

## **NATIONAL ASSEMBLY WATCH**

**(A focus on Nigeria's National Assembly.  
Period ending January 12, 2013)**

As the National Assembly reconvenes for the 2013, here are some issues we would want them to focus on.

### **Budget signing and implementation:**

Last December, the National Assembly set a record by passing the 2013 Appropriation Bill, the first time the federal legislature would approve the spending proposal before the beginning of the spending period. However, the report from the presidency recently indicates that the passed Bill was yet to be sent to the president for his assent.

The first task before the federal legislators is to ensure that a clean copy of the Bill passed by both houses is produced and presented to the president for his assent.

Sadly, the country has already lost two whole weeks in the New Year without the law in place, thus robbing citizens of the benefits of the much-celebrated 'early passage'.

Equally important is the need to ensure diligent implementation of the Appropriation Act after it is signed. In the past year, the country has witnessed trading of blames and accusations between the legislature and the executive on the non-implementation of the law. To address this, the legislature needs to be more effective in its oversight responsibility and not only wait until when it is called upon to approve the next budget.

### **Matters arising from the probes:**

It is apparent that one aspect of legislative duty that our National Assembly is more known for is that of setting up probes of activities of (the executive arm of) government. While the probes may be useful in fact finding of what goes wrong in order to ensure good governance, in many instances, it seems the activities end up as motion without movement.

On many occasions the probes provide nothing more than to excite the public with mouth-gaping 'revelations' during the public sittings, some of which are shown live on national television. But that is often how far they go as we have had situations where the final reports were disputed, discredited and finally dumped.

The long list of inconclusive probes includes the Senate probe in 2007 of the misuse of funds by the Petroleum Technology Development Fund (PTDF) which revealed grave abuse by the Obasanjo Presidency. Despite the grievous 'revelations' that tarnished the presidency, with facts about the funds being converted to buy luxury cars for cronies of the president, the probe was inconclusive at the time the Fifth National Assembly ended.

There was also the Rep Ndudi Elumelu-led probe of the power sector at the beginning of the Sixth National Assembly in 2007 which later led to allegations of corruption against the committee. The committee report was later thrown out by the House of Representatives

after huge sums of money had been spent on the public hearings which were aired live on national television stations.

In 2012 (under the present Seventh National Assembly), the probe of the stock exchange led to an open accusation of corruption against the chairperson of the House of Representatives panel, Rep Iowase Herman Hembe by a principal subject of the probe, the Director General of the Securities and Exchange Commission, Aruma Oteh. Although another panel was constituted to handle the probe, the allegation against Rep Hembe has not been addressed conclusively by the House.

Still in the House is the lingering and unresolved allegation of the demand and receipt of bribe, levelled by businessman, Femi Otedola against Rep Farouk Lawan during his chairmanship of the panel set up to probe the fuel subsidy regime. Although the House set up a committee to investigate the allegation, nothing has happened since the initial questioning of Rep Lawan in July 2012 before the House went on its annual recess.

Between September and December 2012, when the House reconvened, it failed to act on the matter, despite persistent demands from citizens. On one occasion, the spokesperson of the House, Rep. Zakari Mohammed (PDP, Kwara) told the media that the House was more concerned with very important and urgent issues such as the passage of the budget. Now that the budget has been passed, Nigerians would like to know where we are on this allegation.

Also still unresolved is the protracted Senate probe of the mismanagement of the national pension fund. At the last public sitting, the committee headed by Sen. Aloysius Etuk (PDP, Akwa Ibom) was still unable to compel the head of the pension task force, Abdurashed Maina, to appear before it. Maina is alleged to have defrauded the country in the course of his task. Sen. Etuk's said of Maina at that last sitting: "we've been sitting and adjourning for the sake of making sure that he is here so that we can give him fair hearing because in the other pension areas he said he didn't have fair hearing...the committee will know what to do. Nigerians are watching, we are open and sincere; we wanted this on record; God knows we have tried."

It is important for the National Assembly to ensure that the several probes do not end up as mere circus shows entertaining citizens with 'revelations' of corruption if at the end nothing comes out of them. It seems that too often, the legislature sets up probes for matters that could still be effectively investigated and addressed by appropriate executive bodies and law enforcement agencies. There is also the tendency for the law makers to be carried away by the sentiments of the moment to request probes. A good example was the call for the probe of the cause of the crash of a military helicopter that killed a state governor and a former military chief when in fact, the country expected the parliament, in the course of its oversight visits to have asked questions about how military equipment are used.

#### **Follow up on decisions:**

Closely linked to the above is the need for the federal legislators to follow up on their decisions. The history of our National Assembly is replete with resolutions upon resolution that were never followed through, giving the impression that they may have been made just

to score 'political points' or they were not very necessary at all. The parliament should be very careful in making pronouncements because if such decisions are not carried out, it weakens the authority of the institution in the eyes of citizens and more especially the other arms like the executive arm of government.

#### **Constitution amendment:**

In 2012, the Senate and the House of Representatives embarked on different routes to amend the Constitution. It is expected that the process would be concluded comprehensively this year, to keep clear of the electioneering period towards the next general elections in 2015. So far the two houses have given opportunities to Nigerians to express their views about the changes they want to see in the Constitution. What remains to be done now is an early collation of the seemingly discordant and sometimes poorly harnessed views that came from the various public hearings.

Conscious that the process would entail going to the state houses of assembly for concurrence, time is truly of the essence here if we don't want a repeat of the 2011 experience where politics affected the amendment process, hence the need for further amendment so soon afterwards.

#### **Petroleum Industry Bill passage:**

Consideration of the Petroleum Industry Bill commenced before the end of 2012. Expectedly, there is much politicking about the Bill with rumours of polarisation among the legislators. This bill requires urgent action and in addressing the issues, the members must keep an open mind, knowing that the provisions should stand the test of time and that areas not currently designated as oil producing/bearing communities may in future affect those areas.

#### **Security and welfare of the people:**

The security and welfare of the people is the paramount reason for the existence of governments. Nigeria has in the last few years suffered a lot of insecurity. The passage of the Anti-terrorism Bill before the National Assembly must be expedited. The legislature also has a key role to play in the course of monitoring the implementation of the budget to see that provisions made for the welfare of citizens are carried out.

#### **Resolving the conflict with SEC:**

In 2012, in the course of investigating the activities and performance of the Security and Exchange Commission (SEC), the House of Representatives came to the conclusion that Ms. Aruma Oteh was incapable of heading the SEC as director general.

Prior to then, Oteh had openly accused the leadership of the first legislative panel of corruption in the process of their oversight and investigation. The chairman admitted to obtaining money from the SEC ostensibly to attend an international conference, and even when he did not go for the conference, he never refunded the money. This embarrassment made the House of Representatives to dissolve the previous panel and constitute a new one.

The second panel then reached a conclusion approved by the House, asking the president to remove Oteh. On the failure of the president to heed the advice (for which he was not bound by law to anyway), the House then said it no longer recognised Oteh as head of the SEC and further denied the organisation an opportunity to appear before it to defend their estimates as part of the 2013 appropriation bill. The legislature then went ahead to deny the SEC any budgetary allocation for 2013. Many believe that the legislature overreached itself with this last action by punishing a whole statutory institution of funding because of issues it has with its head whose tenure remains legal.

As the National Assembly reconvenes, it needs to reconsider this decision and do what is right in the interest of Nigeria.

