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Federal Government Anti-Corruption war in Nigeria: The Legislative Oversight option

Martins, Olugbenga Lawrence Ph.D.[α], Awodele-Fayomi [σ], Ikeoluwapo Omolara Ph.D. [ρ] & Alao Olaleke Michael [ω]

Abstract- In contemporary Nigeria, corruption has reached such a high magnitude, that it has become a burden not only to Nigeria but also to the international community. The sad situation in Nigeria is that the measures put in place by successive governments in the last three decades as medication have failed. It has become so endemic, pandemic, systemic, and a threat to the fledgling democracy in Nigeria. Arising from this helpless situation, Nigerian government finds itself in its difficulty to win corruption war that spurred the authors of this paper to suggest Legislative Oversight Option as a Legislative Administrative Strategy to tame the monster, corruption in Nigeria. The study suggested how Legislative Oversight can be strengthened in Nigeria to a robust Constitutional mechanism to checkmate the usual excesses of the executive arm of government and its executive bodies to curb waste in governance. To also curb corruption and absolution in the exercise of political power, especially in the Government Budgets vis-à-vis the awards and implementation of contracts, goods and services in Nigeria. The position of this paper is that if best practices devoid of compromise are adopted by the National Assembly in its Legislative Oversight Functions as obtainable in the advanced democracies, good governance in which accountability, transparency, and integrity would be a culture in the nation's polity. Thus, where other measures of the successive governments have failed in the fight against corruption, the Legislative arm that lives above board, sees their membership in the National Assembly as a call to national duty which demands sacrifice, patriotism, and service, would surely succeed in winning the war over corruption in Nigeria.

Keywords: corruption, national assembly, legislative oversight, accountability, transparency, good governance, constitution.

I. Introduction

Corruption is as old as the existence of human beings on earth and is not a social vice unique to Nigeria. It prevails in one form or the other in practically all countries of the world. The history of Nigeria since independence in 1960 has been the same story of misappropriation of funds, embezzlement or looting of the nation's treasuries, abuses of procurement procedures and implementation or execution of contracts and awards of public goods and services, for private gains. The Nigeria nation has a track record of poor public finance management, resulting in non-existent critical infrastructures and social programs. The irony in the country is that the very people who are supposed to defend and protect the masses' interests are responsible for institutionalized looting in the country. The chief bandits are often the high-ranking government functionaries while the successive Heads of Government have also been on the taking. These elites in government have developed a taste for absurd luxury, manifesting in a brazen display of impunity, insensitivity, and indifference to the general misery of the Nigerian people. In the light of daily events unfolding in Nigeria, corruption has reached cancerous proportions. The truth is that the extent and magnitude of this scourge are hard to estimate, owing to its illegality and the painstaking efforts the culprits take to conceal it.

In other words, Nigeria, with her human and other natural resources, according to the Human Rights Watch, 2011, easily stands out as among the Twenty-two (22) poorest countries of the world. The probe panels of the various committees of the National Assembly and other corruption scandals associated with Jonathan administration that are being constituted under the Buhari administration since inception in May 2015 have indicated and further confirmed that the public sector is still as rotten as ever, in spite of the various anti-corruption measures and institutional approach on ground. Nigeria and Nigerians have no business being impoverished if only their leaders imbibe the culture of service. The Nigeria experience has justified the development hypothesis that an abundance of resources of all types is not a sufficient condition for all-round development of any country.

The fight came to the limelight in 1966 when the military gave the reason for corruption of the politicians as one of the reasons for coup d'état. Since that time, strategies, laws, and policies have emerged to wage and win the war against corruption by successive governments in Nigeria. Unfortunately, it has not being won because the strategies or the laws or policies have not been faithfully and comprehensively utilized hence, corruption has not only impacted tyranny on the socio-economic and political development of the country, it has indeed robbed the nation of desired greatness and prosperity, as envisaged by her founding fathers. It has remained the cankerworm over the years that has eaten

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deep and destroyed the very fabric of the great nation, and thus crippled her journey to greatness. Since various strategies, laws, and policies have been designed to fight corruption in Nigeria by succeeding governments without success, the Legislative oversight option is what this paper aimed to examine, explore and utilize as new option to enshrine integrity, probity, accountability, and transparency in the Nigerian public administration as culture in the public funds management and expenditures.

II. Conceptualizing Corruption

The concept "corruption" is derived from the Latin word "*corruptus*" which signifies "to destroy." As a concept, it has attracted the attention of scholars from social sciences, practitioners of public administration, human activists and international organizations such as World Bank, Transparency International, International Monetary Fund's (IMF) and others. As a result of this public interest on corruption, Musa (1999) then opined that the term is uncertain and devoid of any straight jacket definition. Thus corruption as a concept is how and what is it in the eye of the beholder. That is, it all depends on who is defining it and from what perspective and for what purpose.

According to the United Nations Development Programme [UNDP], (1999) corruption is defines as "the misuse of public power, office, or authority, for private benefit through bribery, extortion, influence, peddling, nepotism, fraud, speed money or embezzlement." From this definition, corruption is the abuse of public office for personal benefits. To Ndubuisi (2005), corruption is "any act by a public official who violates the accepted standard of behavior to serve a private or selfish "end."

From the preceding, the search for the definition of corruption is generally a difficult task. The reason is that "definition" etymologically means "to enclose within limits", so when a concept is defined, it is enclosed. In recognition of the obstructive nature of the concept, the dictionaries irrespective of the publishers have nine definitions of corruption, which covers the physical, moral, and aspects of the transferred applications of the concept. The moral and aspects of the transferred applications are helpful in our search for definition. From the definitions, it can be deduced that due process is distorted by corruption. This paper then believes that as corruption defies precise definition, it is therefore absolutely not necessary to venture into the definition of corruption as provided by various scholars, considering the scope and limit of this paper.

In the view of this paper, what then is corruption? For an act to be corrupt, it must presuppose that in a given system, there is a standard or blueprint of behavior expected of persons who operate within that system. Hence, in any business, profession, institution, or social system, there are rules or an agreed code of conduct which members are meant to conform to for the healthy running of the system. This standard or blueprint of behavior explains subscription to Oaths of Secrecy and Office Allegiance by the public officials, Public Service Rules (PSR), Code of Conduct Bureau (CCB), Financial Regulations (FR) and Circulars, which are guiding operations in the Nigerian Public Sector. In light of the preceding, this paper shall, therefore, identify with the definition given by Social Science Encyclopedia (1985). It defines corruption as "the pervasion or abandonment of a standard." From the definition, one can see that in every incidence of corruption, there must have been an established normative standard. Thus, in every human society or set up, there are levels of quality, behavior, decency, value, and measure of weight which are adjudged necessary and acceptable for social well being. If these standards are absent or altered, the resultant effects are insecurity, chaos, and frustration. An act of perversion consists in the modification or change in an established normative standard in "an unnatural and often harmful way."

In the light of the above, one, therefore, is inclined to accept the definition provided by the African Association for Public Administration and Management (AAPAM), and the United Nations Economic Commission for Africa (UNECA), (1992) that:

… all forms of departure from ethical norms or in one word, all unethical behavior. Falling away from standard of integrity or rectitude defined by law, upheld by social norms or conscience or recognized by the general conscience of mankind or behavior patterns.

From the definition provided above, Six (6) key points are noted. That corruption:

- is the antithesis of accountability, transparency, and performance;
- a deviation from standard norms and rules of doing something in a social system;
- involves satisfying private or personal pleasure or interest;
- reveals the wide scope or multi-dimension of corruption;
- shows the futility in the precise definition of corruption, even though it is observable when seen; and
- shows the subtleties of corruption

a) Impact of Corruption in Nigeria

The causes of corruption will only be highlighted by this paper being that this work is not absolutely on corruption per se. The causes are itemized as: colonial experience, leadership debacle, bad economic policies, Nigerian family system, poverty, bad governance, ethnicism, political patronage, greed, lack of political will, among others. Corruption is manifesting in all spheres of human endeavors in Nigeria. Be it in government or corporate institutions or at individual

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private life; corruption has negatively impacted all the sectors. The terrible and negative impact corruption has had and still has on Nigeria can best be captured in the words of the former chairman of the Independent Corrupt Practices and Other Related Offices Commission (ICPC), Justice Akanbi, who stated among other things:

Corruption is a dangerous foe. The endemic nature and deliberating effect of corruption on the cultural, economic, social, and political foundation of the society have been most harrowing and disconcerting. Corruption is, true, the bane of our society. It has been the harbinger of the messy situation in which we find ourselves today. Our economy has been ruined, our hopes for greater tomorrow have been dashed, and our value system is destroyed so much so that the world begins to see us as men and women without honor and dignity.

Miguel Schloss, the Executive Director of the Transparency International in his address at a 3-Day 8thNigeria Economic Summit held in Abuja, in 2001, said the root of Nigeria's under-development despite her abundant human and natural resources, is corruption. He further explained that:

Bribery and corruption not only create room for more costly public investment, low expenditures on operation and maintenance but also make for lower resource surpluses. All these can only engender poorer economic performance. And Nigeria is a classic example of one country which economy has continued to stagnate because the specter of bribery and corruption continue to haunt it.

Psychologically, corruption has inflicted scorching hurt and reproach on the psyche of individual personality in Nigeria locally and internationally. The integrity of an average Nigerian is questionable and dreaded like mad dogs and criminals. So bleak is the situation that the former secretary-General of the Commonwealth of Nations, Chief Emeka Anyoko, lamented as follows:

I wonder how many of our public office holders including those whose official positions entitle them to use the epithet "Honorable," Distinguished Senator," can truly be said to be men and women of honor and distinction in their everyday conduct. I wonder too, how many of our people in leadership positions in our private sector and non-governmental organizations can be said to reflect a sense of personal honor in what they do.

The few questions above are enough to expose the extent, serious and far-reaching attendant consequences of corruption on the governance and developmental efforts and processes in Nigeria. The country has a track record of poor public finance management resulting in deficient or non-existent critical infrastructure and social welfare programs. The explosion of churches and mosques and the increasing number of religious zealots in the nooks and crannies of the country have not helped matters as moral degeneration in all forms, especially in the number of fraudulent and corrupt office holders have no positive impact on governance and developmental processes in Nigeria.

Though corruption is a universal malady, in Nigeria, it abounds, resounds and affects the whole socio-economic and political sectors, private sector inclusive, like a contagion. The reason why Nigeria is more corrupt than many other countries as always revealed in the Annual Report of the Transparency International is aptly conveyed by Latin in the saying *corruption optima pessima est*. In the Nigerian language, it means "when a river is fouled". Is fouled at source, the whole course is fouled." It seems that successive Heads of Government are also involved in that moral degeneration. To date, each successive government in Nigeria has been implicating and indicting its predecessors of this crime against humanity. Ironically, Nigerians always later discovered that the regime that has been crying foul had been the most ever corrupt.

Successive governments in the country have established several agencies, initiated reforms, set up public enlightenment institutions, issued circulars and made publications on the Financial Regulations and Public Service Rules in efforts to curb corruption in the country. Hence, the country witnessed mass purge of 1975 and 1984 respectively, the Jaji Declaration of 1977, the setting up of institutions like the Code of Conduct Bureau (CCB), Code of Conduct Tribunal (CCT), Independent Corrupt Practices and Other Related Offences Commission (ICPC), Economic and Financial Crimes Commission (EFCC), and the constitution of various panels of inquiries, propaganda machineries like the National Orientation Agency (NOA).

Recall that this paper has earlier noted that corruption virus has infected all sectors of the nation's polity, the judiciary in particular, which has made the fight against corruption a complicated war to win. Today, the Civil Society Organizations, opposition political parties, media, and some notable individuals have pointed accusing fingers against the government, the anti-graft agencies and security agencies, especially the Department of the Security Service of the selective fight against corruption, being politicized and ethnic-based. The feeling in Nigeria today is that the President knows quite several corrupt officials in the three arms of government, and especially in his political party. But rather than prosecuting them, he is using the dossier collected on them to force them to support his government to succeed and used it as a good ground for 2019 General Elections. It is not therefore surprising that hardly a week passes in Nigeria, which you did not read in the newsprint of opposition political parties unceremoniously cross-carpeting to the ruling political party. The authors of this paper believe that there are

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about seven questions that should test the seriousness of any anti-corruption crusade. These are:

i. Is it systematic?
ii. Is it comprehensive?
iii. Is it consistent?
iv. Does it carry people along?
v. Is it sincere in all sense of it?
vi. Is it devoid of sentiments, politicization or ethnicism in a multi-ethnic society like Nigeria?
vii. Does it follow due process or Rule of Law?

Based on the scrutiny questions above, the previous anti-corruption crusade and even the present Buhari's crusade have failed the test; hence, the Nigerians alleged that the crusades have been largely media-oriented. Nigerians have discovered that there has been a disconnect between the utterances of the warriors of the fight and their conducts, while in government. This paper opines that there is a missing link in the fight against the monster, and Nigerians seem to have given up, while each successive government in the country continues to implicate and indict its predecessor of corruption.

The truth is that there seems no human problem that can defy human solution, once it is human. The essence of any research is problem-solving, hence this research is looking at the Legislative Oversight Option to tackle the problem of corruption in Nigeria, which the Nigerian government has not adequately explored. In sociology, there is a belief that "prevention is better than cure." Of course, a strengthened Legislative Oversight back with sincere political and patriotic will could go a long way to win the battle against corruption in Nigeria.

III. Legislative Oversight Option

Since the time of that great philosopher, Aristotle, it has been universally accepted that the political powers of the state are functionally divisible into three broad categories – the Executive, Legislature, and the Judiciary. Among the three arms of government, the Legislature occupies the superior place in the functional distribution of state power. According to one of the hallmarks of democratic governance is the principle of representation embodied in the legislature. Given its functions of representation, lawmaking, and oversight, the parliament is charged with the task of ensuring good governance. Legislature is the core institution of representative democracy. Comparing with the other two organs of government, the Legislature represents the divergent interests and opinions in society. It is an organ of government in which people of a diverse society are represented, which indeed makes a democratic government a representative democracy. Thus, Legislature is a product of a democratic government in any nation and has been an important arm of government all over the world. Democratic government is a system of government where absolute power is vested in the people. As a system of government, the central concept of democracy requires the involvement and consent of the citizens. It is a form of government in which people either directly or through their representatives constitutes a democratic government. In an attempt to define democracy, the most popular definition given by Abraham Lincoln, a former President of America that democracy is "the government of the people, for the people and by the people" (Tukar & Awosanya, 2004). From this definition by Lincoln, one can deduce the concept of participation by all and sundry in the affairs of the state. Democracy demands that the total decision making must reside among the people on one hand while on the other hand, accommodating differences among the people. These translate to majority rule and minority right, a representative government that is also accountable to the people that elect them into power. Since the Legislature occupies a remarkable position in governance, the core of democratic government and broad in the representative of a democratic society, then one should also be quick to add that much is expected from this arm of government in a nation-building or national development. This legislative arm of government is called National Assembly at the Federal level, which is a bi-cameral system: the Upper Chamber (Senate) and the Lower Chamber (House of Representatives). At the state levels, it is referred to as the State House of Assembly in Nigeria.

It is apt at this juncture to define what the concept, legislature means. According to the Oxford English Dictionary, legislature is "a body of persons invested with the power of making the laws of a country or state." The legislature consists of individuals (Legislators) who ostensibly were elected through free and fair elections as representatives of constituencies (geographical or communal territory). Although the legislature performs several functions, their three most critical responsibilities are the representation, law-making, and oversight of the Executive; Ministries, Departments, and Agencies (MDAs) and their activities. Literature has expressed two distinct views on the primary role of the Legislature as either trustees or delegates. As delegates, the legislature should reflect the interests of their constituencies but in contract to this view, the other school of thought views legislature as trustees of the entire nation considering their representativeness. Quoting one of the scholars of this school of thought, Burke (1974), succinctly asserted on the role of legislature as a nation's trustee or conscience, that:

… it ought to be the happiness and the glory of a representative, to live in the strictest union, the closest correspondence, and the most unreserved communication with his constituents. Their wishes ought to have great weight with him; their opinions high

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respect, their business unremitted attention… But his unbiased opinion, his mature judgment, his enlightenment conscience, he ought not to sacrifice to you, to any man, to any set of men living. Parliament is not a congress of ambassadors from different and hostile interests, which interests each must maintain, as an agent and advocate, against other agents and advocates; but parliament is a deliberative assembly of one nation, with one interest, that of the whole-where not local purposes, not local prejudices, ought to guide, but the general good, resulting from the general reason of the whole.

Irrespective of divergent views on the role of the legislature, several functions of the legislature in a democratic society have been identified by scholars and prescribed in the constitutions of countries in the globe. However, the legislature of a nation is the eyes, ears aid, and voices of the people of the country concerned. Traditionally, the most important function of the legislature is that it makes laws for the nation, the function in which it is identified by most people. About the oversight function of the Legislature based on representative democracy, Mill (1862) opined that the legislature is expected to:

i. watch and control the government
ii. throw the light of publicity on its acts
iii. compel a full exposition and justification of all of (the action of government or officials, and other corporate actors) which anyone considers questionable
iv. censure them if found condemnable
v. be the Nation's Committee of Grievances and its Congress of Opinions.

From the preceding opinion, Mill recognized the oversight function as a major responsibility of the legislature.

IV. Understanding the Legislative Oversight Concept

The Legislative Oversight is one of the most cardinal constitutional responsibilities of the legislature in any country of the world, and Nigeria is no exception. The Constitution of the Federal Republic of Nigeria (1999), in sections 4, 5 and 6 provide for the powers of the Federal Republic of Nigeria to wit: Legislate, Execute and adjudicate powers respectively. In section 47 of the same Constitution, the Constitution provides: There shall be a National Assembly for the Federation which shall consist of the Senate and a House of Representatives. By this provision, a bi-camera Legislature was established in Nigeria at the National level.

Further, Section 4 (2) makes provisions for the powers that shall be exercised by the National Assembly, which states that "The National Assembly shall have the power to make laws for the peace, order and good government of the federation or any part thereof with respect to any matter included in the Exclusive List contained in Part I of the Second Schedule to the Constitution. Section 4 (7) provides that "The legislative powers of a state of the federation shall be vested in the House of Assembly of the State." In addition to the primary function prescribed in this Section, the Nigerian Constitution vested the legislature with several powers and functions, including oversight. From the preceding, the powers of the National Assembly are over-whelming. It can do anything within the Constitution provided it is for the peace, order, and good government of the Federal Republic of Nigeria. According to Nwabueze (2004), a legislature can legally exercise the sovereignty of the nation reposed in it in any way and for whatever purposes it chooses, it can, in theory at any rate, do anything it likes except, of course, things that are physically impossible, like turning woman into a man… Thus, without a vigilant legislature capable of acting as a check on presidential powers, those powers could easily be abused.

The 1999 Nigerian Constitution perceives oversight as inquiring into the past activities of implementing public institutions, their plans, and actions. In other words, the oversight function of the legislature is the administrative activities of this arm of government. It is the legislative review and evaluation of selected activities of other arms of government in a democratic society with accountability, openness, fairness, monitoring, supervision, and sanctions as its components. Legislative oversight is a way of keeping a watchful eye, but responsibly, over the work of implementing institutions to ensure that their works or activities are effectively and efficiently carried out as specified. It is an expansive constitutional power conferred on the legislature to act as overseer or watch-dog on the application of public funds (Jaja, 2012).

American Congressional Dictionary describes Legislative Oversight as "Congressional review of how Federal agencies implement laws to ensure that they are carrying out the intents of congress and to inquire into the efficiency of the implementation and effectiveness of the law." Also, the American Legislative Re-Organization Act of 1946 opines that Legislative Oversight is "the function of exercising continuous watchfulness over the execution of the laws by the executive branch", to ensure that implementations align with Congressional intents.

In his view, Akeredolu (2008) sees legislative oversight as surveillance of policy implementation, which entails how policies and decisions have been carried out. It is a situation in which the post-administrative actions are investigated while public officials are invited to account for their financial and administrative actions. It should be noted that the function of oversight is also sometimes called the Legislative Review or Legislative Investigation. In the context of the constitution of the Federal Republic of

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Nigeria Legislative Oversight is defined as the constitutional powers and responsibilities vested in the Nigerian Legislatures or its Committees to review, study and evaluate continuously:

i. application and effectiveness of laws and whether they are being implemented in accordance with the intent of Congress;
ii. administration and execution of programs created by law and whether they should be continued, curtailed or terminated;
iii. that organization and operation of agencies of government and entities having responsibilities for the execution of laws and administration of programs including use of government funds;
iv. conditions or circumstances that may indicate the necessity or desirability of new or additional legislation; and
v. determine the efficiency and effectiveness in the execution of the laws and programs, and exposing inefficiency and corruption and correcting any deficiency thereto. (Ezeani, 2010)

It is apposite to differentiate in this paper the difference between Legislative Oversight and Legislative Control. Legislative Control refers to legislative decisions, activities or determinations about the proposed policies and programs of the executive arm of government or any executive body of the arm aims at guiding the executive officials in the performance of their function. Oversight is inquiring into the past activities of the implementing agencies, comparing their actions with their plans. In other words, oversight can be likening to monitoring and evaluation. Also, legislative oversight is different from legislative interference. Legislative interference is when the legislature is dabbling into executive functions or activities that are outside its constitutional jurisdictions.

a) Legal Framework of Legislative Oversights

The powers for the Legislative oversight functions of the National Assembly (NASS) in Nigeria are enshrined in Sections 82-89 of 1999 Nigerian Constitution, which equally applies to the State Houses of Assembly. It stated as follows: Section 88 (1) subject to the provisions of this Constitution, each house of the NASS shall have power by resolution published in its journal or in the official gazette of the government of the federation to direct or cause to be directed 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 or responsibility for:
i. executing or administering law enacted by the NASS; and
ii. disbursing or administering money appropriated or to be appropriated by the NASS.

88(a) the powers conferred on the NASS under the provisions of the Section are exercisable only for the purpose of enabling it to:

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

In the light of the highlights above, each House of the NASS, also State House of Assembly is empowered to direct or cause to be directed an investigation into any matter in respect to which it has the power to make laws. It thus means, it has the power to cause an investigation or inquiry into any of the 68 subjects in Part 1 of the Second Schedule of the Nigerian Constitution i.e., the Exclusive Legislative List. Also, it has powers to investigate the conduct of any person, authority, ministry or government department, charged or intended to be charged with the duty or responsibility for executing or administering laws enacted by the NASS and disbursing or administering money appropriated or to be appropriated by the NASS.

Furthermore, the sub-section (2) of Section 88 clearly states that the Legislative powers are exercisable for the purpose of enabling the Legislature to make laws with regards to matters within its competence and expose corruption, inefficiency, and waste in the execution or administration of laws within its competence. Under Section 88 (1) the conduct of persons intended to be charged with responsibility for executing or administering laws and disbursing public funds can be investigated, establishes conclusively that the Legislative powers under the Constitution, are both reactive and proactive (preventive). In other words, the individuals and entities intended to be charged with such functions involving the disbursements of public funds can be investigated in advance to determine whether they are fit to exercise such powers.

In the Nigerian Constitution, the Legislature is also saddled with the responsibility to entrench good governance, especially in matters that are sensitive to public trust. This responsibility is notable in the power of confirmation of appointments, which is a major aspect of supervisory oversight of the executive arm as these appointments must receive the consent of the legislature. Examples of such appointments are that of Ministers, Ambassadors, Judicial Officers, Special Advisers to Mr. President, Chairmen and members of Federal Executive Bodies, etc. The legislature ensures that the requests, for confirmation of appointments of executives sent to the NASS by the President are

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examined, debated before they are confirmed or not. Tied up to the confirmation of the appointment by the Legislature is also its consent in the removal of certain public executive functionaries in both the executive and judicial arms of government. This power granted the legislature a check on the authorities of the President. This power enables the legislature to oversee the Executive's prerogative in the removal of the category of persons involved. This power is to ensure the independence of the officials involved and to ensure good governance in the country.

On the oversight function of the Legislature, as it relates to conduct an investigation as earlier discussed above. Sections 89 and 129 of the 1999 Constitution empower the legislature to procure evidence, summon persons to give evidence and require such evidence to be given on oath through the examination of witnesses. The legislature is also empowered to issue a warrant to compel attendance by any person so required, on order of punishment if they fail to attend. It is important to note that the NASS is not an executing agency. After conducting its investigations, it passes its reports in the form of resolutions to the Executive arm for implementation.

The Legislature also has the power of impeachment or removal from offices of certain elected political functionaries such as President, Vice President, Senate and Deputy President of the Senate, the Speaker and his Deputy in the House of Representatives. The State Houses of Assembly also have this power of impeachment against the Governor and his Deputy, Speaker and his Deputy. This power can only be invoked in a situation of breach of Nigerian Constitution in the course of performance of duties by the elected political officers concerned, and of course, on the allegation of serious misconducts such as corruption and abuse of office. The Nigerian Constitution also gives the legislative power to the NASS to control the spending of public funds and monitoring of the performance of the national budget.

In a bid to enable the government to performs her statutory responsibility of catering for the total welfare of the Nigerian citizens, the constitution empowers the legislature to ensure effective allocation and management of public funds. The legislature also exhibits checks over the borrowing powers of the government. This power is in Section 81(1) of the 1999 Nigerian Constitution. This oversight power over control spending of public funds and monitoring of the performance of National Budget is to ensure prudent management of public funds, and of course, promotion of transparency, accountability, and good governance. Thus, this control and supervision of the national budget cycle is a source and another basis for the oversight functions of the legislature. The power and authority of the legislature in the approval and control of the budget is extremely clear as no money can be withdrawn from the Consolidated Revenue Fund of the Federation without the approval of the legislature. It has the power to scrutinize and examine the national budget submitted before the NASS, if it is necessary, it could give conditions and place a limitation on government spending and how funds are to be used. Though, nothing prevents consultation between the NASS and the Executive on the contents of an appropriation bill. The importance attached by the legislature over its role in budgetary matters was demonstrated by the fact that non-implementation of the budget as passed and enacted was a ground for the threat of impeachment of former Presidents Obasanjo and Jonathan in 2003 and 2013 respectively.

Furthermore, the Nigerian Constitution also gives power to the legislature to receive the annual report of the Auditor-General of the Federation. The Auditor-General has the constitutional power to conduct the audit of the public accounts, all offices, and courts of the federation. It also has the power to conduct a periodic check on all government statutory corporations, commissions, authorities, agencies, among others. At the end of the compilation of the reports, Auditor-General of the Federation places it before the NASS which then sends it to be considered by the Committee of the NASS that is responsible for public accounts. The report of the Auditor-General is a potent source for the exercise of the investigative powers of the legislature.

c) Institutional Framework of Legislative Oversight

In the performance and exercise of the oversight functions, all members of each House of NASS are selected into Standing Committees. The oversight Committees are selected or appointed at the commencement of a new legislative session, which is every four years in Nigeria. The NASS would invoke the powers conferred on them by Section 60/62 and Sections 100/101 to regulate their procedures and appoint Standing Committees of their members based on the various organs of government which are made up of various departments, statutory bodies, ministries and extra-ministerial departments performing the various duties in the public sector. The numbers of Standing Committees to be established by the legislature are within the discretion of the legislature. Each committee established by the NASS is usually made up of a Chairman and Deputy Chairman with a membership composed of legislators depending on the number of members in each House. For instance, in Nigeria, the House of Representative has 360 members and likely to have Committee Membership of between 20 and 26, while the Senate has 109 members with Committee Membership between 9 and 13. Sometimes, membership of a particular Standing Committee is determined by the educational or professional qualifications of members, cognate experience, or their previous careers. The Oversight Standing Committees

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are constituted in a manner to avoid duplication of duties and also avoid trends of proliferation. The NASS has Standing Rules on Legislative Oversight to protect the Committee Chairman and members against charge or allegation of contempt in the course of performing their legislative oversight functions over public institutions.

According to Falconer, 2001, the NASS has five objectives guiding the legislative oversight functions of the constituted Standing Committees. These are to ensure:

i. the executive arm of government and its executive organs or bodies comply with the will of parliament;
ii. ethical behavior in the public bureaucracy is maintained;
iii. efficiency and cost-effectiveness or value for money in the use of public funds;
iv. sound internal financial means of operations; and
v. reduction of corrupt practices and waste.

The overall goal of the set objectives of the legislative oversight stated above is to ensure good governance that translates to real national development and human capital development in Nigeria if it is well carried out.

d) Oversight Mechanisms

The oversight mechanisms are the processes, tools, methods, and actions that the legislature deploys to carry out and enforce their oversight functions. According to Bordon, 1978, opines that the oversight responsibilities are carried out in two broad ways:

i. The Police Patrol method; and
ii. The Fire Alarm method.

The Police Patrol method is a continuous watchfulness or constant supervision of the Government's Ministries, Departments, and Agencies (MDAs). It is the same way that the police constantly patrol the streets or roads to provide security. It implies regular or frequent surveillance of the public institutions by the Standing Committees of the Legislature. The Fire Alarm method implies investigations or inquiries carried out by the Standing Committees of the Legislature informed by the concerns, petitions or reports from the public, the constituents of the public institution concerned or the media. The police patrol method is preventive and designed to preempt or prevent issues. The fire alarm method is ex-post facto oversight as it deals with issues after they have caused a fire. This is usually cheaper in terms of funds and may be costlier in terms of the damage that might have occurred.

Generally speaking, as it has been earlier highlighted in this paper, legislative oversight mechanisms are Committee Investigation Hearings, Public Hearings, in the plenary sittings and Public Petitions. Legislative Committees can also call for reports and explanations from the government MDAs on any activity of the executive arm of government. The Auditor-General of the Federation also sends Annual Reports to the Public Accounts Committee of both the chambers of the NASS. As well, the legislative committees engage with the government MDAs and implementation sites or locations, on Appropriation Bill, which entails a review of each MDA's annual budget estimates, defense of such estimates and recommendations to the Appropriation Committee of the NASS.

This paper has revealed that the legislative oversight is vital to ensuring public accountability, transparency, due process, probity, and integrity, in the public sector if the legislature is sincerely committed to the spirit or vision of legislative oversight. The oversight mechanism is cheaper in terms of funds and overall goal than the usual government public inquiries or probes, court prosecutions, plea bargaining or court or government sanctions of the culprits. It is the political or executive corruption arising from the revenues and expenditures in the annual budgets or in the awards of contracts, goods and services by the government that had negatively impacted on the socio-economic development in Nigeria since independence in 1960. Therefore, legislative oversight if not compromised by the NASS is the best option for Nigeria to curtail the abuses, wastes and corruptive tendencies in the national budgets and the nation's procurement systems of awards and implementation of government's contracts. In the assertion of Mill, that "the proper office of a Representative Assembly is to watch and control their government," which is the key for the meaningful representative body. In other words, the underpinning philosophy of oversight is the constitutional system of checks and balances in the three arms of government in any democratic system, an essential defense against executive tyranny and dragon impunity.

This paper revealed that the NASS has constitutional powers to hold the executive arm of government to standards of accountability and transparency. The legislative oversight is indeed a veritable weapon in achieving good governance in a democratic government like Nigeria. Thus, democracy will remain a pipe dream if those officials in public authority cannot be held accountable for their acts and omissions, for their decisions, policies, activities, and their expenditure. Public accountability connotes the burden of accountability on each public official to act in the public interest according to good conscience. The public servants both elected and appointed are expected to act with integrity, probity, dignity, character, honesty, and sincerity regarding the motivations for their decisions and actions.

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V. Conclusion

Nigeria's hatchling democracy coupled with history of military rule have not afforded the country the attainment of full potential in the practice of good governance through legislative oversight. The oversight functions and activities of the nation's NASS face enormous challenges that must be overcome, if it is to ensure and enshrine good democratic governance. Some of the identified practical challenges and problems the nation's legislature face are: lack of co-operation from the public entities being overseen; inadequate technical expertise of legislative oversight, lack of financial independence and adequate funds, inadequate requisite training, an over-bearing executive, inadequate access to research and information, poor public perception of the legislature and its mandate, complicity and compromise among some Standing Committees (Nigeria's factor), Legislative leadership debacle, etc. all these challenges characterized legislative oversight since the emergence of the Fourth Republic in 1999, which make corruption to thrive in the socio-economic and political sectors in Nigeria. This imposes costs on the economy, distorts development and governance, and erodes public confidence in the Nigerian public institutions and government.

This paper recommends that to build a virile legislature that can attract, retain and maintain public trust in its oversight functions, and be the epitome of good democratic governance for Nigeria, it is imperative that:

i. the legislature should rediscover itself by being principled, patriotic and nationalistic in their tasks and responsibilities;
ii. in its constitutional power of screening and confirmation of the nominees of President into public office, the legislature should ensure people of high integrity, proven character and competence are confirmed for public appointments;
iii. in the course of carrying out their oversight functions, they should avoid complicity of any form. The oversight activities should be integrity-driven couples with high public moral rectitude and national interest;
iv. in other for the Nigerian legislature to be highly effective and efficient in its constitutional oversight functions of being a watchdog, checks and control the activities of the executive arm of government; it must assert its true statutory independence as propounded in the doctrine of separation of power;
v. the legislature should ensure that there is no cover-ups and suppression of oversight findings such as abuse of office, wastes, misappropriations, misapplications of public funds, or corruption discovered in any implementing government entity;
vi. the leadership of the NASS and State Houses of Assembly should make regular provisions for requisite capacity building for their members that would ensure efficient and effective legislative functions that are result-oriented;
vii. Since the legislative oversight starts from the annual appropriation or estimate defense by each implementing entity before the NASS, the legislature should ensure proper legislative control without compromise at this stage.
viii. It should also carry out the oversight by quarterly visits to this each implementing entity to ensure proper and strict monitoring and evaluation of the execution of the projects, programs, and activities approved with the expenditures allocated to them to ensure legislative compliance.

This paper projects that the present 8th NASS and the subsequent ones would make critical efforts to surpass their predecessors in their legislative oversight functions to ensure governance and developmental efforts are integrity-driven in Nigeria. This 8th National Assembly, in particular, is urged to join hands with President Buhari in its current anti-corruption war in Nigeria, to enshrine good democratic governance in the country. It is imperative for the legislature to carry out the anti-corruption war in the NASS and their oversight functions over the implementing executive bodies.

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