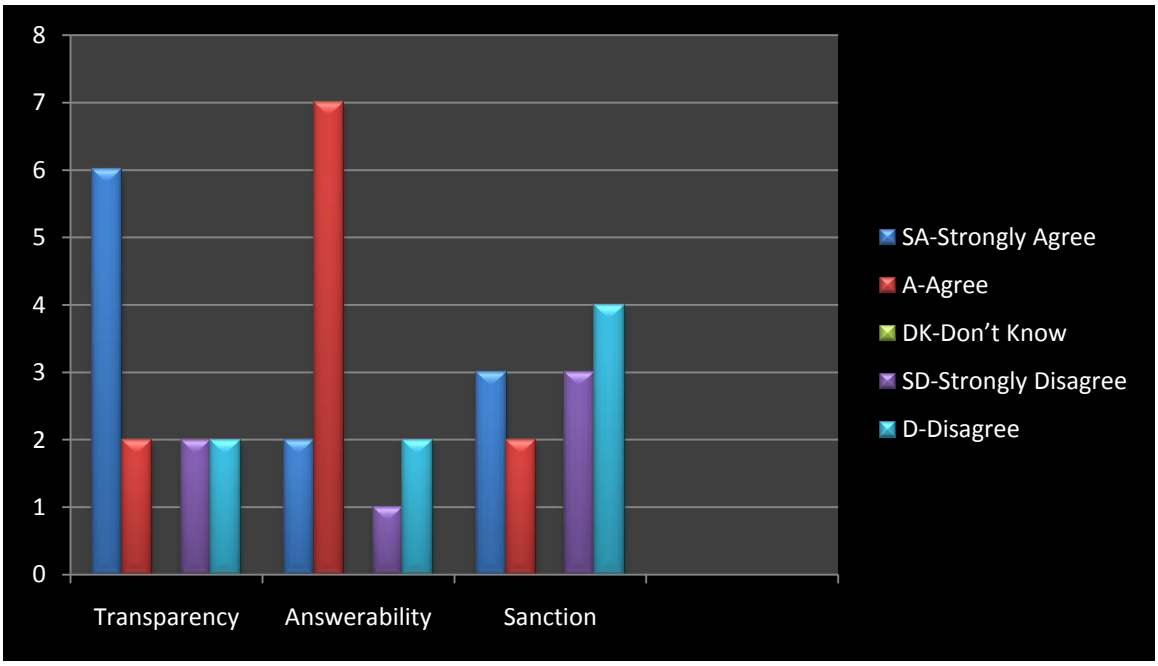
iii. 7 respondent (representing 43.75%) agree that the House Committee Probing Fuel Subsidy was able to sanction actions/decisions that ran contrary to given mandate, while 9 respondents (representing 56.25%) disagree.

The analysis is indicative that the House Committee Probing Fuel Subsidy had access to the necessary information required to establish corruption, was able to obligate decision makers to justify decisions taken but was unable to sanction those found wanting.

5.1.9. Senate Probe of Bureau of Public Enterprise (BPE), 2011.

A total of 12 respondents (8 Senators, 2 Members of the National Assembly Press Corp and 2 Staff of the Secretariat) responded as follows:

Figure 9



Source: Field Work, 2014

Figure 9 shows that of the 12 respondents:

i. 8 respondents (representing 66.7%) agree that the Senate Committee on BPE had access the necessary information required to establish corruption, while 4 respondents (representing 33.3%) disagree;

ii. 9 respondents (representing 75%) agree that the Senate Committee on BPE was able to obligate decision makers to justify decisions taken, while 3 respondent (representing 25%) disagree; and.

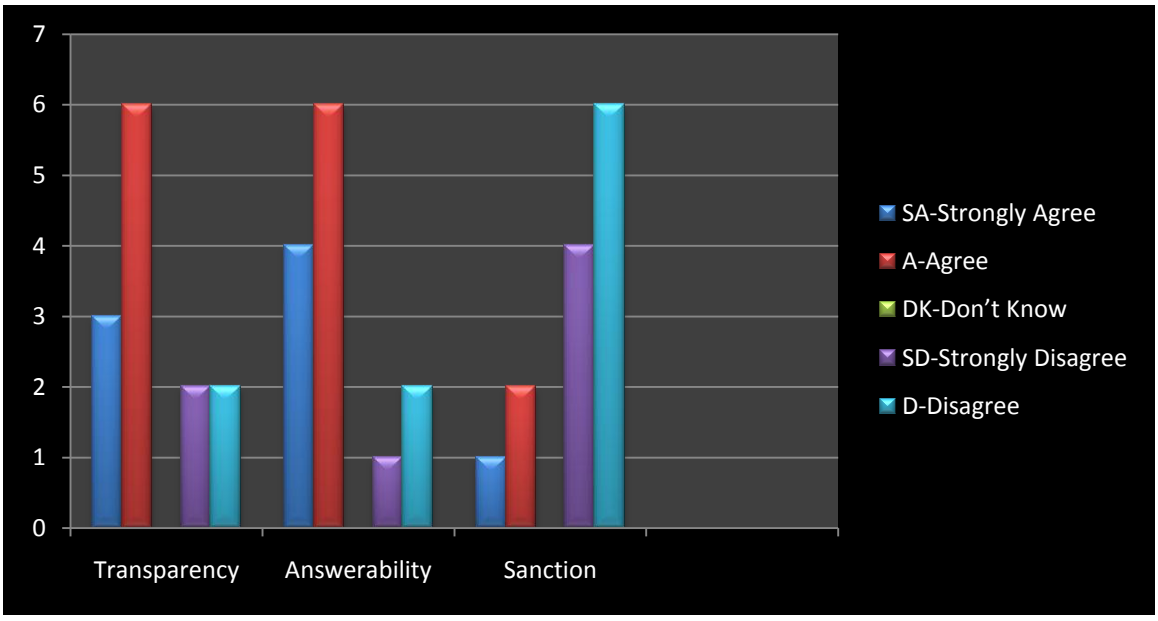
iii. 5 respondents (representing 41.7%) agree that Senate Committee on BPE was able to sanction actions/decisions that ran contrary to given mandate, while 7 respondents (representing 58.3%) disagree.

The analysis is indicative that the Senate Committee on BPE was able to access the necessary information required to establish corruption, obligate decision makers to justify decisions taken but was unable to sanction those found wanting.

5.1.10. Senate Pension Probe, 2012.

A total of 13 respondents (9 Senators, 1 Staff of the Head of Service of the Federation, 1 Member of the National Assembly Press Corp and the Committee Clerk) responded as follows:

Figure 10



Source: Field Work, 2014

Figure 10 shows that of the 13 respondents:

i. 9 respondents (representing 69.23%) agree that the Senate Pension Probe had access the necessary information required to establish corruption, while 4 respondents (representing 30.77%) disagree;

ii. 10 respondents (representing 76.92%) agree that the Senate Pension Probe was able to obligate decision makers to justify decisions taken, while 3 respondent (representing 23.08%) disagree; and.

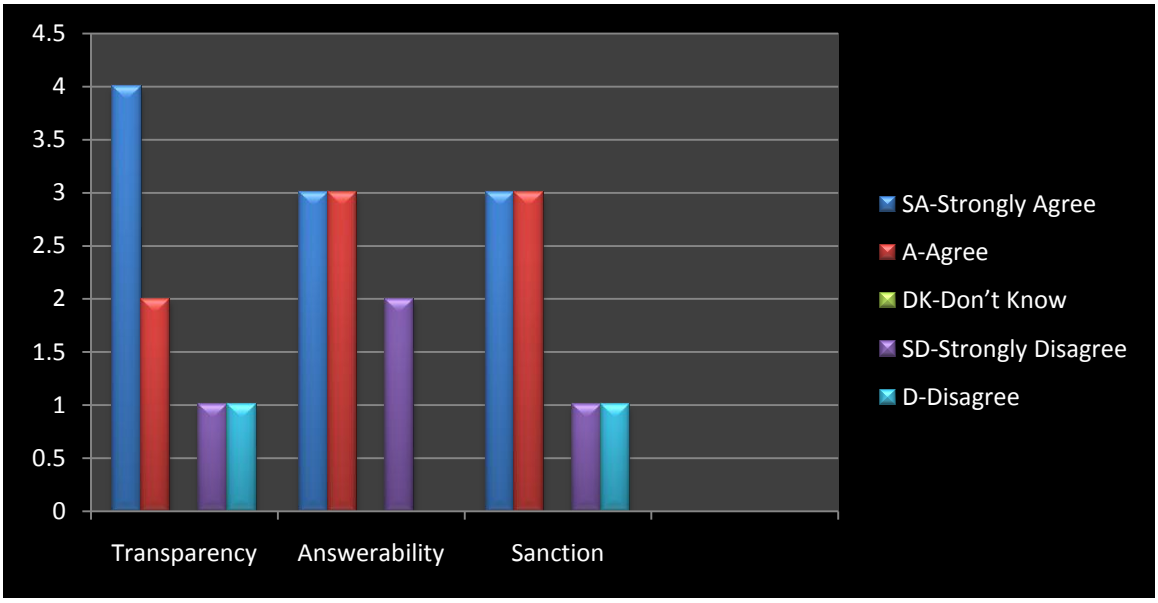
iii. 3 respondents (representing 23.08.7%) agree that Senate Pension Probe was able to sanction actions/decisions that ran contrary to given mandate, while 8 respondents (representing 76.92%) disagree.

The analysis is indicative that the Senate Ad-hoc Committee on Pension Probe was able to access the necessary information required to establish corruption, was able to obligate decision makers to justify decisions taken but was unable to sanction those found wanting.

5.1.11. House Probe on Capital Market, 2012.

A total of 8 respondents (6 Honorable Members, 2 Staff of the Secretariat) responded as follows:

Chart 11



Source: Field Work, 2014

Figure 11 shows that of the 8 respondents:

i. 6 respondents (representing 75%) agree that the House Probe of Capital Market had access the necessary information required to establish corruption, while 2 respondents (representing 25%) disagree;

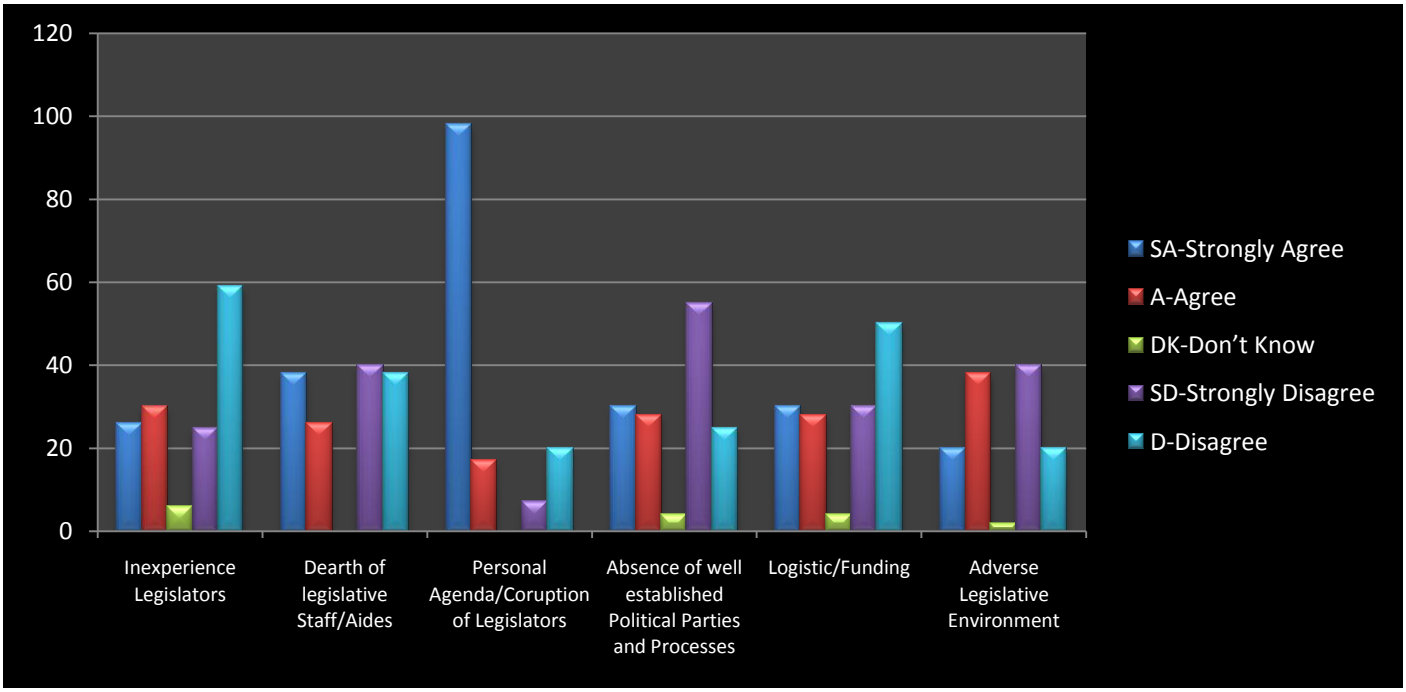
ii. 6 respondents (representing 75%) agree that the House Probe of Capital Market was able to obligate decision makers to justify decisions taken, while 2 respondent (representing 25%) disagree; and.

iii. 6 respondents (representing 75%) agree that House Committee Probe of Capital Market was able to sanction actions/decisions that ran contrary to given mandate, while 2 respondents (representing 25%) disagree.

The analysis is indicative that the Senate Ad-hoc Committee on Pension Probe was able to access the necessary information required to establish corruption, was able to obligate decision makers to justify decisions taken but was unable to sanction those found wanting

5.1.12. The following challenges hindered Oversight Functions in the National Assembly (2007 – 2012), 142 respondents (Legislators/Committee Clerks from the Two Chambers, Staff of the Head of Service of the Federation, Members of the National Assembly Press Corp and Civil Society Groups) identified and rated the challenges as follows:

Figure 12



Source: Field Work, 2014

Figure 12 shows that of the 142 respondents:

i. 56 respondents (representing 39.43%) agree that inexperienced Legislators hindered oversight functions of the National Assembly, 6 respondents (representing 4.23%) don't know, while 80 respondents (representing 56.34%) disagree;

ii. 64 respondents (representing 45.07%) agree that the dearth of Legislative Staff/Aides had hindered oversight functions of the national Assembly, while 78 respondents (representing 54.93%) disagree;

iii. 115 respondents (representing 80.99%) agree that personal ambition/agenda and or corruption hindered National Assembly oversight functions, while 27 respondents (representing 19.01) disagree;

iv. 58 respondents (representing 40.85%) agree that the absence of well established political parties and processes hindered oversight function of the National Assembly, 4 respondents (representing 2.82%) don't know, while 80 respondents (representing 56.33%) disagree;

v. 58 respondents (representing 40.85%) agree that logistics/funding hindered oversight functions of the National Assembly, 4 respondents (representing 2.82%) don't know, while 80 respondents (representing 56.33%) disagree; and.

vi. 58 respondents (representing 40.85%) agree that adverse legislative environment hindered oversight of the National Assembly, 2 respondents (representing 14.08%) don't know, while 64 respondents (representing 45.07%) disagree.

5.2. Major Findings

The analysis of this research reveals the following:

5.2.1. The National Assembly, to a large extent usually obtained the required information to establish cases of corruption or otherwise. However, according to Sen. U. Chukwumerije (2014), some of these information obtained from various sources and agencies in the course of oversight functioning are conflicting and therefore to some extent not reliable and subsequently not tenable in a court of law;

5.2.2. There are also some implied and assumed powers of the National Assembly, though not independent, in effect supplementary to the powers of the executive. For instance, Section 89(1) (a) of the 1999 Constitution empowers the National Assembly (Senate or House of Representatives) to secure all such written and oral evidence, direct or circumstantial, as it may consider necessary or desirable, and to examine all persons as witnesses whose evidence may be relevant to the subject at issue. Despite this Constitutional Provision, there were rampant cases of "outright disregard of National Assembly summons" (Hon. Mukhtar, 2014), as some powerful Public Servants refused to appear before various Committees of the National Assembly to answer corrupt allegations leveled against them. For instance the oversight on Security and Exchange Commission (SEC), where the Director General Aruma Oteh was alleged of corruption/high handedness and lacking the legal requirement/experience to be appointed as DG of SEC, based on this, the House Committee on Capital Market resolved and later adopted by the Senate for the removal of the DG or risked zero budget in 2013. The Federal Government refused to entertain the Joint Resolution, thereby resulting in Zero Budget for SEC in 2013, yet the Commission conducted its affairs in 2013 without Budgetary Provision by the National

Assembly. Also, Mrs. Diezani Alison Madueke (Minister of Petroleum), who was alleged of misappropriating Government Funds, got an injunction against answering National Assembly summons.

5.2.3. Intrinsic of Section 89(1) (a) of the 1999 Constitution, the National Assembly is empowered to order the arrest and imprisonment of person(s) found wanting in the course of their Oversight Functions through enlisting the Judiciary/Security Agencies. This incapacitates the National Assembly from taking positive measures against those found wanting because the instrument/mechanism of sanctions are under the Executive or the Judiciary, thus in all the oversight/probe panels examined, the National Assembly control mechanisms by way of resolutions have not been effective in sanctioning actions that run counter to given mandate. Instance of such blatant disobedience of National Assembly resolution in this case, was that of Alhaji Maina, who was alleged to have diverted Federal Public Servant Pension Funds, got an injunction against National Assembly Resolution for his arrest;

5.2.4. Finally, corruption and personal interest of the legislators was found to correlate and to be the major reason why the National Assembly Oversight could not effectively serve as a mechanism in curbing corruption in the Federal Public Service. This is corroborated by the following and many more:

i. The allegation of $620,000 bribe request from an oil businessman, Mr. Femi Otedola against Alh. Faroukh Lawan (Chairman, Ad-hoc House Committee on the Probe of Fuel Subsidy regime) rubbished the fuel subsidy probe (House of Representatives order papers, 2014);

ii. The Senate probe of INEC, 2007 was alleged by the then Chairman of INEC (Prof. Maurice Iwu) as a move to scuttle the General Election held in 2007, so as to pave way for an Interim National Government being canvassed by opposition parties, civil society groups and Senators/Members that lost out in the election (Senate other papers, 2007);

iii. The Chairman Ad-hoc Senate Committee on FCT that probe El-Rufai for fraudulent allocation of Land in the FCT, was later indicted as a beneficiary of FCT Lands in a fraudulent way, this cast doubt and make rubbish of the whole process (Senate other papers, 2008).

CHAPTER SIX

SUMMARY, CONCLUSION AND RECOMMENDATIONS

6.1 Introduction

This chapter presents what was previously discussed in the research work as a whole. It draws conclusion and make recommendations on the subject matter.

6.2 Summary

The study is structured into six chapters; each chapter discussed a particular aspect of the work.

Chapter one, the introduction included the following: statement of the problem, objectives and significance of the study, research questions/Basic Assumptions, as well as the statement of the problem, furthermore it considers the scope and limitation of the study and definition of key words. Chapter two was devoted to review of available and related literature as well as explains the theoretical perspective from which the study is conceived. Chapter Three deals with Research Methodology adopted in the study, in which the research design and procedures for data collection and sampling as well as the method of data presentation and analysis. Chapter Four gave the general overview of legislative oversight of the National Assembly and background of the National Assembly. Chapter Five, dwells on data presentation, analysis and summary of findings and finally, the last chapter being chapter six summarizes the study, draws conclusion and makes recommendations based on the findings.

6.3 Conclusion

In a system of Representative Government, Legislators are elected by the people to represent them and are expected to oversee how Government implements policies and expend revenues. The Executive/Federal Public Service in this context is accountable to the people through the legislators. The power to exercise scrutiny over the Executives and its agencies is conferred on the National Assembly by the 1999 Constitution and Senate and House Standing Rules/Orders.

National Assembly over the years, has considered and passed laws to ensure accountability and transparency in every government spheres and had demonstrated and acted consistently to check Executive excesses and corruption in the Federal Public Service, however the daunting challenges of corruption, personal interest of legislators and the inability of the National Assembly to enforce sanctions had drifted oversight functions of the National Assembly through the examined probes/investigations to be at its lowest ebb in the National Assembly (2007 – 2012). These constraints constituted challenges that greatly hampered the constitutional mandate of the National Assembly

6.4 Recommendations

In the light of the challenges and the findings of this study, it is appropriate to suggest the following recommendations as measures towards enhancing the performance of Oversight Functions:

6.4.1. The ability of Committee to access required information to establish corruption or otherwise is dependent on its managerial and technical capacity, therefore Committees must be armed with requisite administrative/research support or appropriate consultancy services. Furthermore, for effective performance of Oversight, the National Assembly needs to strengthen civil society participation in all legislative process;

6.4.2. The National Assembly also need to effectively and creatively use their powers to obligate Federal Public Servants to justify their actions/inactions publically through public hearings, budget hearings, investigations etc;

6.4.3. The National Assembly should strengthen the effectiveness of its control mechanism and more often pressurize existing agencies (EFCC, Police, Judiciary, etc) to facilitate sanctioning of those found wanting in corrupt practices; and.

6.4.4. National Assembly should also engage internal mechanism that will check and sanction legislators involved in corrupt practices.

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Interview with Salisu Umar (Committee Clerk, Foreign Affairs, Senate)

Interview with Sidi Sokoto (Committee Clerk, Electoral Matters. H/Reps)

Interview with Auwal Rafsanjani (Member of Civil Society Group)

Dr. O. Onu (2013) Interviewed on NTA Programme “Platform” on 8/1/13

APPENDIX I

Department of Public Administration,

Ahmadu Bello University,

Congo Campus,

Zaria – Kaduna State.

……

……

Dear Sir,

INTERVIEW SCHEDULES WITH SELECTED RESPONDENTS IN THE NATIONAL ASSEMBLY, ABUJA

I would like to inform you that we are conducting a study on the Assessment of the role of the National Assembly Oversight Functions on corruption on Federal Public Service *2007- 2012*

2. The essence of the study is to identify Oversight functions in the National Assembly and assess some selected Probe panels in terms of their role in curbing corruption in the Federal Public Service.

3. As a key player in the Organization, your opinion will go a long way to assist us in this study. We are therefore requesting for an appointment to interview you on the questions stated below.

4. We are assuring you that the information will be used only for academic purpose and will be treated with utmost confidentiality.

(a). Your Committee(s)

…….

…….

(a) Give a brief description of Oversight Functions you partook in (2007 – 2012)?

…….

…….

…….

…….

(b) What is your impression of the Oversight Exercise you took part in terms of the following?

i. Answerability…..……..

ii. Transparency..…..……..

ii. Sanction…...……..

(g) What were the problems that hindered Oversight Functions in the National Assembly (2007 – 2012)?

……..…….…….

……..…….…….

……

……

(h) What specific changes would you like to see in Oversight Functions of the National Assembly?

…….

……

……

……

APPENDIX II

Department of Public Administration,

Ahmadu Bello University,

Congo Campus,

Zaria – Kaduna State.

……..

……..

……..

Dear Sir,

REQUEST FOR INFORMATION

The Researcher is a Masters student of the Department of Public Administration, Ahmadu Bello University, Zaria, undertaking a research work on **Assessment of the role of National Assembly Oversight Functions on Corruption in Federal Public Service *(2007 – 2012).*** We would be very grateful, if you could kindly fill this questionnaire (by ticking appropriately). We are assuring you that the information is to be used mainly for academic purpose and would be treated with respected confidentiality.

Key

- SA - Strongly Agree
- A - Agree
- DK - Don't Know
- SD- Strongly Disagree
- D- Disagree

7TH September, 2014

Section 1

i. Your Committee/Department/Organization:……..

Section 2

Give brief description of Oversight Functions you partook in (2007 – 2012)

……

……

1. Assess the above exercise (s) in terms of the following:

S/No.	Variable	SA	A	DK	SD	D
1.	**Transparency** The oversight Committee engaged expertise/Skills of NGO's/Media/Consultants in the process to establish corruption or otherwise					
2.	**Answerability** The oversight Committee obligated actions/inactions of decision-makers to be justified publically					
3.	**Controllability** The oversight Committee invoked its control mechanism to sanction corrupt practices (actions/inactions and decisions that run counter to given mandate					

2. The following challenges hindered Oversight Functions in the National Assembly (2007 – 2012)

		SA	*A*	*DK*	*SD*	D
i.	Inexperience Legislators:	☐	☐	☐	☐	☐
ii.	Dearth of Legislative Staff/Aides:	☐	☐	☐	☐	☐
iii.	Personal ambition/ Personal agenda and or corruption by Legislators:	☐	☐	☐	☐	☐
iv.	Absence of well established Political Parties and Political Processes:	☐	☐	☐	☐	☐
v.	Logistics/Funding	☐	☐	☐	☐	☐
vi.	Adverse Legislative Environment:	☐	☐	☐	☐	☐

3. Suggest possible solutions to the challenges of Oversight Functions in the National Assembly:

   (a) ……..

   (b) ……..

   (c) ……..

   (d) ……..

   (e) ……

N/B Additional information could be attached to this form, please.

APPENDIX III

List of Selected Investigative Oversights, 2007 – 2012.

S/No.	Oversight	Year
1.	Senate probe of the use of 17Billion Naira earmarked for the Independent National Electoral Commission (INEC)	2007
2.	House of Representatives Probe of Finance Ministry, over non implementation of 2007Budget	2008
3.	Senate probe of FCT Minister El-Rufai over fraudulent allocation of Land in the FCT	2008
4.	Senate probe of Consessioning of Ajaokuta Steel Company	2008
5.	House Probe of N294m Custom Scam	2009
6.	Senate Probe of Obasanjo and Yar'Adua over illegal deduction of N231m from the Solid Minerals Special Account.	2009
7.	House Probe of Energy Sector	2009
8.	Senate Probe of Sale of Nigeria House In New York.	2010
9.	Senate Probe of sale of Federal Government Houses In Abuja and Lagos	2010
10.	House Probe on Endemic Corruption in Fuel Subsidy	2011
11.	Senate BPE Probe	2011
12	House Probe on controversial $19m Aviation Intervention Fund.	2012
13.	Pension Probe	2012
14.	House Probe of Capital Market (2008-2009)	2012

Source: Research work, 2014

APPENDIX IV

The National Assembly sustained the tempo of Investigative Oversight, since 1999, at an average of eight Panels per year, the Senate and House of Representatives have spawned the following Probe Panels amongst others:

S/No.	Probe Panels/Oversight	Time	Findings
1.	House of Representatives Probe Panel on the Collapse of Societie General Bank that went under without any returns to the depositors and shareholders	1999	N9.97b Loan write off under questionable circumstances
2.	Senate probe of NNPC under Gaius-Obaseki	2003	Lost of N302b through inappropriate accounting system, sharp practices by the NNPC.
3	Halliburton Scam Probe Panel separately by the two Chambers	2000	Albert Stanley bribed Senior Nigeria Government official to the Tune of $180m to win NLNG contract in the late 1999's
4	Public Hearing on the circumstances surrounding the alleged inflation of a radar contract by the erstwhile chairman of the Nigerian Airspace Management Agency (NAMA), Chief Rochas Okorocha.	2001	the minister of aviation, Mrs. Kema Chikwe, refused to honour three invitations by the House committee on aviation
5	Senate Committee on Public Accounts in 2001 investigated the Nigerian National Petroleum Corporation (NNPC), Central Bank	2001	Syndicate of Corruption unraveled, connivance between NNPC and CBN

	of Nigeria (CBN), and National Electric Power Authority (NEPA)		
6	PTDF saga	2001	Massive Corruption
7	Dr.(Mrs.) Kema Chikwe, and the Director-General of the Bureau for Public Enterprise (BPE) were summoned to appear before the committee of the National Assembly on the privatization of the Nigerian Airways Limited (NAL), and the establishment of a new national Airline.	2004	The secret deals of the Ministry were exposed and the plans to purchase the assets of NAL under shrouded circumstances were scuttled
8	House of Representatives Probe of Energy Sector	2009	Gross abuse of office power
9	Senate Probe of FCT Minister, El-Rufai	2008	Gross abuse of office power and crass, primitive and undue acquision of wealth without caution Fraudulent allocation of plots in Abuja.
10	House of Representatives Probe of Railway Project	2006	Spending of $3.8b meant for the revival of Nation's Railway
11	House of Representatives Probe of Finance Ministry, over non implementation of 2007Budget	2008	Refusal to Implement Budget
12	Fuel Subsidy Probe, 2009 – 2011	2012	Endemic corruption, inefficiency, incompetence etc
14	Capital Market Probe (2008-2009)	2012	Defrauding of Investors
15	Pension Probe	2012	Defrauding Contributors
16	House of Representatives Probe of Custom Scam	2009	N294m scam

17	NASS Probe of World Bank Aviation Loans, 2006	2009	$61.65b fraud
18	Senate Probe of Obasanjo and Yar'Adua on Solid Minerals Special Account	2009	N231m was illegally deducted by the two Ex-Presidents
19	Senate Probe of Sale of Nigeria House in New York	2010	Fraudulent sale
20	Senate Probe of Ajaokuta Steel Company Concession, 2006	2008	The company was valued at $6b but concessioned by the Federal Government to Global Infrastructures Nigeria Limited at a value of $525m just 2years later.
21	House of Representatives Probe of Banks and Stock Exchange	2008	Defrauding of Investors
22	Senate Probe of Transport Ministry 1999-2008	2008	Corruption
23	House Probe of NNPC Fund	2008	Corruption
24	Senate BPE Probe	2011	Questionable sales of Government Assets
25	Fuel Subsidy Probe	2011	Diversion of funds
26	Senate Probe of the sale of Houses in Lagos and Abuja	2010	Questionable sales of Government Houses
27.	Aviation Probe (Investigation into the controversial N19 Million Aviation Intervention Fund)	2012	Diversion of Intervention fund

2014 Research Work

APPENDIX V

S/No	Case	Chamber	Outcome
1.	In 1999, the Speaker of House of Representatives, Hon. Salisu Ibrahim Buhari, was alleged to have falsified his academic certificates.	House of Representatives	Forced to Resign and arraigned, received presidential parson
2.	In 1999, the Senate President, Senator Evans Ewarem, was alleged to have Falsified age, names and academic qualification	Senate	Forced to resign
3.	In 2000, the Senate President, Sen, Chuba Okadigbo, was alleged to have awarded contracts to his cronies at inflated price.	Senate	Impeached
4.	In 2000, the Deputy Senate President, Sen. Haruna Abubakar, was alleged to have Embezzled N16.9 Million ($140,833.00) as Xmas and Sallah gift	Senate	Impeached
5.	In 2004, Member of House of Representatives, Hon. Maurice Ibekwe was alleged to have defrauded a German Businessman the sum of N350,000.00 and $75,000.00	House of Representatives	Died in prison while still under Trial
6.	In 2003 Nasir el-Rufai alleged that the Sen, Ibrahim Mantu led committee for screening political nominees committee requested for N54Million as a condition for confirming his nomination.	Senate	Case swept under the carpet
7.	In 2005, Senate President, Sen. Adolphus Wabara Connived with Chairmen Senate and House committees on education to take bribe of N55million ($458333) from Ministry of Education.	Senate	Resigned, arraigned but prosecution Inconclusive
8.	In 2006, Ad-hoc committee that investigated PTDF case Alleged to have taken bribe from the vice president to cover the truth on PTDF stolen fund.	Senate	Report rejected and new committee set up
9.	In 2007, Speaker of House of Representatives, Hon. Patricia Etteh was alleged to have awarded as	House of Representatives	Forced to resign

	contract at inflated price of N628million ($233,333)		
10.	In 2008, Sen. Iyabo Obasanjo was alleged to have Collected N10million ($83,333) as share of senate committee from unspent budget of 2007	Senate	Arrested and arraigned.
11.	In 2008, Sen. Iyabo Obasanjo Alleged to have taken contract worth #3.5billion for power generation along side an Austrian firm, but failed to executive the contract after taken certain amount	Senate	The crime was committed while Obasanjo, her father was the president.
12.	In 2008, Leaders and Members of the House of Representatives were alleged to have collected money from Ministries, Departments and Agencies of Government (MDA) before approving their budget	House of Representatives	Dr Haruna Yerima accused his colleagues in the house of extorting money from MDA before passing their Budget
13,	In 2008, the Hon. Speaker, Hon. Dimeji Bankole alleged to have over invoiced the bill for the purchase of vehicles for oversight functions at the rate of N2.4billion	House of Representatives	Cleared of allegation in a controversial manner. Note: allowances for vehicle, housing and furniture among others are already monetized for public servants in Nigeria
14.	In 2009, Ndudi Elumelu, and Paulinus Igwe; Mohammed Jibo {Chairman and Deputy Chairman House Committee on Power, Chairman, House Committee on Rural Development Respectively). Alleged complicity in N5.2billion power contracts (The Nation, Tuesday, May12, 2009:p.1&2)	House of Representatives	Arrested by Economic and Financial Crime Commission on 11th May, 2009, and arraigned in court on 13th and 18th May, 2009. remanded in Kuje prison between 18th May and 4th June, 2009.

Source: Research work, 2014