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Legislative Oversight and the Challenges of Good Governance in Nigeria's Fourth Republic

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ABSTRACT
This study intensively appraised the various trends of legislative oversight functions as it pertains to sustaining good governance in Nigeria's fourth republic. This comes on the heels of the perceived poor level of representation of the people in governance- a situation that has over time, translated into evident paucity of democratic dividends for the Nigerian masses. The background to this study impressed that while the legislative organ of government primarily exists to ensure, through the exercise of its core constitutional duties, that the executive arm of government performs optimally, its fundamental task of providing quality social services to the people, in the Nigerian situation, such basic responsibility constitutionally vested in the legislature is flagrantly betrayed and compromised. This study adopted the review research design. The study exclusively utilised the instruments of textbooks, journals and materials from the internet to generate data. Structural functionalism was the theory on which the study was anchored. Findings from this study revealed that legislative oversight functions in Nigeria's fourth republic has invariably been characterised by the corrupt practices and unwholesome moral tendencies Nigeria's lawmakers which range from the conspiratorial relationship between the legislature and the executive, whereby the former deliberately connives at the poor performances of the latter, budget padding, to the resort by members of the legislative arm of government, both at the national and state levels to demand bribes from Heads of MDAs to mischievously cover tracks of official graft, purportedly perpetrated by the high ranking civil/public servants. Hence, such negative propensities have over time, proved detrimental to the realisation of good governance. Therefore, the study recommended a drastic but comprehensive reform of Nigeria's legislature, to reflect institutional sanity, sanctity, responsibility and responsiveness.
Keywords: Accountability, Constitution, Democracy, Government and Statutory.

INTRODUCTION.

In nations practicing constitutional democracy the world over, the business of public governance is statutorily shared and vested in three organs of government commonly referred to as the legislature, the executive and the judiciary. Hence, these three institutions of governance are by law, expected to function as independent governing bodies. By implication, the operational powers and authority of the various arms of government under a democratic arrangement is expected to thrive without undue and indiscriminate interferences from other arms. Except in circumstances where the various arms of government, under the application of the doctrine of checks and balances are permitted by law to have some constitutionally determined degree of control over the functions of other organs of government, the

law protects the independence of each arm of government. This, in modern democratic nomenclature is referred to as separation of powers. Over the years, the idea of separation of governmental powers among these institutions of governance has become increasingly expedient, against the backdrop of the need to bring under control, the despotic tendencies of other arms of government. This is especially where it concerns the executive arm of government which ordinarily by law, is considered the ruling organ of government. According to Faleke (2022), "in order to guard against degeneracy into despotism, arbitrariness and power drunkenness by the executive, it has become growingly imperative to respect and preserve the principle of separation of powers" (p. 73). The need for each of arm of government to be proactive in the performance of its constitutionally assigned responsibility comes on the heels of the necessity to ensure the delivery of good governance to the people.

Owing to the profundity of law making, it is usually constitutionally permissible for the legislative arm of government to cede some of its primary responsibilities to the executive arm of government. The executive in this context, acting under the power of delegated legislation is enabled by law to undertake some functions of law making and policy enactment for the purposes of ensuring a swift and effective administration of the affairs of the state. In section 153 of the 1999 constitution of the federal republic of Nigeria (as amended), vested in the President (the head of the executive arm at the federal level), the powers to create administrative bodies and agencies. These agencies and statutory bodies which are created by acts of delegated legislation are subsequently mandated to make interim rules, regulations and policies for the day-to-day administration of the various tasks statutorily assigned to them. However, such delegated functions are subject to periodic evaluation and checks with a view to ensuring that these statutory bodies do not exceed the limits of their jurisdictional powers. This is the function undertaken by the legislative arm-the organ which is primarily vested with the powers to make laws. This brings to the fore, the uses and relevance of legislative oversight. It is through this process of monitoring and regulating the activities of Ministries, Departments and Agencies of government that the legislature controls the executive and ensures that it does not abuse the privileges of delegated legislation. More importantly, legislative oversight becomes very necessary in the area of ensuring that the executive arm of government judiciously performs its constitutional role of providing social services to the people through its various agencies, parastatals and departments. This is why Isodeke (2020) described the legislature as the "sole of democracy". Hence, the legislature is the arm of government that stands in the gap between the people and the executive arm (the ruling organ of government), by ensuring that the latter is effective, transparent and accountable to the people with regards to the provision of quality services, which is expected to translate into good governance.

The business of legislative oversight in Nigeria over the years has not yielded any meaningful dividend, considering the high level of poor performances of the executive arm of government with regards to the delivery of effective and people-impacting social services. According to Okwuoha (2021), the inability of the political ruling class, both at the federal and state levels to perform optimally with regards to the provision of adequate social services to the people can be associated with the ineffectiveness of legislative oversight functions on the part of the legislature. By implication, the failure of the legislative arm of government to conscientiously carryout its statutory oversight functions on the activities of the ruling executive arm of government, usually expresses consequences in the decadent and unhealthy state of socio-economic development in the country. The poor economic situation, deteriorating healthcare delivery system, high level of unemployment, etc. are largely blamable on the poor execution of legislative oversight by the legislative arm of government. Therefore, this study aims at assessing the trends of legislative oversight functions, the factors responsible for poor legislative oversight functions and its implications for governance in Nigeria's fourth republic.

METHODOLOGY

The study adopted the review research design. Data were exclusively generated through the secondary source, with the use of textbooks, journals, newspaper publications and materials from the internet. The study used the qualitative method for data presentation and also used the content analysis method in interpreting findings from the study.

Conceptual Clarifications

Legislative Oversight

Aside law making which is the primary and most basic function of the legislative arm of government, the constitutional role of the legislature goes beyond law making to encompass functions which entail ensuring that the executive arm of government live up to its constitutional responsibility of discharging tasks which relate to social services delivery. In the United States America, the term legislative oversight is referred to as Congressional Oversight. This typically involves the monitoring, regulation, assessment, review and supervision of the implementation of the various projects and programmes instituted by the government. It is fundamentally suggestive of the role of the legislature in getting involved in investigations on the activities of statutory bodies which constitute the machinery through which the executive arm of government administers social services to the people, by ascertaining the level of competence, commitment, dedication and integrity with which public projects are executed. Legislative oversight in this context assumes varied forms which include:

i. Periodic visits by members of a committee constituted by the national assembly, to public project cites to ascertain the credibility, level of progress and sustainability of physical infrastructural projects.
ii. Periodic interaction by delegates from the national assembly with stakeholders of host communities where projects are purportedly being executed.
iii. Invitations extended to Heads of parastatals and agencies to appear before committees of the national assembly to respond to allegations on issues relating to financial misappropriations.
iv. Determining and approving the eligibility of individuals recommended by the executive to head statutory bodies and agencies.
v. The power to reject nominees by the executive arm.
vi. The function to approve budgets and supplementary appropriations.

According to Adegbua (2018), legislative oversight could extensively entail an aspect of the application of the principle of checks and balances in the constitutional functions of the executive arm of government. In the opinion of Odife (2014), legislative oversight constitutes an offshoot of the control of delegated legislation by the legislature. To this end, the legislature in conducting its oversight mandate on MDAs will be under obligation to ensure that:

I. They operate within the dictates and confines of delegated legislation;
II. They do not appropriate, misuse or become despotic in the exercise of their statutory responsibilities;
III. They efficiently execute the responsibilities for which they were created; (This should consist in the physical appraisal of the advancement of current infrastructural development projects)
IV. They do not embezzle or side-track funds specially reserved for the implementation of public projects.

In their separate view, Odimgbe (2021) clarified that legislative oversight constitutes a vital aspect of the powers conferred on the legislative arm of government to ensure that the executive arm of government spiritedly and sustainably as well, dispenses the dividends of the commonwealth of the nation to satisfy the socio-economic needs and aspirations of the masses in any given society. Hence, Adegbua (2018) impressed that the inherent benefit of legislative oversight is expressed in its ability to establish mutuality and strong connection between the executive organ and the people with regards to the provision of essential social services. Furthermore, Faleke (2022) maintained that the underlying imperative of legislative oversight is the principle it possesses with ensuring a maximum level of transparency and accountability in public governance, with a view to guaranteeing good governance for the people. According to Emodi (2024), democracy being the system of government that extensively emphasises and accommodates the will, interest, aspirations and wellbeing of the people, justifies the existence of the legislature as an arm of government in the structure of governance of any country. By implication, the other arms of government, the executive and the judiciary exist in other forms of government distinct from democracy. Nevertheless, it is only the democratic system of government that creates room for the existence of the legislature. To this end, Emodi (2024), explicitly impressed that legislative oversight

function represents a means by which the legislative arm of government acts as watchdog on the activities of the executive organ of government, with a view to securing a maximum level of confidence of the general public, in the ability of the government to deliver on its constitutional mandate of providing adequate social services to the people and seeing to the holistic revitalisation and improvement of the socio-economic base of the country. In their separate view, Enang (2021) stressed that an aspect of legislative oversight entails a situation where the legislature intervenes in a civic face-off between the government and the masses. Enang (2021) further explained that it constitutes a part of the oversight functions of the legislature as the representative of the people to play a mediatory role to resolve industrial actions embarked upon by civil society groups or labour unions to protest the promulgation of policies that are perceived as being anti-people.

Governance

This generally refers to the art of overseeing the entirety of the affairs of a group of people, organisation or society. It connotes the management of tasks, duties or assignments which are anchored on the achievement of specific objectives. Governance is a term that implies the task of conceiving thoughts, ideas and strategies and converting them into rules, regulations, laws and policies for the purpose of realising a set of pre-determined goals and objectives for a formal group, corporate organisation, community, region or state. The act of governance fundamentally involves the process of administering or dispensing rules, laws, policies and regulations, and direct them towards solving tasks and actualising goals and objectives. Most essentially, governance requires vesting in an individual or body of individuals the statutory responsibility to acquire, manage, control, direct and supervise material and human resources towards bringing into fruition, the realisation of the objectives that underline the essence of the existence of an organisation, civil society, nation or country. Invariably, such individual or individuals are referred to as a leader or leaders. In the exercise of governance in any jurisdictional capacity, the leaders who are saddled with the performance of given tasks must perform such responsibilities within the bounds of enabling laws.

According to Sapru (2013), governance embodies key inherent administrative attributes and basic managerial functions which include:

i. The right of custodianship of the human and material resources of either an organisation or society.
ii. The task of creating, organising, directing, controlling and supervising these resources to achieve an organisations or society's objectives and goals.
ii. The right of determination over the way and manner benefits and resources (in the case of a society) are equitably and evenly distributed (p. 67).

Also, Eastwood (2019), is of the view that governance involves the possession of quality leadership attributes which include strategic and innovative thinking, selflessness, unprejudiced approach in taking decisions and high moral standing. There are various forms and types of governance. Some of them include, private governance, global governance, corporate governance and public governance. Private governance involves the formulation, declaration and dispensation of laws by non-state actors, and administered in non-state but formal organisations. global governance on the other hand is concerned with the promulgation of international laws, policies, regulations and rules which are intended to be binding on the comity of nations. They also refer to laws which regulate and coordinate the activities of international organisations and bodies like the AU, UN, NATO, ECOWAS, IMF, UNICEF, W.H.O. e.t.c. Corporate governance itself entails the diverse rules, regulations, laws, strategies and methods that are required for the day-to-day management of the affairs of firms and other forms of business entities. Public governance strictly pertains to the statutory responsibility of constitutionally instituted governments at the central and regional levels to oversee and administer the totality of the affairs of the state.

Good Governance

This summarily refers to the positive result or outcome of the application of the various administrative laws, rules, policies, methods and strategies in organisations, corporate firms, international bodies and the state. Good governance simply entails the eventual positive impact of leadership competence and will in the turnaround of the fortunes of an organisation or state. Good governance can be said to have been

achieved when applied policies, principles, laws and strategies tend towards the improvement in the living standard and condition of people in organisations or state. In the perspective of public governance, good governance typically entails the ability or deliberate willingness of the political leadership class or government functionaries to efficiently explore and deploy the commonwealth of the state to maximally satisfy the immensity of the socio-economic needs and aspirations of the majority in any given politically organised society. According to Enang (2021), good governance in any society presupposes a situation where the government is responsible and responsive to the steady provision of basic social amenities, critical for the survival and wellbeing of the masses. In a broader perspective, Igwe (2022) rationalised that good governance supposes a social condition where the developmental efforts of the government become expressible in the areas of food sufficiency, massive growth in local industrialisation, quality healthcare delivery system, quality basic education and a rapid growth in physical infrastructural development. In corroboration, Emodi (2024) informed that good governance entails the display of absolute fairness on the part of the government in the distribution of national wealth and resources. In a different perspective, Adegbua (2018) emphasised that the act of good governance purportedly administered by the government of any sovereign state must be proven and attested to by the presence of a widespread distribution of socio-economic development projects and benefits to all regions, localities and geographical entities that make up a state.

In a democratic system of government, good governance is not limited to the sufficiency in the provision of socio-economic developmental dividends to the citizenry. Good governance in a democratic arrangement, supposedly should consist in everything that pertains to the fulfilment, on the part of the government, everything that pertains to the fundamental essence for the existence of a state. It should necessarily be a reflection of the actionable translation of the underlying principles and ideals in the social contract between the people and the government. Good governance seen from this perspective should holistically capture the fundamental needs and aspirations of the masses which originally underscores the rationale for the formation of government. Hence, good governance must have the following attributes:

i. Satisfactory level of economic wellbeing of the people (food security, sustainable source of income and vast employment opportunities).
ii. Maximum security of lives and property of the citizens.
iii. Right of access to quality education by majority of the citizens.
iv. Right of access to free, affordable but quality healthcare.
v. Respect for the fundamental and constitutional rights of the citizens.
vi. Greater opportunity for participation of the people in socio-political affairs.
vii. Freedom of the press.
viii. Maximum level of regard for the rule of law.
ix. High level of leadership accountability.

The observance and application of the above administrative virtues by government functionaries in the public governance of a geopolitical entity will go a long way to promote good governance.

Theoretical Foundation

This study was anchored on the theory of structural functionalism. Structural functionalism is a theory that considers society as a compound or multifaceted system where the various components perform different tasks in order to see to the survival, activeness, relevance and sustainability of the whole social system. To further explain the theory of structural functionalism, scholars have associated the theory to the biological workings of the human body where each part of the body is expected to be useful and relevant in the performance of its fundamental functions so that the whole human body can survive and operate optimally. Also, the various parts of the body perform complementary functions with a view to making sure that the whole human body survives and subsists. In the same vein, structural functionalism theory ideologically presumes the existence of structures and institutions within a social system which are meant to interrelate, interconnect and mutually cooperate in the performance of social functions in a society (Harper, 2011).

According to Vella et al (2014), the theory of structural functionalism was introduced in the field of Political Science in the 1960s as a process of likening various political systems and also to establish, by means of analysis, the nature of interdependence of the different structures within a political system. The emphasis here relates more exclusively to governmental institutions. It entails the ideological proposition that the various organs, institutions, agencies, parastatals and boards of government should be proactive, definitive, independent and also collaborative in the performance of their divergent statutory functions. Again, according to Enang (2021), among the ideological stance of the theory of structural functionalism is the fact that the dysfunctional or under-performing status of each part of the component whole, has the capacity to lead to the collapse of the whole system. By implication, the seemingly ineffectiveness or under-performance of a particular organ, structure or institution of government can lead to an overall low result in the discharge of government's statutory roles and obligations. In addition, Faleke (2022), revealed that structural functionalism as pertained to activities within the government cycle, philosophically suggests that the execution of tasks by the various structures of government should reflect competence, sound sense of morality, integrity, discipline and forthrightness.

The key ideological basis of structural functionalism are as follows:

i. Every society comprises structures and functions that are interrelated, interconnected, and dependent and centred on sustaining societal balance (Harper, 2011).
ii. The society is made up of structures and functions that are vital for the survival of the political system, (Chilcott, 1998, in Vella et al, 2014).
iii. The belief that Structures exist in the society to satisfy the myriads of needs of the system (Merton, 1949, in Vella et al, 2014).
iv. The belief that various parts of the system exist and also work to ensure the reinforcement and stability of the system. This is in the view of the dynamic, intricate and erratic nature of the system (Harper, 2011).

As pertains to this study, the structure in this context refers to Nigeria's legislature while functionalism typically entails the statutory legislative oversight functions constitutionally vested in the legislative arm of government. The legislative arm of government in Nigeria constitutes an integral of the governing process. As such, optimality, efficiency and effectiveness in the performance of its fundamental constitutional functions are critical to the maximum realisation of the corporate will of the state.

A Critical Assessment of Legislative Oversight Functions in Nigeria's Fourth Republic vis-à-vis its Implication for Good Governance.

Nigeria's return to a democratic system of government in 1999, witnessed an unprecedented high level of excitement from the general public. Such level of excitement was also laced with expectations from the people. The justification for high expectations was based on the understanding by members of the public on fundamental gains and dividends inherent in democratic rule. Central to the motivation of the Nigerian populace about the prospects of quality governance dividends is the idea that democracy will afford them the opportunity of having elected representatives (the legislature) who would champion their collective course and interest in government. Thus, aside the primary duty of lawmaking, the legislature performs roles that ensure effective representation with regards to the delivery of democratic dividends to the people. In Nigeria, legislative oversight functions are captured and comprehensively defined in the 1999 constitution. Accordingly, Omomtoso and Oladeji, (2019) observed some legislative oversight functions in Nigeria's fourth republic and they include the following:

The Power to Make Approvals: With a view to ensuring and guaranteeing public trust and confidence in the government, with regards to the calibre, professional and moral qualification of persons who are given sensitive public offices to occupy, it is incumbent on the legislature to carefully and assiduously ascertain the credibility and eligibility of such individuals and either approve or reject their nomination by the executive. It is a constitutional obligation of the legislature to endorse the eligibility of ministerial nominees sent to it by the President-the latter who is the head of executive arm of government at the federal level. The competence and eligibility of prospective ministers are usually tested and ascertained by members of the senate (the upper chamber of the legislature), through a very rigorous and tasking session of screening. The

statutory right of the upper federal legislative chamber (the senate) to conduct the screening and subsequently confirm the nomination of any person for ministerial position is captured in section 147(2) of the 1999 constitution of the federal republic of Nigeria (as amended). This right also extends to the statutory approval of ambassadorial nominees and heads of agencies, parastatals and departments, established by government

Furthermore, legislative oversight also consists in the approval of certain governmental policy proposals. Accordingly, such policy proposals must be communicated to the national assembly through direct transmission of the written policy proposal documents by the executive arm. It is within the statutory right of the legislative arm of government to adequately appraise and debate the appropriateness of such proposals before conducting the final phase of the policy proposal screening exercise which is achieved by votes. If the policy proposal is adopted by the legislature, it would be determined by 2/3 majority of the national assembly members. Again, sections 81, 82, 83, 84, 85 and 86 of the 1999 constitution of the federal republic of Nigeria confers on the legislature the statutory powers to regulate, supervise and oversee functions relating to the establishment of consolidated revenue fund, authorization in default of appropriations, contingencies fund, remunerations of the President, vice President and other key federal officers, audit of public accounts and appointment of auditor-general, respectively.

Power to Conduct Investigations: The 1999 constitution of the federal republic of Nigeria (as amended) vested in the national assembly, the statutory powers to conduct investigations into the operational activities of the various agencies and parastatals of government. For instance, the House of Representative in 2018 carried out investigations into the administration of the Subsidy Reinvestment and Empowerment Programme (SURE-P), founded in 2018 by former President, Goodluck Jonathan. The investigation included a comprehensive inquiry into the method of utilisation of the operational funds disbursed to that scheme. The oversight function of the House of Representative in this respect involved investigation into the execution or otherwise of the various projects the programme claimed to have carried out. According to Omomtoso and Oladeji (2019), the House of Representative investigation revealed that up to N16 billion mass transit fund was misappropriated. Again, as part of the legislative oversight function of the national assembly to ensure good governance, Eboesomi (2024), informed that the senate recently constituted an ad-hoc committee to probe 11,866 abandoned public projects. Essentially, legislative oversight on the conduct of investigations on the activities of MDAs is aimed at unravelling reported and suspected cases of embezzlement, misappropriations and diversions of funds, as well as abandonment of public projects. The underlying rationale is aimed at ensuring accountability and protection of public trust in governance.

Impeachment as an Instrument to Guarantee Good Governance: Another important aspect of legislative oversight is the constitutional powers to carryout impeachment proceedings on chief executives at state or federal level, and also principal officers of the national assembly or Houses of assembly. Impeachment against a public official in the capacity of a President, State governor or principal officers of both the federal or state legislature, entails a rigorously investigated proofs and evidences of charges of official misconducts or poor performances. Such is usually followed by a vote of no confidence on the affected public office holder- a situation that is expected to culminate in the removal of such a person from office (Nkwede, et al 2014). Since the inception of the fourth republic in Nigeria, there have been series of cases where political office holders, both in the executive and legislative arms of government. Although there have not been cases where a sitting President has been removed through impeachment, the Nigerian state has recorded about six cases where state governors where successfully impeached and removed from office. On October 16, 2006, Mr. Ayo Fayose of Ekiti state was impeached and removed from office as Governor on alleged cases of mismanagement of public fund and serial killing. On November 2, 2006, Mr. Peter Obi of Anambra State was impeached on alleged highhandedness and abuse of office as Governor. Likewise on 13th November, 2006, Joshua Dariye of Plateau State was impeached as governor on alleged cases of money laundering and gross embezzlement of public fund. Again, on January 12 2006, Rashidi Ladoja of Oyo State was impeached on grounds of allegations of multiple corrupt practices. The late Diepriye Alamiesieyeseigha of Bayelsa State was impeached following criminal cases of theft of public fund, money laundering and gross moral misconduct. Also, Murtala Nyako of Adamawa State was in July 2014, removed as Executive Governor

on grounds of gross abuse of office, reckless spending of public fund and money laundering (Faleke, 2022).

Aside the executive arm of government, impeachments have been passed on principal officers of the legislature at the federal and state levels. At the inception of the fourth republic in 1999, the pioneer President of the senate, the late Chief Evan Enwerem was on November 1999, impeached by the upper legislative chamber. Also, his successor, the late Dr. Chuba Okadigbo was in August 2000, impeached by the House of Senate. The reasons for the impeachment of the two erstwhile senate presidents was based on allegations of incompetence, perjury, highhandedness and corruption. The same trend of impeachments in the federal legislature since the inception of the fourth republic has been reflecting experiences at the state level. Thus, there have been cases of impeachments involving House of Assembly Speakers and their deputies (Lekan, 2023).

Supervision and Monitoring of Projects by the Legislature: This is a very vital and prominent aspect of legislative oversight. The supervision and monitoring of public projects by the legislative arm of government, both at the federal and state levels is very critical to ensuring good and responsive governance. Policy implementation is the most essential part of public policy processes. Hence, it is not enough to conceive, design, formulate and introduce very fantastic policies on paper, without having them transformed into visible projects. Therefore, when the executive arm of government announces plans of embarking on any physical developmental project and specifies the site location, it should be statutorily expedient on the legislature (the representatives of the people in government), to conduct a periodic appraisal of the implementation processes. The monitoring and supervision exercise is expected to cover the areas of competence examination, duration of implementation, durability and sustainability of the project and fund management discipline.

The Power to Raise and Control the Spending of Public Fund (Budget): To ensure proper accountability in public governance, most especially with regards to public finance expenditure, it constitutes a statutory responsibility on the part of the legislative organ of government to have an eye on, and regulate the way and manner with which the executive manages and spends public fund. The generation, disbursement and utilisation of public finance are primarily geared towards ensuring good governance through conscious delivery of social welfare services to the people. As such, it is the duty of the legislature to ensure that the executive-the ruling organ of the government exhibits a high sense of discipline and prudence with the management of public fund, such that its key objective which is anchored on welfare for the people is not defeated or compromised. Hence, section 81(1) of the 1999 Constitution stipulates that "the President shall cause to be prepared and laid before each House of the National Assembly at any time in each financial year estimates of the revenues and expenditure of the federation for the next following financial year." Again, section 80(3–4) Thus, section 80(3-4) stipulates that:

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

This constitutional assignment, supposedly carried out by the legislature is aimed at ensuring a high sense of integrity and probity in governance. It is an aspect of the legislative oversight functions of the legislature which guarantees that the various Ministries, Departments and Agencies (MDAs) exhibit an appreciable level of financial discipline while administering public funds. To this end, section 85, sub-section 4 and 5 of the 1999 constitution visibly states that:

> The Auditor-General shall have power to conduct periodic checks of all government statutory corporations, commissions, authorities, agencies,

> including all persons and bodies established by an Act of the National Assembly.
>
> The Auditor-General shall, within ninety days of receipt of the Accountant General's financial statement, submit his reports under this section to each House of the National Assembly and each House shall cause the reports to be considered by a committee of the House of the National Assembly responsible for public accounts.

It is an indisputable fact, going by the provisions and backing of the 1999 constitution of the federal republic of Nigeria, that the legislature, both at the federal and state levels is entrusted with enormous statutory powers to influence good governance through its control and regulation of activities of the executive arm of government. Aside the fact that the legislature is invested with statutory powers to determine and define its internal operations as captured in section 101 of the 1999 constitution, the legislature is equally saddled with the lawful responsibility of influencing and shaping government policies, programmes and reforms. As evidently captured in section 88 of the 1999 constitution, the National Assembly is vested with the most vital legal and constitutional support among to gather useful information for debate on proposed bills, avert or unmask indulgences in corruption, incompetence or calculated wastages in the course of public policy execution by agencies and parastatals which constitute appendages of the executive organ of government.

An Assessment of the Challenges of Legislative Oversight Functions in Nigeria's Fourth Republic.

Over time, legislative oversight functions which translate into the constitutional roles or duties of the legislature has been seriously undermined. This development typically describes experience in Nigeria's fourth republic. Issues bordering on weak independence of the legislature, institutionalised corruption and the poor practice of the principle of checks and balances among the three organs of government in Nigeria have continued to pose seriously confrontational to the realisation of good governance.

Weak Independence of the Legislature: Ideally, and arguing from the perspective of the terms of democratic governing arrangement, the legislature as a distinct organ of government institutionsalised by law to operate within the bounds of a set of defined jurisdictional powers, is supposed to operate independently and free from undue and indiscriminate interferences and subjugations. According to Efebeh (2015), it constitutes a grave undermining of the workings of the principles of separation of powers for the executive arm of government to underplay or deride the equality status of the other arms of government in the fundamental structure of state governance under a democratic system. In fact, in corroboration to the opinion espoused above by Efebeh (2015), Isodeke (2020), philosophised that the equality status that supposedly should characterise the operational existence of three arms of government could be likened to the purported description of trinity in the ecclesiastical realm, where it is claimed that the three divine deities, God the father-God the son and God the sprit have equal existential status. Unfortunately, in the Nigerian situation, the President and governors who are the heads of the executive arm of government at the federal and state levels respectively tend to lord it over the legislature by way of either interfering in the operational activities or outrightly refusing to implement the latter's legislative resolutions. According to Okakwu (2018), the refusal by the former President Buhari's led executive arm of government to honour the resolution of the senate to reject the confirmation of Ibrahim Magu as the substantive chairman of the Economic and Financial Crimes Commission (EFCC) was derogatory of the independence of the legislature and also undermining of the supremacy of the doctrine of separation of powers in a democratic system. Hence, the senate had in 2016, had based their reason for rejecting Magu's nomination on account of the latter's failure to pass integrity test by the DSS. Also, Isodeke (2020), recounted several cases where the former President Muhammadu Buhari refused to assent to bills passed by the National Assembly for the purpose of bringing good governance to the door steps of Nigerians. According to Isodeke (2020), these bills include among others, the Immigration Amendment Bill 2018, the Climate Change Bill 2018, the Digital Rights and Freedom Bill 2018, the National Bio-Technology Bill 2018, as well as the National Housing Fund Bill.

In the opinion of Bassey (2022), the reckless enactment of executive orders by heads of the executive organ of government at both central and regional levels constitutes one of the ways in which the execute infringe on the exclusive constitutionally defined powers of the legislature. According to Faleke (2022), prominent constitutional lawyers in Nigeria have in separate occasions, faulted the interpretation by some court rulings, of section 315(2). Hence, section 315(2) of the 1999 constitution stipulates that: "the appropriate authority may at any time by order make such modifications in the text of any existing law as the appropriate authority considers necessary or expedient to bring that law into conformity with the provisions of the constitution". In the opinion of the legal luminaries, such verdicts have always emboldened the President and state governors to indiscriminately promulgate executive orders which have severally undermined the independence of the legislature and have continued to heighten the autocratic tendencies of the President and state governors. Accordingly, Bassey (2022) recalled an incident which involved a court ruling in a case between A.G **Abia State v A.G Federation (2003).** According to Bassey (2022), in the judgment, the Supreme Court held that the powers given under section 315(2) of the 1999 constitution "is not an abuse of the principles of separation of powers". On 11th July 2018, during a Senate plenary session, a senator from Niger State, David Umaru raised a motion where he vehemently criticised a deliberate move by former President Buhari to cause an abuse of the rule of law with his plans to sign into law of Executive Order 006. The senator further protested against that the President sidestepped the endorsement of the National Assembly before the promulgation of the Order. Hence, according to Senator Umaru, it was tantamount to a constitutional breach. In addition, the aggrieved senator maintained that an order which authorises the seizure of assets/properties belonging to individuals still under investigation for corrupt practices was a breach of the fundamental human rights of the persons affected (Ayitogo, 2018).

Institutionalised Corruption: This factor is prominently responsible for the alarmingly high rate of underperformance of legislative oversight functions in Nigeria's fourth republic. The morally depraving tendencies of members of legislators, both in the National Assembly and the state Houses of Assembly have over time, assumed an institutional culture and body of belief system which defines the statutory function of the legislative arm of government. The nature of corrupt practices prevalent in the Nigerian legislature, both at the federal and state levels, reflects diverse forms, patterns and colourations. Hence, the most prominent among the patterns of corruption in the legislative arm of government include budget padding and constituency projects falsification/manipulation. Budget padding entails a sharp practice by members of the legislature which involves a deliberate but dubious inflation of funds allocated for specific projects in the government's financial expenditure plan. In some occasions, budget padding by members of the legislative organ of government may consist in the act of manipulatively creating non-existent projects and infusing them into the public financial spending plan, while huge financial allocations are pegged on such faceless projects.

Budget padding by National Assembly members has its history traceable to the inception of the fourth republic in 1999. The morally-decadent propensities of National Assembly members which took the pattern of manipulating inflated but strange financial figures to public project funds, had given rise to political rift between the National Assembly and the former President Obasanjo-led executive organ of government. In a bid to resolve the ensuing political wrangling between the two organs of government in 2003, the Obasanjo administration entered into an agreement for the creation of a Special Intervention Project Fund known as constituency project fund which will henceforth be incorporated in annual budgets. The allocation was previously pegged at N66bn, but it was later reviewed upwards to N100bn. Recently, a revelation was made by a serving National Assembly member, Senator Abdul Ningi to the effect that the principal officers of the Senate in the current 10th National Assembly were involved in the act of budget padding of the 2024 national financial spending plan. The senator alleged that the money involved was N3.7trn. Although this claim was debunked by the leadership of the senate- a situation which birthed the consequential suspension of Senator Ningi, the subsequent disclosure by BudgiT- a non-government body which confirmed that up to N3.32trn was allocated to MDAs without a detailed analysis of the purposes for which the allocations were made was a convincing proof, tangible enough to indict the senate (Fasan, 2024).

Again, despite the fact that in 2024 budget, the National Assembly earmarked the sum of N100bn for constituency projects, the National Assembly still brought in an added 7,447 projects, hence, hiking the constituency projects fund to N2.28trn. Also, lots of information abound about how National Assembly members introduce nonexistent constituency projects, using the names of their personal companies or that of their allies just to siphon funds from public coffers. To achieve this, they conspire with corrupt-tending Heads of MDAs to divert the allocated funds to their personal bank accounts. The morally depraving tendency of inventing faceless constituency projects unfortunately described the first budget proposal of former President Muhammadu Buhari in 2016. Consequently, that had occasioned a high level of poor national budget performance. Regrettably though, even with the alarming upsurge in the degree of budget padding, including the usual constituency project allowance which creates the avenue for a non-ranking legislators N13,5 million as running cost, and N200 million for constituency vote, infrastructural projects execution in the various constituencies of these legislators is still at a sorry state (Umoru, 2024).

Another aspect of corruption, perpetrated by members of the legislature in the course of their legislative oversight functions involves a situation where members of the National Assembly bribe their way into juicy House committees in both legislative chambers of the House of Representatives and Senate. The driving motive is always geared at amassing ostentatious wealth, as well as other sundry material gains. It has severally been reported that most serving National Assembly members in this fourth republic lobby to be placed in big and juicy committees like Niger Delta Affairs, Customs, Finance, Petroleum, etc. where they can have access to the means of collecting huge bribes and other ill-materialistic incentives in the exercise of their constitutional obligations. To achieve such an ulterior motive, the National Assembly members would be ready to resort to shielding the sharp practices and other dubious indulgences of some corrupt Heads of the various MDAs. Such underhand dealings by bureaucrats in the various MDAs consist in sharp practices usually involve fund misappropriations, diversion and embezzlement of public fund. It has even been observed further revealed that most corrupt-tending National Assembly members in this fourth republic receive other 'palm-greasing' inducements from bureaucrats in some key statutory agencies of government, in the aspects of scheduling and sponsoring them for flamboyant holiday trips abroad, medical trips abroad, payment of their children's school fees abroad, expensive car gifts, among other things. As a result, in the aftermath of accepting all these pecuniary and material inducements from Heads of the various MDAs, members of the National Assembly can no longer help than to become compromising and ill-dedicated in the discharge of their oversight functions (Usman, 2015). Also, according to Busari (2018), it has become widely known about how legislators in this fourth republic era resort to blackmail and intimidation of Heads of MDAs just to obtain bribes from them. Hence, Busari (2018) revealed that on various occasions, it has been reported that National Assembly members serving on the various committees threaten some MDA chiefs who are unwilling to pay bribes, with victimisations and deliberate delays in passing their budget proposals. On the other hand, for the corrupt-tending bureaucrats in the various MDAs, the National Assembly members would collect bribes from them and deliberately connive at some obvious infractions and fraudulent inputs in the budgetary proposals. In such situations, such MDAs would have their budgetary proposals scale through without being subjected to strict administrative rigours.

A member of the House of Representatives, representing the Obokun/Oriade federal constituency of Osun State, Oluwole Oke, on the 5th of July, 2023, brought to the knowledge of the House, the trending corrupt indulgences in Nigeria's tertiary institutions. The motion stressed concern about the growing degree of job racketeering in universities, colleges of education and polytechnics. As a result, the House of Representative constituted a 39-man committee to investigate the case of job racketeering in the country's tertiary institutions. However, most Nigerians who were of the opinion that such move was a determined effort aimed at unearthing the morally depraving tendencies of administrators of tertiary institutions were disappointed to realise that all were turned into a merchandising effort by House of Rep members. It was revealed that on Tuesday, August 15, 2023, the House committee members investigating the matter convened a meeting between them and the Heads of the various federal-owned tertiary institutions, comprising 51 Vice Chancellors of Federal Universities, 35 rectors of Federal Polytechnics and 27

provosts of federal Colleges of Education. It was further disclosed that having indicted these tertiary institutions administrators of complicity in the commercialisation of employment opportunities, the committee members asked the Heads of the various institutions to pay some bribe so that the issue could be buried henceforth. It was revealed that the Vice Chancellors were asked to pay N2million naira each (Majeed, 2023).

The Absence of Proper Practice of Checks and Balances: One of the major reasons why the legislature, over time, have not performed optimally and commendably with regards to carrying out its statutory oversight functions can be attributable to the declining application of the principles of checks and balances in governance in Nigeria's fourth republic. The doctrine of checks and balances fundamentally presupposes that the three organs of government in a democratic system, should perform complementary functions with a view to ensuring that no organ of government either oversteps its jurisdictional boundaries while performing its constitutional roles or is found wanting in the performance of its statutory responsibilities. According to Efebeh (2015), checks and balances in a democratic system is fundamentally designed to serve as a sort of performance appraisal of the functions of the various organs of government, complementarily conducted by each organ on the other. The central and core virtue inherent in the doctrine of checks and balances in any democratic system is that it entails a practice which statutorily permits each organ of government to monitor the functional status and abilities of other organs with a view to ensuring that good governance is ultimately achieved.

The application of the doctrine of checks and balances to governance by the three arms of government, the executive, the legislature and the judiciary in Nigeria has severally been sabotaged and compromised by corrupt-tending relationship among the three organs of government. Especially with regards to the legislative and executive arms of government, the pattern of intergovernmental relations among these two organs of government has over time, become insidious conspiratorial. In recent times, the application of the doctrine of checks and balances between the legislature and the executive, both at the federal and state levels assumes the form of conniving at or shielding some elements of administrative treachery committed by either arm in the performance of their constitutional functions. According to Busari (2018), the practice of the principle of checks and balances between the executive and the legislature is transactional. In carrying out its legislative oversight functions on the executive, the legislature enters into a bargain with the executive to cover tracks of official criminality purportedly perpetrated by the executive. In return for the gesture by the legislature, the executive would be reluctant to exercise its constitutional functions of checks on the activities of the legislature like vetoing some self-serving bills which can be generally seen as being exclusively in the interest of the legislature, yet, against public interest. Unarguably, the recent attitude exhibited by the presidency to allow the National Assembly members to allocate bumper finance for their welfare is a testament to the existing conspiratorial relationship between the legislature and the executive. Such, by all standards is confrontational to the realisation of good governance.

CONCLUSION AND RECOMMENDATIONS

The level of gratification of the general public over the delivery democratic dividends in any democratic dispensation is usually adjudged by the conscious administration of good governance. Hence, the task of bringing into fruition, the effective administration of the state in any democratic clime is undoubtedly vested in the government-the latter which power to administer the public deconcentrated and conferred on three organs which comprise the executive, the legislature and the judiciary. In any democratic government, the role of the legislature remains expedient, critical and indispensable to the actualisation of good governance in any political entity. Hence, the legislative arm comprising members who are elected by the people in their various constituencies to represent them in government. The duty of the legislature in this context must entail ensuring that the executive being the organ that executes administrative policies, governs in the absolute interest of the masses.

This study has holistically reviewed the constitutional roles of the Nigerian legislature with regards to carrying out its legislative oversight functions. The study appraised trends in Nigeria's fourth republic. The several literature reviewed confirmed that legislative oversight functions in this fourth republic era

has continued to witness setbacks due to the corrupt dispositions of members of the legislature who prefer to frustrate legislative the performance of oversight functions at the expense of good governance to the people.

Therefore, this study advocates for a holistic institutional reform as a means of improving the capacity of the Nigerian legislature. Institutional reform in this context is expected to connote a re-emphasis on the institutionalisation of administrative values and principles of integrity, honesty and dedication in the performance of constitutional responsibilities by the Nigerian legislature. This is expected to have a direct implication for good governance. Again, the application of the doctrine of checks and balances should characterise the intergovernmental relations that exist among the three organs of government as they perform their statutory responsibilities.

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