

**The Legislature and Representative Government in Ogun State Nigeria, 1999 - 2011**

By

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Certification

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This is to certify that this project was carried out under my supervision by Ibraheem Oladipo MUHEEB of the Department of Political Science, University of Ibadan

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## Dedication

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This work is gratefully dedicated to God and to Adetayo Idowu Johnson, Ph.D.

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## ABSTRACT

In spite of their critical role and strategic importance as a check on the executive and a bridge between the government and the people, sub-national legislatures have remained largely understudied in Nigeria. This study, therefore, examined the performance of the Ogun State legislature in law-making, representation and oversight, as one of the most volatile and conflictual legislatures in Nigeria between 1999 and 2011.

The theory of institutionalisation focusing on autonomy, internal complexity, and universalism provided the conceptual framework. Case study, household survey and exploratory designs were adopted. Structured questionnaire was administered to 424 informed residents of the 1,958,863 voting age population who are able to evaluate the legislature in the three senatorial zones of the state determined by Bernoulli sampling formula. The questionnaire was administered proportionally across fifty-three political wards purposively selected through a two-staged stratified sampling method, covering both urban and rural areas. The questionnaire focused on legislative performance, representation, and oversight. Fifteen in-depth interviews (IDIs) were conducted with political, community and opinion leaders, and legislators on legislature-executive relations, available resources and character of the legislature. Secondary data on constitutional powers, number and types of bills passed were drawn from the assembly, libraries and media reports. Quantitative data were analysed using descriptive statistics, while qualitative data were content analysed.

Respondents' age was  $35\pm 8.5$ , 65.4% males, 65.4% had tertiary education and 61.4% resided in the urban areas. Many respondents, 60%, indicated that the fourth (1999-2003); fifth (2003-2007); and sixth (2007-2011) legislatures performed poorly in constituency relations, and deploying oversight tools like public hearing, inquiry, debate, and visitation. Eighty two per cent of respondents claimed they were never consulted by their representatives. Some 75% of rural respondents were indifferent; whereas 70% of urban respondents opined the legislature was generally ineffective in oversight. To enhance autonomy, the fifth legislature passed two laws that could not be implemented: a law for the establishment of the House of Assembly Service Commission, and a Self-Accounting law. The legislature depended on the executive for financial and human resources. Executive dominance, lack of expertise and facilities, political will, cohesion, and the passivity of a disenchanting citizenry were perceived to have adversely affected the legislature. The legislature experienced high turnover of membership and leadership. It moved regressively from being marginal in the fourth, to rubber stamp in the fifth, embroiled in internal crisis and ultimately became fragmented in the sixth assembly. The sixth assembly had three speakers, disregarded due process, and was immersed in conflicts over allegiance to the governor, involving accusations and counter accusations of cultic oath-taking. Excluding money bills, the legislature was ineffective in law-making as most bills passed into laws were executive initiated. The fourth legislature passed 30 bills; the fifth 50; and the sixth 51 bills. Eighteen, 33, and 28 of these bills were executive bills respectively.

Ogun State legislature suffered from executive dominance, as it could not advance its organizational work process, and was ineffective in representation and oversight. The legislature should seek autonomy in human and material resources to become effective.

**Keywords:** Legislature, Representation, Law-making, Autonomy, and Powers

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## CHAPTER ONE

### INTRODUCTION

#### 1.0 Background to the Study

Democracy is arguably one of the most vague and value-laden concepts in political discourse. Following Hague, and Harrop (2004), from the Athenian assembly, of which members were selected and served in rotation, to the contemporary representative government in which delegates are chosen by any of a variety of electoral processes, democracy establishes an inseparable relationship between the ruler and the ruled, to the extent that the latter determines the former. The increasing complexity of human relations, occasioned by growth in population, has rendered the Athenian style of democracy practically impossible, thus, the need for representative government. In modern times, representative government has proven to be the foremost means of participation open to citizens as well as a rich blend of popular participation and limited government. In this sense, representation becomes a means of coping with the impracticality of assembling all the people for the continuous making and aggregating their decisions (see Hague, and Harrop, 2004).

As a feasible mechanism for harmonising interests, representation signifies an individual or sizeable number of individuals acting on behalf of a larger group of individuals. Expectedly, representatives are to project the opinions and choices of individuals who elected them. Consequently, a representative must be responsible to no one but the electorate because each representative in the legislative assembly is autonomous in relation to other representatives and to the executive (Hans, 2000).

The essence of representation is to aggregate the dominant views of the entire individual electors, whose interests are held in trust by the representatives and whose sentiments and opinions must take precedence. Legislatures are symbols and agencies of popular representation in politics. They constitute the fundamental basis of representation in a republic. The legislature is the critical unit that joins society to the legal structure of authority in the state; the most organised theatre of political action and a veritable avenue for the mobilisation of peoples' consent for the system of rule. Legislators play an essential role of standing for the people by providing a formidable defence against executive tyranny (Hague, and Harrop, 2004).

Representative government is seen as the establishment of the legitimate authority of the state within a democratic polity (Hans, 2000). This presupposes that the legislature's performance is to be rightly measured vis-à-vis people's expectations. The combination of these variables better explain why the legislatures constitute desirable subjects and objects of analysis in contemporary democratic governance discourse. As critical units of a political entity, the legislature is expected to make the values, goals and attitude of a social system authoritative in the form of legislation (Almond, Powell, and Mundt, 1996).

The significance attached to the legislature derived largely from the extensive powers vested in the institution of parliament and the broad range of functions it is expected to perform, which include, but not limited to, representation, deliberation, law-making, exercise of power of the purse, education, socialisation and recruitment, interest articulation, aggregation and harmonisation, and as potent check on other arms of government through oversight, scrutiny and investigation (Almond, et al, 1996; Akinsanya, and Idang, 2002; Anyaegbunam, 2010; Mahler, 2003; Hague and Harrop, 2004; Olsen, 1980; 2004).

Representatives are generally elected by popular vote and are expectedly accountable to the electorate. The legislature is representative in so far as it reflects the yearnings and aspirations of the electorate. As a microcosm (Hague, and Harrop, 2004), a representative assembly should reflect the diversity and character of the larger society. It connects the society to the government by standing for the people and helping government to mobilise people's consent for the system of rule (Hague, and Harrop, 2004). With extensive representative components, a legislature's functions hold far-reaching implications for the people as well as the system of rule. Recourse to the legislature on virtually every issue best captures the very essence of representation and the legislature.

Such words as assemblies, congress and/or parliament could be used interchangeably to denote the legislature as applicable to different climes. The legislature in the USA comprises of the House of Representatives and the Senate, both of which make/up the US Congress. The British Parliament, which comprises the House of Lords and the House of Common constitute the British legislative arm of government (Hague, and Harrop, 2004). The word 'assemblies' often refers to legislatures at the national or sub-national levels of government in Nigeria.

The legislature's exercise of power of the purse manifests in the exerting of authority over government spending, approving of, or withholding executive authority to make financial transaction on state account's as may be considered necessary (Hague,

2004). All spending must have the approval of the legislature as government budget is subject to legislative review.<sup>1</sup> This includes the legislature's significant inputs in the budgetary process among other responsibilities. The legislature reviews the bill for revenue sharing, possible taxation as well as catalogue of financial transactions and spending of the executive.

Thus, legislators are statutorily recognised as the custodians of budgetary power. In this regard, the legislature could initiate consultative assemblies where people are expected to put forward, and defend their immediate budgetary needs. Legislators are equally vested with the powers to check any noticeable trend of budgetary failure and ensure the smooth operations of budgets and the budgetary process. The people therefore become involved in the budgetary process through their representatives in the legislature.<sup>2</sup>

The legislature's oversight responsibilities cover a broad range of activities performed by legislators, especially in relation to the executive. In contemporary legislative discourse, renewed emphasis on legislative scrutiny and oversight appears to have further enhanced the prominence of the legislature as a watchdog over the executive. Legislative oversight entails monitoring and reviewing the actions of the executive and aligning executive performance with the rules and dictates of the governance process.<sup>3</sup> Through oversight, the legislature ensures that the executive gives account of its actions or policies, as and when necessary. The legislature also ensures that the executive make amends for any fault or error and take steps to prevent its reoccurrence in the future.

Deliberation functions of the legislature suggest that the organ is vested with the right to make laws (legislation) and where and, when necessary, alter executive proposals. It entails giving due consideration to issues of importance to the generality of the people. Although the executive initiates and forwards bills to the legislature, the latter reviews and works on them as deemed fit. Legislators, as representatives of the people, a fact which

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<sup>1</sup> The success or otherwise of government programmes is a function of the legislative appropriation as there cannot be withdrawal from government account without legislative approval.

<sup>2</sup> Legislatures with representatives from the different strata of the society will through their activities ensure that people see the budget as theirs rather than a document emanating from, and meant for government officials.

<sup>3</sup> In other words, oversight traverses a far wider range of activity than does the concept of accountability. After deliberations, they are also expected to undertake visitation to monitor the performance of the budget for their respective constituents. (See Hugh Corder, Saras Jagwanth, Fred Soltau: Report on Parliamentary Oversight and Accountability, Faculty of Law, University of Cape Town, July 1999)

qualifies them as trustees of the society, are expected to bring to bear their intra- and inter-institutional networking knowledge, competence and expertise on issues brought before them.

In this manner, issues of central importance are exhaustively debated and deliberated upon, setting the tone for consequent policy outcome (Hague, and Harrop, 2004). This implies that bills are scrutinized and authorised by the legislature, as law-making is clearly deliberative, involving extensive consultation<sup>4</sup>, serial readings and debates modifying in the process executive proposals (Hague, and Harrop, 2004).

The size and diversity of a country plays a significant role in determining the size and form of its legislature. The two most prominent classifications of the legislature in the literature are: unicameral and bicameral legislatures. At the national level, both types are characteristically reflective of such variables as; diversity, hegemony, party politics, political arrangement, forms of government and regime type, among others.

Unicameral legislatures are one-*House* or one-*Chamber* legislatures common to most one-party states like Israel. In some federal systems like Nigeria, Canada, and the United States of America, the sub-unit (States) has each a single chamber legislature.<sup>5</sup> Bicameral legislature, on the other hand, presupposes two chambers, often referred to as the lower and the upper chambers. The Constitution of the Federal Republic of Nigeria 1999 vests legislative powers in the Senate and the House of Representatives being the upper and lower chambers respectively. This is by the provisions in Section 4 of the Constitution. Article 1 section 1 of the US Constitution equally vested legislative powers on Congress, which consists of the Senate and House of Representatives. Germany has the *Bundestrat* and *Bundestag* as upper and lower chambers as well, while the British Parliament comprises of the House of Lords and House of Commons.

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<sup>4</sup> The legislature has the responsibility to conduct public hearing and/or public debate on issues and bills brought before it. It can initiate the review of existing laws and constitution. It is not expected to place any limit on the extent of its interaction with the members of the public on national issues they want amended or altered in the constitution. It must ensure transparency and accountability while responding to people's demands through their elected representatives, who owe the people a duty to brief them on their exercise through visits to their respective constituencies.

<sup>5</sup> This is by virtue of the provision under Section 4{6} of the 1999 Constitution of the Federal Republic of Nigeria. Similar provisions are embedded in the Constitution of similar federal systems like the United States of America, Canada and Germany.

## **1.1 The Legislature in Nigeria**

Bugaje (2003) offered a useful account of the trajectory of modern legislature in Nigeria. The history of modern legislature in Nigeria could be said to have started with the Legislative Council established in 1862 by the British colonial powers to legislate for the Colony of Lagos. The Legislative Council was composed of the Colonial Governor, six officials, two Europeans, and two Nigerians, who were unofficial members. The Council only functioned in an advisory capacity to the Governor.

Nigerian Council, which existed side by side with the Legislative Council, was established following the amalgamation of the Colony of Lagos with the Southern and Northern Protectorates in 1914. The Nigerian Council was put in place to reflect the expanded size of the federation largely in terms of representation of the various units in its composition. It was larger than the Legislative Council but had only advisory powers, with neither executive nor legislative authorities.

The Clifford Constitution of 1922 established new Legislative Council of 46 members. It was the first Legislative Council with elected members. The new Legislative Council was empowered to legislate for the peace, order and good government of the Colony of Lagos and the Southern Province. The Governor legislated for the Northern Province by proclamation.

The Richards Constitution of 1946 replaced the Legislative Council with Central Legislative Council. The Central Legislative Council had an enlarged membership, which featured an unofficial majority. The Council was empowered to make laws for the entire country but subject to the reserve power of the Governor. The constitution also made provision for regional assemblies by dividing the country into North, East and West. While the Northern Regional Council was bicameral, the West and East were each unicameral. The Northern Regional Assembly comprised the House of Chiefs and the House of Assembly. The regional assemblies largely served in an advisory capacity and also nominated those who would represent their various regions at the Central Legislative Council (Bugaje, 2003).

The Macpherson Constitution of 1951 was the product of the Ibadan general conference of January 1950. It replaced the Central Legislative Council with the House of Representatives. The constitution strengthened the regional Legislative Council put in place by the Richards Constitution with an elected Nigerian majority. The regional councils were to make laws on a range of issues but subject to ratification by the Central Legislative

Council. The regional councils were to also serve as electoral colleges for both the council of ministers as well as the Central Legislative Council, the House of Representatives. The Central Legislative Council had powers to legislate on all matters affecting the entire country, including appropriation and those matters that were under the purview of the regional councils.

The Council was comprised of the Governor as President, 6 European officials, including the Lieutenant Governors, 136 Representatives elected by the Regional Houses; (68 by the Northern Regional Assembly, 34 each by the Western and the Eastern Regional Assemblies, and 6 special members appointed by the Governor to represent interests and communities which had inadequate presence in the House of Representatives). The House of Representatives then had no powers over bills relating to public revenue and public service (Bugaje, 2003).

The constitution provided for a bicameral legislature in the North and West with a House of Chiefs and a House of Assembly. The Eastern Region had only one house, the House of Assembly. Notwithstanding the desire for regional autonomy, it must be noted that regional bills could only become laws with the consent and approval of the Central Legislative Council.

The Governor was empowered to make laws with the advice and consent of the House of Representatives under the Macpherson Constitution; he was also given reserved powers in areas like public finance, foreign policy, and public service. To maintain the legislative supremacy of the Governor, the House of Representatives was given pseudo-supremacy of vetoing legislation made by the Regional Houses of Assembly.

The Lyttleton Constitution of 1954 retained the House of Representatives, but without the Governor presiding. Instead, the House of Representatives had a Speaker, 3 ex-officio members, and 184 Representatives elected from the various constituencies in Nigeria. With direct election of members by the constituencies, the regional assemblies ceased to be electoral colleges for the Central Legislative Council. The House of Representatives was empowered to make laws for the country and discuss financial matters. Legislative powers were divided along three legislative lists namely, exclusive, concurrent and residual. Exclusive Legislative List contained about 68 items on which the House of Representatives had powers to make laws (Bugaje, 2003).

These include, defence, currency issuance, foreign relations, and so on. The Concurrent List included those issues on which the House of Representatives and the Regional Houses of Assembly had concurrent legislative powers, like education and basic

facilities. However, federal laws and powers would take precedence in the event of conflict of interest. The Residual List made up of items on which the Regional Legislatures had the final say in passing a bill into law.

The 1960 Constitution established a Parliament made up of a House of Representatives of 320 elected members and a Senate of 44 nominated members. This was in keeping with the practice of the House of Lords in the United Kingdom. Two legislative lists were established – the Exclusive Legislative List of 44 items for the Parliament and the Concurrent Legislative List consisting of 28 items on which both the Parliament and the Regional Houses of Assembly were empowered to make laws. In addition, the Parliament was conferred with emergency powers (Bugaje, 2003).

The Republican Constitution of 1963 was not a complete departure from the 1960 Constitution as all the changes it made were to the effect that the Queen of England had ceased to be Nigeria's Head of State as well as sit in the Legislative Houses.

There was military intervention in constitutional and democratic governance between 1966 and 1979 when, specifically, the Legislature as an effective arm of government was suspended or completely abolished. Legislative powers were then exercised by the Military through the Supreme Military Council (SMC). However, by 1976, the then military government heeded the call of Nigerians for a return to civilian constitutional and democratic governance through a transition to civil rule programme. Accordingly, a Constitution Drafting Committee (CDC) was appointed to review not only the 1963 Constitution but to also look at what other constitutional practices and lessons in other parts of the world could be used as input in crafting a constitutional system suited to the Nigerian environment (Bugaje, 2003).

For effective leadership, national unity and the need to develop bargaining and consensus approaches to politics and decision-making, the CDC recommended a departure from the Westminster parliamentary system of government and the adoption of the American executive presidential system. The CDC recommendations were debated by the Constituent Assembly members before their coming into force on October 1, 1979 as Constitution of the Federal Republic of Nigeria. Among other provisions, the Constitution acknowledged the creation of 19 states, established a bicameral National Assembly consisting of the Senate and the House of Representatives, and unicameral legislative Houses of Assembly for the States in the Federation. The functions of the legislature include law-making, representation and checking, supervising and controlling the administration.

The Constitution of the Federal Republic of Nigeria 1979 established a bicameral National Assembly as recommended by the CDC and unicameral legislative Houses of Assembly in the States. There were two legislative lists: (i) the Exclusive Legislative List and (ii) the Concurrent Legislative List defining the powers of the National Assembly on Exclusive Legislative matters and the concurrent powers with the Houses of Assembly in the states on Concurrent Legislative items (Bugaje, 2003).

There was yet another military take-over of government in December 1983 consequent upon which the 1979 Constitution was suspended, the National Assembly abrogated and the military exercised legislative powers by way of promulgating military decrees. The Constitution Review Committee (CRC) was set up in 1987 to re-examine the 1979 Constitution. The CRC recommended a retention of the 1979 Constitutional stipulations and therefore a 1989 Constitution was promulgated which established a National Assembly in the same way it was done under the 1979 Constitution.

As a result of the aborted June 12 1993 presidential elections, which took place under the 1989 Constitution, the Military retained power and the continued agitation for the return to democratic rule saw the convening of a National Constitutional Conference in 1994 with a Report in 1995. Again, the Constitutional Conference retained the pattern established under the 1979 Constitution, namely: a bicameral National Assembly consisting of a Senate and a House of Representatives with exclusive and concurrent legislative powers.

The military administration led by General Abdulsalami Abubakar commissioned a Constitutional Review Committee whose recommendations brought about the promulgated 1999 Constitution of the Federal Republic of Nigeria. The 1999 Constitution largely incorporated the provisions of the 1979 Constitution. There is established a bicameral National Assembly consisting of a Senate and a House of Representatives. This time, there is an Exclusive Legislative List of 68 items and a Concurrent List defining the extent of Federal and State Legislative powers (Bugaje, 2003).

## **1.2 The Legislature and Legislative Performance**

Political instability occasioned by military intervention, in particular, disrupted the development and nurturing of a vibrant legislative and democratic culture of bargaining, compromise and tolerance affecting cohesion, which weakens the basis of representative politics. Thus, the prevailing political culture, informed, as it is, and the people's level of social development, remained a captive of their primordial sentiments and base values. The

military background of the political culture has tainted the understanding and essence of federalism, as many have difficulties distinguishing unity from uniformity (Bugaje, 2003).<sup>6</sup>

Opinion is divided on the performance of the legislature since the emergence of democratic rule in 1999. Regardless of its shortcomings, the National Assembly has taken up to the challenge of democratic consolidation when viewed against an empowered executive through prolonged military rule. At the national level, despite several attempts by the executive and insinuations to that effect, the legislature has risen up considerably to checking the excesses of the executive. In some instances, it has not been a willing tool in the hands of the executive notwithstanding differences in experiences and exposure of the major characters and players in both arms of government. But this has led to some noticeable gridlocks in executive-legislature relations.

The legislature, in its composition in geographical terms represents the people at the various levels of the Nigerian political system. It symbolises legitimacy and popular support for the system of rule and provides a platform for exchange of views and harmonisation of interests between and among groups and individuals. As an institution, the legislature has provided an alternative to authoritarian rule, prevented the rise of dictatorship and justified representative government. At the national level, the legislature screens the executive's nominees for appointments and postings. The National Assembly scrutinises and passes annual budgets as well as supplementary appropriation bills.

It demonstrates a strong will in making considerable inputs into the budgetary process, sometimes adjusting budget proposals made by the executive when and where considered necessary to meet exigent needs. The legislature also provides some oversight on the executive. It regularly receives the auditor-general's report on public accounts, government ministries and agencies. The National Assembly has played significant role in approving international treaties and conventions entered into by the country.

The Legislature has also recorded considerable success in law-making. Available records show that a total number of 589 bills were read on the floor of the National Assembly between June 1999 and January 2006, out of which 92 were passed into law. Going by Oluwole's (2011) account, the legislature worked assiduously towards effecting

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<sup>6</sup> *"The Evolution of the Legislature and the Challenges for Democracy in Nigeria: an Overview."* Hon. Dr Usman Bugaje, Chairman, House Committee on Foreign Affairs, at the Seminar on Strengthening Democratic Values through Parliamentary Co-operation, organised by the National Assembly in collaboration with the Canadian Parliament, held at Abuja, Nigeria, from 23rd – 26th August, 2003. <http://www.webstar.co.uk/~ubugaje/evolutionlegislature.html>

comprehensive amendments to the 1999 Constitution and the Electoral Act 2010. The legislature has been a major stabiliser in the nation's fragile and fledgling democracy.

The National Assembly has to its credit the invocation of the Doctrine of Necessity that it authored and brought to bear to launch President Goodluck Jonathan to power as the Nigeria's President following the death of the incumbent, Alhaji Umar Yar'Adua after being hospitalised in Saudi Arabia. Passing such bills as the Sovereign Wealth bill, the FOI bill, Money Laundering and Anti-Terrorism bills, Income Tax bill and other crucial ones that would affect the economy and Nigerians positively, speak volumes of the significant contributions of the legislature to national development (Oluwole, 2011).<sup>7</sup>

The two houses of the Nigerian legislature also demonstrated strong political will by leveraging on their two-thirds majority power to pass two bills – the Niger-Delta Development Commission bill of year 2000 and the Corrupt Practices and Other Related Offences Act 2003 – having been unable to get the Presidential assent on both Bills. The legislature has plays prominent roles in shaping the business environment. It called into question several managers of government business and intervened in critical transactions involving government and private concerns, including multinationals and corporate entities. The National Assembly has also resolved sensitive issues of national importance. These include the Onshore - Offshore Dichotomy Bill, and the Third Term or Tenure Extension Bill. Thus far, without the legislative arm, the executive could have assumed dictatorial tendencies (Aiyede, 2006).

Nevertheless, the legislature at the national level has acted in questionable circumstances on a number of occasions. These include: the approval of declaration of a state of emergency in Plateau State by the executive; and the reprisal attack carried out by the military on the Odi community in Rivers State on the order of the executive. The legislature was, however, seemingly silent on the non-release of funds for Lagos State from the federation account over her local government creation issue. The legislature was unable to check the perceived excesses of the executive on critical economic decisions like the incessant increase in the price of petroleum products in quick succession despite the socio-economic implications on the people.

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<sup>7</sup> Oluwole Josiah: "Weighing the Sixth Senate on Legislative Performance." Lagos: Sunday PUNCH, May 22, 2011, p.9.

In the heat of the overbearing influence of the executive, the legislature was unable to maintain its independence by managing its own affairs as it appeared helpless while Senate President Adolphus Wabara was forced to resign on an allegation of corruption reported to have been masterminded by the EFCC and instigated by the Presidency. During the period under review, the executive played a key role in producing and removing the principal officers of the National Assembly, particularly the Senate. Between 1999 and 2003, the Senate had three Presidents, just as it had two between 2004 and 2007 (Oluwole, 2011).<sup>8</sup>

This was against the understanding that the independence of the Senate is desirable as attested to by its independent position and applauded disposition on former President Olusegun Obasanjo's Third Term bid in 2007 under the leadership of Senator Ken Nnamani. The relative stability that the Senate enjoyed during this time was linked to the fact that Senator Nnamani was freely elected by his colleagues with little interference from the executive. It would be recalled that Senator Ken Nnamani replaced Senator Adolphus Wabara, who was generally believed to be an executive stooge (Oluwole, 2011).

The continued prevalence of the plague of corruption and the inability to stem the tide of financial mismanagement and outright pillaging of the treasury by public office holders are a major indicator of failure of the National Assembly in its oversight functions; Within the period under review, federal budgets suffered delays in passage and poor monitoring of implementation. The failure of oversight had also resulted in executive recklessness in the submission and implementation of annual budgets, thus making the exercise a mere ritual.

In some instances, budgets were returned to the National Assembly for amendment and review following misgivings by the executive that the original figures were unnecessarily tampered with, thus posing problems of implementation for the executive. National Assembly committees have also been accused of conniving with ministries, agencies and departments to pad budgets due to complaints of inadequate budgetary allocations to meet their requirements. This practice characterised the lifespan of the legislature and sterilised the oversight powers of committees (Aiyede, 2006).

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<sup>8</sup> Oluwole Josiah: "Senate Presidency: Intrigue is the Name of the Game." Lagos: Sunday PUNCH, May 15, 2011, p.8.

The legislature has also been criticised for lackadaisical disposition to issues of national importance with particular reference to the amendment of the 1999 Constitution. The delay in the exercise was occasioned in part by a conflict between the two houses, the Senate and the House of Representatives over who leads the Joint Review Committee which created a stalemate that lasted for months. Although both could not agree eventually, their separate approaches to the amendment wasted valuable time.

### **1.3 State Legislature in Nigeria**

The 1999 constitution that provided the framework for the Fourth Republic bestowed a federal arrangement on Nigeria. In addition to a bicameral legislature of two chambers at the national level there is a unicameral assembly at the state level of government. Section 4(6-7) clearly defined the legislative powers of the State Houses of Assembly similar to those of the National Assembly. Chapter V Sections 90 – 129 outline details on; the composition and staff of the State House of Assembly, Procedure for Summoning and Dissolution of the Assembly, Qualification for Membership and Right of Attendance, Election into the Assembly as well as Powers and Control over Public Funds including right to the conduct or investigations and to seek evidence within the confines of legislative oversight. The significance attached to the state legislature in Nigeria, derived largely from the extensive powers vested in the institution of the State Houses of Assembly at the subnational levels and the broad range of functions each is expected to perform in their respective States.

These functions include, but not limited to, representation, deliberation, law making, exercise of power of the purse, interest articulation, aggregation and harmonisation, and as potent check on the executive through oversight, scrutiny and investigation. Representatives in the State Houses of Assembly are elected by popular vote for a renewable term of four years and are expectedly accountable to the electorate. The importance attach to the legislature in the constitution generally underscores its centrality as a crucial indicator of the desirable level of representativeness.

The few credits due State Assemblies have been overshadowed by the palpable manifestations of weakness on the part of the subnational institutions, resulting in alleged federal executive-instigated summary impeachment of state governors, express arraignment and prosecution of some, confirmed indictment of many, and endless investigation of others. The celebrated cases cited below, initiated and promoted by the Federal Executive,

better illustrate instances of federal encroachment on State Assemblies' spheres but indicative of the Assemblies' weak disposition to their legislative responsibilities.

### **1.3.1 Bayelsa State**

Chief Diepreye Alameiyeseigha was, before his impeachment, the Executive Governor of Bayelsa State, south-south Nigeria. Elected under the platform of the Peoples Democratic Party (PDP), he had successfully presided over the affairs of Bayelsa State for a four-year term of office (1999-2003) and was on his second tenure when he was removed unceremoniously in December, 2005 over series of charges ranging from money laundering, to misappropriation of public funds, gross misconduct and abuse of office. He was consequently impeached on these and related matters and replaced by his erstwhile deputy, Dr. Goodluck Jonathan (*TELL*, February 20, 2006. "*The Mortgaging of a Nation*").

Stripped of the immunity previously enjoyed by him as a sitting governor, he was arrested and detained by the EFCC and made to face trial. Going by the EFCC's account, financial exposure and material acquisition credited to Alameiyeseigha included but were not limited to active domestic and foreign bank accounts, landed property and substantial holdings in several business concerns both locally and internationally. While the conditions and circumstances that warranted his impeachment were not in doubt, the procedure through which the end was realised raises questions on the status of the State legislature.

The Presidency through the EFCC was alleged to have bankrolled and facilitated the build-up to Alameiyeseigha's impeachment and the succession plan that followed. While there was no report of any critical legislative oversight action against the Governor prior to this development, the State legislators were reported to have been intimidated, hoodwinked and coerced into taking appropriate legislative action to give vent the Governor's ouster (*TELL*, February 20, 2006. "*The Mortgaging of a Nation*"), most sittings for which were conducted outside the Assembly Chamber and the State.

### **1.3.2. Plateau State**

The British authorities through the London Metropolitan Police<sup>9</sup> offered a detailed inventory of money laundered by the former Plateau State Governor, Joshua Dariye in the United Kingdom (UK). Dariye, according to the report, had successfully transferred huge sums of money mostly in Pounds Sterling to the Barclays Bank of London through different

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<sup>9</sup> Ably represented by Constable Peter Clark of the Special Investigation Unit of Scotland Yard

banks in Nigeria.<sup>10</sup> He was specifically reported to have transferred about 230 million Naira or £920,000 to his private bank accounts with Barclays Bank.<sup>11</sup> Following the discovery of these anomalies, several unsuccessful impeachment attempts on Governor Dariye were credited to the Presidency through the EFCC (*The Guardian*, January 27, 2005).

Eight, of the twenty-four-member State Assembly initiated the most celebrated impeachment campaign against Governor Dariye. The initiative was viewed as theatrical with serial rehearsal outside the chamber and the State. This group of legislators served impeachment notice on the Governor after they received charges of misconduct, misappropriation of funds and money laundering against the executive from the EFCC. A committee of the Assembly had earlier given the Governor a clean bill of health notwithstanding objections by some dissenting members (Abdulsalami, 2006).<sup>12</sup>

The legislators' actions were against credible norms of representative government in an atmosphere where the State House of Assembly was forced by the EFCC and allied security agencies to sit without a quorum and its principal officers. That only eight, of the twenty-four-member Assembly sat under tight state security rendered whatever resolution passed unconstitutional and the supposed legislative action taken a nullity. While the impeachment moves promoted by the EFCC generated controversies, there was little or no concern expressed by the electorate over the State Assembly's ineptitude or possible compromise as regards its legislative oversight functions among other constitutional powers granted the legislature to provide effective checks on the executive.

### **1.3.3. Ekiti State**

Mr Peter Ayodele Fayose was the Governor of Ekiti State elected under the platform of the PDP in 2003. Prior to his ouster, he had presided over the administration of the state from May 29, 2003 to October 16, 2006, when the State's lawmakers on allegations of corruption, abuse of office and gross misconduct impeached him. Other

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<sup>10</sup> Nigerian banks through which Dariye allegedly transferred his loot abroad include: Diamond Bank, Standard Trust Bank PLC., African International Bank and All States Trust Bank.

<sup>11</sup> On September 2, 2004, acting on intelligence report, some British police officers went after Governor Dariye at Marriot Hotel, London where he was staying and the sum of £43,000 was found on him there. His personal assistant, Christabel Bentu, also had with him the sum of £50,000, which was equally confiscated by the British police. He has since been enmeshed in one impeachment crisis or the other.

<sup>12</sup> Abdulsalami Isa: Lagos: "*Plateau Legislators Insist on Dariye Ouster.*" *The Guardian*, October 9, 2006, pp.1-2.

allegations against the Governor included illegal operation of foreign bank accounts, illegal diversion of local government funds, receipt of illegal gifts, and illegal transfer of the sum of \$100,000 to the United States (Sayo, Ogunsakin, and Ogbodo, 2006)<sup>13</sup>. The Governor and his deputy, Mrs. Abiodun Olujimi, were served impeachment notices by twenty-four of the State Assembly's twenty-six lawmakers on October 3, 2006 following allegation of gross misconduct against them by the EFCC. In controversial circumstances, two panels of investigation were set up in quick succession to determine the fate of the duo (Sayo, 2006).<sup>14</sup>

Membership of the first panel,<sup>15</sup> constituted by the substantive Chief Judge, Justice, Kayode Bamishile, was alleged by the Majority Leader of the State House of Assembly, Mr. Kayode Babade, to be dominated by the Governor's cronies,<sup>16</sup> against the spirit of the constitution, as provided under section 188(5). Thus, the Assembly disregarded the panel and instead appointed Justice Jide Aladejana as the Chief Judge in acting capacity. Justice Aladejana reconstituted the second panel with the same terms of reference.<sup>17</sup> Though Governor Fayose and his Deputy were cleared of all charges by the first panel (Sayo, 2006)<sup>18</sup>, when it was almost certain that the Governor might not have the privilege of express clearance with the second panel, he neither showed up nor made any representation at the panel sitting. However, his deputy did. This second panel found him culpable and so recommended.

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<sup>13</sup> Sayo Ifedayo, Mustapha Ogunsakin, and John-Abba Ogbodo: *Speaker Protests as Ekiti CJ names Panel on Fayose*. The Guardian, October 10, 2006. Pp. 1-4.

<sup>14</sup> Sayo Ifedayo: "*Ekiti House Suspends Chief Judge, Freezes State Accounts*". The Guardian, Thursday, October 12, 2006. Pp.1-7.

<sup>15</sup> The controversial panel members were: Remi Bamigboye, Chairman, Mr. Segun Ige, Mr. Ali Apanisile, Mr. Solomon Ajisafe, Mr. Segun Adesuyi, Chief Olu Alade and, Mrs. Funmi Olukogbon.

<sup>16</sup> According to the Majority Leader of the State House of Assembly, Mr. Kayode Babade, "...Of the seven members appointed into the panel, two are from Ifelodun/Irepodun Local Council, which is the Local Government of Fayose; two are his wives relations and associates and one appointee, the closest friend of the chairman of the State Universal Basic Education Board."

<sup>17</sup> Members of the second panel constituted by the acting CJ, Justice Aladejana, included: Mr. Emmanuel Bamidele Omotosho as the Chairman, Deacon Olajubu Solomon Obaleye, Mr. Ismail Olowolafe Daisi, Mr. Kayode Filani, Mrs. Funmi Adeniyi, Rev. F. F. Ijasari and Major J. O. Odusina.

<sup>18</sup> The Guardian, October 9, 2006, Pp. 1-4

In the Ekiti impeachment imbroglio, the controversy that trailed the composition of the first panel of enquiry, the decision of the State Assembly to reject the panel's report, which passed a not-guilty verdict on Governor Fayose and instead set up another panel, also raised some legal questions. First, the substantive Chief Judge, Justice Kayode Bamishile argued that it was his discretionary power to so constitute the panel and that the State Assembly lacked the power to vet it. Consequently, an order by the legislature for the Judge to appear before it was ignored. The Judge's action was predicated on the ground that the Assembly was acting outside its jurisdiction, since the state Chief Judge was not accountable to the Assembly (Sayo, 2006).<sup>19</sup>

Justice Bamishile described the legislators as jokers, stating that they needed to be educated on the powers granted them by the constitution. Similarly, while the lawmakers believed they were still operating within the limits of the Constitution, the Governor differed and described the Assembly's action as a coup and a rape of democracy. Regardless of the raging controversies that bothered on the legality of the process, the Assembly members voted to impeach Governor Fayose and his Deputy, Abiodun Olujimi on Monday October 16, 2006. The motion for the impeachment was passed with one legislator abstaining, one against and twenty-two members in support (Sayo, Aderibigbe, and Ogunsakin, 2006).<sup>20</sup>

The legislators thereafter appointed the Speaker, Friday Aderemi as the acting Governor in line with section 191(1-2) of the Constitution, which gives the Speaker the power to act in the absence of the Governor and his Deputy. He was to occupy the office for three months as a prelude to fresh election, as provided for in the constitution in such circumstances. In sharp contrast however, on October 19, 2006, President Obasanjo, in an early morning broadcast, declared a state-of-emergency in Ekiti State, appointing retired Brigadier-General Tunji Olurin as the Administrator of the State for six months, citing constitutional provisions under section 305. This, by implication meant the dissolution of all democratic structures in the State (Sulaiman, 2006).<sup>21</sup>

According to the President, the action became necessary in order to avoid a looming danger and what he called the possible breakdown of law and order. This was given credence by the claim of the estranged Deputy Governor, Abiodun Olujimi and the

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<sup>19</sup> *ibid.* The Guardian, Monday, October 9, 2006, pp.1-4

<sup>20</sup> Sayo, Ifedayo, Aderibigbe Yinka, and Ogunsakin Mustapha: "*Ekiti Assembly Removes Fayose, Deputy*". Lagos: The Guardian, Tuesday, October 17, 2006. pp 1-4.

<sup>21</sup> Toba Sulaiman: "*Olurin Takes Over, Calls for Peace.*" Lagos: ThisDay, Friday, October 20, 2006. pp.1-4.

Speaker, and acting Governor, Friday Aderemi to two parallel governments, with both laying claim to authority over the State Security. While the former relied on the impeachment proceedings that were fraught with irregularities and illegalities, the latter justified his action on the powers granted the State House of Assembly. Except for the aftermath of the crisis - declaration of a state of emergency - the circumstances leading to the impeachment proceedings, the actions and legislators' dispositions all followed the same course of action with precedence from such cases as recorded in Bayelsa, Oyo and Plateau States respectively (*TELL*, May 15, 2006).<sup>22</sup>

#### **1.3.4. Abia State**

Results of EFCC's findings on series of allegations of stealing, abuse of office, misappropriation of public funds, and fraudulent acquisition of assets, official corruption and money laundering against Governor Orji Uzor Kalu were weighty. Among alleged monumental malpractices credited to the Governor were outright ownership of numerous business outfits and substantial shareholdings in many business concerns, all of which served as conduits for looting of the State's treasury (*TELL*, May 15, 2006).

Consequent upon investigations and conclusion of findings, accounts belonging to some of these companies were frozen in several domestic and foreign banks. Characteristic of State Assemblies under the dispensation in view (1999-2011), there was not any reported case of legislative oversight action by the Abia State House of Assembly in respect of any or all of these charges. The Governor had a running battle with the Presidency over the investigation, which opened the lid off the alleged abuse of office against the Governor. The Presidency was thought to be the mastermind of his travails with the EFCC.

It was a sigh of relief that a high court in the State granted an injunction on October 19, 2006, restraining the EFCC from arresting some of the State's senior government officials accused of complicity in the corruption charges (*TELL*, May 15, 2006). The EFCC equally declared Kalu's mother wanted as she was accused of fronting for her son on a number of instances. All of these were indicative of legislatures' failure to uphold the tenets of representative government.

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<sup>22</sup> Suggestive of acting out a tested script, Mrs. Abiodun Olujimi's relocation to Abuja in the heat of the crisis was seen by many as a security arrangement perfected by a higher authority with vested interest, aimed at shielding her until the impeachment process was concluded. This, it would be recalled, was the manner in which the erstwhile Deputy to Governor Alameiyeseigha of Delta State, Dr. Goodluck Jonathan, assumed power as the substantive Governor of Bayelsa State.

#### **1.4 Statement of the Problem**

The wind of democratisation brought with it numerous efforts across many systems to domesticate democratic global best practices and internalise the spirit and culture of popular participation in government. While other aspects of representative government, namely, party politics, elections and electoral matters have gained prominence, discussions on the legislature and legislative practices are few and limited. Whereas series of attempts have been made to define and develop standards for monitoring the democratic character of elections, there have been fewer efforts to define standards for institutions that result from elections and the electoral process.

There is a recurring question as to the relevance of elections where the legislature that emerges from such exercise does not reflect the wishes and aspirations of the citizenry. Succinctly put, with weak legislatures, elections and the electoral processes lose substance as primary means of ensuring the pre-eminence of people's wishes in a supposedly representative government where legislatures with broad and extensive powers are highly desirable (see Commonwealth Parliamentary Conference, New Delhi, India, 2007).

The strength of any legislature is a primary reflector of the institutional content of any representative system. Developing essential framework - by setting standards and benchmarks – for the legislature - that define what constitutes effective democratic practice would serve as a yardstick for assessing their efforts at internalising legislative best practices, thereby making them more effective. Such framework may also serve as a useful mechanism for the legislature, poised to establish its independence and exercise its powers relative to other arms of government. This requires advancing a discussion on the role and relevance of the legislature, an enterprise that can best be championed by institutions, individual actors and stakeholders that value the importance of projecting basic institutional requirements of democratic governance (see Commonwealth Parliamentary Conference, New Delhi, India, 2007).

The legislature deserves to be studied in its own right as an essential element of representative government. In spite of its critical role and of its strategic importance, the legislature and particularly subnational legislature, has remained largely underdeveloped and has until recently, appeared not to have been accorded adequate attention in Nigeria. Studies abound (Obiyan, 2007; Aiyede, 2006; Eminue 2006; Hague and Harrop, 2004; Gregory, 2003; Hans, 2000; Almond et al, 1996; Olsen, 1994; Lijpart 1992; Then and Wilson, 1986; and Coleman, 1970) on the relevance and significance of the legislature at

the national and subnational levels of government. However, there is need for a specific study of the character, activities and performance of the legislature, legislative processes, as well as the circumstances of political exchanges, particularly at the subnational level in Nigeria.

The reform initiatives geared towards entrenching transparency and accountability through governmental agencies and institutional frameworks like the Economic and Financial Crimes Commission (EFCC) and the Independent Corrupt Practices and Other Related Offences Commission (ICPC) have thrown up fresh challenges in the nation's quest to institutionalise representative government. The palpable failure of legislative institutions specifically at the subnational level, to act swiftly and proactively on issues of corrupt practices, have raised questions concerning the capacity and relevance of the legislature.

Some State Assemblies were not only viewed by the electorate as accomplices of, and collaborators with the executive, but were actually accused of subverting the basic tenets of representative government through unhealthy compromises. It is hoped that through the discussion of standards vis-à-vis the performance of representatives in the legislature, issues relating to the organisation of the legislature, its functions and value will bring to the fore the representativeness of the extant system of rule as regards legislative-executive, and legislative-electorate relations.

## **1.5 Basic Assumptions**

The palpable failures of the State Houses of Assembly lead to some basic assumptions:

State legislatures were ineffective compared to the executives, either because legislators lacked the moral right to effectively check executive excesses or they were hampered by ignorance of their own constitutionally granted powers, or that their actions were shaped by the dictates and dynamics of the inherent peculiarities of the Nigerian state system.

The air of indictment, allegations and counter-accusations by the EFCC against the governors smacked of compromise and appropriation of the collective interests by elected officials in the various arms of government for private gains.

The State Houses of Assembly simply abdicated their responsibilities while State Executives had a free hand. With the sustained inaction or connivance of the State Assemblies, the primitive accumulation by the State Governors could have continued

unabated if the EFCC had not dared to “assume” legislative responsibilities.

The State Assemblies have not only been at the disposal of the executives, but have actually subverted the basic tenets of representative government. The imbalance between the constitutionally defined roles and corresponding powers granted the legislatures on the one hand and the reality on governance and executive performance on the other hand was a clear indictment of non-performance on the part of the legislators.

The supposed grand conspiracy of legislatures and executives has the propensity to undermine the entrenchment of representative government across the States and Nigeria. For example, except for the Ekiti State Assembly’s last-minute attempt to freeze the State government’s account in the heat of the impeachment crisis, the ineptitude of legislators across the States has not made it possible to test the effectiveness of the constitutionally stipulated punitive measures against erring Chief Executives. The truncated democratic rule in Ekiti State could have been averted if the State Assembly had risen up to its legislative responsibilities earlier.

## **1.5 Research Questions**

Basic questions asked addressed by this study were:

- i. What are the salient characteristics of the Ogun State legislature?
- ii. How has the Ogun State legislature played its roles in governance in terms of performance during the period under review?
- iii. How do Ogun electorate perceive the State legislature?
- iv. How effective was the legislature in ensuring executive accountability during the period under review?
- v. What measures are necessary for the institutionalisation of sustainable representative governance in Nigeria using Ogun State as a case study?

## **1.6 Objectives of the Study**

The general goal of this study is to investigate State legislatures as important institutions of representative government in Nigeria, using Ogun State as a case study. However, the specific objectives included to:

- i. Explore the historical evolution of the legislature in Ogun State.
- ii. Investigate the electorate’s perception of the performance of the legislature through sample surveys.

- iii. Assess the legislature in terms of effectiveness using Polsby's three dimensions of institutionalisation namely, autonomy, internal complexity, and universalism.
- iv. Examine factors that account for the representative deficit or otherwise of the state legislature.

## **1.7 Research Methodology**

This research focuses on the performance of the legislature and representative government. It examined the capability and feasibility of legislators to live up to the terms of their electoral mandates in the core areas of representation, lawmaking and effective checks on the excesses of the executive. Subject terms of the research include representation, law-making, oversight, state legislatures, state politics, legislative process, elective offices, electorate, inter-institutional, and constituency relations. The study adopted case study and household survey design methods. The geographic coverage of this study was Ogun State with a population of 3,751,140 going by the 2006 Census (National Population Commission, 2006), three senatorial districts, nine federal constituencies, twenty-six state constituencies and two hundred and thirty-six political wards. While our smallest geographic units were political wards, our sample elements were residents of voting age in Ogun State.

The survey on which this report is based was carried out in all the twenty Local Government Areas of Ogun State, to investigate electorate's opinion on the legislature and representative government. The survey was a representative sample of 424 residents of voting age purposively selected using simple statistical formula, based on the 2006 population census figures made available by the Ogun State Office of the National Population Commission. Copies of the questionnaire were administered to respondents who were knowledgeable and were able to evaluate the legislature in the three senatorial zones of the state. Three hundred and eighty-four (384) copies of the questionnaire were analysed.

The survey was supplemented with fifteen in-depth interviews held with political, community and opinion leaders. The selection of interviewees was done purposively with elements for the study of the population based on predetermined criteria. However, the choice of respondents was based on positions in the society and knowledge of the subject matter. Interviewees, including some of the serving legislators were men and women residents of the State, who by virtue of their education, experience and exposure were knowledgeable in the politics, governance and administration of Ogun State.

## **1.8 Sources and Method of Data Collection**

The study made use of both primary and secondary data. The primary data were generated through questionnaire and in-depth interviews based on specific indicators. The secondary data were sourced from library and archival materials, newspapers, government reports, legislative records and other relevant sources, and their contents were analysed with reference to the theme of the research. Verbatim quotations also sufficed where necessary.

## **1.9 Research Instruments**

The research instruments including copies of questionnaire administered and interviews conducted were in English (the official language) and in Yoruba (the most widely spoken indigenous language in Ogun State). The questionnaire contains structured and semi-structured items administered face to face to respondents. To adapt the questionnaire to local conditions, all interviews were administered in the language of the respondent's choice.

### **1.9.1 Questionnaire**

Scientifically designed and administered, sample survey helped reveal among other things, public evaluations of (Pereira, Raimundo, Chiwanha, Saute, and Mattes, 2003)<sup>23</sup> the representativeness and the representative deficit of the state legislature during the period under review. A five-section questionnaire was designed for this study. Each section covers such variables as: the socio-demographic data; respondents' knowledge of the legislature, size of the Assembly, opinion, and impression of party politics, and election related issues as they relate to legislator's performance and effective legislation; items to determine the frequency of formal and informal interaction; measure of people's expectation from vis-à-vis the performance of their representative as well as citizens' impression of their representatives; and a subsection for suggestions and comments from respondents.

The sample was designed and administered as a representative cross-section of all citizens of voting age in Ogun State. Copies of the questionnaire were distributed proportionally across fifty-three political wards purposively selected through a two-staged

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<sup>23</sup> Afro Barometer Working Paper No. 30, "Eight Years of Multiparty Democracy in Mozambique: The Public View".

stratified sampling method, covering both urban and rural areas of the state. This was with the aim of giving every adult citizen an equal and known chance of being represented. A probability sample of 424 cases allowed inferences to the State's adult populations with a margin of sampling error of no more than plus or minus five percent with a confidence level of 95 percent (Mattes, 2007)<sup>24</sup> and a degree of accuracy of 0.05. This means that, for every residents of Ogun State to be interviewed, 19 times out of 20 the results would differ from those of this survey by no more than 5.0 percent. This was more so that data gathered through questionnaire were complemented with other methods used to obtain information on the same issues contained in the questionnaire.

In order to realize the objective of giving every sample element (i.e. adult citizen) an equal and known chance of being chosen for inclusion in the sample, the sample design adopted stratified and multi-stage, area probability sample. To ensure that the sample is representative, the probability of selection at various stages was adjusted. Our sample was stratified by key social characteristics in the population such as institutions (educational and non-educational establishments) and residential locality (urban or rural). The area stratification reduced the likelihood that distinctive groups were left out of the sample. The urban/rural stratification was meant to ensure that these localities were represented in their right proportions (Mitullah, Bratton, Gyimah-Boadi and Mattes, 2005).<sup>25</sup>

### **1.9.2 In-depth Interview**

Fifteen in-depth interviews were held with political, community and opinion leaders. Such interviews were held at Abeokuta, Idiroko, Ijebu-Ode, Arepo, Ibafo in Ogun State, Lagos Island, and Ketu, Lagos State. The selection of interviewees was done purposively with elements for the study of the population based on predetermined criteria. In this case, the choice of respondents was based on their positions in the society and knowledge of the subject matter. They included men and women who by virtue of their education, experience and exposure were knowledgeable in the politics, governance and administration of Ogun State.

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<sup>24</sup> Afro Barometer Working Paper No. 67, "Public Opinion Research in Emerging Democracies: Are the Processes Different?" This study drew extensively from the Afrobarometer Codebook, which has successfully been used for social research on democracy and governance across emerging and developing democracies. It presents a standard protocol for drawing a national probability sample for survey in social reach research.

<sup>25</sup> Inter-University Political Consortium for Political and Social Research (ICPSR 22202); "Afro Barometer III Round Three Survey of Kenya: The Quality of Democracy and Governance in Kenya, 2005".

These include interview with Chief Segun Osoba, former Executive Governor of Ogun State (1999-2003), on 30/9/2010); Dr Abdullateef Adegbite, Secretary-General, Nigerian Supreme Council for Islamic Affairs 30/9/2010); Dr Onaolapo Soley, former Federal Minister of Finance 20/12/2010; Mr Alao Adedayo, Publisher and Chief Executive, Alaroye Group of Companies (Publishers of *Alaroye* newspapers, a widely read Yoruba language newspapers, 12/9/2010); Senator Ibikunle Amosu, now the Executive Governor of Ogun State, 10/12/2010; Professor Tella S.A., former Vice-Chancellor, Crescent University, Abeokuta on 22/5/2011; Mrs Olufunke Fadugba, former Chairman, Nigerian Union of Journalists (NUJ), Lagos State Chapter on 1/01/2011; Mr Ayo Giwa, Chief of Staff in the Governor's Office and Special Assistant to the Speaker (G-11), Emmanuel Shoyemi Coker on 21/12/2010; Mr Goke Ayeni, Community Leader, and Vice-Chairman, Obafemi-Owode Local Government Area Community Development Council on 23/12/2010; Orishadare Jibola Lawal, Lecturer and a politically exposed person, being close confidant of Alhaja Salimatu Badru, Deputy Governor under Otunba Gbenga Daniel on 31/1/2011; Mr Johnson Ogunbanwo, public servant with the State Government, and youth and grassroot mobiliser on 13/11/2010.

Interviews were also conducted with some of the serving legislators including Mr Emmanuel Shoyemi Coker, Speaker (G-11 faction); Honourables Musa Maruf, Chief Whip (G-11) and Salmon Adeleke, Deputy Chief Whip (G-11) on 20/12/2010 and 21/12/2010 respectively. Also used were media reports and interviews granted by Chief Edward Ayo Odugbesan, former Deputy Speaker (2003-2008) and Deputy Speaker to Mr Emmanuel Shoyemi Coker (G-11 faction); Mr Tunji Egbetokun, Speaker (G-15 faction); Rt. Honourable (Mrs) Titi Shodunke-Oseni, former Speaker 2003-2008; and Mr Remi Hassan, Deputy Speaker (G-15), among others. One of my interview session with Mr Soyemi Coker, the Speaker (G-11) also had in attendance Hon. Durotolu Bankole, Majority Leader and another member of his faction, Hon. Kujeku David.

Care was taken to ensure adequate representation in terms of age, sex, occupation, political leaning, and location among other considerations. Interviews with the legislators were held at the legislators' quarters and at the State Assembly's Speaker Lodge in Abeokuta. The interview with the former Governor of Ogun State, Chief Segun Osoba was on telephone; the one with Alhaji Abdulateef Adegbite and Senator Ibikunle Amosun were held at different locations in Lagos. Other interviews were held at the convenience and residences of the respondents. The questions were unstructured and responses were

recorded manually. The questions covered relevant aspects of politics, government and governance in Ogun State.

Legislators were surveyed on issues relating to their responsibilities, various sources of information available to them, whether they had authored any bills that became law during their term, whether they specialized in single policy areas, and how much time they spent on legislative duties and tasks. Their opinions were sought on the relative influence of the Executive, party leaders and staff, among others, in determining legislative outcomes. Additional questions asked included whether legislators followed their preferences or the wishes of their constituency when making decisions, the political views of their constituency, and which groups they considered to be their strongest supporters. Information was also collected on opposition candidates, and future political aspirations.<sup>26</sup>

#### **1.10. Method of Data Analysis**

Both qualitative and quantitative methods of analysis were used. Data collected were subjected to simple descriptive statistical analysis using frequency counts, simple percentage and correlation analysis. The researcher made sense of the views expressed and opinions of interviewees. Verbatim quotation also applies in many areas of presentation of respondents' views on the state legislature. The legislature could be characterised as a rubber stamp or ratifier, emerging, arena, or transformative legislature (Coleman, 1970; Born, and Urscheler, 2002).

Analysis on conditions for effective legislative oversight focuses on such variables as available constitutional and legal powers for the state legislature, how decision-making takes place in Ogun State and what role the legislature plays in this process, to what extent the state's decision-making process was representative, to what extent was the state government liable for the governance process and outcomes; what resources, expertise and information were available for the legislature to oversee the executive, whether the Assembly had the power and the political will to hold the executive accountable for its actions, more so that political will can be hampered by party discipline as well as constituency interest or lack of interest in specific issues (Born, and Urscheler, 2002)

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<sup>26</sup> Carey, John M., Richard Niemi G., Lynda W. Powell, and Gary Moncrief (2002): Inter-University Political Consortium for Political and Social Research (ICPSR 20960); "2002 State Legislative Survey". <http://www.icpsr.umich.edu/icpsrweb/ICPSR/studies/20960/detail?>

How frequent was the use of the following oversight tools namely, committee hearing, hearing in plenary sitting/general debate, inquiry, questions, subpoena, interpellations and visitation? On budget and oversight, such variables as how often - and of what importance – was the legislature consulted in the budget preparation; how frequent was the examination of the budget as well as reports, confirmation and approval of nominees, requests and proposals suffice (Pelizzo, and Stapenhurst, 2004).

Polsby's (1968) three dimensions of institutionalization namely, autonomy (differentiation from the environment), internal complexity (intra-legislature rules and modus operandi), and universalism (application of global best practices in the conduct of internal affairs) was a useful organisational framework for assessing how the legislature has developed or underdeveloped in Ogun State. This was with a view to underscoring the internal dynamics of the legislature, as well as the extraneous factors that gave credence to the state legislature's pattern of institutionalisation.

This study also analyses legislative institutionalisation in Ogun State by adapting such variables as constitutional frameworks and the consolidation of party systems, the existence of a core group of experienced legislators, party cohesion and discipline as well as extant committee structure (Chiva, 2007). People's perception of the legislature was an important psychosocial intervening factor, which was used in explaining the institutional dynamics of the subnational legislature in Ogun State.

### **1.11. Rationale for the Choice of Study Locations**

The present Ogun State was a part of the old Western Region of Nigeria, which was one of the three regions into which Nigeria was divided in 1948. It is the only State - apart from Lagos State - in the region that has survived sub-division that has been the lot of other States like the old Oyo State (subdivided into Oyo and Osun States); the old Ondo State (subdivided into Ondo and Ekiti States). Multi-sectional in character, Ogun State at inception was created out of two provinces namely, Ijebu Province and Abeokuta Provinces. These two provinces became four divisions of Ijebu, Egba, Remo and Egbado (Egbado is now referred to as Yewa-Awori). These provinces were created into Ogun State by the Murtala/Obasanjo military regime on February 3, 1976 (Onakomaiya, Oyesiku, and Jegede, (ed.) 1992).<sup>27</sup>

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<sup>27</sup> Onakomaiya, S.O., Oyesiku, Kayode, and Jegede, F. J. (ed.) 1992. *Ogun State in Maps*: Ibadan: Rex Charles Publication.

The choice of this location was also informed by the State's microscopic reflection of the country Nigeria, with its long history of surviving political institutions and governmental structures. Much the same is its pioneering role in education and other spheres of life. Ogun State is a homogeneous entity peopled predominantly by the Yoruba-speaking group, comprising mainly the Egba, the Yewa, the Awori, the Egun, the Ijebu and the Remo. They all share a common lifestyle, including culture, tradition and custom in spite of palpable dialectical variation. The main languages of communication in the State are Yoruba and English. Although the indigenes speak various dialects of the Yoruba language, they are all mutually intelligible to the people. Among prominent faiths in the State were the two foreign religions, Christianity and Islam. The Ogboni fraternity has a sizeable followership among the people who still practise traditional religion. Traditional, cultural and religious beliefs like oath-taking and cultism still play quite significant role in the sociocultural, political and economic affairs in the state much the same, women in the society.

The political leadership of the Western Region prior to 1976 was under the control of the State from the early forties to the mid-sixties when democratic governance in the country was halted by the military. The State has produced many prominent citizens in various walks of life. Prominent among them are Dr Sapara Williams who qualified in 1876, Mrs. Funmilayo Ransome-Kuti was a key player in the nationalist struggles for Nigeria's independence, and Chief Obafemi Awolowo was the first premier of the Western Region. In commerce and industry, the pioneering efforts of Madam Tinubu and late Chief Adeola Odutola have landscape. It is also on record that the first newspaper in Nigeria, *Iwe Irohin fun Awon Egba* by Reverend Townsend was established in Abeokuta in 1796.

Ogun State occupies an enviable position in the contemporary Nigerian politics. It has produced two former Heads of State, Chiefs Olusegun Obasanjo and Ernest Shonekan, the only Yoruba men that had served in that capacity. Late Chief Moshood Kashimawo Olawale (MKO) Abiola who would have been the third President of Yoruba extraction was also hailed from Ogun State. Abiola was generally believed to have won the June 12 1993 election that was annulled by the military regime of Ibrahim Babangida. He attempted to declare himself President in a calculated attempt to reclaim his mandate. He was subsequently arrested and incarcerated (Giwa, 2002).<sup>28</sup> Abiola eventually passed on in July 1998 while in detention following which the Abdulsalam Abubakar military regime's

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<sup>28</sup> Giwa Ayo. 2002. "Ogun Politics: The Past, The Present." Abeokuta: Gateway Mirror, pp.4-7

transition ushered in the Third Republic. The Speaker of the Federal House of Representatives during the period 2009-2011, Honourable Dimeji Bankole is also an indigene of Ogun State. Ogun State had the largest array of prominent politicians as at the time of this study.

### **1.12. Scope of the Study**

The study covered the period between May 1999 and June 2011 using Ogun State as a case study. The period in question was the longest surviving period of any legislature in Nigeria. There were a number of developments during this period, which raised the question of the tendency of the legislatures to be proactive, reactive or responsive in the discharge of their statutory responsibilities. The enormity of variables required a detailed study of specifics for meaningful intellectual engagement. The study was a follow-up to the existing works on legislative studies in Nigeria. It provided update on a range of issues as regards the legislature, representation, representative government and legislative responsibilities based on the outcome of findings for the period under review.

### **1.13. Ethical Consideration**

Ethics in social science research entails a code of professional conduct that distinguishes between acceptable and unacceptable behavior. Adherence to ethical norms in research is of the essence to promote the aims of research, such as knowledge, truth, and avoidance of error. This includes prohibitions against fabricating; falsifying, or misrepresenting research data, promote the truth and avoid error.<sup>29</sup> This study was therefore guided by the following codes<sup>30</sup> honesty; objectivity; integrity; carefulness; openness;

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<sup>29</sup> This view, echoed by David B. Resnik, J.D., was adapted from Shamoo A and Resnik D. 2009. *Responsible Conduct of Research, 2<sup>nd</sup> ed.* (New York: Oxford University Press).

<sup>30</sup> Honesty: Honestly report data, results, methods and procedures, and publication status. Do not fabricate, falsify, or misrepresent data. Objectivity: Strive to avoid bias in data analysis, data interpretation, expert testimony, and other aspects of research where objectivity is expected or required. Avoid or minimize bias or self-deception. Integrity: Keep your promises and agreements; act with sincerity; strive for consistency of thought and action. Carefulness: carefully and critically examine your own work and the work of your peers. Keep good records of research activities, such as data collection, research design, and correspondence with agencies or journals. Openness: Share data, results, ideas, tools, resources. Be open to criticism and new ideas. Respect for Intellectual Property: Give credit where credit is due. Give proper acknowledgement or credit for all contributions to research. Never plagiarize. Confidentiality: Protect confidential

respect for intellectual property; social responsibility; and non-discrimination (Resnik, 2009).<sup>31</sup>

The study was also guided by the notion of privacy<sup>32</sup> and confidentiality,<sup>33</sup> as a good amount of personal information was collected in the course of this study. A breach of confidentiality violates participants' rights and poses a risk of dignitary harm<sup>34</sup> to the research, ranging from social embarrassment and shame, to stigmatization, and even damage to social and economic status, including loss of employment. The need to keep personal information private was however weighed against the need to share some personal data that has the potential to enrich the study for public good (Resnik, 2009).<sup>35</sup>

Thus, in the course of this study, ethical concerns such as the principle of informed consent (obtaining the consent of participants after having carefully and truthfully informed them about the study), the right to privacy and confidentiality (protecting the identity of the participants) and protection from any harm was considered. All respondents, interviewees and informants were informed and reminded that participation was voluntary and they could withdraw from the study at any point if necessary. They were assured that their

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communications. Social Responsibility: Strive to promote social good and prevent or mitigate social harms through research, public education, and advocacy. Non-Discrimination: Avoid discrimination against colleagues or students on the basis of sex, race, ethnicity, or other factors that are not related to their scientific competence and integrity.

<sup>31</sup> Adapted from Shamoo A and Resnik D. 2009. *Responsible Conduct of Research, 2nd ed.* (New York: Oxford University Press).

<sup>32</sup> Privacy is defined in terms of a person having control over the extent, timing, and circumstances of sharing oneself (physically, behaviorally, or intellectually) with others. Privacy refers to the right of individuals to limit access by others to aspects of their person that can include thoughts, and identifying information. Many consider privacy a basic human right and maintaining confidentiality a professional obligation.

<sup>33</sup> Confidentiality is the process of protecting an individual's privacy. It pertains to treatment of information that an individual has disclosed in a relationship of trust, with the expectation that this information will not be divulged to others without permission.

<sup>34</sup> Dignitary harms are those caused by an invasion of privacy; they are an insult to a person's respect and control.

<sup>35</sup> It is important for researchers to understand how these competing values can be viewed and how to balance the researcher's goals against these competing needs. In limited circumstances, personal information may be disclosed in the public interest without an individual's consent when the benefits to society outweigh the individual's interest in keeping the information confidential.

privacy and confidentiality<sup>36</sup> would be respected and protected before, during and after the study (Resnik, 2009).

#### **1.14 Significance of the Study/Contributions to Knowledge**

The legislature in Nigeria has not enjoyed profound academic interest, owing probably to its infancy. This is not to deny some scholarly works such as Anyaegbunam, 2010, Barkan, 2008, Prempeh, 2008, Obiyan, 2007, Aiyede, 2006, Muheeb, 2006, Omotola, 2006, Okon, 2006, Ugoh, 2006, Bugaje, 2003, Akinsanya, and Davies, 2002, Akinsanya, and Idang, 2002, Isijola, 2002, and Uchendu, 2000). However, most of the recent studies have paid little attention to the performance of State legislatures and its effects on representative government. Therefore, the significance of this study is in its being a shift in sustained emphasis on national to subnational legislatures, and from focus on developed to emerging democracies.

Without losing sight of the substance of the existing works, this study underscores the fact that there is a limit to the extent one can apply in a straitjacket manner all of the popular prescriptions to developed and emerging democracies alike. This is more so that Nigeria has its share of the myriads of distinguishing characteristics of post-conflict system including the pervasive defective State system, unabating poverty and inequality, desperate quest for power, and appropriation of the State with impunity. It identified the nature and character of the state system, a dearth of autonomous civic culture, prevalence of certain traditional and religious patterns, distorted development trajectory of representative institutions, and a peculiar circumstance of the electoral process as some of the consequences of chaotic party politics that hinder legislative performance and undermine representative government.

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<sup>36</sup> Privacy relates to the research participant's direct disclosure to the researcher; confidentiality relates to the extent to which the researcher protects the participant's private information. People will not volunteer for research unless we can ensure that, as much as possible, the information they disclose will not be released to others without their knowledge and consent. A researcher is under obligation to protect confidentiality since research often does not provide benefit to the participant and provides no compelling reason to become involved in the research. Those involved in designing, approving, and carrying out research must determine how to conduct research that maintains participants' confidentiality. Strict observance of this principle would engender trust which will in turn encourage research participants to communicate honestly and openly with researchers.

This endeavor was a part of efforts geared towards understanding the distinctively peculiar features of an emerging democracy. The lack of cohesion with high rates of turnover of leadership and membership, executive hegemony, frequent conflicts over allegiance to the governor, invariably accounted for weak oversight capacity. The study uncovered peculiar traditional religious practices involving cultic practices like oath-taking that was patronized by the sixth Assembly to extract loyalty, cult followership and sustain group cohesion. It identified the operational efficacy of House Resolution as an unsung tool of oversight. The fallouts of Resolution ‘167’ barring the executive from all financial transactions until the Assembly directed otherwise, were indications that House Resolutions, where and if well deployed could be a potent tool for oversight.

Notwithstanding the constitutionally granted powers to modify and regulate laws with security implications, an inadvertently partisan police and allied state instrument of coercion could be clandestinely deployed against the legislature. Hence, debarring the legislature from performing its legislative and representative duties. Being in control of the State security apparatus particularly the police, a determined executive constitutionally recognised as the chief security of the State could clandestinely debar the legislature from functioning properly without necessarily dissolving the Assembly through threats and intimidation as this study reveal. It has also identified a new type of legislature – fragmented legislature - deriving from the factionalisation of the sixth Assembly (into two dissenting groups, G11 and G15) that was embroiled in internal crisis and ultimately became fragmented, a feature that was to become the hallmark of the Fourth Republic.

This study is germane to the appreciation of the possible circumstances that account for the ineffectiveness of the Ogun State legislature in oversight and representation. It is a significant attempt to develop works that would not only chronicle and analyze contemporary legislative issues but those that would also further the cause of popular participation in future. It also brought to the fore, the intrinsic relationship between the internal dynamics of the legislature and the legislature’s external environment.

This work gives credence to the observation that although ‘institutionalisation may not be sufficient for effective legislative performance’; it nonetheless remains a necessary requirement for an enduring representative government. The report of this study is a significant contribution to the growing bibliography on the subject matter and it would undoubtedly be beneficial to scholars, students and researchers as well as other individual(s) who may wish to further their knowledge on the legislature and legislative practices.

### **1.15 Limitations**

The report presented here was within the limit of the available information to this researcher at the time of the conduct of this study and within the sphere of the writer's knowledge, and outcome of research findings. Available literature on the subject matter was reviewed and duly acknowledged as vital information contained in some of them and useful for this research endeavour were patronized. The primary concerns of this study were of two folds namely: to examine the performance of the Ogun State legislature within the context of legislative-executive relations on the one hand and the legislature-electorate relations on the other. The study committed itself to investigating the institutionalisation or non-institutionalisation of the legislature, as it enhance or hinder legislative performance and effectiveness.

This research does not intend to run a detailed history of the myriads of crisis in the State legislative Houses, neither does it intend to embark on partial or wholesale assessment of the extensive government reform programme. It was not the aim of this research to run an inventory of the intractable crises that bedevilled party politics in Ogun State; neither does it intend to embark on partial or comprehensive assessment of the successive governments' performances. This does not however foreclose the possibility of leveraging on essential variables that were of immense value to the outcome of this research and were of bearing with inter-institutional relations.

This work does not capture every technical detail inherent in the lawmaking or the entire legislative process. Efforts were however made to contextualise important legislative terms and concepts like 'impeachment campaigns', 'quorum', and 'plenary'. While the study does not intend to run history of success or failure of successive administration in Ogun State, it nonetheless had a peep into history to uncover some circumstances of political and governmental exchanges that had extensive implication for legislative performance during the period under review.

Given that dealing effectively and exhaustively with studies of this nature is undoubtedly demanding, enormous financial commitments, time and resources invariably played quite significant role in the choice of variables and specific course of actions, more so that the programme under reference was self-sponsored. Realistically, due to some problems encountered – most of which were not envisaged - in the course of doing this research by circumstances beyond my control, some tools necessary for this study was substituted when and where it was thought necessary. For example, interviews granted by

major actors and stakeholders in the politics, government and administration of Ogun State during the period under review in print media were handy. Of particularly importance in this regard was the much desired views and opinions of major actors I had intended to interview but for one reason or the other, were not forthcoming.

Several calls and text messages to former Governor Gbenga Daniel for interview appointment were neither acknowledged nor returned. It was therefore a big relief and most gratifying getting hold of his memoirs published by Frontline Books, Ibadan, Nigeria titled: “Daniel in Lion’s Den: Memoirs of Otunba Gbenga Daniel”, which was published shortly he left office in 2011. The story was the same for former Speakers, Rt. Hon. Titi Oseni and Rt. Hon. Tunji Egbetokun. I also could not have a one-on-one physical interview with former Governor Olusegun Osoba due to his busy schedule, but had to make do with a telephone interview he granted. It was a herculean task getting the then Senator (now Governor) Ibikunle Amosun inspite of repeated attempts through Mr. Williams (his Assistant) at Amosun’s instance.

Having to hold a short interview with Senator Amosun at a function (wedding ceremony) in Tafawa Balewa Square (TBS), Lagos Island, Lagos was not what I had earlier envisaged except that it was the only option in the circumstance. He was quick to add that his views on the development in the State were in public domain having earlier granted some press interviews. Dispositions of Chief executive officers, political office holders, politically exposed individuals, and privileged Nigerians like these are commonplace for budding researchers.

This report is a product of research findings on legislative performance in Ogun State, which to my knowledge is a pioneer study on the subject matter in my unit of study. I am not oblivious of some possible errors; more so that, this initiative, like most pioneering efforts is not immune from errors. I must therefore, state in a clear terms that I take full responsibility for whatever errors of omissions or commissions in this report. It is my hope that future undertakings would adopt improved techniques and leverage on envisaged progress in the political space to advance the discourse.

## **1.16 Definition of Terms**

### **1.16.1 Representative Government**

Representative government is a rich blend of popular participation and limited government. Representation signifies an individual or sizeable number of individuals acting on behalf of a larger group of individuals. Representation is of the essence in coping with the impracticality of assembling every member of the society for purpose of government. Representatives are to project the preferences of the individuals they claim to represent.

### **1.16.2 The Legislature**

The legislature is a unit of the tripod, others being the executive and judicial arms of government. It is a representative institution with the primary responsibilities of lawmaking, representation and oversight of the executive.

### **1.16.3 Autonomy**

It implies independence from or non-dependence on external forces, influence or control in dealings. It entails capacity to be self-regulatory and self-sustaining. It means bringing internal rules of engagement to bear to enhance performance, and without external interference to hinder effectiveness and efficiency.

### **1.16.4 Institutionalisation**

Institutionalisation implies 'the process of converting something into an institution, or establishing institution'. Within this context, institution implies governmental structures like the cabinet, the courts, and the parliament.

### **1.16.5 Legislative Institutionalisation**

Legislative institutionalisation implies the organization of legislative institutions within the framework of governmental institutional development. In legislative studies, the concept of institutionalisation has been used to identify an evolutionary process by which an organisation becomes an institution through the acquisition of persistence and stability. When a political institution becomes highly institutionalised, it tends to be perceived as static, stable and immutable (Capano, 2003). Variation in the dimensions of

institutionalisation produces different institutionalised patterns of behaviour and different parliamentary identities.

Institutionalization offers insight into the diverse areas of performance for evaluating and analysing an institutionalised legislature. These include representation; deliberation; control over budget; lawmaking; and the oversight. It also include available constitutional and legal powers for the legislature, the level of involvement of the legislature in the decision-making process, resources, expertise and information available for the legislature to perform as well as the power and the political will to hold the executive accountable for its actions (Born, and Urscheler, 2002).

### **1.17 Outline of Chapters**

The study consists of six chapters as follows. Chapter one represents the introductory part of the study. It contains the background to the study, the statement of the problem, objectives of the study, justification, and methodology as well as scope of the study.

The second chapter dwelt on the existing literature on the subject matter with a view to identifying gaps and areas for further study. It undertakes a review of relevant literature as well as an analysis of the preferred theoretical framework for the study.

The chapter three provided an overview of the history and politics of the legislature in Ogun State, paying particular attention to the evolution and development of the legislature in Ogun State. Here, such issues as number and the politics of wards, constituencies and geopolitical delineation patterns as well as the forces shaping the politics of the state are highlighted.

The fourth chapter offered an assessment of the legislature's performance between May 1999 and May 2011. Chapter five highlighted issues and challenges that constituted cogs in the wheel of the legislature's effectiveness and institutionalization; while chapter six provided the Summary, conclusion and recommendations.

Thus far, effective representative government became a secondary issue in a number of states across Nigeria as exemplified by Plateau, Ekiti, Abia and Bayelsa States among others. What appears to be an insubordination of the legislature in representative government came to the fore in the heat of the fight against corruption initiated by the Obasanjo administration in 1999-2007. This was particularly evident across the states where governors were either impeached on allegations of corruption or threatened with impeachment on account of abuse of office.

Notwithstanding the series of accusations against the state executives, the states houses of assembly were practically stampeded by the EFCC into plausible fast-tracking of impeachment processes. Justification for EFCC railroad of the states' legislatures was the need to circumvent Governors' immunity, which it reasoned could delay the cause of justice as regards corruption charges.

The various structures of the Nigerian political system and their well articulated roles and responsibilities are critical in promoting popular participation both in the democratic process and in the conduct of government business. Against the idea of representative government, Nigerians have often been denied the recognition of this right of popular participation, given the failure of the legislature to effectively check the excesses of the executive in the identified instances.

Perhaps with the express blanket clearance granted Governor Peter Ayodele Fayose of Ekiti State, by the Justice Bamishile constituted panel and a similar development in Plateau State as noted earlier, nothing would have been heard of the series of allegations against the Governor, but for the EFCC-intimidated State Assembly which eventually succeeded in its record-breaking impeachment proceedings with several flaws. This was given fillip by the fact that it took more than three and a half years for the legislature to willy-nilly rise up to the demand of their statutory mandate, even though the belated action became rather too costly to the democratic process.

Similarly, of other established cases, former Governor Alamiyeseigha of Bayelsa State had a field day looting the treasury for well over six years. Against all odds, Governor Joshua Dariye's case created a drama in the State's House of Assembly polarised on grounds lacking in substance but rich in political patronage. Governor Dariye had been in the saddle for seven years running while other governors were also running for varying number of years with little or no known case of a dissenting legislature less EFCC intervention.

The EFCC could have been less visible if State Assemblies had risen up to their responsibilities of defending the interest of the electorate. Proven allegations of corruption against the governors, the success of the EFCC- ignited threat of and actual impeachments were no doubt an indictment of the subnational legislature. Characteristic of the confusion associated with the EFCC rampage on some States and their legislature's inaction was the summersault that culminated into the declaration of a State of Emergency in Ekiti State on October 19, 2006, much the same with the attendant comments, remarks and regrets of members of the dissolved Ekiti State House of Assembly.

Given the noticeable personalisation of government business, the ultimate poser therefore is, of what significance is a legislative body that would require the prompting of an executive agency to meaningfully uphold the foremost principle of checks and balances; where the control of expenditure and protection of the interest of their respective constituents is highly desirable? The foregoing provided us with the background information on legislature and the rationale behind the study. It also provided an insight into the research methodology, objective as well as the scope of the study. The next chapter dwells on the existing literature on the subject matter with a view to identifying gaps and areas for further study.

## CHAPTER TWO

### Literature Review and Theoretical Framework

#### 2.0 Preamble

This chapter undertakes a review of the literature on the legislature with specific emphasis on the subnational legislature. This would be in terms of those factors that enhance legislative efficiency and effectiveness within the context of representation, lawmaking and oversight. The two major environments of legislative actions and activities, that is, legislature-executive relations and legislature-electorate relations provide the structural context for the literature review. This is in realisation of the fact that the identified network of relationship matters in understanding and explaining the nature and character of the legislature. It is also against this background that the legislature is designed to represent the people as well as play a key role in the governmental process.

Hence, legislators must think highly of their responsibilities as trustees of the people representing their respective constituents within the legislature. They are expected to perform an intermediary role between the government and the people whose wishes and desire they are expected to hold dear. The legislature as an institution is not an extension of the executive but a partner working with the executive for public good (Olson, 1980). Our review will therefore take us through literature on the extent to which the legislature represents the interest of the people both in the conduct of members' vis-à-vis their relationship with other actor-institutions in the governmental process, particularly the executive.

#### 2.1 The Legislature: Background and Context

Characteristic of the presidential system is the statutory existence of the three arms of government, namely, executive, legislature and judiciary, each with broad but relatively distinct powers and functions. Distinction of the powers of these three arms of government however does not preclude their complementarities. The legislature, which could be unicameral or bicameral, is a collection of interests and usually a reflection of diversities within a state. Legislatures are usually populated by elected or appointed members, as the case may be; separate from, but for a fixed term like the president in a presidential system (Lijphart, 1992).

While the executive headed by the president in a presidential system serves as the central point for the government, the legislature comprising legislators or members of parliament serves as the suspension column of representative government both in terms of composition and operation. By its status and function, the legislature is fundamental to representative government as a veritable platform for harmonisation of diverse interests of the people and for bringing government policies and programmes to the public domain (Almond, Powell, and Mundt, 1996; Hans (ed), 2000); Hague, and Harrop, 2004; Lijphart, 1992).

Lijphart goes further to stress that each of the three arms of government - executive, legislature and judiciary - has clearly defined functions and peculiar spheres of influence, which are interrelated. Thus, the entrenchment of separation of powers in the presidential system largely accounts for the limit on the exercise of powers that often characterise relations between the executive and legislative arms of government.

While it entails having distinct executive and legislative branches of government, separation of powers nonetheless emphasises mutual interdependence or non-subordination of one branch of government to the other. It also recognises the relative independence of the judicial arm of government in all circumstances. Separation of powers encompasses a relationship of checks and balances between the executive and the legislature, implying that neither should be in a position to act with impunity (Lijphart, 1992).

While the above defines the ideal inter-branch relationship, authoritarian rule is implied when all powers are concentrated in one unit<sup>37</sup> thereby giving room for the possible subversion of the spirit and letter of the constitution. Separation of powers therefore offers considerable opportunity for the understanding of the workings of the presidential system of government. The theory of separation of powers, functions and personnel inherent in a presidential regime constitutionally limits executive influence in the legislature (Hague, and Harrop, 2004).

Closely related to the above and central to the presidential system is the principle of checks and balances among the three arms of government. In other words, the powers of the executive and the legislative branches are inextricably intertwined such that there cannot be any meaningful independent action of one without the other (Akinsanya, and Davies, 2002). This inter-branch relationship is better summed up by Akinsanya, and Davies (2002) to the effect that: while the legislature serves as a check on the executive through legislative

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<sup>37</sup> Whether of one, a few, or many, and whether hereditary, self-appointed, or elective.

actions, the executive could as well check perceived excesses by the legislature through the exercise of the right to veto bills enacted by the latter thus withholding assent. The judiciary serves as the moderator through the process of “judicial review”, which may render the unconstitutional acts of the legislative and executive branches null and void (Akinsanya, and Davies, 2002).

The revisit of the presidential system of government was for ease of reference. It was also informed by the fact that the unit of analysis, Ogun State, was structured along the presidential arrangement with the executive, represented by the Governor, having a mandate for a fixed term of four years. His office is different from and outside of the Legislature, the Ogun State House of Assembly-with members also elected for four-year tenure. Statutorily, each of the branches of government in the State also has a constitutional guarantee of separation of powers and functions.

## **2.2 Significance of the Legislature**

The legislature is generally considered strategic. The importance attached to the nomenclature can be understood when viewed against the determination of even authoritarian regimes that desire to have or label institutions with the term ‘legislature.’ This is notwithstanding structural deficiencies in membership composition, selection processes and in the use to which institutions so designated are deployed.

In specific terms, scholars observed that the legislature is accorded greater recognition in the US by virtue of the extensive statutory powers vested in it as against the executive represented by the president.<sup>38</sup> Constitutions of countries largely establish the fundamentals and determine the specific character of the legislature expected to function independent of the other branches of government. This is the case in the United States and other systems that are held as models of democracy (Kreppel, 2004; Squire, Lindsay, Covington, and Smith, 1997; Ritchie, 1997; and Squire, 1992).<sup>39</sup> Akinsanya and Davies’

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<sup>38</sup> James Madison, an architect of the American constitution, declared that in a Republican government, the legislative power takes precedence and necessarily predominates.

<sup>39</sup> Quite significantly, the American Congress has over the years brought to the fore the widely held view that rules influence politics. Regardless of the impression held by the average Americans of the US Congress, they appear well disposed to their own representatives and senators. Thus, most incumbents are re-elected, even when circumstances require otherwise.

observation that the executive holds office as long as it enjoys the confidence and support of the legislature underscores the powers of the legislature as a representative institution.<sup>40</sup>

The legislature has a broad and far-reaching significance to the electorate, the government as well as the system of rule as a symbol of popular representation in politics. Hague and Harrop provide useful statistics to highlight the widespread acceptability and recognition of the legislature as an essential unit of popular government. They observe, for example, that as at 1990, only fourteen (14) out of one hundred and sixty-four (164) independent states had no assemblies at all. The preponderance of legislature-designate institution is a reflection of the recognition attached to it. The significance of these legislatures is to be found largely in what they statutorily stand for rather than what they do (Hague, and Harrop, 2004).

Legislatures occupy a pride of place even in authoritarian regimes where they often function only as shadow institutions performing symbolic roles with often short legislative sessions. Legislatures in authoritarian regimes are largely comprised of government nominees and appointees. Echoing Mezey's (1979) classification, legislatures in non-democratic systems merely play a marginal or minimal role in policy-making. Legislators pose little or no threat to the executive pursuing parochial interests and concentrating on raising grievances and sometimes perfecting strategies for the criminal appropriation of public resources for private gains at the expense of issues of public importance (Hague, and Harrop, 2004). While the above classification may be useful, this is not to argue that the reverse is entirely the case in democratic systems.

As Hague and Harrop observe, executive dispositions in non-democratic regimes notwithstanding, legislatures are still of immense value in that the legislature: represents a formidable institution and an essential indicator of legitimacy for the political regime;<sup>41</sup> serves as an avenue for integrating moderate opponents into the regime, providing a forum for negotiating issues that do not threaten the executive's key interests; and serves as a point of contact between the state and the society. It also provides an avenue for the ventilation of grievances and harmonisation of interests without threatening the system of rule. Regardless of the structure and implication for the regime, the legislature provides a

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<sup>40</sup> Indeed, as long as the Prime Minister with his cabinet enjoys the support of his parliamentary majority, there seems to be little control that the legislature can exercise in terms of legislation and implementation of policy.

<sup>41</sup> "The ruler can say to visiting dignitaries, Look! We too have an assembly, just like the British House of Commons and the American Congress!"

credible platform for potential recruits to the political elite from among members who are presumed to have undergone useful reliability test on the floor of the legislature (Hague, and Harrop, 2004).

### **2.3 The State Legislature**

Subnational legislatures comprise legislative houses at the subnational, state or local levels, depending on the system in practice. These are usually unicameral assemblies with elected or appointed representatives similar to what obtains at the national level. The nature and character of, and development at the subnational level of government require specific studies on its functioning and operation.

Providing a useful framework, Desposato (2004) highlights issues and factors that account for the desirability of sustained emphasis on subnational governments in Latin American politics like elsewhere. These, he says, include the fact that policies implemented and decisions made by subnational governments have important and direct effects on the quality of life of citizens. Subnational governments frequently control and set agenda for the distribution of government programmes, projects and services.

They are a reflection of the formal governmental institutions and the patterns of politics at the national level. State governments are all mini-presidential systems, with governors, unicameral legislatures, and state judiciaries, particularly in federal systems like Nigeria. Finally, subnational governments provide a nearly ideal environment for testing the impact and highlighting the significance of formal and non-formal institutions and practices.

In his study on subnational legislature in Brazil, Desposato (2004) stressed further that while states may record differences in culture, politics, political history and other aspects of life, they nonetheless share identical formal institutional rules and operate in a similar broader sociocultural, economic and political framework. For example, elections into state offices are held concurrently with fixed terms and all states use the same basic election procedures. Although some states are more developed and ‘programmatic’ in their politics, others are much less developed and more ‘clientelistic’; yet, virtually all states share similar governmental structures and institutions.

The state therefore becomes a “mini-laboratory” for observing and explaining how the same institutions work in different contexts. Through sustained emphasis on subnational legislatures, inferences can be drawn from the state’s experiences on how best to improve the legislature’s overall productivity at the national level (Desposato, 2004). While the

above view on subnational governments across systems subsists, there are quite a number of human and material factors and issues that account for variation in structures, operations and practices.

## **2.4 Functions of the Legislature**

Horn, and Urscheler (2002) harp on the common distinguishing features of legislatures across systems regardless of variation in structure of legislature and people's perception of the significance of the legislature. The legislature plays a crucial role, serving as a bridge between the government and the governed. The common characteristics of legislatures derive from the basic functions that they perform.

These are: representing the people, making or modifying laws, and exercising oversight. Legislators are expected to articulate the wishes of the electors through their actions and conduct and guard against likely excesses of the executive through oversight, as well as ensuring the proper execution of government policies by the executive (Horn, and Urscheler, 2002). There are several other tangible and intangible roles of the legislature such as recruitment and enlightenment, to mention but a few.

While stressing the importance of representative government with broad powers and authority derived from the people, Horn, and Urscheler nonetheless recognise variations in the functioning of the legislature particularly as regards the interplay of forces in the shaping of legislature-executive relations. Consequently, they posit that there are no universal standards or best practices for legislative oversight; more so that accepted substantive and procedural principles and practices as well as legislative structures in one established democracy may be a radical departure from what is obtainable in another system (Horn, and Urscheler, 2002). This is in conflict with the emphasis on the minimum standard to which the legislature must conform.

### **2.4.1 Legislature and Representation**

The wave of democratization geared towards the institution of representative governments across the world provides new opportunities for the appreciation of the Legislature. In contemporary times, legislatures are expected to grow correspondingly with the rising challenges of governance and the quest for representative government. The significant and noticeable contributions of legislatures in most emerging democracies undoubtedly underscore the potentials and benefits of the legislature.

As Hague, and Harrop (2004) observe, the revival of legislative assemblies is becoming a major feature of representative governments in post-communist, post-authoritarian and post-conflict settings (Hague, and Harrop, 2004). As a unit of the governmental tripod, the legislature is the primary yardstick for measuring the popularity enjoyed by government. On this, Olson (1994) posits that: legislatures are representative bodies that reflect the sentiments, wishes and opinions of both the minority and the majority. The significance of legislatures is to be found not in what they do but what they stand for (Hague, and Harrop, 2004). They observe that by their composition and mandate, legislatures are representative of the people's will; better positioned to convey the people's expectation to the unit of authority and to also help mobilise the people's consent for the system of rule. With increasing population and ever-growing challenges of popular participation, legislatures have come to be recognised as the institutional platforms for representation and harmonisation of diverse interests.

Taking into consideration the manner of emergence of members, by selection, appointment or election, representative legislatures are to perform the role of trustee of the will of the electorate. A representative legislature, as a multi-member representative body, is an institutional expression of popular sovereignty and an essential element of democratic governance. Norton (1990) observes that the legislature's main function is to 'give assent, on behalf of a political community that extends beyond the executive authority, to binding measures of public policy' and also provide the necessary checks against executive tyranny. Instructively, in giving credence to the representative requirements of the legislature, Philips (1995), notes that a legislature would be a microcosm if it reflects the social diversity of the society (Hague, and Harrop, 2004).

Conversely, legislatures have been showing signs of weakness in emerging than in established democracies. This is more evident at the subnational level in Nigeria where state executives overshadow legislatures in the governing process. This noticeable lapse is more revealing when viewed against the backdrop of key legislative responsibilities such as: representation, law-making and oversight, all of which are of primary significance when reviewing the statutory provisions, the operation and relevance of legislatures. The noticeable lapses on the part of some legislatures give credence to the contestation over the statutory functions of legislatures and the democratic claim of the system of rule. One of the reasons adduced by Hague and Harrop for the seeming lapses is the fact that the executive is often reluctant to grant rights of scrutiny.

It must be noted that the executive's refusal to grant the right of scrutiny is not necessarily a lapse on its own part, but often a function of the executive's protectionist and authoritarian tendencies and dispositions particularly in new democracies. Contrary to this estimation however, the internal workings of the legislature vis-à-vis the dispositions of members are of importance in any comprehensive review of legislative performance. Added to this is the fact that not a few legislatures are just developing the right disposition, strategies and structures that could enhance legislative efficiency and effectiveness.

Diamond (1999) observes that in most new democracies, legislatures lack the organisation, financial resources, information service, experienced members and staff to serve as an autonomous point of deliberation in the policy process (Hague, and Harrop, 2004). These shortcomings on account of long period of authoritarian rule in some cases like Nigeria could explain the noticeable inability of legislatures to deploy necessary human and material resources for intellectual back-up, capacity building as well as commission research and studies.

#### **2.4.2 Legislature and Lawmaking**

Another major function of the legislature is lawmaking. Scholars have queried, and rightly too, the effectiveness or otherwise of legislatures in lawmaking. This was more so that a good number of discussions on the legislature infer that several bills pass through the legislative institution without being initiated or ever modified by it (Desposato, 2004; Hague, and Harrop, 2004; Olson, 1980; Coleman, 1970). It has been observed that legislative action is often treated with contempt in party-dominated governments as legislatures play less significant roles in legislation.

The initiative in framing bills usually rests squarely with the executive, and often the legislature is reactive rather than active (Hague, and Harrop, 2004; Theen, and Wilson, 1986; Olson, 1980; Coleman, 1970). Stressing further on this, Hague and Harrop established a nexus between party politics and legislative efficiency. They observe for example that in party-dominated legislatures, the legislative function is reduced to quality control of executive action, patching up errors in bills prepared in haste by executive appointees and government officials.

To underscore the importance of party politics and regime type, the authors observe, among other instances, that in party-dominated Australia, legislative functions are of little or no significance in the governing process. In 1991 for example, the government sought to put 26 bills through the Senate on a single night between midnight and 3 a.m. By the same

token, during the period before New Zealand adopted proportional representation, a Prime Minister boasted that if an idea came to him while shaving, he could have it on the statue book by the evening. Again, in Britain, the governing party dominated lawmaking, with ninety-seven per cent of bills proposed by government between 1945 and 1987 becoming laws (Hague, and Harrop, 2004).

On the contrary, Squire (1997) notes that the extensive powers wielded by the US Senate and House of Representatives distinguish the American Congress from most other bicameral legislatures the world over.<sup>42</sup> Although the House of Representatives and the Senate each has a few distinct spheres of authority; they both share lawmaking powers. While the Congress is more active and effective in the lawmaking process in the US, the bicameral arrangement has far-reaching implications, which include difficulty in the harmonisation of diverse interests in policy consideration and the lawmaking process.

The ensuing complexity in the lawmaking process associated with bicameral legislative arrangements raises a question as to the desirability and relevance of the legislature for effective government (Squire, 1997).<sup>43</sup> Also of significance in this context is what Squire refers to as the high turnover of members' vis-à-vis the conduct of legislators as constituting major impediments to the effective functioning of legislatures as representative institutions in both developed and emerging democracies, including the United States of America (USA).<sup>44</sup>

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<sup>42</sup> The American system is being held in the highest esteem as a model of democracy.

<sup>43</sup> No bill can be sent to the president for assent into law unless both the House of Representatives and the Senate have passed it. This rule makes the American legislative process conservative – not in terms of the partisan or ideological substance of the legislation passed but because of the difficulty in changing the existing laws. However, the founder purposely dispersed power to prevent one body of government from dominating all others. Democracy therefore not only precludes a concentration of power in one house but also contributes to the “gridlock” or inability to move forward quickly and decisively in the federal legislative process, Squire, Peverill (1997), p.333.

<sup>44</sup> Squire was of the opinion that because members intended to serve only a short time, they cared less if their behaviour offended the decorum of Congress. Conduct on the floor of the House, for example, included bringing hunting dogs to lie alongside the member's desk; verbal debates degenerating into threats of bodily harm; fisticuffs; beating with canes; and even one fight in which a gun was fired, Squire (1997), p.335.

Squire (1997) points out that legislatures have been found wanting at times of national emergency where decisions are to be taken with dispatch. This, in turn, brought into focus the quality of representation at the point of decision-making vis-à-vis the challenges of being a legislator. He specifically regretted the lackluster conduct of legislators, which often compromised the spirit and motive for the institution of the legislature as a crucial representative institution in the lawmaking process. This becomes more pronounced with rising challenges of human development, particularly with increasing population, industrialisation, urbanisation, and globalisation. All of these created new political problems that require the intervention of a proactive government (Squire, 1997).

As Brinkley (2000) rightly argues, a proactive government often requires a more mobile and compact leadership at the centre - than what most legislatures depict - to enable government deliver on promises in a most efficient manner. The major argument here revolves around the size of legislatures which often appear too clumsy, divided and too tied to local and parochial interests to function in the most effective and efficient manner, particularly during periods of national emergency. It must be noted, however, that there are exceptions to Brinkley's claim as instances abound where legislatures have acted with dispatch on issues of importance during national emergencies.

Further argument on the legislature's inefficiency on account of wieldy composition was given fillip by a report of developments in the heat of the twentieth-century economic crisis in America as rendered by Brinkley (2000). Efforts by the Roosevelt Presidency to reform the industrial economy met with repeated frustration at the state and local levels. Brinkley asserts that, mired in partisan politics, the Congress was unable to live up to public expectation as it fell short of providing the desirable national action that could have effectively put state and local authorities under control, an issue credited to the legislature's intransigency. This development bolstered the waning confidence of the public in the Congress at the time.

Contrary to Brinkley's claim, however, the legislature's intransigence at the time could be attributed to the nature of party politics rather than the size and institutional character of the legislature. This was also not helped by Brinkley's underestimation of the

complexity associated with interest harmonisation in a polity characterised with diversities.<sup>45</sup>

Brinkley's (2000) account underscores a prominent study by Almond, Powell, and Mundt, (1996) on perception of the legislature, which was based on samples of popular opinion made through survey analysis on developed democracies largely in Europe. The extensive comparative study specifically brought to the fore citizen's perception vis-à-vis the importance of legislatures in some identified systems. Almond, et al. (1996) observes that there is little correlation between citizens' perception and the esteem and prestige attached to legislative assemblies across systems in his area of study, Europe.

Instructively however, he admits that debates in assemblies and the conduct of legislators can contribute to shaping people's perception not only of political issues, but also of the appropriate norms and procedures of the political system (Almond, et al. 1996). While Almond's study provides a useful lead on the legislature vis-à-vis people's perception in the developed democracies, the same submission cannot be described as a true reflection of legislature-electorate relationship in new democracies and developing democracies as this study would attest.

### **2.4.3 Legislature and Oversight**

Hague and Harrop's (2004) discussion on the legislature attests to the fact that the oversight function of the legislature has grown in significance and value over the years. The legislature acts as a representative institution over the executive through oversight, using some identifiable legislative tools available to it. They identify the following as some of the instruments at the disposal of the legislature to monitor the executive:

#### **2.4.3.1 Questions**

This entails direct queries or questioning of ministers and chief executives of government establishments from time to time. Such questions could be oral or written with immediate or prepared responses from the respective respondents.<sup>46</sup>

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<sup>45</sup> American experience during the Roosevelt Presidency is a good pointer to a notable legislature's excesses and inefficiency.

<sup>46</sup> While questions are of greater value in some systems, they are of little significance in others. Also important is the limited time available for questioning and appropriate responses from officials who often give long prepared answers to questions from their own side precisely.

### **2.4.3.2 Interpellation**

Interpellation offers an alternative form of interrogation aside from questioning. It is as a considerable form of question followed by a short debate and a vote on whether the government's response is deemed acceptable. It also entails an enquiry of the government, initiated by the opposition, which is followed by a debate and usually a vote on the Assembly's satisfaction with the answers given (Hague, and Harrop, 2004).<sup>47</sup>

### **2.4.3.3 Debate**

This is a high profile method of monitoring the executive. The significance of debates lies in the debate itself, and the fact of its calling, rather than the outcome. Hague and Harrop add that a minimum number of members, and the Presiding Officer (Speaker), must approve a proposal for an emergency debate. Although the event normally ends with a vote, the result of this could be either way but usually in favour of the government. An emergency debate creates publicity and this often informs a calculated response from government (Hague, and Harrop, 2004).

### **2.4.3.4 Votes of Confidence or Censure Motions**

These are the ultimate test a legislature can pose to the executive, which could lead to a decision as to whether or not the government can continue in office. Members vote to demonstrate their confidence or loss of it in government and/or its officials. There are no universally binding rules on its application. Special rules may apply, depending on the system in practice. This flexibility has informed several odd motions and counter-motions of confidence in some instances. In the parliamentary system, a vote of no confidence sends a government packing once such government is defeated in the voting. A vote of no confidence in a presidential system could inform the initiation of an impeachment process against the executive (Hague, and Harrop, 2004).

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<sup>47</sup> Interpellation has often been linked to a vote of no confidence and it has been used to bring down several governments around the world, including the French Third and Fourth Republics.

#### 2.4.3.5 Legislative Committees

With increasing tilt towards popular government and corresponding increase in the size of legislatures, the floor of the House has become an inappropriate venue for detailed scrutiny. Committee investigations have thus become the strategic avenue for legislative oversight. The pre-eminence of legislative oversight of the executive has in turn further strengthened the legislative committee system (Hague, and Harrop, 2004).

The above list is not exhaustive as Pelizzo, Stapenhurst and Olson (2006) also identified seven oversight tools that legislatures could employ to perform their assigned responsibilities of overseeing the activities of the executive. These are: hearings in committees; hearings in the plenary; inquiry, parliamentary questions, question time, the interpellations and the ombudsman.

While their observation suffices, the presence of these oversight tools is a necessary but insufficient condition for effective oversight. There are other conditions that determine the effectiveness or otherwise of the legislature. These include: the specific oversight powers granted the legislature; statutorily granted powers of the legislature to modify legislation; availability of information to the legislators; the capability of committee heads; the saliency of issues and how aggressively the opposition performs its role (Pelizzo, Stapenhurst and Olson, (ed.) 2006).

Closely related to the above, Olson (2004) makes an instructive observation on the significance of the legislative committees' vis-à-vis the budgetary process. He specifically noted the increasing legislative action in some of the post-Communist parliaments, particularly Czech Republic and Hungary. Here, legislatures have been paying more attention to budgeting and to economic policies linked to the state budget. He therefore posited that as committees develop experience, interest in administrative review and oversight through the budget process, legislators and legislatures are at the receiving end through enhanced performance and productivity. With their involvement in the budgetary process, opportunities for committees to engage in administrative review and oversight increase (Olson, 2004).

Arguing further, Olson (2004), notes that the Polish Sejm remains the only post-Communist parliaments to devote time and effort to administrative review and oversight. Its committees utilise a distinctive *desiderata* system to examine and instruct ministers and administrative agency heads. Both the committee system and the oversight procedure were developed over the last two decades of post-Communist era.

The post-communist parliament has, in this case, been able to directly build upon its Communist era inheritance to build Sejm committees that are active in administrative review and oversight. Each of the 25 committees of the Sejm has the formal authority to investigate government departments and agencies on those issues within the legislative jurisdiction of the committee.

A committee's attention to administrative matters stems from a wide range of sources, namely: the government's report on implementation of the previous year's budget; preparation of the new budget; citizen complaints; and reports from the external audit agency (Olson, 2004). Committee oversight activity is also suggested by many other sources, including the administrative agencies, and non-governmental bodies and interest groups. The Polish experience strongly suggests the critical importance of committees as the main source of continuing legislative review of the administration of public policy, as has been observed more generally elsewhere (Olson, 2004).

Olson stressed that although Russia's parliament lacks a *formal* right of *kontrol'* under the 1993 constitution, *de facto* oversight is exercised through several mechanisms. One is the Audit Chamber, which has a staff of around 500 people who conduct audits of state organisations. Parliament names its chair and gives it specific assignments. The Audit Chamber has investigated an extremely wide range of government organisations and state enterprises and worked assiduously to expand its powers. It has created a network of regional branch offices, which it has been trying to build into a centralised hierarchy. Much of the time, its reports have had little apparent effect on the bureaucracy, although its findings are often reported in the Russian press.

It has regularly clashed with the government and with the Finance Ministry in particular over its right to conduct audits. It regularly complains that the government ignores its findings. It does not have the power to bring legal charges and its reports have only advisory force. But its power to expose abuses and corruption contributes to parliament's (and president's) ability to generate political pressure on high-ranking government officials. By itself, the Audit Chamber has little power to improve governance, but when elements of the executive branch are receptive to its recommendations, it becomes another instrument at the disposal of parliament for political influence (Remington, 2004).

According to Olson's account, parliament also has the power to hold legislative hearings and to invite ministers to appear and answer questions before it during "government hour." This gives committee chairs and members the opportunity to publicise problems, advertise their policy positions, attract press attention to their legislative agenda, and put pressure on the executive branch to act on particular issues. Committees also conduct seminars and roundtable discussions for similar purposes.

Government hour is another opportunity to focus the spotlight on particular government officials and to publicise parliament's watchdog role. Members of parliament also have the right to submit interpellations (*zaprośy*) to the government, to contact government officials directly, and to question government officials in the course of question hour. Parliament uses interpellations as a way of demonstrating that it is playing its proper role as the guardian of the public interest (Remington, 2004).

The net effect of these powers is a considerable increase in the flow of information from the executive to the legislative branch and greater pressure on the executive branch to fight corruption and inefficiency. Parliament also has an implied, although informal, power to conduct investigations. It does this by forming special-purpose commissions to conduct wide-ranging inquiries, including a commission devoted to fighting corruption.

Thus, parliament's de facto oversight powers have expanded the flow of open information, often of a scandalous nature, but they have not greatly strengthened parliament's capacity to check abuses in the executive or hold the executive accountable. This is because the executive usually acts in response to parliamentary pressure only when it is prepared for such. By and large, parliamentary hearings, investigations and reports operate as another arena in which bureaucratic and social interests compete for influence (Remington, 2004).

Writing on legislative oversight and democratic accountability, Horn, and Urscheler, (2002) reasons that representative government is a bridge between popular participation and limited government. Though conditions for successful representation differ across systems, Horn, and Urscheler's concern revolves around a political arrangement that entails informal political participation through specific institutional frameworks. They also noted that there cannot be perfect democratic accountability as there is no perfect representative government the world over, implying that there must be room for variation in best practices.

Regardless of this variation, there is a deficiency level below which a system must not fall in order to be meaningfully representative. Government can only be representative if and when it is accountable to the majority of the people. Legislators are part of the larger society with their peculiar interests and preferences, which are sometimes at variance with the electorates'.

Legislative oversight, notwithstanding its shortcomings, remains the most credible of all available mechanisms for democratic accountability. This is given credence by the complexity of human relations, which make the substitution of self-government with representative government highly desirable. Hence, the deployment of legislative oversight as the alternative tool for democratic accountability in place of direct popular participation by the generality of the populace becomes unavoidable.

This, it is reasoned, will enable representatives to reconcile the executive's immense information advantage over the legislature and the legislators' huge information advantage over the electorates'. Notwithstanding the availability of oversight tools for the legislature, literature is replete with issues and explanations around the shortcomings of the legislature vis-à-vis the appropriate deployment of the various oversight instruments.

In the light of this, Desposato (2004) observes that there is a significant decrease in public trust for the presidents, political parties and legislatures in Brazil in particular and Latin America in general. This development is not helped by selective action on the part of legislatures which chose to be driven more by scandals too large to be ignored than by a constant pressure for efficiency, responsible government, credible public policy and the pursuit of public good generally.

Rather, legislators have often been lured to compromise public trust and confidence reposed in them by supporting executives in exchange for public works for their respective constituents or for personal gratifications. Oversight merely arises when executive corruption or government failure to deliver on its promises cannot be ignored. This is in addition to the fact that oversights are sometimes carried out only after executives have left office. In Desposato's work, explanations for the observed legislative lapses in political systems are legion.

First is the formal institutional framework that authorises legislative oversight and provides legal authority for challenging the executive's programmes or policies. Second is the capacity of the legislature to engage in effective oversight activities. The capacity of the legislature within this context is a function of the available incentives. Available incentives here imply the informal institutional gains for using that authority which is driven in large

part by the preferences of the electorate and the electoral system. We must also add here the preference of the legislators. One example is the extent to which elections are 'clientelistic' or 'programmatic' Desposato (2004).

This is in line with the view that the Brazilian state assemblies are formally weak, more so that state executives, the governors' exclusive initiation powers restrict legislative opportunities for independent policymaking in many areas. Though the legislatures retain formal powers of oversight and are capable of challenging an incompetent or corrupt executive, many Brazilian state legislatures often do not aggressively engage the executive branch, largely due to the lack of electoral incentives for oversight. This development informs a distinction between 'clientelistic' and 'programmatic' politics with extensive implications for legislative oversight and representation.

In a 'clientelistic' environment, there are few incentives for legislators to invest in legislative professionalisation, party cohesion, or policy development. This is opposed to what is obtainable in the 'programmatic' context. In the former, commitment to legislative oversight is expected to be secondary trailing behind the pursuit of patronage from the executive branch as against the latter where legislators can and must use oversight to further their representative credentials and political careers. The legislature-executive as well as the representatives-electorate relationship are determined and largely driven by the nature of the 'goods' politicians deliver and voters' relative preferences for programmatic or individualistic goods (Desposato, 2004).

Desposato adds that change comes about as the nature of elections changes - as clientelism diminishes and programmatic politics becomes more common or vice versa. Among typical examples of these sorts of changes are some noticeable developments in the Brazilian states. In particular, the less-developed state of Bahia is frequently characterised as a heavily clientelistic state, where vote-buying is common and the delivery of local public goods an essential part of elections.

Along with this has gone corruption and allegations of electoral fraud as well as near absence of legislative oversight of the executive branch. The real manifestation of executive-delivered pork is revealing in State Deputies' expression of gratitude to the chief executive, the Governor, for giving them their mandates to serve as Deputies (Desposato, 2004). Although this clientelistic or programmatic politics hampered the effectiveness of the legislature to effectively deploy identifiable legislative oversight tool in holding the executive accountable as statutorily required; yet, there are still other issues that require attention.

Pelizzo, Stapenhurst, and Olson's (2006) study undoubtedly represents a significant part of a collection of studies on the centrality of oversight to the legislature. However, Pelizzo, and Stapenhurst (2004) have argued that what matters is not the number of oversight tools at the disposal of the legislature but the extent to which legislatures have been able to take advantage of the available tools to enhance performance and justify their continued existence. Hence, the oversight potential of the legislatures had limited effect, or is of no effect, on the measure of representativeness or the democratic quality of the system of rule (Pelizzo, Stapenhurst, and Olson (eds.) 2006). This observation is without prejudice to series of factors that may account for the seeming ineptitude on the part of the legislature in the affected polity.

In his study on Public Accounts Committees, McGee (2002), pointed out that a major challenge Public Accounts Committees face in their attempt to perform oversight functions on government' accounts is that legislators are often unwilling to engage in serious oversight of such accounts. This is because scrutinising government accounts may be considered a job that gives little visibility to legislators, and that might act as a disincentive to members seeking re-election.

Worse still, legislators belonging to the government party or coalition government may fear that by scrutinising government accounts they may be forced to choose between performing their oversight functions effectively - with implications for the relationship between a legislator and his party - and strengthening the legislators' tie to their party. Thus, in legislatures with Public Accounts Committees, the presence of these committees is not enough to guarantee effective scrutiny of government accounts even though it is a must (Pelizzo, Stapenhurst, and Olson (eds.) 2006).

## **2.5 Legislature: Conditions for Effectiveness and Efficiency**

Horn and Urscheler identify three basic elements that determine and shape legislative oversight. These are: the power of the legislature to access government account through contribution to budget, request information from government or to organise inquiries; the infrastructural and financial resources available to the legislature to function as constitutionally stipulated, and more importantly, the political will on the part of the legislature to hold the executive accountable notwithstanding partisan politics and the executive's antics.

Melia (2010) offers a useful inventory of studies on the legislature across systems. He specifically highlighted the study conducted by Fish and Kroenig in their *Handbook of National Legislatures: A Global Survey*. The study undertook a global “legislative powers survey” aimed at classifying the world’s existing national legislatures, and scoring each according to the degree of “official power” that it commands.

They observed that, whereas the locus of power is of the essence in real-life politics and government, the conventional distinctions among parliamentary, semi-presidential and presidential constitutional systems do not fully specify where power resides. The survey was therefore designed to measure the powers of the legislature in relation to the executive across systems using key variables on important aspects of institutional influence.

The Parliamentary Powers Index (PPI) measures the national legislature’s aggregate strength with thirty-two questions in all. Nine of the questions revolve around the legislature’s influence over the executive; nine deal with the legislature’s institutional autonomy; eight examine specified powers; and the last six questions examine the legislature’s institutional capacity. A major shortcoming of the PPI is the fact that the survey does not examine how a legislature relates to the voting public or other aspects of democratic accountability, such as constituency servicing. The study also fell short in its being a selective description of formal legislative power relative to the executive and by extension other institutions, such as the judiciary.

Conversely however, Barkan’s (2008) edited volume is quite different in conceptualisation, purpose, and structure. His work, *Legislative Power in Emerging African Democracies* is largely about democratisation. It revolves around the question of whether more democracy leads to stronger legislatures, or stronger legislatures lead to more democracy. The study was predicated on the assertion that legislatures across sub-Saharan Africa are generally quite weak, though becoming stronger in some instances during the current period of erratic democratisation.

The study becomes relevant in view of its attempt to highlight factors that enable legislatures to become more powerful in the discharge of their responsibilities; representation, legislation, oversight and constituency servicing over time. Barkan and his colleagues’ units of analysis include the Republic of Benin, Ghana, Kenya, Nigeria, South Africa, and Uganda. Although Barkan made reference to Nigeria, it must be noted that the legislature in Nigeria assumed prominence largely on account of the critical interventions it provided at the national level, such as during the post-President Umar Yar’ Adua’s death.

Barkan identifies six factors that determine the relative capacity of a legislature to become more powerful and enhance effective representation. These include: the presence in the legislative ranks of reformers who perceive that their legislature is deficient in comparison to more powerful bodies elsewhere and want to catch up; presiding officers who can be key forces for or against change; national presidents who invariably oppose the strengthening of legislative capacity; and civil society groups and their international donors and supporters that are committed to institutional capacity-building through legislators' training and encouragement designed to make the legislature stronger and more effective as an institution.

Others are: electoral frameworks (proportional representation enables legislators to focus on developing their capacity for legislating more than does first past-the-post voting) and political parties (counter-intuitively, stronger political parties do not necessarily lead to stronger legislatures, as the example of South Africa's African National Congress reveals). Barkan concludes that constituency servicing operates in significant tension with the other functions, as the need to deliver political and economic goods to constituents tends to make individual legislators more dependent on the president personally and the executive branch generally. The reports on Uganda and South Africa serve as cautionary notes that highlight the ease and rate at which determined executives can undermine their national legislatures. All these notwithstanding, the scholars regretted the dearth of scholarly literature on legislative powers in developing countries.

The volume nonetheless canvassed for the reformation of the legislatures. It opines that building legislative capacity requires changes to the formal rules that structure legislative-executive relations coupled with provision of commensurate resources both to the legislature as an institution and to the legislators as individuals. It also identifies the need for quality human resources, particularly competent personnel and technocrats to support a modern legislature. Legislators should maintain and be supported by a pool of professional staff, both at the legislature and in their respective constituents. The same goes for legislative committees and such other mechanisms for legislation and oversight all of which must have expert support (Barkan, 2008).

This is against the background of a small number of professional staff compared to the retinue of auxiliary staff, including personal assistants, secretaries, and drivers, among other non-professional support staff that currently surround an average legislator in Africa. This submission may not be far from the truth, given the circumstances of legislators,

especially at the national level in Nigeria where legislators largely obtain their duty posts through patronage rather than merit and credible selection process.

The study also pointed out that the transformation of the legislature requires a revisit of the issue of campaign finance. The pursuit of election and re-election into the legislatures often makes legislators vulnerable to financial inducements from the executive and patronage from overbearing party leaders, which invariably hinders legislators' independence in the discharge of their official duties to the detriment of their mandates.

In accounting for the seeming inefficiency of the Indonesian legislature, Schneier, (2004) identifies series of factors that border on the nature of the society among other socio-cultural dynamics. The study likened Indonesia to the Philippines where there are many of the trappings of a patrimonial state, which have their roots in both the traditional society and the colonial past. The existing traditional patterns deeply embedded in the culture of Indonesia are more relevant to the understanding of the ability of any parliament to perform maximally. These informal traditional patterns make formal processes and institutions less relevant. Besides, while there are important democratising trends manifest in contemporary Indonesia, "political competition among the elite did not involve policy, but power and the distribution of spoils".

Another important factor was a common religio-cultural pattern that surrounded politics in a more comprehensive mesh of social relations with over 90% Muslim. In most rural areas, and in some neighbourhoods of the larger cities, voters tend to cast bloc votes in patterns that support the 'notion that leadership has its own constituency based on socio-religious orientation'. Though not peculiar to Indonesia, the fundamental absence of an autonomous civic culture has had significant implication for the effective functioning of the Dewan Perakilan Rakyat (DPR) or People's Consultative Assembly, and the regional, largely consultative, Dewan Perakilan Daerah (DPD), or People's Territorial Assembly.

Schneiers' (2004) submission on the need to change the status of the Indonesian DPR from being a mere rubber stamp was instructive to the fact that the professionalisation of the legislature is an essential prerequisite for its efficiency. This is against the background of the underfunded and understaffed legislature populated by too many inexperienced members with little interest in their jobs.

However, there is a growing core of parliamentarians who understand these problems. There is also a growing, and increasingly sophisticated, middle class that is beginning to question its elected officials. Schneier posits that it does seem clear that neither the experiment with decentralisation nor Indonesia's peculiar mixed presidential

system can work without a strong and professionalised legislature. Professionalisation is implied when a legislature is adequately funded and well staffed. Individuals, who understand their jobs as well as the limitation of the institution vis-à-vis legislators' relationship to the executive and the electorate, must also people such an institution.

## **2.6 The Legislature in Emerging Democracies**

In Africa, legislative and parliamentary traditions are rooted in colonial experience, hence post-colonial legislatures are but mostly an imitation of practices found in the home countries of the colonising powers. Authors (Theen, and Wilson, 1986; Coleman, 1970) observed that in post-colonial states in Africa, particularly those that were under British control, parliamentary structures and responsibilities were tailored after the British parliamentary system with tendencies towards executive pre-dominance in the governmental process.

This was further strengthened by other factors, including the pre-eminence of the inherited bureaucracy from the colonial era. All of these were borne out of the impression that political opposition is irrelevant in post-independence politics since the political parties in power were offshoots of the nationalist struggles. In addition, party leaders at the time were nationalist leaders with the requisite charisma and exceptional legitimacy.

It therefore naturally follows that their ascension to power was an integral part of the realisation of the goals of self- government. Legislatures in these African states, especially in the first decade of the post-independence period, therefore played variable secondary roles in the law-making process as ratifiers of policy decisions already put together by the bureaucrats and party leaders (Coleman, 1970).

Prempeh (2008) notes that the legislature is the only institution across Africa that has suffered long periods of dislocation in governance and is generally yet to recover from the overbearing influence of the executive. This was on account of prolonged military rule, authoritarian and one-party regimes. He identifies dependency, legislative abdication, and constitutional design as factors militating against legislative efficiency in Africa. He is also quick to note that the seeming non-existence of legislative institutions during the greater part of the post-independence period in Africa accounts in part for the uneven development of the legislative and the executive arms of government.

This was given fillip by the fact that those legislatures that were in operation at all operated under one-party rule with little or no autonomy from the executive. This explains the palpable lack of institutional coherence and legislators' limited knowledge and

understanding of their institutional rights and prerogatives. Notwithstanding the “executive hegemony”, legislatures in Africa have not been posing legitimate challenge to the executives, as they have remained largely weak. As Barkan (2008) notes, legislators have themselves often conspired in marginalising their own branch. Notably, opportunities for robust legislative oversight of the executive, in the form of hearings and investigations by the legislative committees, have generally gone unused in all but a few African legislatures.

Regardless of these shortcomings, the legislature is emerging as a critical institution in select African countries, even though legislative performance is uneven across the continent. Pointers to these observations include the fact that legislatures are beginning to initiate and modify landmark laws and exemplary resolutions. Legislatures have also succeeded in making significant impact as effective checks on the executive branch in select African countries like Nigeria. They have sometimes exerted a meaningful oversight of the executive and have been able to check their excesses in countries like Kenya, Malawi and Nigeria where attempts to alter the constitutions have been resisted.

Legislatures have, however, not succeeded in this regard in other countries like Namibia and Uganda. It is also noteworthy that the business community and the civil society are beginning to identify with the legislatures and legislators on issues of concern to their persons and organisations in countries like Nigeria. The dispositions of major players in the telecommunications as well as oil and gas sectors of the Nigerian economy on issues of interest like the Petroleum Industry Bill are noteworthy. This is to underscore the assertion that if the legislature is a defining institution of representative government, then adequate attention must be given to explaining its development and nurturing its growth Barkan (2008).

## **2.7 Institutionalisation of the Legislature**

Rosenson (2004) observes, for example that efforts to institutionalise the legislature by making it more representative and committed have always received the attention of stakeholders with concern about how to prevent legislators’ private financial interests from unduly influencing their official decision-making. Legislators have themselves enacted a wide range of laws referred to as ethics laws or conflict of interest laws.

Rosenson stressed further that the laws are meant to regulate actions and activities perceived as involving improper influence on lawmakers in the discharge of their responsibilities and in keeping faith with the electorate. Ethics laws, among others limit legislators’ contracts with state entities; mandate disclosure of economic interests; and in

some cases, authorise independent commissions to oversee legislators' behaviour. Violations attract non-jail sanctions as agreed to at the National Conference of State Legislatures (National Conference of State Legislatures 2005).

Olson's (1980) exposition on the legislature strategically makes a case for an institutionalised legislature. He espouses core elements and values that are equally essential for a legislature to function as an institutionalised entity. These include how high or low party cohesion manifests in the legislature; as well as purposive or permeable committee system, which seeks successes within its Chamber. Members of these committees must demonstrate a strong sense of belonging and high morale with full respect from colleagues as against legislature that is merely responsive to its external clientele whose members have little or no respect for one another.

Olson adds that the US permanent committee system is largely reflective of this ideal. This may not be a necessary precondition for effective committee system as Olson's position here is only desirable where one party largely dominates a legislature. In an atmosphere of multi-party assembly, membership of committees may witness frictions and antagonisms, which may often threaten mutual respect and cordiality. Respect could also be threatened or made difficult by members' diverse interests and preferences.

Internal complexity of the legislature relates to its structure as regards the appointment of principal officers and chairmen of committees; the stability or otherwise of membership and headship of House committees vis-à-vis the rate of return and turnovers in House leadership and chairmanship;<sup>48</sup> the legislature's internal procedural rules and powers (for example seniority rule where such is applicable), party cohesion, and the extant committee system.

It also entails rules governing the conduct of the legislators; the limitation on the powers of principal officers, particularly as regards available checks on the possible excesses of the speakers. For example, speakers may wish to avoid calling meetings, stalling hearings, or calling up a bill among other possible excesses. Also included are: procedural rules guiding decision-making on the floor, attendance and debates (Olson, 1980).

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<sup>48</sup> It is important to stress that, sometimes, the rates of turnover in principal officers, headship and membership of committees is a function of the rates of membership turnovers in the legislatures.

Further on internal complexity of the legislature that is central to legislative institutionalisation, Lilliard Richardson, Jr., Brian Russell and Christopher Cooper (2004) identify studies on factors that account for the voting patterns of members of the United States Congress and how legislators represent the interests of the people. These include the economic interests of the district (McArthur, and Marks, 1988; Richardson, and Munger, 1990); ideological preferences of the constituency (Kau, and Rubin, 1982; Peltzman, 1984); and legislator's ideology (Kalt, and Zupan, 1984; Poole, and Rosenthal, 1991).

They noted that the empirical results of such studies have painted a picture of representation that is complex and varied across issue areas and time. A critical limitation of these studies, however, has been that most of the research focus on national legislature, with fewer studies of voting conducted on subnational legislative voting.

At the subnational level, scholars observed that state legislatures have experienced tremendous changes over the last few decades in terms of professionalism (King, 2000) and power vis-à-vis state governors in the budgetary process (Rosenthal, 1998). Given that these changes have not been uniform and states started at different points initially, these features provide tremendous opportunities for assessing representation in a host of legislative environments, particularly at the subnational level.

By and large, this study, which aligns with Richardson Jr, Russell, and Cooper (2004), thus favours continual response to the call of Moncrief, Thompson, and Cassie (1996) to the effect that more research on representation need to be performed at the state level, as states offer a myriad of opportunities to test and develop models of representation.

## **2.8 Overview of the Legislature-Executive Relations in Nigeria**

The choice of the presidential system of government in Nigeria was against the background of the perceived shortcomings of the parliamentary system coupled with the desire to ensure a stable government and avoid institutional conflict associated with the latter. This was as provided for by the 1979 Constitution of the Federal Republic of Nigeria. The “founding fathers” of the Nigerian presidential system proposed an executive presidency with separation of powers in terms of functions and personnel among the three branches of government: a legislature, an executive president and a judiciary, each of which is almost exclusively responsible for the exercise of one of the functions of government Akinsanya, and Davies (2002).

The right to govern flows through the legislature to the executive. Statutorily, while the President is granted extensive powers commensurate with the energy and dispatch required for his executive responsibilities, the Constitution equally recognised that such a powerful presidency could attempt to ignore the wishes of the legislative branch. Thus, as an ultimate restraint against usurpation of the power of the legislature as well as possible arbitrary use of power by the President, the provisions of the Nigerian Constitution require that the President take recourse to the legislature to see his policies through and for funds to execute his programmes.<sup>49</sup>

In pursuance of the doctrine of separation of powers, the 1979 Constitution affirms in Section 4(1-2) that the legislative powers of the Federation shall be vested in a National Assembly consisting of “a Senate and a House of Representatives”. In effect, the National Assembly is exclusively vested with power “with respect to any matter included in the Exclusive Legislative List set out in Part 1 of the Second Schedule to this Constitution”. Similarly, the Constitution empowers a State’s House of Assembly, under Section 7, to legislate on any matter not included in the Exclusive Legislative List and/or any matter “included in the Concurrent Legislative List set out in the first column of part II of the Second Schedule to this Constitution”.

To harmonise governmental activities and achieve inter-institutional synergy, the President is made part of the legislative process to the extent that his legislative proposals are the primary source of agenda for the National Assembly. Besides, his assent is required for a bill to become law, i.e. an Act of the National Assembly.

In order to check possible abuses of powers by the legislature, the executive, through the President, is empowered by the Constitution to overrule an unpleasant legislation through *veto*.<sup>50</sup> However, a National Assembly that is able to garner two-thirds majority votes against the presidential veto can render the assent of the President irrelevant. Similarly, in order to check abuse of legislative powers by a state’s house of assembly, Section 94(4) of the Constitution empowers the Governor to *veto* an unpleasant legislation although the veto can be overridden by a two-thirds majority *vote* by the state’s house of assembly (Akinsanya, and Davies, 2002).

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<sup>49</sup> Indeed, as long as the Prime Minister with his cabinet enjoys the support of his parliamentary majority, there seems to be little control that the legislature can exercise in terms of legislation and implementation of policy.

<sup>50</sup> Section 54 (4) of the 1979 Constitution.

From the foregoing, scholars have been concerned about Nigeria's legislature as a critical unit of government that symbolises the dawn of democracy. This concern has produced a number of scholarly works most of which border largely on inter-institutional relations. Akinsanya, and Idang (2002) undertook an overview of the significance of legislatures at the national and subnational levels vis-à-vis the extensive powers vested in them.

In retrospect, they recall that in several states that were virtually 'one-party' states during Nigeria's Second Republic particularly in Kano's, People's Redemption Party (PRP), Niger's National Party of Nigeria (NPN), Ogun, Unity Party of Nigeria (UPN), Ondo and Oyo's executive-initiated proposals have always been accepted and legitimised by the lawmakers without much debate and amendment. Some of the identifiable factors responsible for this are; strong party discipline particularly, in States where the Governor was also the Party Chairman; discharge of responsibilities in exchange for favours (in terms of contracts, patronage or bribes) which the lawmakers expect from the Chief Executives; and the fact that the law-makers were lackadaisical.

Aiyede, (2006), examines legislature-executive relations within the context of separation of powers, specifically at the national level in the face of environmental and institutional challenges. He particularly recognises that Nigeria has been experiencing executive dominance at the expense of the legislature, noting that constitutions vested enormous powers on the legislature to the effect that it can impeach an erring executive member on the grounds of gross misconduct, the interpretation of which rests with the legislature. The provision also forbids the judiciary from entertaining any action brought before it on impeachment. He identified party cohesion and individual aspiration of political leaders, among others, as hindrances to possible exercise of this legislative power and could also be the basis of misapplication of the power.

Providing useful insights into legislature-executive relations, Aiyede identifies a struggle for prestige and influence; diverse perception of powers and roles by each arm of government; opposing perception on the distribution and execution of capital projects as well as perceived efforts of the executive to weaken the legislature as possible explanation for the nature and direction of inter-institutional conflict at the national level in Nigeria since 1999.

He identifies three factors which account for the intensity of legislature-executive conflict in Nigeria since 1999 as: unequal development of the executive and the legislature; the incoherence or weakness of political parties as well as the quasi-coercive or militarised

strategies preferred by both the executive and the legislature. While the executive preferred blackmail, manoeuvres as against bargaining and lobbying, not a few of the legislators understand impeachment as the only potent weapon available for them to put the executive in check.

By the same token, Okon, (2006), brings into focus the interplay of forces between the legislature and the executive. His analysis is along the struggle for policy influence with special emphasis on relative inputs of the executive and legislature to policy output in Nigeria's post-1999 attempts at institutionalising democratic governance, particularly at the federal level in Nigeria. The study highlight, issues of national importance like the national budget, and the Onshore/Offshore dichotomy bill that affect and shape the relationship between the legislative and the executive arms of government.

While the study examines executive-legislature relations, Omotola's (2006) concern is hinged on the sole issue of impeachment, as it constitutes a threat to Nigeria's democracy. His concern revolves around the incessant deployment and abuse of impeachment. Obiyan (2007) attempt an evaluation of the role of the legislature as an institutional actor in Nigeria's democratic process. Yet, Ugoh (2006) examines the role of the legislature in Nigeria and the extent to which legislators have performed this role within a multidimensional context.

These studies appear general and macro in focus. For instance, while the National Assembly occupies a place of central importance in the Nigeria's system of rule, the structure, composition and strategic positions of State Assemblies necessarily make a commitment to the study of subnational legislatures most desirable, an exercise to which this study is committed.

Importance attach to the legislature in the literature generally underscores its centrality as a crucial indicator of the level of representativeness of a system. The identified conditions for the legislature to be efficient are as applicable in Nigeria as elsewhere. Justifications for the desirable emphasis on subnational legislature also apply in the Nigerian case. This is more so that the pseudo-federal arrangement applies at the subnational level in Nigeria.

However, whereas there is a constitutional guarantee of separation of powers as well as checks and balances between the three arms of government at the state level as literature dictates, development at that level of government leave much to be desire. Inadequate attention to the inherent peculiarities of each polity like Nigeria coupled with the newness

of the representative government and the relative newness of the legislature as an institution in some instances is a major shortcoming of literature on the subject.

The prevalence of non-formal factors like respect for traditional and cultural practices among other extraneous factors was not exhaustively captured in the literature. The attendant consequences and manifestations of post-conflict, post-military and post-authoritarian rules and dispositions of the executive equally deserve acknowledgement in understanding and explaining the legislature and legislative performance. Available classifications of legislatures in the literature also are also not flexible enough. Hence, developing and emerging legislatures that may combine one or more of the categorisations on account of their peculiar circumstances cannot be accommodated.

Legislatures, particularly at the state level, have been in existence but not without some noticeable shortcomings. In a number of cases, the executives have sought the legislature's approval of nominees for appointment. The legislature's inputs and approval have also been sought on the budget process and they recorded appreciable mileage in lawmaking. It is also noted that the electorate has not posed any credible challenge to the legislators/representatives.

There has been a sustained focus on the national legislature while acts of non-performance at the subnational level often go unnoticed and unchallenged. Executive dominance of, and resistance to, the legislature is visible, particularly at the state level. This requires a revisit with the aim of placing subnational legislature in Nigeria against parameters from other systems while not overlooking the peculiarities of the Nigerian federal system. Above all, while the literature on comparative national legislatures is well established, comparative analysis of subnational legislatures, particularly in emerging democracies, is rather limited, a call to which this study responds.

## **2.9 Theoretical Framework**

### **2.9.1 Legislative Institutionalisation**

This work will draw extensively from the theory of legislative institutionalisation. Following Mauricio (2013), Huntington (1965) defined institutions as “stable, valued, recurring patterns of behavior”, and institutionalization as “the process by which organizations and procedures acquire value and stability”. Institutionalization thus strengthened organizations, while enabling them to set themselves apart from the environment. Huntington characterized institutionalized organizations by their adaptability,

complexity, autonomy, and coherence, but he did not provide standards to identify and measure these criteria. On the strength of Huntington's submission, Polsby (1968) applied institutionalization theory to the American Congress, focusing on behavioral patterns that characterized an institutionalized legislature namely: how it distinguishes itself to a high degree from the environment; its internal complexity; and how it relies on universalistic and automated decision-making to perform legislative functions (Mauricio, 2013).

Institutionalisation implies 'the process of converting something into an institution, or establishing institution'. Within this context, institution implies governmental structures like the cabinet, the courts, and the parliament. Legislative institutionalisation implies the organization of legislative institutions within the framework of governmental institutional development. Industrialisation and modernisation have brought with them 'a large expansion and development of the role of government within society, particularly into areas seen previously as the private sphere. It also connotes an important part of the process of modernisation in developing countries, involving again the expansion and improved organisation of government structures.'

Questions that cut across studies (Canon, 1989; Gerlich, 1973; Haeberle, 1978; Hibbing, 1988; Keohane, 1973; Loewenberg, 1973; Polsby, 1968; Sisson, 1973; Schmidhauser, 1973; Squire, 1992; Van Der Slik, 1989) on the institutional character of the legislature across systems revolve around how legislative institutions change over time. Polsby's (1968) examination of institutionalization in the United States of America offers a useful organisational framework to assess how legislatures develop.

He identifies three dimensions of institutionalization, namely: autonomy (differentiation from the environment), internal complexity (intra-legislatures rules and modus operandi) and universalism (application of global best practices in the conduct of internal affairs). Polsby projects the 'long-run process whereby the U.S. House of Representatives has become highly institutionalised' with far-reaching implications for the system by patronising different measures of institutionalisation.

From this point in history, legislatures have remained a critical element of institutional analysis, and a fertile unit in which to empirically apply the concept of institutionalisation (Peters, 1999). More importantly, in legislative studies, the concept of institutionalisation has been used to identify an evolutionary process by which an organisation becomes an institution through the acquisition of persistence and stability. When a political institution becomes highly institutionalised, it tends to be perceived as static, stable and immutable (Capano, 2003).

Variation in the dimensions of institutionalisation produces different institutionalised patterns of behaviour and different parliamentary identities. It is generally assumed that the legislature exercises greater political power with regard to policy-making, and has a stronger role to play vis-à-vis the other arms of government. Studies have identified the diverse areas of performance used to evaluate and analyse an institutionalised legislature.

These include: representation; deliberation; control over budget; lawmaking; and the oversight function. Also included are such variables as: available constitutional and legal powers for the legislature; the level of involvement of the legislature in the decision-making process; resources, expertise and information available for the legislature to perform, as well as the power and the political will to hold the executive accountable for its actions (Born, and Urscheler, 2002).

The use of such legislative tools as committee hearing; hearing in plenary sitting/general debate; committee of inquiry; questions; subpoena; interpellations; ombudsman and visitation in the discharge of legislative responsibilities (Pelizzo, and Stapenhurst, 2004) are of importance. There have also been comparative studies on the performance or otherwise of institutionalised and non-institutionalised legislature and their implications for political system.

### **2.9.2 Approaches to the Study of Legislative Institutionalisation**

There are different approaches to the study of institutional development and institutionalisation as there are students and scholars on the subject. The legislature, like other governmental institutions, has been a crucial indicator of legitimacy for democratic as well as undemocratic systems. However, there exists a remarkable variation in the specifics of legislative institutions and institutional set-up (Payne, 1990) regardless of similarities in history, culture, economic features and system of rule between and among countries. To borrow from Payne, this study seeks to ask questions on legislative institutions in Nigeria. These include: what factors explain the variation in institutional arrangements of legislatures and the outcome of this variation on the legislative process?

According to Robert (1998), a major approach of relevance is the group theory, where institutions were largely seen as arenas for political battles between groups with predetermined interests. The nature and character of these theatres, which constitute significant dynamics, were not considered as an important variable for determining the outcomes of such battles (March, and Olsen, 1984, 1989; Steinmo, and Thelen, 1992).

Polsby's (1975) contribution to the 1975 *Handbook of Political Science*, in his chapter on legislatures, clearly outlines the postulation of the group theory on the workings of institutions.

Polsby's work on the legislature resolves the major question of "how a distinct institution, the legislature, harmonises the diverse interests within and without" (Polsby, 1975). As Robert re-echoed, political institutions influence strategies and distribute power, and they also influence how different groups came to define their political interests (Steinmo, and Thelen, 1992; Dowding, and King, 1995). Political institutions can be defined as "formal arrangements for aggregating individuals and regulating their behaviour through the use of explicit rules and decision processes enforced by an actor or set of actors formally recognised as possessing such power" (Levi, 1990).

For a better understanding of institutions, three important variables feature prominently, namely: strategies, preferences and social capital. Most approaches would agree that institutions influence actors' strategies, that is, the way actors try to reach their goals. This is a very important part of institutional analysis; because it has been shown that even small and seemingly unimportant changes in institutional rules affecting strategy greatly influence the outcome of the political process (Ostron, 1995).

Another recent study on this subject is Robert Putnam's "Making Democracy Work: Civic Traditions in Modern Italy" (1993). Putnam (1993) investigated why public institutions, such as the democratic system, function so differently in Italy's twenty different regions. With minor exceptions, the simple classification here is a North-South divide: that is, democracy and by implication the economy works better in the north than in the south.

In accounting for this variation, Putnam's study point out that it is the density and weight of the local organisational network that is decisive for establishing and securing efficient political institutions. The more people have been organised in socio-political, religious, sporting and related voluntary associations at the local level, the better democracy works.

This positions tallies with Tocqueville's classical analysis of the young American republic to the effect that a functioning democracy requires a developed civic spirit. Citizens must, when deciding on common affairs or engaging in politics, be made to see reasons for being selfless and to see not just to their own short-term interest, but also to the common good (Offe, and Preuss, 1991). According to Putnam, people can develop this capacity by taking part in voluntary associations. Putnam's feat involves demonstrating that

this factor is more significant than traditional socioeconomic variables for explaining how democracy works. He claims that the differential development of civic spirit in the various regions better accounts for the variation in the economic standing of the regions. Thus, it is the civic spirit that produces economic growth and functioning democratic institutions as against economic growth producing civic spirit.

According to Putnam, participation in organisational life creates social capital, which enables interaction between citizens to be built on trust. That is to say, people choose to co-operate with their neighbours because they trust that the latter will reciprocate the gesture. In the various networks of associational life, a binding element arises in the form of norms facilitating co-operation. Expressed in economic terms, social capital reduces transaction costs in the economy, costs associated with ensuring that contracts are kept (Coleman, 1990). Concretely, this is a matter of whether agreements can be confirmed with a handshake, or whether scores of lawyers and stacks of insurance policies are needed instead.

On institutional stability, a central idea in all accounts of institutions is that they are enduring entities: they cannot be changed at once at the will of the agents. This is central to all schools of institutional analysis. If institutions changed as the structure of power or other social forces surrounding them changed, then there would simply be no need for a separate analysis of institutions (Krasner, 1984). Obviously, some institutions, such as constitutions, get an almost sacred status.

### **2.9.3 Justifications for the Choice of Theoretical Framework**

Legislative institutionalization has been criticized on several grounds, from methodology to application of its principles. The theory has however survived these bashings. Mauricio highlighted Cooper, and Brady (1981) argument against Polsby exposition on the premise that institutionalization underestimates the relationship between the internal characteristics of the legislature and the environmental influences on congressional change.

They therefore held that organization theory explained congressional change better than legislative institutionalization theory (Mauricio, 2013). Polsby (1981) underscores the importance of external influences on the institutionalization process, by admitting the impact of the environment on legislatures. Hence, Polsby (1981) rejected organization theory, as it could not accommodate both the horizontal authority structure and the conflict management function of the legislature (Mauricio, 2013).

The above notwithstanding, Mauricio (2013), argues that besides helping students to understand the historical development of legislatures, legislative institutionalization is important because, it has an overall positive effect on governance by strengthening regular policy-making and positive valuations for the legislature, wherein dialogue and majority decisions preside over the decision-making process, as the case in Brazil, Chile, Costa Rica, Colombia, Czech Republic, Germany, Uruguay and so on.

Thus, governance is positively associated with liberalization, democratization, policy effectiveness, and horizontal accountability. Implicitly, polities lacking institutionalized legislatures like Argentina, Belarus, Ecuador, Guatemala, Honduras, Paraguay, among others, face governance problems more likely as other agencies like the army, executive agencies, official or dominant parties are left to handle political conflicts (Mauricio, 2013).

Again, Mauricio noted that legislative institutionalization engenders recognition of legislatures as political actors to be reckoned with other arms of government particularly the executive. By being self-regulatory, it provides members with sense of identity that is conducive to their handling of legislative businesses, which emerge from internal regulations, both formal and informal, that establish legislative procedures and an incentive structure for members (Mauricio, 2013).

Meaningful discussion on legislative-executive relations premised on institutionalization holds concrete insights into the understanding of the legislature and its environments, the executive and the electorate. There is no gainsaying the fact that the legislature has undergone several dramatic changes in major functions, composition, operational efficiency and administrative infrastructure since the commencement of the Fourth Republic in 1999. Executive tendency to refuse right of scrutiny is waning and the latitude for institutional autonomy is improving considerably. In spite of the complexity of its operational environment, particularly the increasingly fluid party platforms, the palpable determination to be self-regulatory is reassuring with sustained reform of requisite legal framework as well as palpable commitment to internalising best practices.

Viewed against the background of a false start in 1999, the legislature has played quite significant roles in stabilizing the polity, validating its democratic identity and updating its representative credentials. During the period 1999-2003, the Fourth legislature was almost ineffective, as it was practically overshadowed by the executive. It has continued to improve subsequently through Fifth, Sixth into the Seventh legislature at the national and subnational levels. Although the legislature's increasing reinvigoration

contributed significantly to the increasing recurrent expenditure across levels; yet, there are adequate justifications for the optimism that a constitutional representative government through enduring legislative institutions is being entrenched.

The discussion on the Fourth Republic legislature and its institutionalization or lack of it is also a consideration of three main subject areas as espoused by Polsby's (1968). Three dimensions of institutionalisation, namely: autonomy, internal complexity and universalism constitute essential parameters for assessing how the legislature has developed over time (Olson, 1980; Rosenson, 2004; Richardson, Jr., Russell, and Cooper, 2004). This subject is crucial for the future of representative government due to its effect on the essential variables of representation, and accountability. Leveraging on the theory of institutionalisation by adapting such variables as the external environments shaping legislative performance as well as the internal characteristics of legislatures are of the essence in appreciating the representativeness of legislative institutions.

While not being oblivious of its many drawbacks, which include its emphasis on institution at the expense of process among other psycho-social, and economic variables as earlier identified, it is necessary to state that as a general theory, institutionalisation is of value in explaining how State legislative institutions have become highly differentiated from other political institutions (David, 2003).

Using derivable concepts from the theory of institutionalisation, this work promises to deepen the researcher's knowledge of institutional evolution, particularly as regards the development of sub-national legislature in Nigeria. Among crucial issues for scientific engagement such as this, is the fact that the legislature needs to be institutionalised at least minimally especially in terms of defined line of relationship with other segments within the political system, particularly the electorate. This work intends to focus on the specifics of 'a' system with a view to projecting a variant of the legislature.

## **2.10 Classification of the Legislature**

Olson (1980) advances useful considerations on the classification of the legislature. These include an understating of the relationship between the legislature and the electorate and between the legislature and the executive; a better understanding of the scope of parliamentary activity and legislature's policy issues<sup>51</sup>; the direction of power equation,

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<sup>51</sup> The question of intermediate importance or that of broad policy issues

fusion of powers or separation of powers as well as the legislature's life-span, stability or non-stability of the House.

Patronising Polsby's (1975) classic analysis of the functions of the legislature and given that legislators are willing to hold the executive accountable, Horn and Urscheler distinguish four types of legislatures using the identified three basic conditions for the legislature's performance. These are:

### **2.10.1 Rubber Stamp Legislatures**

Legislatures in this category merely applaud the policies and programmes of the executive. They lack the requisite powers and resources to function effectively.

### **2.10.2 Emerging Legislatures**

These legislatures have basic powers, but are deficient in human and material resources to hold the executive accountable. They are common among states undergoing transition.

### **2.10.3 Arena Legislatures**

Legislatures here have the necessary information and resources to hold the executive accountable but are deficient in the real power to function effectively. They have the capability to organise debates and raise questions. While they perform these representative functions effectively, the twin factor of the demands of fusion of powers and strong party system common in unitary governments hamper their effective functioning as independent institution.

### **2.10.4 Transformative Legislatures**

These legislatures have the necessary powers and resources for holding the executive accountable. They have the requisite capacity to scrutinise and alter government proposals, policies and laws as may be desirable.

The categorisation was not exhaustive. While Horn and Urscheler's classification offers a useful lead in the understanding of the legislature, it fell short of offering a comprehensive insight into the circumstances of the performance of the legislature. A legislature could also exhibit the features of one or more categories stated above. Some of the factors and issues earlier identified which could inform performance or non-performance of the legislature could also throw up a categorisation different from any of

the four above. It is also noteworthy that this classification derives largely from legislature-executive relations at the expense of a more general reading of the performance of the legislature vis-à-vis the two environments identified in the literature.

Hague and Harrop (2004) also offer a policy characterisation of assemblies along Active; Reactive; Marginal and Minimal Legislatures worth patronizing.

#### **2.10.5 Active Legislatures**

Typical of developed democracies, particularly the USA, Active legislature makes policy independent of interference.

#### **2.10.6 Reactive Legislatures**

Reactive legislature largely responds to, but can also influence government policy.<sup>52</sup>

#### **2.10.7 Marginal Legislatures**

Marginal legislature is a minor partner in policy making,<sup>53</sup> and

#### **2.10.8 Minimal Legislatures**

Minimal legislature is a rubber stamp legislature amenable to Executive.<sup>54</sup>

In summary, following Gaye (2004), this study signifies an attempt to patronise some of the extraneous factors that fundamentally answer the questions: How and why do state assemblies in Nigeria develop the way they have? What external factors account for changes in their pattern of institutionalisation? What account for the pace of institutionalisation? While not being oblivious of its many drawbacks as identified in the literature, it is necessary to state that as a general theory, institutionalisation is of value in explaining how state legislative institutions have become highly differentiated from and less proactive in their relations with other political institutions (David, 2003). Using derivable concepts from the theory of institutionalisation, this work promises to deepen our knowledge of institutional evolution, particularly as regards the development of sub-national legislature in Nigeria.

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<sup>52</sup> Example of this is the United Kingdom (UK) House of Commons

<sup>53</sup> Example of this include many legislatures in the erstwhile Communist States and emerging democracies

<sup>54</sup> These include many African States in the era of one-party rule and renew wave of democratisation Hague p.266

Among crucial issues for scientific engagement such as this, is the fact that the legislature needs to be institutionalised at least minimally especially in terms of defined line of relationship with other segments within the political system, particularly the electorate. The need to appropriately place people's perception on legislative institutionalisation is of no mean importance. This work intends to focus on the specifics of 'a' system with a view to projecting a variant of the legislature. This is no doubt an ambitious project and a modest attempt whose aim transcends testing the validity of or developing any new theory.

Thus, this study would analyse legislative institutionalisation in Ogun State by adapting such variables as the external environment shaping legislative institutionalization as well as the internal characteristics of legislatures.

“...constitutional frameworks and the consolidation of party systems (all part of the external environment shaping legislative institutionalisation); the existence of a core group of experienced legislators, party cohesion and discipline, and committee structures (grouped together as the internal characteristics of legislatures)” Chiva (2007)<sup>55</sup>

People's perception of the legislature is an important psychosocial intervening factor, which would be used in explaining the institutional dynamics of subnational legislatures in Ogun State.

## **2.11 Gaps in the Literature**

Quite significant is the fact that, most, if not all, of the identified studies focus on developed democracies. Without losing sight of the substance of these endeavours, there is limit to the extent one can apply in a straitjacket manner all of the variables of assessment as well as the popular prescriptions to developed and emerging democracies alike – especially given the myriads of distinguishing characteristics of post-conflict system across Africa as they are. Thus, much needs to be done in the area of identifying the distinctively peculiar features of new and emerging democracies in which category Nigeria belongs, an exercise to which this study is committed.

Similarly, each of the identified works on legislative institutionalisation offers a varying conception and proffers a diverse set of measures of institutionalisation as a process. They all fall short in appreciating the peculiarities of emerging democracies (the

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<sup>55</sup> Chiva, Cristina (2007). *The Institutionalisation of Post-Communist Parliaments: Hungary and Romania in Comparative Perspective*, (Oxford: Oxford University Press) <http://pa.oxfordjournals.org/cgi/content/abstract>

nature and character of the state system, the prevailing political culture, history of democracy, and the circumstances of the electoral process as consequence of chaotic party politics, the consequences of conflicts and crises on democratic consolidation as well as the interrelationships of these variables).

Again, while most of the available studies are concerned more with the internal dynamics of legislative institutionalisation, there appears to be little emphasis on the external factors, especially from the perspective of emerging democracies. This work gives credence to the observation that although ‘institutionalisation may not be sufficient for superior legislative performance’ in a relatively stable democracy; it remains a necessary requirement for an enduring representative government.

Scholars (Polsby, 1968; Peters, 1999 and Capano, 2003) have applied the concept of institutionalisation to different organisations. Here, recourse to the concept of institutionalisation was informed more by a commitment towards understanding the emergence and development of legislative institutions in Nigeria. Among its many terms of reference is an attempt to respond to questions that border on why sub-national assemblies perform at a certain level of their operations in Nigeria. What are the issues that account for democratic deficit or otherwise, as well as constitute an impediment or aid performance and/or nonperformance?

## **2.12 Leading Questions**

From the foregoing, we identify some leading questions, which include that:

- i. People’s perception impact on the legislature’s performance
- ii. A legislature’s external environment will determine its basic relationship to the executive.
- iii. Statutory provisions have not guaranteed effective subnational legislative performance in Nigeria during the period under review.
- iv. There exists a wide gap between legislators’ potential competence and actual legislative delivery.
- v. State Houses of Assembly in Nigeria operate in an environment where prevailing political culture offers unhealthy justification for compromise and appropriation of collective interest for private gains.

## CHAPTER THREE

### History, Politics and the Evolution of Legislature in Ogun State

#### 3.0 Preamble

This chapter dwells on the history, politics and the legislature as a representative institution in Ogun State. Ogun State is entirely in the tropics. Located in the southwest zone of Nigeria with a total land area of 16,409.26 square kilometres, it is bounded on the west by the Republic of Benin, on the south by Lagos State and the Atlantic Ocean, on the east by Ondo State, and on the north by Oyo and Osun States. (Onakomaiya, Oyesiku, and Jegede, (ed.) 1992).

The State is drained by fast-flowing coastal rivers, which empty into the lagoons of Lagos State. The most important of these rivers are Ogun, Yewa, Osun and Saasa. It is noteworthy that the name of the State was actually derived from the largest river, River Ogun. In its early days, the State was a sizeable part of the then Western Region of Nigeria, which was one of the three regions into which Nigeria was formally divided in 1946.

The Region comprised today's south-west zone of the country as well as two of the south-south states of Edo and Delta. In 1963, the two were carved out of the Region and given the name Mid-Western Region. Then, in 1967, just before the civil war got full-blown, the Region was broken into two namely, the Western Region and Lagos. The present Ogun State at inception was created out of two provinces, Ijebu Province and Abeokuta Province. These two provinces became four divisions of Ijebu, Egba, Remo and Egbado (Egbado is now referred to as Yewa-Awori). The present acronym for the four divisions is RIYE. These provinces were created into Ogun State by the Murtala/Obasanjo military regime on February 3, 1976 (Onakomaiya, Oyesiku, and Jegede, (ed.) 1992)

Ogun State is otherwise known as the Gateway State. This is in recognition of its pioneering role in education, medicine, law and divinity, on the one hand, and its strategic position as the link by road, rail, air and sea to the rest of the country. Its capital is the historic city of Abeokuta. Other major towns include Ijebu-Ode, Sagamu, Ilaro, Ijebu-Igbo, Ota and Aiyetoro. The state has a total population of 3,751,140 going by the 2006 census figures (National Population Commission, 2006). Ogun State indigenes, comprising mainly the Egba, the Yewa, the Awori, the Egun, the Ijebu and the Remo, belong to the Yoruba

ethnic group. The State is still being administered on the four divisional classifications of Egba, Ijebu, Remo and Egbado for administrative convenience and historical antecedence.

This classification remains a reference point for political exigencies. The main languages of communication in the State are Yoruba and English. Although the indigenes speak various dialects of the Yoruba language but they are all mutually intelligible to the people. They all share a common lifestyle, including culture, tradition and custom. The two dominant religions in the State are Christianity and Islam. A sizeable proportion of the people still practise traditional religion. Traditional, cultural and religious beliefs still play a significant role in socio-cultural, political and economic affairs in the State much the same way as women in the society (Onakomaiya, et al, 1992).

### **3.1 Political/Administrative Structure and Organisations**

Ogun State has 20 Local Government (LGAs), each headed by a chairman, as enshrined in the 1999 Constitution. For political convenience, Ogun State is sub-divided into four divisions namely; Egba, Ijebu, Remo, and Yewa. The state has three senatorial districts namely; Ogun West, Ogun East, and Ogun Central Senatorial districts. It also has nine federal as well as 26 state constituencies. Ogun State like any other state in Nigeria is administered by a governor as the chief executive presiding over a cabinet of commissioners, special Advisers and Consultants in the daily running of the Ministries, Departments and Agencies (MDAs). This team works with the Secretary to the State Government to supervise and co-ordinate the implementation of government policies and programmes through various ministries, bureaux, commissions, boards, parastatals and other agencies. The State comprises of twenty local government areas namely: Abeokuta North; Abeokuta South; Ado-Odo Ota; Ewekoro; Ifo; Ikenne; Ijebu East, Ijebu North; Ijebu North-East; Ijebu-Ode; Imeko-Afon; Ipokia; Obafemi-Owode; Odeda; Odogbolu; Ogun-Waterside; Remo North; Sagamu; Yewa North; and Yewa South respectively.

#### **3.1.1 Abeokuta South Local Government**

Abeokuta South Local Government is usually referred to as the Premier Local Government, owing to its historical prominence, as the traditional seat of the native authority in Egba, since 1898 as well as the seat of the government of Ogun State from inception in 1976. The Local Government with its headquarters at Ake, Abeokuta has 15 political wards including Ake 1, Ake 2, Ake 3, Adatan/Lantoro, Emere, Ijemo, Itoko, Ijaiye/Idi-Aba, Erungbe/Ijoko/Ilogbo, Oke-Ejigbo, Oke-Ijeun, Ago Ijesha/Ijeun-Titun/Ago-

Egun, Sodeke/Isale Ijeun 1, Igbore/Itori/Ago-Oba and Ibara. Abeokuta South Local Government is mainly inhabited by the Egba Ake stock made up of Egba Eku, Egba Aarin and Egba Agbeyin. The primary occupations of the indigenes of this area include pottery, tie and dye amongst others. Christianity, Islam and Traditional religion are the three-dominant faiths in the area. The Local Government has two paramount rulers namely the Alake of Egbaland Oba (Col.) Adedotun Gbadebo, and the Olubara of Ibara, Oba Jacob Olufemi Omolade (Onakomaiya, Oyesiku, and Jegede, (ed.) 1992).<sup>56</sup> The Local Government has a population figure of 250,295 (National Population Commission 2006)

### **3.1.2 Abeokuta North Local Government**

Abeokuta North Local Government has its headquarters at Akomoje in the Iberekodo area of Abeokuta, the Ogun State capital. The Local Government first came into existence in 1981, as Abeokuta South Local Government to make up the defunct Abeokuta Local Government. It however re-emerged again on September 27 1991 when the Federal Government created some new Local Government to bring government closer to the people at the grassroots. The Local Government has 16 political wards including Ago-Odo/Ikereku/Ilawo, Ikija, Ago-oko, Elega Housing/Imala, Iberekodo/Ilugun, Ita-Ota/Gbagura, Ago-ika/Ijaiye Kukudi among others. The population of this Local Government area is put at 198,793 (National Population Commission 2006).<sup>57</sup>

### **3.1.3 Ado-Odo/Ota Local Government**

Ado-Odo/Ota Local Government is the third largest in Ogun State. It is a product of the merger of the former Ifo/Ota Local Government and some parts of the defunct Yewa South Local Government. It has 16 political wards, namely, Ota I, Ota II, Ota III, Ilogbo, Atan, Alapoti, Ado-Odo I, Ado-Odo II, Ere, Igbesa, Ketu Adie Owe, Agbara I, Agbara II, Iju, Sango and Ijoko. Ota is the headquarters of this Local Government Area. The Awori people are the predominant tribe in this Area. Also found in the area are Egba settlers at Itan, Ijoko and Sango Ota, while the Yewas and Eguns are in the Ado-Odo area. This area is the most industrialized in Ogun state with a number of manufacturing industries. Residents are thus mercantile and industrially disposed in terms of occupation. The Local Government has a population figure of 527,242 (National Population Commission 2006).<sup>58</sup>

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<sup>56</sup><http://www.ogunstate.gov.ng/localgovt.asp>

<sup>57</sup>ibid

<sup>58</sup>Ibid

### **3.1.4 Ewekoro Local Government**

Ewekoro Local Government came into existence in May 22, 1981. It has a land area of about 31.5 square kilometres and is bounded by Yewa South in the west, Ifo Local Government in the South, Abeokuta North and Obafemi Owode in the north and east respectively. Itori is the headquarters of the Local Government Area. It is divided into 10 wards, namely Itori, Owowo, Mosan, Abalabi, Wasimi, Papalanto, Arigbajo, Obada, Asa Yobo and Elere Owu. The indigenous dwellers of this Local Government area are mainly the Egbas, particularly the Egba Owus. Farming and trading are the primary occupation of the indigenes, which is basically a rural settlement. Christianity, Islam and Traditional religion are the three dominant faiths among the people of the Local Government. The Local Government has a population figure of 55,093 (National Population Commission 2006).<sup>59</sup>

### **3.1.5 Ifo Local Government**

Ifo Local Government with its headquarters in Ifo has a land area of 82,000 Square kilometres and shares boundaries with Yewa South Local Government in the west, Ewekoro Local Government in the north, Obafemi-Owode Local Government in the east and Ado-Odo/Ota in the south. The Local Government has 11 wards namely Ifo I, Ifo II, Ifo III, Agbado central, Akute -Ajuwon, Isheri, Oke-Aro-Ibaragun, Ososun, Sunren, Coker, and Ibogun. The Local Government Area is predominantly made up of Egbas, (Egba-Alake, Egba-Owu, Egba Oke-Ona and Egba-Gbagura). The Aworis and other sub-ethnic groups also co-exist there. The people are predominantly farmers and traders. There are two paramount traditional rulers in the Area namely, the Olofin of Isheri and the Olu of Ifo. It has a population figure of 539,170 (National Population Commission 2006).<sup>60</sup>

### **3.1.6 Ikenne Local Government**

Ikenne Local Government was as well created in September 27 1991 from the defunct Remo Local Government. It is a semi-urban settlement comprising 5 major towns, namely Iperu, Ilisan, Ogere, Irolu and Ikenne the headquarters. It has 10 political wards and bounded on the west by Obafemi-Owode Local Government, on the south by Sagamu Local Government, on the east and north by Odogbolu Local Government. The Remo

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<sup>59</sup><http://www.ogunstate.gov.ng/localgovt.asp>

<sup>60</sup>ibid

people are predominant in this area. The people are predominantly farmers and traders. Christianity and Islam are the two dominant religious practices in this area, while some residents take to traditional religion. It is home two tertiary institutions that are privately owned namely, Babcock University at Ilisan and the Ogun state-owned Institute of Social development at Shasha. It has a population figure of 119,117 (National Population Commission 2006).<sup>61</sup>

### **3.1.7 Ijebu-East Local Government**

Ijebu-East Local Government derived its name from the fact that it lies to the east of Ijebu-Ode, the center-point of Ijebu-land. It has its headquarters at Ogbera. It has 10 political wards, bounded in the north by Ijebu North Local Government, in the east by Odigbo Local Government of Ondo State, in the west by Ijebu-Ode and Odogbolu Local Governments. It serves as an important link and focal point between Ogun and other east and southern States of Nigeria, particular from Ondo to Edo States. The mainstay of residents includes farming, hunting, fishing, craftwork and sculpturing. Christianity and Islam are the two dominant faiths in the area, while some of the people take to traditional religion. It has a population figure of 109,321 (National Population Commission 2006).<sup>62</sup>

### **3.1.8 Ijebu-North Local Government**

Ijebu-North Local Government was established in 1979, and has its headquarters at Ijebu-Igbo. It is bounded by Oluyole Local Government of Oyo state in the north, in the west by Ijebu-East Local Government, in the south by Ijebu North-East, Odogbolu and Ijebu-Ode Local Government, and in the east by Ikenne Local Government. The Local Government has 11 political wards, namely Atikori, Oke-Agbo, Ojowo/Japara, Oke-Sopen, Ome, Oru-awa-ilaporu, Osun and Ago-Iwoye urban I, Ago-Iwoye urban II, Ako-Onigbagbo Gelete, and Mamu/Ehin-Etiri. The area is peopled by the Ijebus, who live in the following major towns: Ijebu-Igbo, Ago-Iwoye, Oru, Awa, Ilaporu, etc. Farming is the mainstay of inhabitants of this area. It has a strong traditional heritage and virile cultural background with prominent traditional institution in Ijebu-Igbo and Ago-Iwoye, and a population figure of 280,520 (National Population Commission 2006).<sup>63</sup>

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<sup>61</sup><http://www.ogunstate.gov.ng/localgovt.asp>

<sup>62</sup>ibid

<sup>63</sup>ibid

### **3.1.9 Ijebu-North-East Local Government**

Ijebu-North-East Local Government came into being on December 13 1996, having been carved out of Ijebu-ode Local Government. It is bounded by Ijebu East Local Government in the East, Ijebu North Local Government in the north, Ijebu-ode Local Government in the south and Odogbolu Local Government in the west. Its headquarters is in Atan, and it has 10 political wards: Ward 1 to ward 10. The people of the area are of Ijebu extraction and they speak Yoruba language with Ijebu as their main dialect. The people are predominantly Farmers. Christianity and Islam have large follower-ship in the area. There are also traditional worshipers. Many of the communities are under the leadership of Baales and Olorituns. However, the Local Government has 8 beaded crown traditional rulers.<sup>64</sup> It has a population figure of 68,800 (National Population Commission 2006).

### **3.1.10 Ijebu Ode Local Government**

Ijebu Ode Local Government came into being as far back as March 11, 1938. It has its headquarters at Itooro in Ijebu-ode. Ijebu-North and Ijebu North-East Local Government bound it in the north, in the east by Ijebu-East Local Government, and in the south by Lagos state, Odogbolu Local Government is to the western side. It has 11 political wards, namely, Isoku-Ososa, Odo-Esa, Itantebo/Ita-Ogbin, Ijada/Imepe 1, Ijada/Imepe 11, Porogun 1, Porogun 11, Ijasi-Idepo, Odo-Egbo/Oliworo, Isiwo, and Itamapako. Ijebu is the dialect of the people in this Area. The people are into farming, trading and manufacturing with pockets of cottage industries. Christians and Muslims are found in large numbers, while some take to traditional religion.<sup>65</sup> It has a population figure of 157,161 (National Population Commission 2006).

### **3.1.11 Imeko-Afon Local Government**

Imeko/Afon Local Government was carved out of the old Egbado (Yewa) North Local Government in December 1996. It is bounded in the north by Oyo state, in the east by Abeokuta North Local Government, in the south by Yewa North Local Government while it shares a common international border with the Republic of Benin in the west. It has 10 political wards with its secretariat in Imeko. The indigenes of Imeko/Afon Local

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<sup>64</sup><http://www.ogunstate.gov.ng/localgovt.asp>

<sup>65</sup>ibid

Government are predominantly Yoruba of Ketu descent with a sizeable number of Ohori and Egun speaking people. The people are predominantly Farmers. Christianity and Islam are two prominent religions in the area, while some take to traditional religion. The area has a strong traditional heritage with 5 paramount traditional rulers.<sup>66</sup> It has a population figure of 82,952 (National Population Commission 2006).

### **3.1.12 Ipokia Local Government**

Ipokia Local Government came into being along side other Local Government on December 13 1996 and was carved out of the old Yewa South Local Government. It shares boundaries with Yewa North Local Government in the north, Lagos State in the south, Republic of Benin in the west, and both Yewa South and Ado-Odo/Ota Local Governments in the east. It has 12 political wards namely, Ipokia ward I, Ipokia ward II, Maun ward I, Maun ward II, Idiroko, Ajegunle, Agosasa, Tube, Ijofin, Agada, Ihunbo/Ilase, and Ifoyintedo. Its headquarters is in Ipokia. The inhabitants of this area are predominantly Anagos, Eyos and Eguns. The people are largely Farmers.<sup>67</sup> It has a number of traditional rulers of various grades with a population figure of 150,387 (National Population Commission 2006).

### **3.1.13 Obafemi-Owode Local Government**

Obafemi-Owode Local Governments that came into existence through Edict no.9 of 1976. It is made up of about 1,204 towns and villages. Odeda Local Government and Oyo state bound the local government in the north. Sagamu and Ikenne Local Governments bound it in the east, and in the south by Ifo Local Government. It has 12 political wards namely, Mokoloki, Oba, Ofada, Egbeda, Owode, Kajola, Ajura, Moloko, Asipa, Onidundu, Obafemi, Ajebo, Alapako-Oni. Its headquarters is in Owode-Egba. The area is made up of people from Adigbe, Oba, Iro, Obafemi etc., and the predominant language is Yoruba with Egba dialect. Inhabitants are predominantly Farmers, but in recent times the people have also involve themselves in quarry business, and artisanal works including tie and dye, Adire fabrics and pottery. Christians and Muslims are found in the area, while some take to traditional religion. The traditional institution consists largely of Baales with the exception

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<sup>66</sup><http://www.ogunstate.gov.ng/localgovt.asp>

<sup>67</sup>ibid

of the early settlement called Iro, which is governed by an Oba, the Oniro of Iro.<sup>68</sup> It has a population figure of 235,071 (National Population Commission 2006).

### **3.1.14 Odeda Local Government**

Odeda Local Government has its headquarters at Odeda, which is about 10 km from Abeokuta, the Ogun state capital. It shares boundaries with Ibarapa and Iddo Local Governments of Oyo state in the north and east, while in the south and west by Abeokuta South and Obafemi/Owode Local Government respectively. It has 11 political wards, namely Odeda, Balogun Itesi, Olodo, Alagbagba, Ilugun, Osiele, Obantoko, Alabata, Obete and Opeji. The people are predominantly Egbas, and they speak Egba dialect. The people are mainly agrarian, with few who are involved in quarry business, trading, and craft works. Christians and Muslims are found in the area, while some take to traditional religion. It is home to the University of Agriculture, Abeokuta (UNAAB), and Federal College of Education, Osiele. The Agura of Gbagura is the only state recognized Oba in the Local Government Area. He is therefore regarded as the president of the Traditional council in the Local Government Area. There are Baales in the villages and hamlets.<sup>69</sup> It has a population figure of 109,522 (National Population Commission 2006).

### **3.1.15 Odogbolu Local Government**

Odogbolu Local Government was created on September 21 1991. On its northern fringes is Ijebu-North Local Government; in the east is Ijebu-Ode Local Government, in the west is Ikenne Local Government and in the south is Epe Local Government in Lagos State. It consists of over 200 towns and villages. For political convenience and democratic representation, the Local Government Area is divided into fifteen (15) political wards namely Imosan/Imodi, Okun-Owa/Ijesha, Odogbolu I, Odogboiu II, Aiyeye/Eyinwa, Ososa, Idowa, Ibefun, Ilado/Imodi/Akio, Moraika/Ita-Epo, Ala/Igbile, Oke-Orundun, Ibido/Jobore/Ikise, Omu and Ogbo. It has its headquarters is in Odogbolu. Inhabitants of Odogbolu Local Government are Yoruba of Ijebu extraction and it is home to residents from other ethnic groups in the Nigeria, such as the Igbos, Isokos, Urhobos, and Hausas. The people in this area are mainly engaged in farming, hunting, fishing, lumbering and handicraft. Christianity and Islam are the two main religions of the people, however there

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<sup>68</sup><http://www.ogunstate.gov.ng/localgovt.asp>

<sup>69</sup>ibid

still remain sizeable number of committed traditional worshippers.<sup>70</sup> It has a population figure of 125,657 (National Population Commission 2006).

### **3.1.16 Ogun Waterside Local Government**

Ogun Waterside Local Government Area was one of the Local Governments created on May 15, 1989. Ijebu-East Local Government bound it in the west, in the north and the east by Ondo state and in the south by Lagos State and the Atlantic Ocean. It has its headquarters at Abigi with 10 political wards, namely; Iwopin, Oni/Alo, Ibiade, Lukogbe/Ilusin, Abigi, Efire, Ayede/Lomiro, Ayila/Itebu, Makun/Irokun, and Ode-Omi. Yoruba is the predominant language of the inhabitants with Ijebu, Ikale and Ilaje dialects. Their primary sources of livelihood include; farming, fishing and lumbering. Christianity and Islam are two dominant faiths, while some take to traditional religion. There are 4 category-two Obas, 5 category-three Obas and 7 Baales in this Local Government Area.<sup>71</sup> It has a population figure of 74,222 (National Population Commission 2006).

### **3.1.17 Remo North Local Government**

Remo North Local Government was carved out of Ikenne Local government on October 1, 1996 with its headquarters in Isara. Ijebu-North, Ikenne, Obafemi/Owode Local Governments and Oyo State bound it to the east, south, west and north respectively. It has 10 political wards namely; Isara ward I, Isara ward II, Isara ward III, Isara ward IV, Ilara, Akaka, Ipara, Orile-Oko, Ode-Remo ward I, and Ode-Remo ward II. This Local Government is peopled by the Remos, and because of its semi-urban nature, it has continued to attract indigenes and non-indigenes alike. The people are predominantly Farmers and industrialists. Christianity and Islam are the dominant faiths in the area, while some take to traditional religion.<sup>72</sup> It has a population figure of 59,752 (National Population Commission 2006).

### **3.1.18 Sagamu Local Government**

Sagamu Local Government Area was carved out of old Remo Local Government, and it came into being on September 23 1991. It has its headquarters in Sagamu. Odogbolu, Local Government, Lagos State, Ikenne Local Government and Obafemi Owode Local

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<sup>70</sup><http://www.ogunstate.gov.ng/localgovt.asp>

<sup>71</sup>ibid

<sup>72</sup>ibid

Government bound the local government in the east, north and west respectively. Sagamu Local Government has 15 political wards namely; Oko, Epe and Itunla I, Oko Epe and Itunla II, Aiyegbami/Ijoku, Sabo I, Sabo II, Itunsoku/Oyebajo, Ijagba, Latawa, Ode-Lemo, Ogiyo/Ikosi, Surulere, Isote, Simawa, Agbowa and Ibido/Itun Alara. The Local Government comprise of people from different tribes in Nigeria, although Remo dialect of Yoruba language is the widely spoken language. The people are predominantly farmers. Christianity and Islam are the dominant faiths in the area, while some take to traditional religion.<sup>73</sup> It has a population figure of 255,885 (National Population Commission 2006).

### **3.1.19 Yewa North Local Government**

Yewa North Local Government Area was formerly Egbado North Local Government. It has its headquarters at Ayetoro, and came into existence via Local Government edict No.9 of 1976. It shares boundaries with Imeko/Afon in the north, in the south by Yewa South, in the west by the Republic of Benin and in the east by Abeokuta North and Ewekoro Local Governments. It has 11 political wards namely, Ayetoro I, Ayetoro II, Idofoi, Sunwa, Ijoun, Eggua, Ohunbe, Igbogila/Ibese, Joga-Orile/Ibooro and Imasai. The inhabitants are mainly Yoruba speaking with dialects like Yewa, Ketu, etc. Inhabitants are predominantly farmers. Christianity and Islam are the dominant faiths in the area, while some take to traditional religion (Onakomaiya, Oyesiku, and Jegede, (ed.) 1992).<sup>74</sup> The Local Government has a population figure of 183,844 (National Population Commission 2006).

### **3.1.20 Yewa South Local Government**

Yewa South Local Government Area was formerly referred to as Egbado South Local Government. It has its headquarters at Ilaro, and it came into existence on December 18 1997. It shares boundaries with Yewa North Local Government in the north, Ipokia Local Government in the south and in the west and east by Ifo and Ado-Odo/Ota Local Governments. This area has 10 political wards namely, Ilaro I, Ilaro II, Ilaro III, Iwoye, Idogo, Owode I, Owode II, Ilobi/Erinja, Oke-Odan and Ajilete. The Local Government Area is made up of the Yoruba people of Yewa extraction, and the predominant language is Yoruba with Yewa and Egun dialects. The people are predominantly farmers and traders, while a few engage in craftsmanship. Christianity and Islam are the dominant faiths in the

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<sup>73</sup><http://www.ogunstate.gov.ng/localgovt.asp>

<sup>74</sup>ibid

area, while some take to traditional religion. It is home to a Federal Polytechnic. The Local Government has an enduring traditional heritage and cultural background with strong traditional institutions including the Olu of Ilaro (Onakomaiya, Oyesiku, and Jegede, (ed.) 1992).<sup>75</sup> It has a population figure of 168,336 (National Population Commission 2006).

### 3.2 Personalities in Ogun State

Ogun State stands out in the supply of highly trained manpower, even at a time when the rest of the country was yet to be fully exposed to, and take advantage of, Western education. The people of Ogun State have been prominent in the legal, educational, medical, engineering and administrative professions as well as religious vocations. The State has produced many prominent citizens in various walks of life, among whom are: Dr Sapara Williams, who qualified as a lawyer as far back as 1876; Funmilayo Ransome-Kuti, who had the singular honour of being the first woman to drive a motor car in Nigeria apart from her role in the nationalist struggles for the country's independence; Chief Obafemi Awolowo, the first Premier of Western Region; Professor Wole Soyinka, Africa's first Nobel Laureate in literature and a host of others. In commerce and industry, the pioneering efforts of Madam Efunroye Tinubu and late Chief Adeola Odutola cannot be overemphasised.<sup>76</sup>

The duo, like many others, contributed in placing Nigeria on the path of economic growth. The history of music development in Nigeria would be incomplete without due reference to the pioneer of indigenous record label holder in Nigeria late Bolarinwa Abioro. Ogun State is the place of birth of Chief Jide Taiwo, a seasoned Estate Management consultant, Senator Kola Bajomo, one time president of the institute of Chartered Accountants of Nigeria (ICAN) as well as Chief Jonathan Odebiyi, a foremost nationalist and first Republic Minister in the Western Region government of the Action Group, and the leader of the Unity Party of Nigeria (UPN) Senate Caucus in the National Assembly, between 1979 and 1983 (Daniel, 2011).

It is also on record that the first newspaper in Nigeria, *Iwe Irohin fun Awon Egba* by Reverend Townsend was established in Abeokuta in 1859. Also remarkable about the State is that the political leadership of the region was under the control of the State from the early forties to the mid-sixties when democratic governance in the country was halted by the military. Ogun State occupies an enviable place in Nigerian politics, having produced

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<sup>75</sup><http://www.ogunstate.gov.ng/localgovt.asp>

<sup>76</sup>ibid

Chiefs Olusegun Obasanjo and Ernest Shonekan, the late Chief MKO Abiola, was also an indigene of Ogun State. Rt. Honourable Dimeji Bankole, the Speaker of the Federal House of Representatives (between 2008 and 2011) in Nigeria's Fourth Republic also hails from Ogun State (Nextonsunday, Sunday, 1 August, 2010, p.13).

### **3.3 Ogun Politics**

Personalities, time and circumstances are all significant elements in the shaping and understanding of politics in Ogun State. While writing on the politics in Ogun State, Giwa's (2002) relatively detailed account observed that since its creation in 1976, Ogun State had a feel of democratic governance first in 1979 following the exit of the military. A prelude to this was the formation of the Unity Party of Nigeria by Chief Obafemi Awlowo, an indigene of Ogun State, following the lifting of ban on politics in 1978 by the Federal Military Government.

The Unity Party of Nigeria (UPN) was an offshoot of the then Action Group, which had a firm grip of the West, particularly the Yoruba-speaking area in the First Republic. The party presented Chief Victor Olabisi Onabanjo as the gubernatorial candidate and he defeated his opponents from the other four political parties; the National Party of Nigeria (NPN), the Nigeria People's Party (NPP), the People's Redemption Party (PRP) and the Great Nigeria People's Party (GNPP), and thus became the first Executive Governor of Ogun State in 1979 (Giwa, 2002).

UPN's victory in 1979 was not only in the gubernatorial election as all the 36 members of the first legislature, the Ogun State House of Assembly, were from the UPN as well as the five senators that represented the State at the National Assembly. All the twelve seats in the Federal House of Representatives for Ogun State were also produced by the UPN. With Chief Obafemi Awolowo's shot at the presidency under the banner of UPN at the presidential election, the NPN lost to the UPN in Ogun State. The UPN had a total of 1,261,061 votes (64%) out of the possible 1,853,511 votes in Ogun State, as a measure of the UPN's control of the politics of the state (Giwa, 2002).

Despite NPN's formidable team comprising Chiefs Soji Odunjo and Alani Bankole, and supporting political chieftains in Chief Richard Akinjide, Chief M.K.O. Abiola, Dr. Victor Olunloyo, Chief Adisa Akinloye and others, UPN won the gubernatorial election in 1983, returning Chief Olabisi Onabanjo as Governor of Ogun State. Onabanjo's regime was terminated by the Buhari/Idiagbon coup d'etat of December 31 1983. NPN's steadfastness however shattered the myth that any political party whose leadership did not include

politicians in the mainstream of Yoruba politics was anti-Yoruba and therefore should not be embraced. Then it was a taboo for a Yorubaman to associate with any political party that does not enjoying the backing of *Awo*, *Awoists* or *Awoism*. With the demise of Chief Awolowo in 1987 and the futile attempts at democracy during the days of Generals Ibrahim Babangida and Sani Abacha, Awo's myth, though creaking in pain, was still the issue.

The transition programme and the aborted Third Republic put together by the military government of Ibrahim Badamosi Babangida (IBB) who assumed power through the 1985, coup, threw up a two-party system after series of political maneuverings. The two parties were the Social Democratic Party (SDP) and the National Republican Convention (NRC). Chief Olusegun Osoba was the gubernatorial candidate of the SDP and he eventually became the civilian governor having won the election under the party's umbrella. Chief Moshood Kashimawo Olawale Abiola (MKO), an indigene of Ogun State clinched the SDP presidential ticket and subsequently defeated Bashir Tofa, his NRC opponent at the annulled elections (Giwa, 2002).

The June 12, 1993 elections remained a turning point in the political history of Nigeria. The attendant crises led to the abrupt termination of the Babangida regime and the institution of an Interim National Government (ING) with the appointment of Chief Ernest Shonekan, an indigene of Ogun State, as the Head of the Interim Government. The annulment of the June 12 presidential election and the civil society's rejection of the Interim Government led to a political impasse and the emergence of many pressure groups. Governor Osoba's four-year tenure was terminated in 1993 by Gen. Sani Abacha's military coup.

A single most powerful institutional player in the struggle for an expeditious return of Nigeria to democratic rule following the June 12 crises was the National Democratic Coalition (NADECO). The body, which was formed by political activists like the late Chiefs Adekunle Ajasin, Anthony Enahoro, Senator Abraham Adesanya, Prof. Wole Soyinka, among others, formed a bulwark of opposition against the repressive Abacha government that succeeded the ING and led the clamour for the enthronement of democratic governance (Giwa, 2002).

Senator Abraham Adesanya, an indigene of Ogun State, was the leader of the group. His name later became synonymous with NADECO and the quest for democracy. Adesanya, leader of the *Afenifere*, wielded extensive influence. He was supported in the struggle by the likes of Ayo Adebajo and Segun Osoba both also of Ogun State. The NADECO leader, Abraham Adesanya, had earlier been jailed in 1963 alongside Chief

Obafemi Awolowo in the treasonable felony trial of the First Republic and thus highly regarded as one of the loyal disciples of the foremost politician.

The Abacha administration foisted five registered political parties on Nigerians namely, the Democratic Party of Nigeria (DPN), the Committee of National Consensus (CNC), the Grassroots Democratic Movement (GDM), the United Nigeria Congress Party (UNCP) and the National Centre Party of Nigeria (NCPN), as a run-up to his transmutation to a civilian president. Many members of NADECO however declined to participate in these five political parties formed during the Abacha regime believing that it might just be another futile effort. Chief Segun Osoba however aspired to the governorship post on the platform of the Democratic Party of Nigeria (DPN), without success (Giwa, 2002).

The death of Abacha on June 8, 1998 and the perceived sincerity and commitment of his successor, Gen. Abdulsalam Abubakar, to hand over power to a civilian government led to the metamorphosis of the frontline Yoruba group from NADECO to *Afenifere* (which literally translates in Yoruba to well-wishers in), a pan-Yoruba socio-cultural organisation that dates back to the First Republic. Preparatory to the 1999 general elections following the opening up of the political space, three political parties were duly registered for participation in the elections. These were: the Alliance for Democracy (AD), the All People's Party (APP) and the Peoples Democratic Party (PDP). It is on record that there was an alliance between AD and APP, which from all indications, was short-lived.

After a stint with the Democratic Party of Nigeria (DPN), one of Abacha's five political parties, Osoba worked his way into the mainstream of the Yoruba political establishment, which *Afenifere* symbolized at the time and got the ticket to contest the gubernatorial election on the platform of the AD through the *Afenifere*. Osoba's success was also on account of his NADECO leaning, more so that the politics of the southwest at the time was totally under the control of *Afenifere*. Alhaji Adebenga Kaka from Ijebu Igbo was a member of the NADECO and, on the strength of his involvement in the June 12 struggle; he was chosen to run as deputy with Segun Osoba. This is notwithstanding the fact that Osoba would have preferred Alhaji Rafiu Ogunleye who had earlier served him as deputy governor during his first coming up till 1993 (Giwa, 2002).

In the 1999 general elections, the AD won in the traditional Yoruba stronghold of Lagos, Oyo, Ogun, Ondo, Osun and Ekiti states. The State Assembly however conceded three seats to the rival the Peoples Democratic Party (PDP) and two to the All People's Party (APP). The AD was later factionalised with a resultant dichotomy after the contest for national chairmanship of the party. These factions were along the mainstream *Afenifere*

leaders who were disposed to Yusuff Mamman on the one hand, and other members, especially some state governors, who preferred Ahmed Abdulkadir (Giwa, 2002).

The division within the party was further buoyed by the outcome of the party's presidential primaries held at the D'Rowan Hotel, Ibadan, which ended in controversy between two gladiators of the party, Chiefs Olu Falae and Bola Ige. This rivalry percolated through the grass roots as supporters of each side became ill disposed to one another. Besides, Senator Olabiyi Durojaiye, another prominent member of NADECO from Ijebu-Igbo, was also presented as the senatorial candidate of the AD. The wife of the Governor, Beere, Derinsola Osoba, hails from Ijebu-Igbo just as Chief Abraham Adesanya's daughter, Mrs. Dupe Adelaja who served as Minister of State under the Obasanjo regime.

The Abraham Adesanya factor, going by the identified developments, particularly the concentration of Ijebu Igbo indigenes in high places, was to later inform a clamour for power shift by aggrieved members of the AD in subsequent outings. The intra-party crisis in the AD affected the fortunes of the party in the Ogun State's Executive Council elections where the mainstream *Afenifere* suffered a woeful defeat (Giwa, 2002).

As discussion in the latter part of this section would show, the AD crisis was given fillip by the desperation of Chief Olusegun Obasanjo of the PDP to win election for a second term as the President of the Federal Republic of Nigeria. The determination by the PDP to win election in the State led to an unholy alliance between the party and key actors in the politics of the southwest, including Governor Osoba of the Alliance for Democracy as well as massive rigging of the elections in favour of the PDP.

One other important factor that worked against the party (AD) in the 2003 elections was the perceived overbearing influence of Segun Osoba in the AD over and above other aspirants within the party. These include: the Deputy Governor, Alhaji Adegbeniga Kaka; the Speaker of the Ogun State House of Assembly, Hon. Muyiwa Oladapo; Alhaji Rafiu Ogunleye, the Deputy Governor in 1991; Segun Adesegun, a two-time Commissioner for Works and Housing; Chief Femi Tetede from Yewa; and Chief Deji Osibogun from Ijebu Ode, all of whom vied for the party (AD) ticket for the 2003 election. Osoba's personality transcended the AD in its entirety, more so that he was the civilian governor in the aborted Third Republic under the umbrella of the defunct SDP. The inability of the AD to resolve its internal wrangling coupled with Osoba's influence and network within the *Afeniferes* fold worked in his favour (Giwa, 2001).

On zoning, midway into Osoba's second term in office, the Governor was reported to be contemplating a third term against the provisions of the country's constitution having served sworn to serve twice, 1992-1993 and 1999-2033. Notwithstanding Osoba's relationship with the Ijebus, (he being an Egba) and in the spirit of power shift, many within his party were of the opinion that other ethnic divisions in the State which were yet to taste power in the capacity of governor should be given the opportunity of vying for the office of the State's Chief Executive. These specifically were: the Remo and Yewa/Awori Divisions where agitations for the governorship position had become strident.

Thus, Osoba's ambition not only met with a stiff opposition from other divisions, including Ijebu, but adversely affected the chances of the AD in the 2003 elections. The PDP was the sole beneficiary of the AD crisis and this brought about the Otunba Gbenga Daniel (OGD) factor. The PDP fielded Gbenga Daniel, a candidate presented by the Remo, a close ally of the Ijebu; Daniel had been an active member of the *Afenifere* before he switched camp to the PDP. It is pertinent to stress that OGD is of a dual ancestral lineage. His mother hails from Omu, Ijebu Division while this father is from Makun, Sagamu in the Remo Division. He also attended the famous Baptist Boys' High School, Abeokuta where he had the opportunity of meeting and mixing with key players in Ogun politics and most personalities of Egba origin. Thus, OGD's tentacles cut across Ogun State; given his affinity to the various sections of the State (Giwa, 2002).

As mentioned earlier, one of the many reasons for a change in the voting pattern during the 2003 general election was the fact that Chief Olusegun Obasanjo, an Egbaman, the President of the Federal Republic of Nigeria at the time hails from Ogun State. He was unable to deliver Ogun State in the election that brought him into office in 1999. Hence, the PDP needed a resounding victory in Ogun State to convince the generality of the people that he was endorsed at home. Going by the rate of decampment into the PDP, Obasanjo's Presidency became a major factor in Ogun politics.

The State PDP, under the chairmanship of Lekan Ojo, received into its fold key players like: Chief Sule Onabiyi, who decamped from the Alliance for Democracy (AD) to the Peoples Democratic Party (PDP). (Onabiyi was a commissioner in Governor Osoba's cabinet); Hon. Dapo Adeyemi representing Ifo Constituency in the Ogun State House of Assembly and Dr. Toyé Alatishe, a staunch member of the AD in Ijebu Ode. Remarkably, Dr. Alatishe's defection was met by the deafening approval of majority of his admirers, most of them in the AD who, as a show of solidarity with him, decamped en masse to the

PDP. This was in addition to the mass movement of over 100 youths from the AD Oke-Agbo Ward 5, Abraham Adesanya's Ward, to the PDP (Giwa, 2002).

On December 24, 2002, the PDP endorsed Gbenga Daniel as the party flagbearer for the April 19, 2003 governorship polls in Ogun State. At the governorship primaries, Daniel defeated eight other contestants. He polled over 50 per cent of the total votes cast beating distant rival, Dapo Abiodun who got 28 votes from the 181 delegates. Okupe came third with 27 votes, while Prince Emma Shoda polled 10 votes. Four other aspirants, Commodore Rasheed Raji, Prince Remi Adefulu, Mrs. Titilayo Ajanaku and Chief Jide Taiwo got one vote each. Daniel received the support of the Presidency, with President Olusegun Obasanjo and his vice, Alhaji Atiku Abubakar on his campaign train. Gbenga Daniel eventually won the April gubernatorial elections to become Governor on the platform of the PDP. Daniel thus became the third civilian governor of the State after Chiefs Olabisi Onabanjo and Olusegun Osoba. Except for Ogun Waterside, the PDP would have completely won all the 26 seats in the Ogun State House of Assembly (Giwa, 2002).

Daniel's fellow PDP governors in south-western Nigeria included: Rasheed Ladoja (Oyo), Olagunsoye Oyinlola (Osun), Olusegun Agagu (Ondo), and Ayodele Fayose (Ekiti). All the States in the south-west zone were won by the PDP except Lagos State that was retained by the Alliance for Democracy (AD), won by Bola Ahmed Tinubu. The development was a political summersault in the old Western Region. With the loss of AD in its traditionally dominated five states, an era has ended, as the 'progressives' ceased to be in control of the south-west geopolitical zone which they had assumed since 1951 when the defunct Action Group, the first and dominant party in the area, stormed the political scene. The PDP's success in the geopolitical zone, noted as the stronghold of the progressives, which AD represents, became a rich and historic symbolism (Giwa, 2002).

Thus far, Ogun State has remained central in the history of Nigerian politics, having produced Chiefs Olusegun Obasanjo and Ernest Shonekan, the only two Yoruba men to occupy the highest office in Nigeria. Chief Moshood Abiola (MKO), who would have been so privileged, was also an indigene of Ogun State, just as the foremost nationalist, Chief Obafemi Awolowo. In Nigeria's Fourth Republic, (2007-2011), the fourth highest-ranking officer in government, Rt. Hon. Dimeji Bankole, Speaker of the Federal House of Representatives was an indigene of Ogun State. From 1999 till the time of this exercise, Ogun State was the centre of attraction, particularly for politicians and key political actors seeking to maintain their spheres of influence. These include Chief Olusegun Obasanjo, former Nigerian President, Otunba Gbenga Daniel, the Governor of Ogun State and Rt

Hon. Oladimeji Bankole. Ogun State literally became a battleground for these actors and their supporters with futile attempts to reconcile the various groups (NextonSunday, 1 August 2010. p11).

Following Giwa, (2001), the table below shows that Ogun State has had fourteen Chief Executives/Governors from inception in 1976 to 2011. Only three of these were civilian and they included Chiefs Olabisi Onabanjo (1979 - 1983), Olusegun Osoba (1992-1993, 1999-2003), and Otunba Gbenga Daniel (2003-2007, 2007-2011).

**Table 1: Ogun State Chief Executives since Inception in 1976 to May 29, 2011**

S/N	Name	Party	Title	Took Office	Left Office
1	Saidu Ayodele Balogun	Military	Governor	Mar. 1976	Jul. 1978
2	Harris Eghagha	Military	Governor	Jul. 1978	Oct. 1979
3	Bisi Onabanjo	UPN	Governor	Oct. 1979	Dec. 1983
4	Oladipo Diya	Military	Governor	Jan. 1984	Aug. 1985
5	Oladayo Popoola	Military	Governor	Aug. 1985	Aug. 1986
6	Raji A. Rasaki	Military	Governor	1986	Dec. 1987
7	Mohammed Lawal	Military	Governor	Dec. 1987	Aug. 1990
8	Oladeinde Joseph	Military	Governor	Aug. 1990	Jan. 1992
9	Olusegun Osoba	SDP	Governor	Jan. 1992	Nov. 1993
10	Daniel Akintonde	Military	Administrator	Dec. 1993	Aug. 1996
11	Sam Ewang	Military	Administrator	Aug. 1996	Aug. 1998
12	Kayode Olofin-moyin	Military	Administrator	Aug. 1998	May 1999
13	Segun Osoba	AD, AC	Governor	May 1999	May 2003
14	Gbenga Daniel	PDP	Governor	May 2003	May 2011

Source: *Gateway Express, Vol. 1, No.2, March 2001, pp5-6*<sup>77</sup>

While Obasanjo strived to assert his status as the ‘godfather’ of Ogun politics, Daniel was determined to flex his muscles as the State’s chief executive, with an eye on relevance post-2011. Bankole who was believed to be nursing governorship ambition in 2011, had to compromise and settle for re-election into the Federal House of Representatives in the heat of the crisis, as was Obasanjo’s daughter, Iyabo Obasanjo-Bello who was a serving Senator.

<sup>77</sup> Giwa Ayo, 2002. “Ogun State: 25 Years on.” Abeokuta: *Gateway Express, Vol. 1, No.2, March 2001, pp5-6*

All of these feuding parsonages belonged to the party in power in the State, the Peoples Democratic Party (NextonSunday, 1 August 2010. p11). This crisis over the control of sphere of influence percolated into the fabric of the party. It incorporated the festering crisis in the Ogun State House of Assembly, which has been factionalised into two- G15 and G11. This ambition, and power-driven intra-party feud took-off effectively in 2008, less than one year into the legislative term of the State House of Assembly (Alli, Nwokolo, and Adeniyi, 2011).<sup>78</sup>

Ogun politics during this period became characterised with intra-party wrangling, personality clashes, and conflict of interests as fallout of the national politics. Governance in the state was practically at a standstill while the executive-legislature relation was at its lowest ebb. Implicitly, residents became mere spectators with a low perception of the executive and the legislative institutions as well as the political office holders in the state.

The brewing internal crisis in the ruling party, the PDP, was brought to bear on the primaries for governorship, National Assembly and House of Assembly members from the State in January 2011. The two factions held parallel congresses. Daniel was victorious at one of the congresses with the successful emergence of his preferred candidate, Gboyega Nosiru Isiaka over Obasanjo's Tunji Olurin. The irreconcilable differences within the PDP led to the factionalisation of the party along the lines of personalities and interests.

A faction loyal to Obasanjo comprised principal actors like, Hon. Dimeji Bankole; Dr Iyabo Obasanjo-Bello, a serving Senator representing Ogun Central; Chief Jubril Martins Kuye, a serving Minister; Lekan Mustapha, serving Senator representing Ogun East and the G15 members of the State House of Assembly, among others, with Johnson Olalekan Ojo as the State's Party Chairman. The other faction with Joju Fadairo as its Chairman, had Gbenga Daniel, the executive Governor; Titi Shodunke-Oseni, former Speaker of the State House of Assembly; and the G11 members of the State Assembly among others (Alli, Nwokolo, and Adeniyi, 2011). In view of the contestation, party decency, reason and good governance were stretched to the limits. Politicking took precedence over purposeful leadership, and the victims were more than the various contenders who lost out in the power play, but governance, institutions and residents of the state.

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<sup>78</sup> Alli Yusuf, Nwokolo Ernest, and Adeniyi Soji: "Primaries: PDP in Disarray; Ogun Factions hold Parallel Polls; Violence in Osun; Boycott in Kogi; Marwa dumps Party; Presidency saves Bankole." Lagos: The Nation on Saturday, January 8, 2011, p.3; NextonSunday, 1 August 2010. p11)

### **3.4 The Ogun State House of Assembly in Historical Perspective**

The first legislature in Ogun State was inaugurated on October 2, 1979 following a general election. The 1979-83 Assembly then had 36 members representing 36 constituencies in Ogun State with Chief Ganiyu Ajayi Oluyemi as the Speaker. Chief Akanbi Idowu emerged as the Deputy Speaker while Chief Olawale Otesile was appointed as the Clerk of the Assembly. The Executive Governor then was late Chief Bisi Onabanjo. The Governor and the thirty-six members of the State House of Assembly were of the Unity Party of Nigeria (UPN) extraction.

The 1979-83 Assembly passed eleven bills into law, some of which established the then Ogun State University, now Olabisi Onabanjo University), Ago-Iwoye, the Ogun State Polytechnic, (now Moshood Abiola Polytechnic) Abeokuta, Ogun State Broadcasting Corporation (OGBC) (now Gateway Radio) and the Ogun State Television (OGTV) (now Gateway Television), among others. The first Assembly's, 1979-83 legislative term ended in 1983. The pioneer legislature tabled 340 motions and passed 110, while another election ushered in what was supposed to be the second Assembly's 1983-87 term that commenced on October 2, 1983 but was aborted by the Buhari/Idiagbon coup on December, 31, 1983.

After the collapse of the Second Republic, another opportunity for experiment in democracy did not come until January 1992, which was again truncated in August 1993 by the Babangida administration. The third Assembly in 1992-93 had 30 members with Hon. Stephen Afolabi Sokoya as the Speaker, Chief Fatayi Olayode and Mr. Tayo Fayomi as the Deputy Speaker and Clerk of the Assembly respectively. The pioneer legislature tabled 340 motions and passed 110 while the 1992-93 Assembly passed six bills into laws, tabled 150 motions and passed 50 into House Resolutions.

**1999-2003:** The Alliance for Democracy (AD) - dominated 26-member fourth legislature was inaugurated on June 3, 1999 for the 1999-2003 legislative term of four years. Three members of the House at that time belonged to the Peoples Democratic Party (PDP) and two to the All People's Party (APP). The Assembly was able to pass thirty (30) bills into law. The House, by its resolution, was committed to people-oriented deliberations, as the interest of indigenes and residents was to take precedence in legislative deliberations.

The House passed the year 2000 Appropriation Bill into law based on the recommendation of the Finance and Appropriation Committee. It also passed other Bills into law. Some of these include: A Bill for a law to repeal the Ogun State Government Investment (Transfer of Assets and Liabilities) Edict 1998; A bill for the prohibition of

Secret Cult (Prohibition and Special Provisions) Law 1999; A bill for a law for the Supplementary Appropriation 1999; A bill for a law to amend the criminal code Law, Cap 29, Law of Ogun State of Nigeria, 1978; A bill for a law to amend the Ogun State Board of Internal Revenue Edict, 1976 among others.

**2003-2007:** The Peoples Democratic Party (PDP) - dominated fifth legislature was inaugurated on June 4, 2003 for the 2003-2007 legislative term. Hon. (Mrs.) Titi-Sodunke Oseni emerged as the Speaker. The State thus, produced the first female Speaker in the political history of the State and the south-west, and the only female Speaker in Nigeria at the time (the first female Speaker was Margaret Icheen of Benue who was impeached for alleged inefficiency in August 2000). Sitting four days in a week, the House sat for over two hundred and fifty (250) times in the first legislative year alone, that is from June 4, 2003 to June 4, 2004, with one hundred and sixty (160) resolutions passed, while fourteen (14) bills were assented to by the Governor during the same period. (*The Mace*, Vol. 1, No.3).

The legislature performed lawmaking, oversight and quasi-judicial functions among others. Prominent among these was the Child Rights Bill. Ogun State House of Assembly was the first State legislature to bring this bill to light in Nigeria. The Assembly inaugurated 26 standing committees to monitor the activities of government ministries, parastatals and agencies. Chairmanship of these House committees was based on equal representation of all the geopolitical zones to ensure that no area was underrepresented. (*The Mace*, Vol. 1, No.3).

On **oversight**, the House introduced the programme tagged; ‘Mr. Governor Explain This’. This feature was tailored after the British Parliament’s practice of having the Prime Minister on the floor of the Parliament on a weekly basis to expatiate on issues agitating the minds of the people. Within the first legislative year, the State Executive Governor, Otunba Gbenga Daniel, appeared on the floor of the State House of Assembly on four different occasions to field questions from the legislators on matters affecting their respective constituencies (*The Mace*, Vol. 4, No.1).

The 2004, 2005, 2006 and 2007 Appropriation Bills by the executive were scrutinised by the Finance and Appropriation Committee, which recommended the passage of the bills to the whole House. Supplementary Budget Bills sent by the Executive were also passed into law in the latter part of 2004, 2005, 2006 and 2007. The Finance and Appropriation Committee set in motion the machinery to monitor ministries and parastatals

under its jurisdiction on their budget and how they were implemented as well as put in place strategies for dealing with complaints that might arise (*The Mace*, Vol. 4, No.1).

The House, through its Committee on Local Government and Chieftaincy Affairs, visited the twenty local governments in the State at least twice. The visit was to enable the Committee take inventory of completed and on-going projects as well as assess the performance of government officials to ensure that public resources in their care were judiciously used and their projects were people-oriented. The visit was also to monitor Local Government finances and projects, and to ensure that people were carried along in the scheme of things (*The Mace*, Vol. 4, No.1).

The House had interactive sessions with political appointees, including the Special Adviser to the Governor on Works and Infrastructure and the chief executive of the Ogun State Road Maintenance Agency (*The Mace*, Vol. 4, No.1). It visited the office of the Special Adviser on Oil and Gas, Energy and Mineral Resources, and the General Manager, Gateway Bitumen Company for interactive sessions on the activities of their respective offices.

The Assembly also performed supervisory roles on the State's agencies and government establishments, including: the State Water Corporation; the State Property and Investment Corporation (OPIC); Muslim Pilgrims Welfare Board; and the Christian Pilgrims Welfare Board among others. Issues relating to Boards and Corporations as well as the consideration of their annual budgets were also dealt with. The House embarked on on-the-spot assessment of various projects, which were executed by these agencies. Some included the Federal Government-Assisted Water Project at Abeokuta, main scheme, and the Ota new scheme; National Urban Water Sector reform across the State; Ogun State Property and Investment Corporation (OPIC) Estate on Lagos-Ibadan Expressway and OPIC Estate in Agbara (*The Mace*, Vol. 4, No.1).

On **representation** and as part of the **quasi-judicial** functions of the legislature, the House mediated in the crisis involving the West African Portland Cement Company Ewekoro (WAPCO) on the one hand and Sagamu, the host community on the other hand. The House equally intervened in the crisis between the Nigerian National Petroleum Company (NNPC) and the host community, Mosimi. It brokered peace between the management of the Federal Polytechnic, Ilaro and the various labour unions in the institution as well as land disputes in Sango in Ado Odo Ota Local Government Area and Ibaragun in Ifo Local Government Area. The House intervened in the crisis between

motorcycle riders and Muslim faithfuls in Oke-Agbo, Ijebu-Igbo in Ijebu North Local Government Area of the State (*The Mace*, Vol. 1, No.3).

The House elected chairmen and members for each of the 26 House committees. It also ratified the appointment of executive nominees for the post of commissioners and special advisers as well as the chairmen and commissioners for the State Civil Service Commission, Local Government Service Commission, Teaching Service Commission, State Independent Electoral Commission and Judicial Service Commission (*The Mace*, Vol. 4, No.1).

Above all, the fifth legislature enjoyed relative peace that reigned throughout its legislative term coupled with consummate partnership with the executive as well as other arms and tiers of government. The State legislature was the reference point in legislative actions ahead of other State Houses of Assembly.

**2007-2011:** The sixth legislature was inaugurated on June 4, 2007 for the 2007-2011 legislative term. The PDP- dominated Assembly comprised twelve (12) former members of the fifth legislature (2003-2007) and fourteen (14) new lawmakers. Rt. Hon. (Mrs.) Titi Oseni was returned as the Speaker.

The sixth legislature restructured and reconstituted the twenty-six committees it inherited from the previous legislature to twenty to handle various aspects of legislative duties. This was with a view to ensuring faster and more efficient discharge of duties. The House resolved to give full support for the total actualisation of the ‘Agenda for a Secured Future’ which the executive arm of government had enunciated for delivery to the people” (*Ogun Assembly NEWS*, Vol. 1, No. 2).

The House, in its primary assignment of lawmaking, passed eight (8) bills and fifty-eight (58) resolutions in one year of its existence alone between June 2007 and June 2008. These Bills include: A bill for a law to amend the Ogun State Traffic Compliance (TRACE) Unit Law No. 14 of 2004); A bill for a law to provide equal employment opportunities for People Living with Disabilities in Ogun State and for other matters incidental thereto and enforcement; A bill for a law to amend the Ogun State Road Management Agency Law 2006; and a bill for a law to provide for the Remuneration of Local Government Transition Committee in Ogun State and other incidental matters connected thereto.

The sixth legislature ratified nominees of the executive for appointments. These included commissioners, special advisers, and heads of commissions, agencies and parastatals. The House embarked on a tour of various ministries, agencies and parastatals to

familiarise itself with the management and staffers and for on-the-spot assessment of the facilities in the respective establishments (*Ogun Assembly NEWS*, Vol. 1, No. 2).

The foregoing offers critical background information on the history, socio-cultural and structural composition of Ogun State. It also provides an overview of the dimensions and dynamics of intra- and inter-party politics among the dominant political parties during the period under review. This brief unearthed high-level politicking, the dearth of ideology; and the fact that political parties were largely a conglomeration of individuals with diverse and conflicting interests. The next chapter shall focus on the specifics of the study – Ogun State legislature and its environment - as efforts would be geared towards uncovering the circumstances of legislative performance.

## CHAPTER FOUR

### RESULTS AND DISCUSSIONS

#### 4.0 Preamble

This chapter presents the results and discussions of the findings on people's perception of the performance of the Ogun State legislature. Attention was given to legislative-executive relations on the one hand and legislative-electorate on the other hand. The discourse was based on data obtained from the survey as well as data from in-depth interviews, government and media reports. This chapter therefore deals with the objectives of:

- Investigating the people's perception of the legislature's performance through sample surveys; and
- Assessing the legislature in terms of effectiveness using Polsby's three dimensions of institutionalisation, namely: autonomy; internal complexity; and universalism.

#### 4.0.1 Socio-demographic characteristics of the respondents

Table 4.0.1 shows the statistical distributions of the respondents' socio-demographic characteristics such as gender, age, educational qualifications, occupation and employment status. The male respondents outnumbered their female counterparts (65.4% versus 34.6%). This finding could be attributed to the reality of gender inequality in different parts of the Nigerian society.

Close to half of the respondents (46.9%) were in the age bracket of 31 – 40 years, followed by 35.7% in the age bracket of 20 to 30 years. There was a significant association between gender and age, showing that the male respondents were relatively older than their female counterparts ( $X^2 = 106.3$   $P = 0.001$ ). This finding gives an impression that the respondents constitute different categories of youths at the middle stage of their productive years. These categories of people are usually at the forefront of political activities in a country.

**Table 4.0.1: The respondents' socio-demographic characteristics**

Characteristics	Gender				Total	
	Male		Female		Frequency	%
	Frequency	%	Frequency	%		
<b>Gender Identity</b>						
Male	251	100	0	0	251	65.4
Female	0	0	133	100	133	34.6
<b>Total</b>	<b>251</b>	<b>100</b>	<b>133</b>	<b>100</b>	<b>384</b>	<b>100</b>
<b>Age Group (Years)</b>						
< 20	5	20	8	6	13	3.4
20 – 30	53	21.1	84	63.2	137	35.7
31 – 40	155	61.8	25	18.8	180	46.9
41 – 50	9	3.6	16	12	25	6.5
51 – 60	29	11.6	0	0	29	7.6
<b>Total</b>	<b>251</b>	<b>100</b>	<b>133</b>	<b>100</b>	<b>384</b>	<b>100</b>
<b>Educational Qualifications</b>						
Primary	42	16.9	11	8.3	53	13.9
Secondary	28	11.2	17	12.8	45	11.8
University Degree	151	60.6	99	74.4	250	65.4
Others	28	11.2	6	4.5	34	8.9
<b>Total</b>	<b>249</b>	<b>100</b>	<b>133</b>	<b>100</b>	<b>382</b>	<b>100</b>
<b>Employment Status</b>						
Unemployed	19	7.6	49	36.8	68	17.7
Public Service Employment	145	57.8	37	27.8	182	47.4
Private Sector Employment	51	20.3	5	3.8	56	14.6
Self Employed	29	11.6	23	17.3	52	13.5
Others	7	2.8	19	14.3	26	6.8
<b>Total</b>	<b>251</b>	<b>100</b>	<b>133</b>	<b>100</b>	<b>384</b>	<b>100</b>

Regarding their educational qualifications, 65.4% of the respondents mentioned University Degrees, while significant minorities (13.9% and 11.8%) identified with primary and secondary educational qualifications, respectively. There was a significant gender difference in the respondents' educational qualifications ( $X^2 = 11.7$   $P = 0.008$ ). In fact, higher proportions of the female respondents identified with University Degrees compared to their male counterparts (74.4% versus 60.6%) while the male respondents dominated their female counterparts in the distribution of the primary educational qualifications (16.9% versus 8.3%). This finding shows different levels of educational qualifications among men and women in the study area. Invariably, level of education could affect public perception of the legislature's performance and effectiveness.

As shown in the results of the respondents' employment status, the highest proportion of the respondents (47.4%) selected "Public Sector Employment", followed by 17.7 per cent of the respondents, who chose "Unemployed". Some respondents (14.6%) identified with Private Sector Employment. This result gives fillip to the view that Ogun State is a civil servant state. A significant association was found between gender and employment status ( $X^2 = 93.95$   $P = 0.001$ ). The male respondents were mostly found in the Public Sector Employment (57.8% versus 27.8%). In contrast, female respondents constitute higher proportion of the unemployed (36.8% versus 7.6%). The female also dominated in the distribution of the self-employed (17.3% versus 11.6%). This finding implies that employment status can affect people's perception of the legislature's performance.

#### **4.0.2 The Constitutional and Legal Powers Granted the Legislature to Enhance Effective Performance.**

State legislature's legislative powers are derived in part from Section 4 subsections 6-7 of the 1999 Constitution of the Federal Republic of Nigeria, which states that:

The legislative powers of a State of the Federation shall be vested in the House of Assembly of the State.

Subsection 7 states in part that:

The House of Assembly of a State shall have power to make laws for the peace, order and good government of the State or any part thereof...

The state legislature is further constitutionally empowered to make laws, regulate its own procedure, exercise powers and control over public funds, and apply sanctions as appropriate in line with the principle of checks and balances and within the context of separation of powers. These are as clearly stated in sections 90 to 129 of the constitution.

Section 90 states for example that:

There shall be a House of Assembly for each of the States of the Federation.

Section 93:

There shall be a Clerk to a House of Assembly and such other staff as may be prescribed by a Law enacted by the House of Assembly, and the method of appointment of the Clerk and other staff of the House shall be as prescribed by that Law.

Section 100(1):

The power of a House of Assembly to make laws shall be exercised by bills passed by the House of Assembly and, except as otherwise provided by this section, assented to by the Governor.

Section 101:

Subject to the provisions of this Constitution, a House of Assembly shall have power to regulate its own procedure, including the procedure for summoning and recess of the House.

Section 103(1):

A House of Assembly may appoint a committee of its members for any special or general purpose as in its opinion would be better regulated and managed by means of such a committee, and may by resolution, regulation or otherwise as it thinks fit delegate any functions exercisable by it to any such committee.

(2) The number of members of a committee appointed under this section, their term of office and quorum shall be fixed by the House of Assembly.

These among other provisions offer concrete guide on the composition and staffing of the legislature, procedure for summoning and dissolution of the assembly, qualification for, and elections to the state assembly, exercise of powers and control over public funds. The constitution thus granted the legislature adequate statutory powers to function effectively particularly in relation to the executive.

The ultimate powers of the legislature to provide effective check on the executive are as stated under sections 188 to 189 as regards exercise of powers of, and procedure for the removal of the Governor or the Deputy Governor in the event of permanent incapacity or on account of “gross misconduct”. It must be noted that the legislature has the power to determine what constitute gross misconduct within the context of the constitutional interpretation of the term.

On this, section 188 subsection 11 states thus:

"gross misconduct" means a grave violation or breach of the provisions of this Constitution or a misconduct of such nature as amounts in the opinion in the House of Assembly to gross misconduct.

The state legislature also adopted the house of assembly Standing Orders (SO) with 89 provisions bothering on rules for the conduct of legislative business among other provisions on the relation of the assembly with other arms of government on May 31 2007 to enhance performance.

#### **4.1 Public Perception of the Performance of the Legislature**

Performance of the legislature was examined along the key indicators of effectiveness, namely: representation; lawmaking and oversight; and Polsby’s notion of institutionalisation, viz: autonomy, internal complexity and universalism.

##### **4.1.1 Representation**

Representation is one of the most important functions of the legislature and a crucial indicator of legislative effectiveness. This is determined largely by the extent to which the legislature succeeds in meeting the people’s expectation and how well people think about their representatives in the legislature in this regard. Within this context, consideration was given to: the geographical composition of the legislature; consultation; legislature-constituency relations; legitimacy for the system of rule; interest aggregation and articulation; assent on behalf of the people;

checking executive excesses; significance attached to the legislature, among other variables.

#### **4.1.1.1 Geographical Coverage**

Section 91 states that:

Subject to the provisions of this Constitution, a House of Assembly of a State shall consist of three or four times the number of seats which that State has in the House of Representatives divided in a way to reflect, as far as possible nearly equal population:

Provided that a House of Assembly of a State shall consist of not less than twenty-four and not more than forty members.

Each of the successive State Assemblies in Ogun State (1999-2003; 2003-2007 and 2007-2011) was a microcosm of the State in terms of geographical composition as the legislature reflected the socio-structural character and the geo-political configuration - four divisions of Remo, Ijebu, Egba, and Egbado (Egbado is now referred to as Yewa-Awori) - of the state with twenty-six state constituencies. Thus, the legislature had twenty-six (26) representatives cutting across the twenty local governments areas and the three senatorial districts of the State. The distribution of the state constituencies runs thus: Ogun West, seven (7); Ogun Central, eight (8) and Ogun East, eleven (11) representatives each.

Respondents demonstrated diverse dispositions to questions on the existence of the legislature in Ogun State on account of non-performance and under-representation beyond geographical composition. Although a cumulative 50.8 per cent representing five in ten of the people could not say precisely how many members constituted the legislature; three in ten (31.8 per cent) admitted that the legislature comprised of more than 20 members per legislative term. This demonstrates a considerable knowledge of the geographical coverage of the State Houses of Assembly from 1999-2011.

**Table 4.1.1.1.1: State Constituencies in Ogun State Senatorial Districts**

S/N	Senatorial Districts	Registered Voters	Population Size	Land Area Km2	State Consts	Wards	Polling Units
1.	Ogun West	460,706	1,112,761	5,880	7	59	921
2.	Ogun Central	477,447	1,387,944	5,036	8	74	1,156
3.	Ogun East	528,155	1,250,435	6,006	11	103	1,298
	<b>TOTAL</b>	<b>1,466,308</b>	<b>3,751,140</b>	<b>16,922</b>	<b>26</b>	<b>236</b>	<b>3,375</b>

Sources:

- i. National Population Commission, Ogun State Office
- ii. [http://www.yewa-awori.com/site/2011\\_articles/entry-10.0.html](http://www.yewa-awori.com/site/2011_articles/entry-10.0.html)

**Table 4.1.1.1.2: Distribution of State Constituencies**

	Ogun Central		Ogun West		Ogun East	
S/N	LGA	Consts	LGA	Consts	LGA	Consts
1	Abeokuta North	1	Ado-Odo/Igbesa	1	Ijebu-East	1
2	Abeokuta South	1 (1)	Ota	1	Ijebu-North	1
3	Abeokuta South	1 (2)	Isokan Const.	1	Ijebu-N/East	1
4	Ewekoro	1	Ketu Const.	1	Ijebu-Ode	1 (1)
5	Ifo	1 (1)	Yewa South	1	Ijebu-Ode	1 (2)
6	Ifo	1 (2)	Imeko-Afon	1	Ikenne	1
7	Obafemi-Owode	1	Ipokia	1	Odogbolu	1
8	Odeda	1			Ogun W/side	1
9					Remo North	1
10					Shagamu	1 (1)
11					Shagamu	2 (2)
	<b>Total</b>	<b>8</b>	<b>Total</b>	<b>7</b>	<b>Total</b>	<b>11</b>

Source: [http://www.yewa-awori.com/site/2011\\_articles/entry-10.0.html](http://www.yewa-awori.com/site/2011_articles/entry-10.0.html)

#### 4.1.1.2 Consultation

A major index of representativeness is the level of interaction between legislators and the electorate. Interaction is also a function of the impression the legislators and the electorate hold of each other. The three assemblies, by their resolutions, were committed to people-oriented deliberations as the interest of indigenes and residents was to take precedence in legislative deliberations (*The Mace*, Vol. 1, No.3). In specific terms, the 2003-2007 assembly hosted a stakeholders' forum on the incessant traffic congestion along the Lagos-Ibadan Expressway. The consultation was with a view to finding lasting solution(s) to the perennial traffic problems associated with the highway. It was also

informed by the need to reduce hardship faced by commuters, and put an end to the loss of lives through avoidable accidents on the road.

The assembly also hosted stakeholders’ summits on recurring border disputes across the State (*Ogun Assembly NEWS*, Vol. 1, No. 2). More importantly, the House embarked on constituency projects in members’ respective areas in line with the resolve of the State executive’s agenda. Nevertheless, four in ten (43.7 per cent) of the respondents were of the opinion that their representatives in the Ogun State House of Assembly rarely consulted them, incorporated their views or consider their preferences in lawmaking. Another fraction, 37.5 per cent felt that their representatives never consulted them in lawmaking.

Three in ten of the respondents, representing 29.7 per cent, answered “Yes” to having a meeting with members of the State legislature representing their constituencies. Only a cumulatively less significant 6.3 per cent of the respondents thought well of their representatives in the State Assembly on consultation. On the whole, 35.7 per cent of the respondents and another 22.4 per cent described the quality of representatives of the State legislature, particularly regarding education and experience, as “poor” and “very poor” respectively. These negative indicators have extensive implication for input and feedback ends of the government and governance process. A major fallout of these was the palpable disconnect between legislators and the electorate. Devoid of constructive engagements, the relationship between the legislators and residents of Ogun State suggested a “no-stake-in-government” disposition on the part of the latter and a “no-accountability-to-the-people” on the part of the former.

**Table 4.1.1.2.1 Distribution of Respondents’ Views on Consultation**

Opinion on Consultation	Legislators’	Frequency	Percentage
Valid	It always does	25	6.5
	It usually does	3	0.8
	It sometimes does	43	11.2
	It rarely does	167	43.5
	It never does	144	37.5
	Total	382	99.5
	No Response	2	0.5
Total		384	100.0

**Table 4.1.1.2.2 Legislators' Consultation with Local Associations**

Consultation with Local Associations	Frequency	Percentage
Valid		
Yes	87	22.7
No	128	33.3
I don't know	163	42.4
Total	378	98.4
No Response	6	1.6
Total	384	100.0

#### **4.1.1.3 Legislature-Constituency Relations**

Closely related to the above, this section examines how the legislature related to the voting public or other aspects of democratic accountability, such as constituent services. In the area of community relations, and as part of the quasi-judicial functions of the legislature, the House mediated in the crisis involving the West African Portland Cement Company Plc., Ewekoro (WAPCO) on the one hand and Sagamu, the host community on the other hand as well as the Nigerian National Petroleum Company (NNPC) and the Mosimi community. It also brokered peace between the management of the Federal Polytechnic, Ilaro and the various labour unions in the institutions and same goes for the Assembly's intervention in land disputes in Sango in the Ado-Odo/Ota Local Government Area and Ibaragun in Ifo Local Government Area. The Assembly intervened in the crisis between motorcycle riders and Muslim faithfuls in Oke-Agbo, Ijebu-Igbo in the Ijebu North Local Government Area of the State (*The Mace*, Vol. 1, No.3).

Apart from its primary assignment of monitoring the Ministry of Housing, Bureau of Land and Survey and the Ogun State Property Investment Corporation (OPIC), the Lands and Housing Committee was also instrumental in the resolution of issues between and among communities, especially as regards land disputes. Specifically, most of the cases that emanated from Ado-Odo/Ota and Ifo Local Governments have been properly settled by the Committee (*The Mace*, Vol. 4, No.1).

Comparatively, a faction of the sixth legislature (2007-2011) provided a useful comparative analysis thus: 'The legislators in the fifth legislature did all that were supposed to be done to justify the confidence reposed in them by the electorate. They were able to convince the executive on the constituency projects, such as the construction of market, multipurpose hall, motor parks and garages, and the sinking of boreholes. They were also able to facilitate tarring of the roads, building of public toilets, among others. This was

unlike the sixth legislature which started well with constituency projects until almost one year into the four-year legislative term when there was a leadership crisis which brought the House to a cross road.’

Six out of ten (60.0 per cent) of the respondents felt that their representatives have not met basic expectations both in terms of relating to their constituents as well as in the discharge of their responsibilities as elected representatives. Four in ten representing 40.0 per cent of the respondents could credit the facilitation of only one project to their representative. This, some of the respondents reasoned could not be divorced from the poor perception of roles and responsibilities on the part of the legislators.

Two out of ten (22.1 per cent) of the respondents responded “Yes” to the question of whether members of the State House of Assembly understood their roles and responsibilities as elected representatives of the people. On the whole, 8.1 per cent of the respondents describes the legislature as “Very representative”, 7.3 per cent describes it as “representative” with special emphasis on the geographical component of representation. An average of five in ten (51.6 per cent) of the respondents viewed the legislators as “slightly representative” as regards facilitation of project, meeting basic expectation of the people and understanding their roles and responsibilities as elected representatives.

Each of the local government Areas has a community development council which comprises of Area community development Associations, Landlord associations or residents’ association across political wards. These associations were often preoccupied with municipal services largely through self-help with neither confidence in political actors to champion their cause nor hope in their representatives to facilitate infrastructural support. It is noteworthy that five in ten (51.2 per cent) of the respondents acknowledged their participation and involvement in public affairs through their respective community or resident associations.

It was observed, however, that respondents’ participation in public affairs through this platform was always at the instance of, and more beneficial to the executive than the legislators. Prominent among reasons for this was the fact that most community projects were facilitated by the executive either as redemption of Mr Governor’s promises during campaign/familiarisation tour or as political patronage in exchange for previous, immediate or envisaged political loyalty. Conversely however, a marginal 29.8 per cent of the respondents were of the opinion that their local associations were consulted by their local government and 23 per cent held the view that the state government institutions reached out

to their association on government and governance issues. This implies that respondents hardly have significant input into the policy process through this avenue.

**Table 4.1.1.3.1 How often Repondents see their Representatives**

How often respondent see the member representing them within their constituencies		Frequency	Percentage
Valid	Very often	4	1.0
	Often	18	4.7
	Sometimes	103	26.8
	Rarely	110	28.6
	Never	147	38.3
	Total	382	99.5
	No Response	2	0.5
Total		384	100.0

**Table 4.1.1.3.2 Frequency of Electorates' Meeting with their Representatives**

Frequency of electorates' meeting with their representatives		Frequency	Percentage
Valid	Very often	2	0.5
	Often	7	1.8
	Sometimes	114	29.7
	Rarely	94	24.5
	Never	165	43.0
	Total	382	99.5
	No Response	2	0.5
Total		384	100.0

#### **4.1.1.4 Legislature and Traditional Rulers and Institutions**

Reference is always made to the position of traditional rulers in the governance process in Nigeria. Like any other state in Nigeria, Ogun State is an embodiment of tradition and culture which over time have been refined. Each of the twenty local government areas of the State has a strong traditional heritage and an enviable cultural background with enlightened royal fathers (and beaded-crown traditional rulers) popularly known as *obas* and largely recognized by the State as well as community leaders popularly known as *baales* and *olorituns* largely recognised by the local governments.

At the local level is a traditional council with a president from among them while at the State level is the Council of Obas and Chiefs with a Chairman from among them and the Executive Governor of the State presiding. Some of the prominent *obas* and chiefs in Ogun State include the Alake of Egbaland; the Awujale of Ijebuland; the Akarigbo of

Remo; the Olu of Ilaro; the Oniro of Iro; the Agura of Gbagura; the Lemo of Ode-Lemo; Oloke-Odan of Oke-Odan; the Olofin of Isheri and the Onipokia of Ipokia.

In view of the pre-eminence of cultural and traditional practices, these traditional institutions enjoy considerable patronage and respect from the people and in some instances elected representatives, political appointees and government functionaries. They also wield tremendous influence in government and occasionally on the governance issues. The legislatures’ (2003-2007 and 2007-2011), leadership during their respective tenures led principal officers and other legislators to pay courtesy calls on the four paramount rulers in Ogun State namely, Alake of Egbaland, Awujale of Ijebuland, Akarigbo of Remo, and Olu of Ilaro.

Conversely however, only 16.4 per cent of the respondents noticed “mutual respect” in the relationship between the Ogun State House of Assembly and the traditional rulers. Another 34.9 per cent observed that this relationship was of little significance in the scheme of things; 13.8 per cent of the respondents held that the relationship was antagonistic. By the same token, only 7.8 percent of the respondents were of the opinion that the relationship between the legislators and the community’s opinion leaders was “very cordial”.

An average of two in ten (25.5 per cent) of the respondents described the relationship as cordial, though three in ten (31.1 per cent) viewed the relationship as “not cordial.” This particularly confirms the development during the heat of the crisis between the legislators and the executive in spite of the mediation and intervention of the *obas* and community leaders. Hon. Edward Odugbesan noted that despite the plea by the Alake of Egbaland, the Awujale of Ijebuland, the Akarigbo of Remoland and the Paramount Ruler of Yewa with the speaker, Hon. Tunji Egbetokun to make peace and reconcile with the executive, the latter insisted on maintaining the independence of the legislature.

**Table 4.1.1.4.1 Distribution of Assemblies’ Relationship with the Traditional Rulers**

Relationship between the Legislature and the Traditional Rulers		Frequency	Percentage
Valid	Mutual respect	63	16.4
	Of little significance	134	34.9
	Of no significance	56	14.6
	Antagonistic	53	13.8
	Rejection	58	15.1
	Total	364	94.8
	No Response	20	5.2
Total		384	100.0

#### **4.1.1.5 Legislature and the Civil Society**

Civil society – organised labour, professional bodies, associations and unions – plays quite significant role in strengthening the governance process through constant engagement with elected and appointed public office holders. It encompasses voluntary social interactions between individuals or group of individuals that are independent of government serving as a bridge between the household, the state and the private sector. As a concept, civil society (also known as “public space”) includes non-governmental organizations (NGOs), trade unions, faith-based groups, social movements, community as well as professional associations. Civil Society Organizations (CSOs) can and do facilitate effective governance, enhance capacity to deliver, and promote understanding through information flow by reaching disadvantaged groups and neglected areas.

Edwards (2005) explores the practical and theoretical significance of civil society - and suggests some ways through which some of its intervention could be better appreciated. However, the picture derivable from our findings suggest otherwise. A relatively significant four in ten (41.4 per cent) of the respondents described the relationship between the Ogun State legislature and the civil society as “Fairly Cordial” (41.4 per cent) while only 2.9 per cent aver that the relationship was “Very cordial;” another 16.9 per cent described it as “Cordial”. Two in ten (representing 23.7 per cent) submitted that the relationship was “not cordial” while 9.6 per cent viewed the relationship as “antagonistic”.

A development that readily comes to mind in this regard was the disposition of the members of the Nigerian Bar Association (NBA), Ogun State Chapter in not recognising the leadership of Soyemi Coker of the G11 faction. This was manifested during the 2010 Legal Year Service that was held in Abeokuta, the State capital. The Executive Governor, Otunba Gbenga Daniel, had attempted to introduce the Speaker, Soyemi Coker at the event, but was shouted down in a manner that suggested a deep-seated resentment.

**Table 4.1.1.5.1 Distribution of Assemblies' Relationship with the Civil Society**

Relationship between the Assembly and the Civil Society		Frequency	Percentage
Valid	Very cordial	11	2.9
	Cordial	65	16.9
	Fairly cordial	159	41.4
	Not cordial	91	23.7
	Antagonistic	37	9.6
	Total	363	94.5
	No Response	21	5.5
Total		384	100.0

**Table 4.1.1.5.2 Distribution of the Legislature's Relationship with the Electorates**

The Legislature's relationship with the Electorates		Frequency	Percentage
Valid	Constant engagement	22	5.7
	Neglect	55	14.3
	Partial neglect	139	36.2
	Total neglect	125	32.6
	Total	341	88.8
	No Response	43	11.2
Total		384	100.0

#### 4.1.1.6 Community Mobilisation and Legitimacy for the System of Rule

The 1999-2003 and the 2003-2007 Assemblies represented the primary yardstick for measuring the popularity enjoyed by government as democratic and distinct from the military era. The significance of the 1999 - 2003 legislature, for example, was to be found not in what the institution did or did not do, but what it stood for; more so that the period marked the dawn of a new democratic era and a departure from the immediate past military regime. Three in ten (32.6 per cent) of respondents were of the opinion that the relationship between the legislature and the electorate/masses was characterised by "total neglect." Another three in ten (36.2 per cent) identified partial neglect while 16.1 per cent were of the view that the relationship was one of "neglect." A senior citizen and former Federal Minister of Finance, Chief Onaolapo Soleyé equally echoed the view that there was no love lost between the legislature and the electorate because the legislators, and indeed the elected officials as constituted, would not want to discuss with individuals perceived as antagonistic and capable of questioning their actions and inactions.

#### 4.1.1.7 Interests Aggregation

Within the context of party politics, each of the three assemblies was lopsided in composition - Alliance for Democracy (AD) dominated the fourth Assembly, while PDP dominated the fifth and sixth Assemblies respectively. Hence, the institution could not reflect the sentiments, wishes and opinions of both the minority and the majority in Nigeria's winner-takes-all politics. Thus, respondents did not recognise the legislature as the institutional platform for representation and harmonisation of their diverse interests. Views expressed underscore the manner of emergence of members, by selection rather than through election, representatives were perceived as not credible to perform the role of trustees of the will of the electorate in this context.

**Table 4.1.1.7.1 Distribution of Respondents' View on how well Representatives look after their Interests**

How well respondents' think their Representatives look after their Interests		Frequency	Percentage
Valid	Very well	23	6.0
	Well	1	0.3
	Moderately	88	22.9
	Badly	149	38.8
	Very badly	121	31.5
	Total	382	99.5
	No Response	2	0.5
Total		384	100.0

#### 4.1.1.8 The Legislature and Interest Articulation:

By their composition and mandate, each of these Assemblies was presumed to be representative of the people's will, better positioned to convey the people's expectation to the unit of authority and to also help mobilise the people's consent for the system of rule. The press, which includes both the print and electronic media, is central to the public as it is to the legislature in this regard. Besides agenda-setting, the press serves as a veritable avenue for the ventilation of grievances on the part of the public and as the window for accountability for the legislature. The press is one viable unit of exchanges and discourses readily accessible to the public and political actors.

There were indications that the press was "rarely free" in its dealings with the legislature with four in ten (45.6 per cent) of the respondents attesting to this fact. It is instructive, however, that only 2.9 per cent and two in ten (21.9 per cent) of the respondents

admitted respectively that the press was “very free” or “free” in its dealing with the legislature. Except when and where a favourable news report was envisaged or guaranteed, pressmen were often shut out of proceedings. In this atmosphere of selective permission, reporters and correspondents have had to work largely on guesses and third-party information with a tendency to misinform and mislead the public. However, this was largely characteristic of the 2007-2011 legislative term.

#### **4.1.1.9 The Legislature’s Assent and Checks on the Executive**

The legislature ratified nominees of the executive for appointments in line with section 192 of the constitution. The nominees were often screened with utmost dispatch. It ratified the appointment of executive nominees to the post of commissioners and special advisers as well as the chairmen and commissioners for the State Civil Service Commission, Local Government Service Commission, Teaching Service Commission, State Independent Electoral Commission and Judicial Service Commission. In line with the legislature’s main function, each of the legislatures under review gave assent on behalf of the State as a political community that extends beyond the executive authority, to binding measures of public policy.

The legislature neither pose major challenge nor deploy effective checks on the executive except during the later part of the 2007-2011 legislative term. This became manifest when legislative approval for nominees for commissionership and members of the Ogun State Independent Electoral Commission (OGSIEC) as well as the executive’s request for approval for the 2011 supplementary budget became contentious. In some instances, it was alleged that the executive did not grant the legislature the right of scrutiny.

However, executive refusal to grant right of scrutiny was not only a function of the executive’s protectionist and authoritarian tendencies and dispositions as it was the case during the 1999-2003 and 2003-2007 legislative terms. It was more importantly a function of the legislatures’ lapses in understanding the potency of its powers over the executive and deploy same effectively. This was further worsened by the palpable lack of intra-institutional cohesion depriving the legislature of the desirable common fronts that characterised the 2007-2011 legislature. A good case in point was the polarisation of the 2007-2011 legislature with the two opposing factions trading tackles to the benefit of the executive.

Only 26.8 per cent of the respondents responded “Yes” to being aware of any representative government in Ogun State while 21.6 per cent of the respondents offered “No” to the same question. A significant five in ten (51.6 per cent) of the respondents were not aware of any representative institution in Ogun State. Similarly, an average of four in ten (45.6 per cent) of the respondents were conversant with the activities of the legislature.

Respondents’ verdict was a reflection of the perceived feelings that the legislators were not representative, in that their actions were more self-serving than being in the public interest. Implicitly, Ogun residents were less concerned about, and were indifferent to, what happened in and with the legislature. We also observed that respondents’ responses in this regard were in relation to the last legislature (2007-2011).

One in ten (9.9 per cent) and 4 in ten (40.9 per cent) of respondents agrees with varying degrees (very active, active or fairly active) that legislators were active in the discharge of their responsibilities. These invariably have a telling effect on the level of confidence Ogun residents had in the legislature. This in part also negatively affected the direction of the relationship between legislators and electorates. An average of five in ten (cumulative 56.8 per cent) of respondents identified with the legislature (in varying degrees) in their description of its performance. Respondents’ verdict here was in line with Johnson Ogunbanwo’s view that legislators largely performed in the context of serving personal interests and lining their pockets at the expense of their responsibilities.

**Table 4.1.1.9.1 Distribution of Respondents’ opinion on their awareness of any Representative Legislature**

Respondent’s awareness of any Representative Legislature in Ogun state		Frequency	Percentage
Valid	Yes	92	24.0
	No	74	19.3
	I don't know	177	46.1
	Total	343	89.3
	No Response	41	10.7
Total		384	100.0

**Table 4.1.1.9.2 Distribution of how conversant Respondents were with the activities of the Legislature**

How conversant respondents are with the activities of the Legislature		Frequency	Percentage
Valid	Yes	175	45.6
	No	134	34.9
	I don't know	71	18.5
	Total	380	99.0
	No Response	4	1.0
Total		384	100.0

**Table 4.1.1.9.3 Distribution of Respondents' view on how effective the legislature was in holding the executive accountable**

Perception of how Effective the Legislature was in holding the Executive Accountable		Frequency	Percentage
Valid	Very effective	26	6.8
	Effective	23	6.0
	Fairly effective	119	31.0
	Ineffective	156	40.6
	Totally ineffective	58	15.1
	Total	382	99.5
	No Response	2	0.5
Total		384	100.0

#### **4.1.1.10 Corruption in the Legislature**

While the generality of the people held the view that the legislators were corrupt in one way or the other, a relatively significant four in ten (45.3 per cent) of respondents believed very strongly that legislators were “totally corrupt.” This view was corroborated by Onaolapo Soley who also held the opinion that money remained the major issue in the legislative-executive face-off that characterised the legislative term, 2007-2011. His opinion was also informed by his reading of the disposition of legislators within the ensuing mentality of sharing the “national cake” with impunity. Implicitly, crisis only ensued when there could be no compromise on modalities for sharing available resources among elected representatives which comprised largely of the legislators.

**Table 4.1.1.10.1 Distribution of Respondents’ opinion on Legislature and Corruption**

Respondents’ Description of the Legislature on Corruption		Frequency	Percentage
Valid	Largely free from corruption	31	8.1
	Somewhat corrupt	93	24.2
	Fairly corrupt	80	20.8
	Totally corrupt	174	45.3
	Total	378	98.4
	No Response	6	1.6
Total		384	100.0

#### **4.1.1.11 Significance Attached to the Legislature**

It is quite instructive that cumulatively, seven in ten (cumulative 74.5 per cent) of respondents were of the opinion that the legislature was either “very significant,” “significant” or “fairly significant” in the process of government, as 20.3 per cent believed that the legislature was “of no significance”, Five per cent of respondents could not offer an opinion. Onaolapo Soley corroborated the view presented above when he posited that; “the legislature is worth having because it is a constitutional provision.” He also argued that, regardless of its shortcoming, the legislature is still significant given some of the recognised achievements of the State legislature which included approval of the budget, scrutinizing the appointment list of the executive, and some oversight functions to mention a few.

The Governor (2003-2007 and 2007-2011) Otunba Gbenga Daniel, underscores the significance of the legislature by advancing the view that the legislative arm of government should be accorded due respect and honour for exercising its duties and responsibilities to itself and to the electorates by whose grace the legislature is constituted. By virtue of its support base, the legislature should do what it was constitutionally empowered to do or exercise its powers on matters where its discretion laid without any hindrance (Daniel, 2011).<sup>79</sup>

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<sup>79</sup> Otunba Gbenga Daniel asserts in his memoir that “No one would ordinarily quarrel with the legislative arm of government for exercising its duties and responsibilities to itself and to the members of the public by whose grace the house is constituted. And it did need not consult anyone outside of itself to do what it was constitutionally empowered to do or on matters where its discretion laid. This it did when it removed its speaker for reasons that are yet to be publicly explained. Surely, whatever the reasons were, as sewn together at different fora where its various spokespersons have cared to advance some grounds, corrupt practices have not been out on the card. I heard such accusation that the speaker, the impeached Speaker, Mrs Titi Oseni,

**Table 4.1.1.11.1 Distribution of respondents' view on whether the legislature is worth having**

Indicator of respondents' verdict on whether the Legislature is worth having at the State level at all		Frequency	Percentage
Valid	No response	105	27.3
	Absolutely necessary	2	0.5
	They represent people of the grassroots	5	1.3
	It allows for checks and balances in governance	8	2.1
	It helps controls parties to settle among themselves for the benefit of the state	1	0.3
	It will act as a check on the executive	4	1.0
	To guarantee respect for law	58	15.1
	To build trust	33	8.6
	Representation brings even development	165	43.0
	To check excesses of the executive arm	1	0.3
	To check the excesses of the executive	1	0.3
	To enhance checks and balances	1	0.3
	Total	384	100.0

**Table 4.1.1.11.2 Distribution of Respondents view on how significant legislature was**

Opinion on how significant the Legislature was in the process of Governance		Frequency	Percentage
Valid	Very significant	42	10.9
	Significant	103	26.8
	Fairly significant	138	35.9
	Of no significant	77	20.1
	Undecided	20	5.2
	Total	380	99.0
	No Response	4	1.0
Total		384	100.0

was too close to the governor. But beyond other grounds, yet unstated, is any Speaker, the head of one of the three arms of government, expected to be far, if being far connote being antagonistic or not to cooperate with the governor, the head of the executive, another arm of government?" (Daniel 2011, p.394)

#### **4.1.1.12 Representatives and Incentive for Performance**

The legislature lacked the requisite capacity to engage in effective oversight activities. The capacity of the legislature within this context is a function of the available incentives. 'Available incentives here imply the informal institutional gains for using that authority which is driven in large part by the preferences of the electorate and the electoral system. We must also add here the preference of the legislators'. One example is the extent to which elections are 'clientelistic' or 'programmatically'. Voting represents a major incentive for performance. Voting in an election is key to people's involvement in the political process. Respondents hardly take advantage of voting to indicate their preferences and determine their choice of representatives.

An average of four in ten (48.2 per cent) of respondents participated in public affairs through voting. This is an indication that voting in an election was considered secondary, perhaps due to the perceived feeling that people's vote count less in the choice of representatives as results were predetermined by influential opinion as well as party leaders and caucuses. This fact was buttressed by Alao Adedayo who credited the State legislature's inefficiency to the manner of members' emergence through nomination and selection by privileged party or sometimes opinion leaders who use party machinery to their personal or group advantage. Adedayo also located this anomaly in the fact that Ogun residents, like other Nigerians, have been traumatised and stereotyped, a factor that may not necessarily have to do with policies but the nature of the polity and politics. One cannot but acknowledge the general feeling that previous voting exercises have yielded little returns to the electorate to justify sustained interest in the process.

Thus far, the State legislature manifested signs of weakness in its disposition and action. This was more evident during the 1999-2003 and 2003-2007 terms when the State executive overshadowed the legislature in the government process.

#### **4.1.2. Lawmaking**

##### **4.1.2.1 Number of Laws**

The Alliance for Democracy (AD)-dominated 26-member fourth legislature was inaugurated on June 3, 1999 for the 1999/2003 legislative term of four years. Three members of the House at that time belonged to the Peoples Democratic Party (PDP) and

two to the All People's Party (APP). The Assembly was able to pass thirty (30) bills into law.

The Peoples Democratic Party (PDP) however, dominated the fifth legislature when the Ogun State House of Assembly was inaugurated on June 4, 2003 for the 2003-2007 legislative term. Hon. (Mrs.) Titi-Sodunke Oseni emerged as the Speaker. The State thus, produced the first female Speaker in her political history and that of the south-west. Titi Oseni was also the only female Speaker in Nigeria at the time. Sitting four days in a week, the House sat for over two hundred and fifty (250) times in the first legislative year alone over and above the constitutionally required minimum of 181 days under Section 104 of the Constitution. One hundred and sixty (160) resolutions were passed, while fourteen (14) bills were assented to by the Governor during the same period (*The Mace*, Vol. 1, No.3). One of these was the Child Rights bill to be passed by the House as the first state legislature to act in this regard in Nigeria.

Others include: a bill for a law to amend the Ogun State Environmental Protection Agency Law 1995 and to bring the areas designated to be used as workshops for motor vehicle mechanics within the State under the control of the Agency and for other matters incidental thereto or connected therewith; a bill for a law to provide for the establishment of the Ogun State Rural Water Supply and Sanitation Agency, the management and functions of the Agency and other matters incidental thereto or connected therewith; a bill for a law to make provision for the establishment and management of the Gateway Tourism Development Corporation and for other matters incidental thereto or connected therewith, among others. In all, the fifth legislature passed fifty (50) bills into laws during the legislative term 2003-2007.<sup>80</sup>

The PDP-dominated sixth legislature (2007-2011) comprised twelve (12) former members of the fifth legislature (2003-2007) and fourteen (14) new lawmakers. Rt. Hon. (Mrs.) Titi Oseni was also returned as the Speaker. In its primary assignment of lawmaking, the legislature passed eight (8) bills and fifty-eight (58) resolutions in one year of its existence (*Ogun Assembly NEWS*, Vol. 1, No. 2).

The laws include: A bill for a law to amend the Ogun State Traffic Compliance and Enforcement (TRACE) Unit Law No. 14 of 2004; a bill for a law to provide equal employment opportunities for people living with Disabilities in Ogun State and for other matters incidental thereto; a bill for a law to amend the Ogun State Road Management

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<sup>80</sup> Going by the reference materials (inventory of bills passed into laws) provided in confidence by the staff of the State House of Assembly.

Agency Law 2006; a bill for a law to provide for the remuneration of Local Government Transition Committee in Ogun State and other incidental matters connected thereto; and a bill for a law to amend the Appropriation Law, 2007 by realigning the recurrent expenditure, Consolidated Revenue Fund charges and the capital expenditure.

In all, the 1999-2003 legislature had to its credit 30 bills which include: a bill to amend the Local Government Law, 2000; a bill for a law to create 32 new Local Government Areas in Ogun State; a bill to repeal the Ogun State Government Investment (transfer of assets and liabilities) Edict 1998; a bill for the Secret Cults (Prohibition and Special Provisions) Law 1999; a bill to amend the Criminal Code Law, Cap 29, Law of Ogun State of Nigeria 1978; a bill to amend the Ogun State Board of Internal Revenue Edict, 1976; a bill to provide for the Establishment of Ogun State Boundary Committee and Matters incidental thereto or connected therewith among other appropriation bills.

The 2003-2007 legislature had 50 Bills to its credit with about 278 Resolutions which include: a bill for a law to make provision for the establishment and management of the Gateway Tourism Development Corporation and for other matters incidental thereto or connected therewith; a bill for a law to provide for the establishment, incorporation, constitution of Ogun State College of Health Technology and for other matter connected therewith; a bill for a law to impose a fee for the reclamation of land environmentally degraded through quarrying and mining activities in the State; and a bill for a law to designate certain historic sites and structures in Ogun State as State Monuments and so on.

In spite of the intra-institutional crisis that engulfed the Assembly during the latter part of its legislative term, the 2007-2011 legislature had to its credit 51 bills and about 274 Resolutions altogether. These included the Gateway Television amendment Bill 50; a bill to nullify all irregularities perpetrated by the Executive as well as the Gateway Broadcasting amendment Bill 49.

Despite access to formal news media and informal fora, an appreciable percentage of Ogun residents did not have a good knowledge of the legislature. They were largely ill-informed of legislative activities. About nine (9) per cent had no idea of any bill at all. None of the respondents could come up with the actual number of bills passed by the two legislatures 1999-2003 (30 bills) and 2003-2007 (50 bills).

None of the respondents has the knowledge of the actual figure of seven (7) bills that the sixth legislature was able to pass before the commencement of the crisis in May 2008. The 2007-2011 legislature eventually passed fifty-one (51) bills into laws with two hundred and seventy-four (274) resolutions on diverse issues. Besides, interest in politics

was low, waning and significantly conditional in view of the widely held view that being in government implies service to self as opposed to service to the generality of the populace.

#### **4.1.2.2 Quality of Debates**

In the AD- and PDP- dominated Assemblies of 1999-2003 and 2003-2007 respectively, a good number of ‘Bills passed through the legislature without being initiated or modified by it. The legislature played a less positive role in legislation. The initiative in framing bills rested squarely with the executive and the party, and often the legislature, was reactive rather than active. This development confirms the intrinsic relationship between party politics and legislative efficiency. In each of these party-dominated Assemblies, the legislative function was reduced to quality control of executive action, patching up errors in bills prepared by executive appointees and government officials.’

A relatively significant three in ten (35.2 per cent) of respondents asserted that the legislature was “Totally ineffective,” and another 11.2 per cent described the legislature as “ineffective” in making laws and debating important governance issues. About seven per cent (6.5%) believed that the legislature was “very effective.” Only 19.8 per cent considered the legislature “effective,” while 26.8 per cent maintained that the legislature was “fairly effective”. Views expressed by respondents from interviews conducted and the reports in the media were not in any way different.

This was because, from September 2008 to June 2011, there was an executive-legislative stand-off that plunged the legislature into disarray. As we will show presently, the conflict was very diabolically dramatic such that the legislature could not operate for many months. Indeed, it operated in fits and starts for almost two years. The situation reported in the media placed Johnson Ogunbanwo on good grounds to describe the legislature as characterised by cultism. Some members of the house admitted to journalists that they were involved in cultic oath-taking. This invariably affected the perception of the legislature by the general public.

#### **4.1.2.3. Inputs into the Budgetary Process**

It was also observed that the legislature (1999-2003, 2003-2007, and 2007-2011) was of limited significance in the budgetary process. This was on account of limited experience bolstered by the executive’s exercise of its initiating powers far above the legislature. However, it was observed that the 2003-2007 Assembly intervened in the State’s drive in the oil and gas sector, establishment of a refinery, oil exploration as well as

in the mining of bitumen, and estate development, all of which were brought to the fore during legislators' oversight undertakings. To enhance their input into the budgetary process, legislators were able to leverage on their working trip to the United Kingdom's Parliament. The trip was meant to expose members to legislative procedures and practices in the United Kingdom. The Assembly reported that while on the trip, representatives held discussions with investors and multinational corporations and in the process secured a standby credit line of US\$50million (*The Mace*, Vol. 4, No.1).

#### **4.1.2.4 Public Hearings**

Another fallout of the United Kingdom trip embarked upon by the 2003-2007 legislators was the resolve of the Assembly to have sittings at constituency level on rotational basis. This was to afford members the opportunity of having firsthand information about issues affecting their respective communities as well as serve as feedback mechanism to the Assembly (*The Mace*, Vol. 4, No.1). Hence, the 2007-2011 legislature hosted a stakeholders' forum on the recurring traffic congestion along Lagos-Ibadan Expressway following a motion under urgent matter of public importance.

This was with a view to finding lasting solution(s) to the ceaseless traffic problem along the highway as well as put an end to incessant loss of lives through avoidable accidents on the road. The legislature also hosted stakeholders' summits on recurring border disputes in different parts of the State, and another on the establishment of Petro-Gas Institute at Oni in Ogun Waterside Local Government (*Ogun Assembly NEWS*, Vol. 1, No. 2). But for the above, the legislatures (1999-2003, 2003-2007 and 2007-2011) were unable to optimise the opportunity of public hearings to publicise problems, advertise policy positions, attract press attention to their legislative agenda, and put pressure on the executive branch to act on issues of public concern. There were few reports of conduct of seminars and roundtable discussions for similar purposes available for this study.

#### **4.1.3 Oversight**

Oversight is central to the legislature's performance. It involves holding the executive accountable to the electorate through the institution of the legislature. Basic oversight tools like: legislative committees, inquiry; interpellation; debate; visitation, among others, should be effectively deployed by the legislature to enhance the performance of the executive.

#### **4.1.3.1 Oversight Tools**

The legislature acts as a representative institution over the executive through oversight using oversight tools available to it. The following were identified as some of the instruments at the disposal of the State legislature in its dealings with the executive:

##### **4.1.3.1.1 Questions**

There was no record to indicate the effective use of these tools during the 1999-2003 legislative term though. However, the 2003-2007 Assembly domesticated its knowledge of the workings of the British Parliament. The House took after the British Parliament by introducing the programme tagged; ‘Mr. Governor, Explain This’. This was tailored after the British Parliament’s practice of having the British Prime Minister on the floor of the Parliament on a weekly basis to expantiate on issues agitating the minds of the electorate.

It was on record that within the first legislative year (2003-2004), the Governor, Otunba Gbenga Daniel, appeared on the floor of the State House of Assembly on four different occasions to field questions from the legislators on matters affecting their respective constituencies (*The Mace*, Vol. 4, No.1). It was neither to the knowledge of the public nor was it on available record to this researcher that the legislature queried or questioned directly the chief executives of the state government’s establishments, and the Governor.

##### **4.1.3.1.2 Visitation**

The legislature occassionally undertook visitations as subsequent discussion particularly under legislative committees would attest. The Committee on Local Government and Chieftaincy Affairs 2003-2007 visited the twenty local government councils in the State at least twice in a year. The visit was to enable the Committee assess the performances of the Council officials to ensure that public resources in their care were judiciously used and their projects people-oriented. The visit was also to monitor the Local Government Finances and Projects, and to ensure that people were carried along in the scheme of things (*The Mace*, Vol. 4, No.1).

#### **4.1.3.1.3 Interpellation**

This offers an alternative form of interrogation aside from questioning. Interpellation is a considerable form of questioning, followed by a short debate and a vote on whether the government's response is deemed acceptable. There was no record of an enquiry of the government, initiated by the opposition, which could have warranted a debate and a vote on the Assembly's satisfaction with the answers given.

#### **4.1.3.1.4 Debate**

Most debates, with calculated responses usually ended in favour of the executive. The executive was also reported to have turned down the 2007-2011 Assembly's request for a debate on the 100 billion Naira Bond proposal by the executive.

#### **4.1.3.1.5 Votes of Confidence**

During the 2007-2011 fragmented legislative term, a vote of confidence on the executive which ought to have led to a concrete decision on whether the government could continue in office could not be appropriately and effectively deployed. A faction led by Hon. Shoyemi Coker (G11) voted to demonstrate their confidence while the other faction led by Hon. Tunji Egbetokun (G15) voted for loss of it in government and its officials. As shall be explained in detail in the next chapter, the former faction otherwise known as G11 approved all pending requests before the legislature from the executive, including the one hundred billion Naira (N100 billion Bond) earlier proposed by the executive arm of government and also vacated the House Resolution 167 which suspended the former Speaker, Hon. Titi Oseni and another member, Omosanya Omolaja in 2009.

During the faction's (G11) inaugural sitting, the House reviewed the nomination of Yemi Akinwomi - which had earlier been rejected by the legislature during the Egbetokun leadership - and immediately confirmed him as the State Commissioner for Education. The legislators unanimously passed a vote of confidence on the governor "especially for his various monumental and developmental programme and projects and good governance" (Adebayo, 2010).<sup>81</sup> The faction also approved the nominees of the Governor into the Ogun State Independent Electoral Commission and the N2 billion housing development facility

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<sup>81</sup> Adebayo Moshood: Lagos: Daily Sun, Tuesday, September, 7, 2010.

for the state government as well as the supplementary budget forwarded by the executive (Coffie-Gyamfi, Odita, and Agbedo, 2010).<sup>82</sup>

Conversely, the Egbetokun faction held a parallel session outside the confines of the Assembly and the State capital “for security reasons” and passed a vote of no confidence on the State Governor. According to this faction (G15), the no-confidence vote on the Governor had become necessary for aiding and abetting illegality in the state; for mismanaging public funds, for allegedly sponsoring violence and violent gangs in the state and for non-compliance with the State’s laws and the constitution of the Federal Republic of Nigeria.

Among other resolutions, the Egbetokun faction reiterated that it had barred banks and financial institutions from giving the executive arm of government loans, citing House Resolution 167 to back up their action. The faction also described the inauguration of Elder Yemi Akinwomi as the Commissioner for Education, Science and Technology by the Governor on the approval of the G9 as illegal, null and void (Adebayo, 2010).<sup>83</sup>

Above all, It was within the purview of the legislature to exercise its power of oversight over the executive without any external prompting. We were unable to establish the legislature’s intervention in either of some instances of allegation of mismanagement of public funds by the executive. Two well-circulated allegations were made by late Otunba Dipo Dina, Governorship aspirant on the platform of the Action Congress of Nigeria and former President Olusegun Obasanjo.

While Otunba Dipo Dina had alleged that the Governor and his wife, Yeye Olufunke Daniel spent the sum of N450million on foreign trips; President Obasanjo had accused the Governor of mismanaging the funds accruable to the state to the tune of N1trillion. Subsequent clarifications and illuminations into the state of affairs as regards the allegations from the duo, Otunba Dina<sup>84</sup>, and President Obasanjo<sup>85</sup> were limited, largely to those offered by the Governor, Otunba Gbenga Daniel.

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<sup>82</sup> Coffie-Gyamfi Charles, Odita Sunday, and Agbedo Onyedika: “Fresh crisis in Ogun, nine Lawmakers outst Speaker, 14 others.” Lagos: The Guardian, Tuesday, September, 7, 2010, pp.1-2.

<sup>83</sup> Adebayo Moshood: “Confusion in Ogun: Egbetokun’s group passes vote of no confidence on Daniel; Suspends Coker Faction” and “Ogun: it’s a Comedy, says ex-Deputy Speaker.” Lagos: Daily Sun, Wednesday, September 15, 2010, p.6.

<sup>84</sup> Daniel dismisses this allegation as an exercise in mischief for Dipo Dina or anyone else to assert that as much as N450m by the Governor and his wife on foreign trips. To Daniel, at the time Dipo Dina Movement (DDM) made its wild allegation the state was earning an average of N1.3billion, as monthly allocation from

Thus, the limited oversight actions of the legislature were exclusive of concrete effort geared towards initiating, investigating or confirming mismanagement of state funds or allegation of same or corrupt practices altogether. Granted that the burden of prove lies with the originators of the identified allegations, the state legislature could neither claim to have been barred nor intimidated from leveraging on such allegation no matter how frivolous to further its oversight action in the interest of the public and to the benefit of the system of rule were it to live up to its granted power and mandate as guaranteed by Sections 125-129 of the 1999 Constitution.

#### **4.1.3.1.6 Legislative Committees**

The Assembly inaugurated standing committees [1999-2003 (20); 2003-2007 (26) and 2007-2011 (20)] to monitor the activities of government ministries, parastatals and agencies. Chairmanship of these House committees was based on equal representation of all the geopolitical zones to ensure that no area was underrepresented (*The Mace*, Vol. 1, No.3). Committees were set up for, and they performed supervisory roles on the following

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the Federation Accounts, out of which N1.1billion was being spent, on a monthly basis, on staff salaries and allowances, with nothing left to accommodate such a huge traveling allowances. Daniel was to raise a poser that the vouchers under reference, in possession of DDM, sourced in collaboration with a few state officials, and published, revealed a sum less than 10% of the bogus N450million, (Daniel, 2011 p.302).

<sup>85</sup> The Governor also dismisses this allegation and his reaction runs thus: In the heat of the struggle for Ogun PDP, I was informed that OBJ had forwarded a petition to the EFCC purportedly detailing my mismanagement of the finances of Ogun State, since May 29, 2003, when I became the governor (this account follows similar trend as the instances in Ekiti, Bayelsa, Plateau, and Abia States identified in the introductory part of this study). My initial reaction was to ignore it as I was becoming used to such ambushing tactics from the ex-President, and simply await the attention of the anti-graft agency, which, according to the newspaper reports, was giving it serious consideration given the caliber of the alleged petitioner. My only comment, as it were, to those who made the information available to me, as contained in the Leadership newspaper, was why must the status of a petitioner determine the weight to be accorded a petition on a crime against a State? And why was it not auspicious for the corruption fighting agency to investigate, or make public, if investigated, the allegation made by the high caliber petitioner on the Gbenga Daniel's 'financial recklessness'....But, if actually the said petition was true, and was actually forwarded by Chief Olusegun Obasanjo, can the contents be factually correct? How could my administration have mismanaged one trillion naira (N1tr), as alleged, when the whole revenue that accrued to the State between May, 2003 and December, 2010 did not go beyond three hundred billion, one hundred and ninety-one million, nine hundred and eighty-five thousand, six hundred and one naira, thirty kobo (N300, 191,985,601.30), representing both receipts from monthly allocation from the Federation Account and internally generated revenue (Daniel, 2011 pp.497-498)

agencies: the State Water Corporation; the State Property and Investment Corporation (OPIC); Muslim Pilgrims Welfare Board; Christians Pilgrims Welfare Board and the Gateway City Company and so on.

These legislative committees also dealt with issues relating to the aforementioned boards and corporations as well as the consideration of the annual budget of the boards and corporations. They embarked on on-the-spot assessment of various projects which were executed by these agencies. These included: Federal Government-Assisted Water Project at Abeokuta main scheme and Ota new scheme; National Urban Water Sector reform project at Sagamu, Ijebu-Ode/Yemoji, Odeda, Ijebu-Igbo (Apoje), Ogere/Iperu and Ifo; and OPIC Estate Lagos-Ibadan Expressway and OPIC Estate, Agbara. The Parastatals Committee has, in no small measure made efforts to improve the situation of water supply in Ogun State (*The Mace*, Vol. 4, No.1).

There were cases of selective use of some of these committees' investigations for legislative oversight. This usage did not in turn further strengthen the legislative committee system. Nonetheless, the legislature, on the Committee's recommendation, approved budgets of ministries and sponsored bills respectively (*The Mace*, Vol. 4 No.1).

It must be noted that the presence of these oversight tools appeared not sufficient enough for effective legislative performance. Three in ten (31.0 per cent) of the respondents thought the legislature was "fairly effective" in holding the executive accountable for its action. Four in ten (40.6 per cent) of the respondents described the legislature as "ineffective" in holding the executive accountable. Three in twenty (15 per cent) considered the legislature as "totally ineffective".

This verdict was buttressed by the views expressed by Johnson Ogunbanwo to the effect that the assembly was characterised by cultism and compromises. Such compromises could either be on account of party allegiance or for fear of incurring the wrath of party/opinion leaders as well as the chief executive of the State. This naturally affected the disposition of both parties. Lafenwa echoed a major weakness of the 1999-2003 Assembly to the effect that there were cases of misappropriation of fund by the Executive Governor and some of his Cabinet members, which were either not investigated or investigated without implementation of reports.

#### 4.1.3.1.7 House Resolutions

This study observed that House Resolutions could be a potent tool for legislative oversight of the executive if properly deployed. The efficacy of some of the landmark resolutions of the State legislature brought to the fore the potency of this legislative tool in the legislative-executive relations and in the governance process. The 2003-2007 legislature passed a resolution in the spirit of probity and judicious management of public funds to summon before the House the Permanent Secretary of Budget and Planning and the State Accountant-General to answer questions on the State's finances during the tenure of the former Governor, Chief Olusegun Osoba. The 2007-2011 Assembly also passed Resolution '167' restraining the Executive from dealing with the State's bankers' and allied institutions until otherwise directed by the legislature.

The Governor was however of the opinion that there was poverty of understanding among the leadership of the Assembly on the Bond request. To him, the House leadership felt that the Bond being sought from the Stock market was a kind of cash to be made available to government, and which could be spent as the Executive wished. He reasoned that the legislators were conversant with the prevailing reality though; but only chose to play to the gallery of public sympathy and incitement against his administration. 'What was uppermost in their collective mind was to score cheap political goal against OGD'<sup>86</sup> (Daniel, 2011).

Senator Ibikunle Amosun (who succeeded Gbenga Daniel as the State Governor) was of the view that the legislature's ineffectiveness was not without pockets of commendable exceptions. He specifically made reference to what he described as a desperate attempt by the Executive Governor, Gbenga Daniel, to forcefully secure One Hundred Billion Naira (N100,000,000,000.00 billion) bond on the one hand, while commending the steadfastness of the Tunji Egbetokun-led House in resisting the Governor's demand on the other.<sup>87</sup>

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<sup>86</sup> Daniel (2011: p.447) "In my town hall meeting, hitherto alluded to, I furnished stakeholders with relevant information as to the state of income of the state and a rough estimate of our expenditure profile, as they stood when the issue was brought to public consciousness by the House of Assembly Resolution 167 which to me was a Resolution of Retrogression. This was a resolution which in conception was meant to ground the economy of the state in order to portray our administration as a non-achiever".

<sup>87</sup> Senator Ibikunle Amosun who was the Ogun State gubernatorial candidate of the All Nigeria Peoples Party (ANPP) in the 2007 election described as "despicable, the attempt by Governor Gbenga Daniel to force the

From Alao Adedayo's readings, the legislators were not qualified enough to monitor the budget, check commissioners or generally hold the executive accountable, as it was quite easy for successive governors to pocket their respective Assemblies. He also observed that through coercion, intimidation and harassment, Governor Daniel practically succeeded in bringing dissenting Assembly members to their knees. This verdict was buttressed by the views expressed by Johnson Ogunbanwo to the effect that the two assemblies (2003-2007 and 2007-2011) were characterised by cultism and oath-taking. Adedayo echoed the point espoused by Lafenwa to the effect that party allegiance sometimes hampered the oversight function of the legislature.

The fallouts of Resolution '167' by the sixth legislature, barring the state executive from all financial transactions on behalf of the state until the legislature direct otherwise, were indications that House Resolutions, where and if well deployed could be a potent oversight tool. However, this is not to discountenance the possibility of a determined executive to hinder effective legislative performance through manipulation, threat and intimidation.

#### **4.1.3.2 Extant Formal Powers of Oversight**

The 1999-2003 Governors' exclusive initiation powers restricted legislative opportunities for independent policymaking in many areas. Although the 2003-2007 Assembly possessed the formal powers of oversight going by Sections 120-129, thus, statutorily empowered to challenge an incompetent or corrupt executive, the State Assemblies, often do not aggressively engage the executive arm in this regard, largely due to lack of electoral incentives for oversight. It must be noted that the legislature's oversight powers exercised during the period 2007-2011 opened up the flow of open information, often of a scandalous nature, but they did not greatly strengthen the legislature's capacity to check abuses in the executive or hold the executive accountable.

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people of the state to secure an obnoxious N100 billion bond." His Media Assistant, Seyi Enitan, in a statement expressed Amosun's disgust at the level of desperation being displayed by the Governor in order to secure the bond. Enitan, who quoted Amosun as describing the development as the "very height of desperation," called on all well-meaning indigenes of Ogun State to ensure that the move by the governor to plunge the State into financial bondage was thwarted. "He therefore, commended the steadfastness of the Tunji Egbetokun-led House in resisting the Governor's obnoxious demand (Lagos: Daily Sun, Wednesday, September 8, 2010).

This was because the executive usually acted in response to the legislative pressure only when it was prepared to so act. The legislative hearings became an arena in which legislative, bureaucratic and social interests compete for influence. This was opposed to its being an avenue to enhance a considerable increase in the flow of information from the executive to the legislative branch and for exerting greater pressure on the executive branch to fight corruption and inefficiency.

We could also only infer that the legislative-executive crisis of the period 2007-2011 was a confirmation of the fact that there is a deficiency level below which a system must not fall to be considered meaningfully representative. This development was not helped by 'selective action on the part of the legislature which chose to be driven more by scandals too large to ignore than by a constant pressure for efficiency, responsible government, credible public policy and the pursuit of public good generally. Legislators have often been lured to compromise the public trust and confidence reposed in them by supporting the executive in exchange for public works for their constituencies or personal gratifications. Oversight only comes when executive corruption or government failure to deliver on its promises cannot be ignored.'

Ogun State could be characterised as relatively clientelistic, where vote-buying was common and the delivery of local public goods an essential part of elections. Along with this has gone corruption and near absence of legislative oversight of the executive branch. The real manifestation of executive-delivered pork was revealing in the State legislators' (2003-2007, and 2007-2011), expression of gratitude to the chief executive, the Governor, for being instrumental to their emergence as representatives having bankrolled their respective campaigns and allied electoral costs.

Thus far, given that what matters is not the number of oversight tools at the disposal of the legislature but the extent to which the legislature is able to take advantage of the available tools to enhance its performance and justify its continued existence, the Ogun State legislature (1999-2003, 2003-2007, and 2007-2011) could be characterised as ineffective and of little significance in democratic accountability. Succinctly, put, the oversight potentials of the legislature had limited effect or were of no effect on the measure of representativeness or the democratic quality of the system of rule. The legislature had power to access government account through contribution to budget as Sections 120-124 provide, request information from government or to organise inquiries as stated in Sections 128-129 but lacked the political will to hold the executive accountable, notwithstanding partisan politics and executive antics.

## **4.2 Institutionalisation**

We have focused on the diverse areas of performance used to evaluate and analyse an institutionalised legislature, that is representation, deliberation, control over budget, lawmaking, and oversight functions. This study examined the legislature's effectiveness using Polsby's three dimensions of institutionalisation namely autonomy, internal complexity, and universalism. The theory requires that the legislature must not be an all-comers' institution. This entails available constitutional and legal powers for the legislature; resources, expertise and information available for the legislature to perform as well as the power and the political will to hold the executive accountable for its actions. Institutionalisation also requires that the legislature must be peopled by experienced individuals.

While membership must record low turnover or low proportion of first-term members, leadership of the House must of necessity be reserved for the most experienced or most senior serving members. Merit, precedents and internal rules among other impersonal universally acknowledged decision criteria must take precedence in decision-making, including assigning committee chairs. This is opposed to the peculiar and particularistic criteria of favouritism, nepotism and partisan politics.

However, with a well-structured internal committee system, the legislature is expected to be independent of other arms of government, particularly the executive. The legislature must not be dependent on other complementary institutions but must be adequately equipped with requisite financial, human and material resources to function effectively. This brings us to the nature and character of the Ogun State House of Assembly.

### **4.2.1 Autonomy**

By virtue of sections 93 and 101 the state legislature was to operate independent of the executive. Section 93:

There shall be a Clerk to a House of Assembly and such other staff as may be prescribed by a Law enacted by the House of Assembly, and the method of appointment of the Clerk and other staff of the House shall be as prescribed by that Law.

Section 101 states:

Subject to the provisions of this Constitution, a House of  
Assembly shall have power to regulate its own procedure, including the  
procedure for summoning and recess of the House.

The State legislature was however less institutionalised, static, stable and immutable in terms of independence. The 1999-2003, 2003-2007, and 2007-2011 legislatures were at the mercy of the executive through the Commissioner of Finance, the Commissioner for Budget and the Accountant-General of the State for the legislature to function effectively. For example, it was observed that efforts to institutionalise the legislature by making it more representative and committed only received the attention of the legislators during the period 2003-2007. The legislature passed a bill for a law to provide for the establishment of the House of Assembly Service Commission and for other matters connected therewith. It also passed a bill for a law to make provision for the Ogun State House of Assembly to be self-accounting and for other connected matters.

The attempt by the 2007-2011 Assembly to consolidate this initiative was resisted by the executive and aided by a faction of the legislature, as shall be revisited in the subsequent chapter. The executive's inability to implement these laws was interpreted to mean a constitutional breach, and an action considered to be a misconduct and a breach of the constitutional oath by the executive (Oropo, 2009).<sup>88</sup>

This was without concern about how to prevent legislators' financial interests from unduly influencing their official decision-making. The 2007-2011 legislators vigorously pursued the implementation of the autonomy and self-accounting laws.<sup>89</sup> The laws were

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<sup>88</sup> Kamal Tayo Oropo: "Our Problem With Daniel, By Deputy Speaker: Yes, Daniel has performed but his Crisis Management is Poor; Threat to our Lives is Real." Lagos: The Guardian, Sunday, March 1, 2009, pp. 75-76.

<sup>89</sup> This was part of the arguments advanced by Mr. Remmy Hazzan, a member (2007-2011 legislature) representing Odogbolu State Constituency, and Deputy Speaker of Ogun State House of Assembly (2008-2011) while shedding light on the genesis of their face-off with Governor. His submission to a Reporter runs thus: '...Self-accounting Bill; this is also guaranteed by the constitution, against the backdrop of separation of power. A law of Ogun State (No.5) 2003 says whatever stands in favour of House of Assembly in a financial year should be paid to the House of Assembly Account on a monthly basis by the Accountant-General. This is another law passed by the Assembly and accented to by the governor. What stands in the favour of the Ogun State House of Assembly in this year's budget is a little less than N2 billion. Appropriately that amounts to more than N130 million per month. We made a request that the Accountant-General should pay this amount

meant to regulate legislature-executive relations on finance and staffing and such actions and activities perceived as involving improper infringement on the legislature's sphere of influence in the discharge of legislative responsibilities and in keeping faith with the electorate.

Conversely, the Governor, Otunba Gbenga Daniel again adduced poverty of understanding among the leadership of the House on the way an approved budget performs. He opines that members of the legislative arm of government did not quite appreciate the fact that a budget is a 'statement of intention' of what a government, within a particular financial year, 'wishes' to do by way of project execution, as well as capital and recurrent expenditures, all of which are predicated on income expectation (Daniel, 2011).

To him, it was rather disappointing that a House of Assembly that had the Appropriation Bill forwarded to it fundamentally altered, necessitating corresponding readjustment of the executive's spending profile, still expected to access a full use of its fraction of the sectoral allocations. He considered the request by the leadership of the House unimaginable particularly when sectoral appropriation was construed to mean that such money was physically available in the vault of government, hence, should be made available at the beginning of a spending season. Otunba Daniel reasoned that this default understanding was at the heart of the Egbetokun-led House of Assembly when it led the Assembly to the public to complain that his administration was starving it of funds already appropriated in the budget for its use<sup>90</sup> (Daniel, 2011).

#### **4.2.1.1 Initiating and Managing Independent Action**

The Ogun State legislature was not independent of the executive. The legislature was not free to manage its own affairs and work independently of the executive. Implicitly,

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into the Account of the House. What obtained before now is that the House of Assembly will pick up files, even if we had to go to Abuja, which cost about N100, 000 we have to write a memo, put it in a file and cap in hand to the executive for money. (*The Guardian, Sunday, March 1, 2009 pp 75-76*)

<sup>90</sup> Daniel (2011: p.453) The Governor was quick to dismiss the legislators who camouflaged mischief. He bemoans the collective assault on the intelligence level of Ogun people by the legislators' public display of ignorance. Given the socio-economic integrity of the state, and its leading position in education, it was embarrassing that a legislature comprising indigenes of the state could display such high level ignorance in the working-operations of government. What was uppermost in the collective mind of the legislators was to score cheap political goal against OGD. This was more so that, they were conversant with the government procedure, as well as the prevailing reality as at the time they chose to play to the gallery of public sympathy and incitement to the detriment of the government and people of the State

the legislature was not effective in its representative and oversight functions. It was used to achieve limited political goals by the executive and sometimes by the key political actors as the crisis that engulfed the State legislature between 2008-2011 attests. In reference to the interference in the affairs of the legislature by the executive at the twilight of the crisis, Chief Segun Osoba likened the situation to the military regime without a democratic governor but a military administrator in character and disposition. Efforts to make the legislature autonomous statutorily included the enactment of a bill for a law to provide for the establishment of the House of Assembly Service Commission and for other matters connected therewith, including the law guiding the manner of appointment of the Clerk of the State House of Assembly; and a bill for a law to make provision for the Ogun State House of Assembly to be self-accounting and for other connected matters.

#### **4.2.1.2 Exercise of Power of the Purse**

As regards legislative resources and by the provisions of the 1999 Constitution, Sections 120 and 121 are clear and explicit as regards locus of power. Section 120 subsection (1) states for example that:

All revenues or other moneys raised or received by a State (not being revenues or other moneys payable under this Constitution or any Law of a House of Assembly into any other public fund of the State established for a specific purpose) shall be paid into and form one Consolidated Revenue Fund of the State.

(2) No moneys shall be withdrawn from the Consolidated Revenue Fund of the State except to meet expenditure that is charged upon the Fund by this Constitution or where the issue of those moneys has been authorised by an Appropriation Law, Supplementary Appropriation Law or Law passed in pursuance of section 121 of this Constitution.

(3) No moneys shall be withdrawn from any public fund of the State, other than the Consolidated Revenue Fund of the State, unless the issue of those moneys has been authorised by a Law of the House of Assembly of the State.

(4) No moneys shall be withdrawn from the Consolidated Revenue Fund of the State or any other public fund of the State except in the manner prescribed by the House of Assembly.

Again, section 121 states that:

(1) The Governor shall cause to be prepared and laid before the House of Assembly at any time before the commencement of each financial year estimates of the revenues and expenditure of the State for the next following financial year.

(2) The heads of expenditure contained in the estimates, other than expenditure charged upon the Consolidated Revenue Fund of the State by this Constitution, shall be included in a bill, to be known as an Appropriation Bill, providing for the issue from the Consolidated Revenue Fund of the State of the sums necessary to meet that expenditure and the appropriation of those sums for the purposes specified therein.

(3) Any amount standing to the credit of the judiciary in the Consolidated Revenue Fund of the State shall be paid directly to the heads of the courts concerned.

The executive retains the power to allocate and disburse funds to other arms of government, including the legislature and the judiciary. Although, the constitution vested the power of scrutiny and approval of the budget on the legislature going by Sections 120-129. Yet, the legislature itself depended on the executive for financial survival. Lafenwa (2006) echoed this anomaly when he observed that by provisions of the 1999 Constitution, each state assembly depends on the executive for the release of funds, in spite of the constitutional power to make inquest into the management of public fund.

Implicitly, the executive could withhold funds meant for the legislature, if the executive feels uncomfortable with any challenge to its operation from the legislature. Some of the lawmakers confirmed that this had been the experiences of the assembly from 1999 to 2011. The lawmakers identified lack of financial autonomy as a major impediment hindering effective discharge of their responsibilities. They acknowledged too that although the statutory provisions empower the legislature in principle, but in practice, the legislature was at the mercy of the executive in performing its roles and even for existence. This was alluded to by Honourable Remmy Hazzan's submission to the effect that:

‘...the House of Assembly will pick up files, even if we had to go to Abuja, which cost about N100, 000 we have to write a memo, put it in a file and go cap in hand to the executive for money.’<sup>91</sup>

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<sup>91</sup> ‘...This is not the way it should be. It has been like that before now, because somehow, the leadership then found favour, so to say. Even though, between the then leadership of the House and the executive, this arrangement became the convention, it still does not change the fact it is unconstitutional. Ever since we came in, any approval for governor made, the House of Assembly will be at the mercy of the Commissioner of Finance, the Commissioner for Budget and the Accountant-General. Approval after being approved may take months before it may get cash backing. And we looked at this thing and realized that we cannot continue to demean the office of the Speaker. He remains the number three and the head of the legislature and he should be so respected; the occupier of that office notwithstanding. If this conventional approach is not working, why would it be followed, more so that it is unconstitutional? We now took it upon ourselves and said, “Implement those laws.” Refusing to implement them is like attempting to legalize illegality. Those were the two demands

### **4.2.1.3 Financial Autonomy**

Lafenwa's statistics suffices to the effect that throughout the first four years of the Fourth Republic, none of the Houses of Assembly in the south-west, including Ogun State, received adequate funding as could guarantee independent legislative action in relations to the executive. The executive was described as the "big brother that carries spoon to the soup pot". It has to be said that, sometimes, the actual revenue accrued to each Assembly may even be short of the proposed budgetary allocation.

Suffice it to posit therefore that the Ogun State legislature was financially dependent on the State executive. The Assembly was at the mercy of the State Commissioner of Finance, the Commissioner for Budget and the Accountant-General. Release of funds to the legislature after the Governor's approval may take months before it may get cash backing. The situation was not helped by the admission by some members of the State Assembly (2007-2011) of being disciples of Governor Daniel prior to their respective elections.

### **4.2.2 Internal Complexity**

This section deals with the internal workings of the legislature, dispositions of members' vis-à-vis a review of the legislature's performance. Internal complexity of the legislature relates to the structure of the legislature as regards the appointment of principal officers and chairmen of committees; the stability or otherwise of membership and headship of House committees vis-à-vis the rate of return and turnovers in House leadership and chairmanship; the legislature's internal procedural rules and powers (for example seniority rule where such is applicable), party cohesion, and the extant committee system. These include rule governing the conduct of legislators, and limitation on the powers of principal officers, particularly as regards available checks on the possible excesses of the speakers.

#### **4.2.2.1 Basic House Rules**

The Assembly had its own Standing Orders which outlined order of proceedings; rules of conduct of the legislative business; leadership composition as well as rules of engagement with the environment of the legislature and so on. Record of findings however,

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the House has made. On the strength of that we have refused to carry file to anybody.' (*The Guardian, Sunday, March 1, 2009 pp 75-76*)

confirm that House rules were considerably observed in breach, particularly in the sixth legislature's dealing with the executive when select members of the House threw caution to the wind in their defence of the executive action.

#### **4.2.2.2 Committee System**

The 26-member 1999-2003 fourth legislature had 20 Standing Committees. The 2003-2007 State Assembly inaugurated 26 while the 2007-2011 Assembly inaugurated 20 Standing Committees to monitor the activities of government ministries, parastatals and agencies. Chairmanship of these House Committees was based on equal representation of all the geopolitical zones to ensure that no area was underrepresented. The selection committee headed by the Speaker elected chairmen and members for each of the 26 House committees.

#### **4.2.2.3 Appointment of Principal Officers and Chairmen of Committees**

The legislature had a selection committee headed by the Speaker. This selection committee in turn elected chairmen and members for each of the House committees.

#### **4.2.2.4 Party cohesion**

The 1999-2003 and 2003-2007 legislatures enjoyed considerable party cohesion. The Alliance for Democracy (AD)-dominated 26-member fourth legislature inaugurated on June 3, 1999 had three Peoples Democratic Party (PDP) members and two All People's Party (APP). The PDP- dominated 26-member fifth legislature inaugurated on June 2003 had only one Alliance for Democracy (AD) member. This sixth legislature (2007-2011) was almost a direct opposite of the fourth and fifth legislative experience with all of its members belonging to the PDP.

There was the preponderance of a new set of lawmakers different from individuals that made up the fifth legislature who were largely inexperienced. In spite of its one-party status, the State legislature was never institutionalised. Membership of the sixth Assembly witnessed frictions and antagonism which threatened mutual respect and cordiality. Respect was also threatened or made difficult by members' diverse interests, preferences and direction of loyalty.

#### **4.2.2.5 Quality of Members**

As noted earlier, the 1999-2003 Assembly comprised new and inexperienced members, as could be gleaned from available records on membership data. In terms of educational qualifications, twelve (12) of the twenty-six (26) members of the Assembly possessed university degrees or its equivalent. Thirteen (13) members had their age range between 50 and 67 years. (12) other members had their age range between 40 and 49 years. With pocket of exception<sup>92</sup>, the (26) members 2003-2007 legislature were new and inexperienced. Twenty-three (23) members had their age range from 40 to 53. Seventeen (17) members had university degrees or its equivalent in diverse disciplines.

Except for two (Olusola Pelumi Boye, representing Isara/Ode/Ipara Constituency, who possessed only the primary school leaving certificate and was made Chairman of the House Committee on Public Accounts; and Sanusi Ishola Ismail, representing Ikenne Constituency, who had the West African School Certificate, and was Chairman of the House Committee on the Environment), each of the relatively educated members was rightly deployed as chairman of different House committees.

Eighteen (18) out of the twenty-six (26) members of the 2007-2011 Assembly had university degrees or its equivalent. Twelve (12) out of these members were experienced, having served in the previous legislature (2003-2007). Twenty-one (21) members had their age range from 40 to 68 years. All of these had implications for the variation in performances as specifically demonstrated by the fifth legislature as well as the overall effectiveness and efficiency expected of the three successive Assemblies. It generally explains the characteristic obedience and allegiance that was the hallmark of the fourth and fifth Assembly in the context of the State's politics. This, nonetheless, explains the exuberance, in-fighting, cultism and general indiscipline that characterised the sixth legislature.

#### **4.2.2.6 Capacity-Building**

From available records, the 2003-2007 legislature undertook a working trip to the United Kingdom's Parliament to expose members to the rudiments of legislative procedure and practice in the United Kingdom. The same Assembly organised a one-day workshop

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<sup>92</sup> Hon. Fasiu Bakenne, representing Abeoluta South constituency 1 on the platform of PDP was once elected to the State House of Assembly in the aborted Third Republic during the Abacha Transition, appropriately called transmutation programme. His experience during this moment in the legislative history could at best be described as limited and largely inconsequential given the military background of the regime under reference.

for thirty-eight (38) newly recruited Assembly staff to broaden their knowledge and expand their horizon, and also serve as catalyst for the realisation of the institutional objectives of the legislature (*The Mace*, Vol. 1, No.3). The 2007-2011 Assembly was able to host a number of interactive sessions with the executive arm of government drawing resource persons from both private and public sectors within and outside the State. The 2007-2011 Assembly also instituted a quarterly lecture series with the maiden edition titled: Enriching Legislators' Intellectual Capacity." The forum featured experts from the private and public sectors including the Executive Governor (*Ogun Assembly NEWS*, Vol. 1, No. 2).

#### **4.2.2.7 Research and Development**

Records also show that the 2003-2007 Assembly created new departments such as Research and Protocol to enhance efficiency, (Adigun, and Ajape, 2004). The objectives of this initiative could not be realised due largely to paucity of funds as there was no evidence of requisite human and material resources to effectively advance any research endeavour.

#### **4.2.2.8 In-House Communication**

The 2003-2007 Assembly adopted Yoruba language as a medium of communication on the floor of the House once a week with a view to promoting the use of Yoruba Language and enhance an all-inclusive deliberations in the House. To facilitate effective dissemination of information from the Assembly to the public, the 2003-2007 Assembly through its Committee on Information publishes a quarterly newsletter, *The Mace* and a weekly bulletin, *Ogun Assembly Update*.

#### **4.2.2.9 The Assembly's Leadership and Membership**

The State legislature recorded high turnovers of members during the 1999-2003; 2003-2007 and 2007-2011 sessions respectively. All the legislators for the 1999-2003 legislature were new, ditto for the legislative term 2003-2007.<sup>93</sup> The 2007-2011 Assembly comprised twelve (12) former members of the fifth Assembly (2003-2007) and fourteen (14) new lawmakers. Three in ten (31.8 per cent) respondents observed that the leadership of the House changed three times; another 24.7 percent believe the leadership of the House

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<sup>93</sup> Although Hon. Fasiu Bakenne was once elected to the State House of Assembly in the aborted Third Republic during the Abacha Transition, appropriately called transmutation programme.

changed twice and 8.1 per cent thought the leadership changed only once. Five in ten (56.5 per cent) of the respondents noted that the factional Speaker, Shoyemi Coker hailed from Abeokuta; 6.0 per cent could not offer any opinion on where the Speaker hailed from; 5.7 per cent thought the Speaker was from Odeda; 2.9 per cent was of the opinion that the Speaker was from Ogun Central; 0.3 per cent opined the Speaker was from Obafemi Owode while 0.8 per cent believed that Ogun had no Speaker at all.

Although Hon. (Mrs) Titi Oseni hails from Abeokuta South, majority of respondents thought otherwise as neither of the two factional Speakers was from Abeokuta. Hon. Egbetokun hails from Obafemi-Owode while Hon. Shoyemi Coker comes from Odeda local government area of the State. Respondents' responses were not necessarily a reflection of their knowledge of the legislature, but of their disenchantment with and disappointment in the performance of the legislative institution, particularly as regards meeting the basic expectations of the people. Again, respondents' responses were fallout of their impression of the legislators and the entire political activities in Ogun State during the chaotic period 2008-20011.

#### **4.2.2.10 Resources and Performance**

The State legislature was poorly equipped to function effectively, independent of other arms of government particularly the executive. In spite of the many benefits of modern information and communication technology, especially the Internet, the legislature lacks essential online presence as it could not boast of a website of its own or such other platforms as could ease interface with its environments (the executive and the electorate). A relatively low 14.3 per cent of respondents thought the State legislature was highly equipped with adequate resources to perform its responsibilities.

Another 20.1 per cent believed that the legislature was "well equipped" with the necessary resources. Within the latter category were views expressed by two legislators, Hon. Musa Moruf and Hon. Salmon Adeleke, Chief Whip and Deputy Chief Whip (G-11) respectively. They held that the legislature was well equipped to perform effectively and in their estimation, it did recorded appreciable successes with the financial, human and material resources available to it. Conversely however, two in ten (26.3 per cent) of respondents were of the opinion that the legislature was fairly equipped while another 27.1 per cent believed that the legislature was poorly equipped with necessary resources to perform its responsibilities.

This resource deficit hampered efficiency and effectiveness on the part of the as attested to by other legislators like Rt. Hon. Tunji Egbetokun and Hon. Remi Hazzan, both of who held that the legislature was too dependent on the executive to initiate independent action or perform effectively. Worse hit in this area of dependence were the requisite financial and human resources.

The legislature was not in a position to handle the recruitment; training and re-training of its staff independent of the executive and this included the appointment of Clerk of the State Assembly which was done by the executive without recourse to the legislature. The legislature was also not self-accounting. This implies that, it must recourse to the executive through the State Commissioner for Finance, the Commissioner for Budget and the Accountant-General on all substantive and procedural matters that have cost/financial implication for the legislature.

#### **4.2.2.11 Discipline, Conflict and Performance**

Discipline among members is of the essence in legislative effectiveness. This, in relative terms, entails adherence to the rules, order and code of ethics in the conduct of legislative, party and governmental affairs, modesty and decorum in relation to colleagues, constituents and the general public. This is with a view to enhancing mutually beneficial bargaining and compromises required for legislative effectiveness. A cumulative 16.2 per cent considered the Assembly members to be disciplined. Three in ten (39.6 per cent) of Ogun residents felts the legislators were “fairly disciplined,” 10.7 percent considered them to be undisciplined and another three in ten (33.1 per cent) thought the legislators were “totally undisciplined.”

This view, which could have been otherwise, was given credence by the protracted crisis that enveloped the legislature from 2008 to 2011. Mention must be made of the fact that the state legislature was among the most relatively peaceful of all State Assemblies with visible party cohesion across the federation prior to the 2008-2011 crisis and the attendant consequences. It is also instructive that six in ten (60.9 per cent) of Ogun residents admitted being aware of conflicts among members, 10.9 per cent answered “No” to having knowledge of any conflict among members, and 27.7 per cent could not offer their opinion on conflicts among members of the State legislature. Both factions (G11 and G15) of the sixth Assembly identified indiscipline as the bane of the legislature and a major factor that best accounted for the crisis.

**Table 4.2.2.11.1**

Respondents' description of the Ogun State House of Assembly in terms of discipline		Frequency	Percentage
Valid	Highly disciplined	26	6.8
	Disciplined	36	9.4
	Fairly disciplined	152	39.6
	Indisciplined	41	10.7
	Totally disciplined	127	33.1
	Total	382	99.5
	No Response	2	0.5
Total		384	100.0

**Table 4.2.2.11.2**

Opinion on conflict(s) among members of the State House of Assembly		Frequency	Percentage
Valid	Yes	234	60.9
	No	42	10.9
	I don't know	106	27.6
	Total	382	99.5
	No Response	2	0.5
Total		384	100.0

#### 4.2.2.12 Intra- and Inter- Institutional Crisis, 2008-2011

A major challenge that the sixth Assembly had to contend with was leadership instability. The State Assembly was caught in the web of intra-party and intra-institutional crises that hindered effective discharge of its duties barely two years into its four-year legislative tenure. Research findings locate the genesis of the crisis in the impeachment of the Speaker, Titi Oseni and Deputy Speaker, Edward Ayo Odugbesan perceived to be loyal to the executive.

The impeachment of the Speaker and her Deputy on the 16<sup>th</sup> of May, 2008 saw the emergence of Tunji Egbetokun and Remi Hassan as Speaker and Deputy Speaker of the Assembly respectively. The lawmakers engineered the impeachment of Titi Oseni as Speaker on the ground that, under her leadership, the House had merely become *a rubber stamp* of the State executive. This internal crisis was to set the tone of discord between the State legislature and the executive (Oropo, 2010).

In an attempt to shed light on the crisis and its fall-out, the Governor, Otunba Gbenga Daniel asserts that:

Perhaps it needs be said that the removal of the former speaker has everything to do with the oath-taking by some of the house members. Mrs. Titi Oseni was removed to enable the unseen agenda, which was the removal of the governor, to be executed. That was precisely what led to the emergence of the so-called G11. on the move to remove the Governor, something that was not put on the table while the masterminds behind the impeachment of the Speaker and his deputy canvassed for support of members of the House, the G11 felt betrayed, and, therefore, refused to go beyond the hitherto agreed terms of cooperation. Thus, the unexpected loss of eleven members necessitated the alleged oath-taking ceremony by the remaining members as a way of securing mutual loyalty, lest the whole group continue to disintegrate. I was to learn that a prominent citizen of the state, who, once, wanted to be the Governor of the State, was the brain behind the administration of the blood oath (Daniel, 2011: 375).

Fallout of this development was the emergence of a group of 18 members with supposedly similar intention and course of action out of the 26 members that constituted the legislature. The group of 18 was later reduced to 15<sup>94</sup> when there were perceived moves to initiate impeachment proceedings against the Governor on different charges. The ensuing internal politics attracted external influences from within and outside the ruling party, the PDP, to which all the Assembly members belonged.<sup>95</sup> The internal wrangling equally

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<sup>94</sup> The G-15 comprises: Samson Tunji Egbetokun, Speaker; Remmy M.A. Hassan who hails from Omu-Ijebu in Odogbolu Local Government Area of the state as the Governor Otunba Gbenga Daniel Deputy Speaker; Lukman Adiro; Tokunboh Oshin, chairman, Committee on Information; Sewendo Fasinu, Majority Leader of the House; Nosiru F. Isiaka; Oduleye Odunyo; Adekunle Adegboyega; Adijat Adeleye-Oladapo; Akeem Salami; Pelumi Adeboye Olusola; Abiodun M.A Akovoyon; Johnson Olu Fatoki; Olufemi Job Akintan; and Olawale Alausa Hassan. The eleven other lawmakers (otherwise known as G11) who pitched their tent with the executive include: Emmanuel Shoyemi Coker, Speaker; Edward Ayo-Odugbesan, Deputy Speaker; Titi Shodunke-Oseni (Mrs), Musa Maruf, Chief Whip; Salmon Adeleke, Deputy Chief Whip; Durotolu Bankole, Majority Leader; Abiodun Moses, Deputy Majority Leader; Bakenne Fasinu; Isaac O. Solaja; Kojeku David; and J.F. Adegbesan.

<sup>95</sup> When the Party (PDP) National Working Committee summoned all stakeholders on Ogun State politics of disquiet to Abuja to sort out their differences on Monday, March 16, 2009, Chief Jubril Martins Kuye clearly emerged as the arrowhead of the opposition that was at the centre of the rumblings within the House of Assembly, with implication for the peace of the state. It is not impossible that he stands as proxy for bigger man. But given his status and long standing engagement in party politics of Ogun State, he may well represent his own interest, a General with his own mobilized troops while his Commanding Officer is a Chief of General Staff (Daniel, 2011, p.418.).

eroded all that was left of the unity of purpose, harmony and co-operation among members as well as jeopardised the stability of the legislative institution. This position was given fillip by the Governor's assertion, again to the effect that:

My involvement, basically, was to reconcile all factions that had emerged, especially within the House of Assembly in the guise of the so-called G15 and G11 into which members of the House had, respectively, dissolved, making harmonious working of the legislative system epileptic. Reconciliation, at certain stage, was made difficult because the people I had relied on were not really sincere. They were not sincere because crisis in the House which later snowballed into the affairs of the state was seen as an opportunity to enjoy some relevance in the party, all aimed at securing elective offices, either at the state or federal level. The icing on the scheme came in the form of a declaration of a faction of the party, opposed to the duly constituted state executive under the chairmanship of Elder Joju Fadairo. I naturally belong(ed) to the lawful group, hence its being dubbed the 'Daniel Faction' of the party. But as far as I was concerned there was only one party structure, even when I recognised that there were aggrieved members of our party with whom we had, together, attended the various congresses, as witnessed and sanctioned by the national body, where the officers were elected. While I continued to hear of Jubril Martins Kuye's (JMK) faction, comprising estranged members within a sub-set of Omoilu under the inspiration of Eso Jinadu, and Majiyagbe, as led by Chief Sule Onabiyi, I did not see them as belonging to a different party on whose platform I was a two-term governor (Daniel, 2011: 468).

This was the status quo until September 6, 2010 when nine (9)<sup>96</sup> out of the group of eleven (11) members (in minority) of the Assembly initiated and saw through the impeachment of Tunji Egbetokun and Remmy Hassan as Speaker and Deputy Speaker, and instead installed Shoyemi Coker and Edward Ayo Odugbesan as Speaker and Deputy Speaker respectively. The evolution and development of the crisis left no room for the sixth legislature to perform its legislative responsibilities even at the minimal level like the previous legislatures (Kayode-Adedeji, 2010).<sup>97</sup>

Except for the 2003/2007 legislature which was to become a reference point in legislative actions in relative terms, the State legislature was not institutionalised on account of quality of members, membership and leadership composition, strict observance

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<sup>96</sup> The nine legislators that launched the impeachment included: Emmanuel Soyemi Coker; Bankole Durotolu; Musa Maruf; Abiodun Oluseyi Moses; Salmon Adeleke; Omosanya Solaja; Titi Oseni; Kojeku David; and Edward J.F. Odugbesan. Ayo Odugbesan and Fasiu Bakenne signed the statement but did not attend the sitting (*NEXT*, Tuesday, 7 September, 2010, p.5).

<sup>97</sup> Kayode Adedeji Dimeji: "Ogun Speaker Impeached, Bond Approved." Lagos: *NEXT*, Tuesday, 7 September, 2010, p.5

of house rules, and enforcement of discipline. It also fell short of the requisite capacity to initiate independent action on capacity building, human and material resources, and research and development.

Thus far, while the 1999-2003 legislative term could be excused for the fact that legislators were just developing the right disposition, strategies and structures that could enhance legislative efficiency and effectiveness, the same excuse could not be advanced for subsequent Assemblies' ineffectiveness. The legislature lacked the organisation, financial resources, information service, experienced members and staff to serve as an autonomous point of essential interventions and deliberations in the policy process.

### **4.2.3 Universalism**

Universalism has to do with the constitutional and legal foundation of the legislature. The status of the legislature in Nigeria is as stated under Section 4 of the 1999 Constitution of the Federal Republic of Nigeria. The legislative powers of the Nigerian Federation is vested in the National Assembly comprising the Senate and the House of Representatives, as clearly spelt out under Section 4(1-2) of the Constitution. Section 4(6-7) clearly defined the legislative powers of the State Houses of Assembly similar to those of the National Assembly (Anyaegbunam, 2010). The principle of separation of powers and personnel is enshrined in the Constitution with provisions limiting executive influence in, and on the legislature.

These provisions include those that clearly define the direction of legislative-executive relationship vis-à-vis the principle of checks and balances. On this basis, Section 188 of the Constitution particularly empowers State Houses of Assembly to remove - as a last resort - an erring Governor or Deputy Governor, as the case may be, in line with these provisions. Thus, the 1999 Constitution made adequate provisions for the effective functioning of, and a representative legislature at the subnational level. The principle of Separation of powers and the corresponding checks and balances were rather observed in breach.

The State legislature had extensive formal right of control under the 1999 Constitution and legislative powers could be exercised through several mechanisms. Sections 120-129 are crucial in this regard. However, the only celebrated oversight-induced face-off with the executive, particularly with the Commissioner for Finance and the State Accountant-General in particular, over the legislature's right to conduct audits and exercise control over spending was during the period 2007-2011. Whereas not enough time and

effort were devoted to administrative review and oversight; there were complaints that the government ignored the legislature in its dealings, treated its role as limited and its reports have only advisory force. In concrete terms, the legislature had little power to improve governance. Consequently, 'where and when elements of the executive branch were receptive to its oversight moves and recommendations, it became an instrument at the disposal of the legislature for political influence.'

Each of the standing committees of the legislature had the formal authority to investigate government departments and agencies on those issues within the legislative jurisdiction of the committee. Committee's attention to administrative matters stems from a wide range of sources namely the government's report on implementation of the previous year's budget, preparation of the new budget, citizen complaints, and reports from the audit agency and so on.

### **4.3 Characterisation of the Legislature**

#### **4.3.1 Transitional Legislature:**

The Alliance for Democracy (AD) dominated 1999-2003 Assembly could be characterised as a transitional legislature. The legislature came with the transition from military rule to civilian rule. It was technically and institutionally deficient to function effectively, having been peopled by individuals who were inexperienced largely in legislative matters, with limited educational qualification and exposure. Bereft of a vibrant middle class, Ogun State residents had high hopes and expectations from the system of rule having experienced authoritarian rule foisted on them by the prolonged military rule.

This characterisation was also against the background that the State legislature, like any other subnational legislature in Nigeria, suffered dislocation and damaging setback when viewed against the executive arm of government that has survived successive regimes and leadership transitions. The 1999 Constitution made adequate provisions for the legislature to function effectively though; but the legislature lacked the political will to take advantage of the constitutionally granted powers of oversight. This was more so that the Constitution was just being put to test through the various democratic institutions whose powers derived from it. There was also the dearth of infrastructure that could have facilitated any meaningful legislative business.

Members of the legislature largely rode on the influence of strong party leaders with enormous goodwill to secure their membership of the Assembly and on whose authority and command they survived. This culminated in poor perception of roles and responsibilities by members of the legislature. The legislature was not independent of the executive; hence it was not effective in the performance of its responsibilities. The supremacy and preferences of the party and socio-cultural (*Afenifere*) leaders took precedence over and above legislators' or electorate's preferences. By and large, the executive's initiation power overshadowed that of the legislature on virtually all policy issues.

#### **4.3.2 Rubber Stamp or Ratifier Legislature**

The PDP-dominated 2003-2007 Assembly could be characterised as a rubber-stamp legislature. Like the previous legislature, the Assembly was subservient and largely dependent on the executive for its human and material resources. Members owed their nomination and attendant success at the poll to godfathers as well as the defective electoral system. Their respective electoral victories were bankrolled by the governorship aspirant and the eventual State chief executive, Otunba Gbenga Daniel. Thus, representatives had confidence, loyalty and legitimacy problem which created a disconnect between the legislature and the electorate. Legislators were willing accomplices and ready to compromise, to the satisfaction of the executive. The Assembly members therefore lacked the strength of character to pose any concrete challenge to their benefactor, the executive.

The legislature, which prides itself as the promoter of gender equality by producing the first female Speaker in the history of Ogun State and the only female Speaker in Nigeria at the time was peopled by inexperienced members. It contended with members' poor role perception with no clear-cut group or party ideology beyond primitive accumulation through executive hand-outs. Worse still, there was also no concrete challenge from the major opposition political parties at the time particularly the Action Congress of Nigeria, (ACN), and the Labour Party, (LP). The legislature was not independent of the executive, and again, the executive's initiation power overshadowed the legislature's on virtually all policy issues. The preferences of the executive and party leaders took precedence over and above the legislators' or electorates' preferences. Legislative oversight was either limited or carried out to achieve limited political goals.

Prelude to the above development, the Governor has this to say:

I recall coming in contact with Mrs Titi Oseni at a rally in Abeokuta when I came to campaign. On seeing her I had thought she came in company of someone to the venue. She did not betray the demeanor of a harassed politician. She was cool and calm, and this is in spite of rowdiness of her immediate environment. To me she could be anything, but definitely not a politician. But I was later to learn she was already a part of the PDP, but in a caucus different from mine, which had its nucleus in GFF. She was later introduced to our own group within PDP and her appearance on the fifth floor of Kresta Laurel, at Maryland, Lagos where I had my campaign office, became frequent. And in the course of our political association I became convinced she possessed some talents in leadership that could be cultivated and nurtured. Thus when she showed interest in the membership of the House of Assembly our campaign organization did not have any problem putting the machinery behind her to win over her constituency. The same thing was demonstrated when we aligned with her to clinch the speakership in 2003. Deploying our machine in her favour was due more to the miscalculation of her opponents than to our own deliberate preference. Perhaps the party establishment took us for granted, and assumed, to its political peril, that we were readily available, and that their collective will is our group's command. I recall Chief Osunrinde, one of the elders of the party meeting with me to sell the candidature of Hon. Fasiu Bakenne to me. This was well after our own political machine was already on auto-drive in all the senatorial districts of the state, selling the candidature of Hon. Titi Oseni to those who mattered on the issue of speakership. The strength of Bakenne candidature over and above that of Hon. Titi Oseni, according to the caucus that was rooting for him, was that he was experienced, the experience being that he was elected to the State House of Assembly in the aborted Third Republic during the Abacha Transition, appropriately called transmutation programme (Daniel, 2011: 396).

### **4.3.3 Fragmented Legislature**

The PDP-dominated 2007-2011 Assembly could be characterised as a fragmented legislature. It was chaotic and occultic with accusation and counter-accusations of secret oath-taking. The removal of the former speaker, Rt. Hon Titi Oseni was claimed to have informed the oath-taking by some of the House members. As observed elsewhere in this work, the unexpected loss of eleven members necessitated the oath-taking by the other members (precisely of the G15 faction) as a way of securing mutual loyalty, and to avoid possible disintegration.

The legislature's operation was mired by intra-institutional disorder and primitive disposition of legislative responsibilities. With no clear-cut party ideology as a unifying force, members threw caution to the winds, discountenanced every sense of direction and worked at cross-purposes. There was crisis of confidence among legislators on the one hand and between the legislature and the executive on the other hand. The legislature also

suffered from the presidential burden of the outgoing President, Olusegun Obasanjo who was a major factor in the legislative-executive relations crisis. There was a dearth of infrastructure that could have also facilitated meaningful legislative activities. The legislature was basically uncoordinated and ineffective.

In sum, the legislature was largely not autonomous from the executive. This was essentially because the legislature suffered from poor capacity and a legitimacy deficit that ensued from its members' nomination and selection processes. The basic rules that could have enhanced independent actions on the part of the legislature were established during the latter part of the fifth Assembly. The attempt by the sixth Assembly to breathe life into its internal rules and constitutional powers pitched it against the executive.

The confrontation with the executive culminated in the fragmentation of the legislature, leading to crisis. Not only was the turnover of leadership of the legislature very high, turnover rate of membership was also quite high starving the legislature of the benefit of experience. From the survey, the performance of the legislature was quite low. Interaction between representatives and their constituencies remained very poor.

The legislature depended on the executive for financial and human resources. To enhance autonomy, the fifth legislature passed two laws that could not be implemented: a law for the establishment of the House of Assembly Service Commission, and a Self-Accounting law. Executive dominance, lack of expertise and facilities, political will, cohesion, and the passivity of a disenchanting citizenry were perceived to have adversely affected the legislature. The legislature experienced high turnover of membership and leadership. It moved regressively from being marginal in the fourth, to rubber stamp in the fifth, embroiled in internal crisis and ultimately became fragmented in the sixth assembly.

The sixth assembly had three Speakers, disregarding due process, and was immersed in conflicts over allegiance to the governor, involving accusations and counter accusations of cultic oath-taking. Excluding money bills, the legislature was ineffective in law-making as most bills passed into laws were executive initiated. The fourth legislature passed 30 bills, the fifth 50, and the sixth 51 bills. Eighteen, 33, and 28 of these bills were executive bills respectively.

The State legislature suffered from executive dominance, as it could not advance its organisational work process, and was ineffective in representation and oversight. The legislature was less institutionalised, static, stable and immutable. It could generally be characterised as weak, subservient and fragmented. The legislature should seek autonomy in human and material resources to become effective.

## CHAPTER FIVE

### The Ogun State Legislature: Issues and Challenges

#### 5.0 Preamble

In this chapter, the challenges facing the Ogun State House of Assembly shall be discussed. It seeks to identify and analyse issues and challenges that constituted cogs in the wheel of the legislature's effectiveness and institutionalisation.

#### 5.1 The Legislature's Effectiveness

Derivable from readings, surveys and interviews were issues and factors which hampered the effective performance of the legislature during the legislative terms 1999-2003, 2003-2007, and 2007-2011. The identifiable issues and challenges included but were not limited to: autonomous civic culture deficit, defective party structure, lack of virile opposition, the nature of politics, intervening Variables, dearth of vibrant middle class, public trust versus loyalty to the chief executive; politics, culture and society; federal system, state security and crisis management, Ogun State intra-party (PDP) leadership crisis, and election-related issues, to mention a few. These shall be discussed in detail below.

##### 5.1.1 Defective Party Structure

This came to the fore during the period 2003-2007, and 2007-2011 respectively. The party in power in Ogun State, the Peoples Democratic Party (PDP), lacked the requisite structure vis-à-vis the clear-cut programme, ideology or benchmark to support a virile party politics that could have ushered-in an enduring representative government, particularly at the subnational level of government. A major manifestation of this structural deficit was the palpable lack of effective internal mechanism for resolving conflict as well as the alleged appropriation and personalisation of the party machinery which was rife among party members (Nwokolo, 2009).<sup>98</sup> Besides party interference, there were accusations and

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<sup>98</sup> Speaking for the G-15 legislators, the chairman of the Assembly Committee on Information, Hon. Tokunboh Oshin, from Ijebu-North constituency, observed that rather than urging the Governor to address the issues raised by the lawmakers, his "hirelings" were playing the script of their paymaster, blackmailing and

counter-accusations of non-adherence to party rules by actors, thus complicating the enforcement of compliance to party orders and rules.

### 5.1.2 Intra-Party (PDP) Leadership Crisis

The State legislature was also a victim of the endemic confusion and crisis of confidence within the ruling party, the PDP. Ogun State is home to some of Nigeria's most civilized and enlightened citizens though, but the intra-party crisis within the ruling PDP between 2007 and 2011 however exposed the weaknesses of the State's party structure and leaders. This was more so that the Elders' Forum within the PDP was unable to reconcile factions within the leadership of the party, mediate in the crisis and call all sides within the party and the State Government to order (Oropo, 2009). A faction of the Elders' Forum led by Chief Sule Onabiyi argued that the PDP was synonymous with Governor Daniel and his group of loyalists to which all well-meaning party members were expected to belong (Bamidele, 2009).<sup>99</sup>

The perceived overbearing influence of the Governor, as opposed to thriving internal democracy built on mutual trust, was meant to foster personal interest and ambition. A major grouse of the anti-Daniel group was his alleged interference with the outcome of the party's congresses held across the State in April 2007, and the

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threatening the G-15. According to Oshin, the action of the leaders of the party given to holding rallies for the governor against the lawmakers was reprehensible and a sad reminder of the era of the late General Sanni Abacha, when people collected money to organize and participate in a One-million-man march in support of the military dictator. He claimed further that; "We are focused, resolute and remain undaunted in our chosen path. We will not allow ourselves to be intimidated or cowed to do otherwise. We are bound by the constitution to do our job. Nobody is sponsoring our resolve to follow the cause we have chosen for ourselves. "It is the ineptitude of the executive that lured us into this and we are not relenting. They have sent their juju and thugs after us but that is not the solution. As long as he abides by the laws and constitution and follow the spirit, letters and principles of the rule of law and constitution of PDP, there will be no problem. But if he deviates from any of it, we have to do what is necessary... to free Ogun people and the state from the grips of a modern-day Pharaoh. Ernest Nwokolo: Lagos: The Nation, *Sunday, March 1, 2009. pp.1 & 8*

<sup>99</sup> Chief Sule Onabiyi accused Governor Gbenga Daniel of high-handedness as well as meddlesomeness in the affairs of the State Assembly and said the elders would not stop opposing the Governor if there was no internal democracy within the party. He explained further that the elders were angry with the Governor because Daniel hijacked the party in the State. He said Daniel became uncontrollable shortly after emerging Governor in 2003. This faction of the Elders' Caucus led by Alhaji Sule Onabiyi comprised Dr. Doyin Okupe, former Special Assistant to the President; and Alhaji Jubril Martins-Kuye, former Minister of State for Finance, among others (*The News*, March 30, 2009, p.21).

marginalisation of some party members as well as intimidation and violence, which have characterised the activities of the PDP in the State.

The group accused the Governor of imposing members of executive officials on the party at the Ward, Local government, and State levels of the party hierarchy.<sup>100</sup> It also linked the crisis within the State's House of Assembly and its inability to reconvene with the State executive's inability to guarantee the safety and security of members of the Assembly (Bamidele, 2009).<sup>101</sup>

It is noteworthy that the crisis within the State chapter of the PDP gave rise to the pro- and anti-Governor's factions and camps of party members. The anti-Governor's group included the Elders' Caucus and The G-15 comprising members of the State Assembly led by Tunji Egbetokun, Dimeji Bankole, Speaker of the Federal House of Representatives, Sharafa Tunji Ishola who was a former Federal Minister, Senator Iyabo Obasanjo-Bello, Senator Jubril Martins-Kuye, Alhaji Sule Onabiyi who was the Chairman, Council of Elders, Dr. Doyin Okupe and Senator Lekan Mustapha and so on (Salaudeen, 2009).<sup>102</sup> The pro-Governor's group in the crisis included Chief Joju Fadairo, State Chairman of the PDP, Titi Oseni, Chiefs Bisiriyu Popoola, and Agboola Alausa, Senators Kola Bajomo, and Bode Mustapha, Deji Kalejaiye, PDP Director of Organisation/Publicity, and the G-11 factional members of the State Assembly loyal to the Governor (Bamidele, 2009).

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<sup>100</sup> Through his loyalists and aides, Daniel has consistently denied handpicking delegates and candidates in the last congresses held in the state. Deji Kalejaiye, PDP Director of Organisation/Publicity, told this magazine that allegations that the Governor handpicked delegates were false. He said it was impossible for a single person to handpick party officials in all the 236 wards and 20 local councils of the State (*The News*, March 30, 2009, p.21).

<sup>101</sup> Doyin Okupe recalled that on February 26, the former Special Adviser to the Speaker of the House, Fatai Osholake, was attacked at Egbeda in Obafemi/Owode Local Government Area. He added that men identified as officials of Abeokuta South Local Government Area recently attacked the mother of the Speaker of the House of Representatives, Dimeji Bankole (Bamidele Johnson: "Governor Gbenga Daniel of Ogun State had his back to the Wall, as an Amalgam of Forces moves to Knock the Stuffing out of Him." Lagos: *The News*, March 30, 2009, p.21).

<sup>102</sup> Chairman, Council of Elders, Alhaji Sule Onabiyi, insisted that: "we remain resolute on our demands for peaceful resolution of the crisis as presented to the National Working Committee (NWC) of our party in Abuja. "Our demands include restoration of internal democracy in Ogun PDP; dissolution of the party executives from ward to state levels; adherence to due process in governance; guarantee of security of lives and property in Ogun State and respect for elders of the party" (Salaudeen, Leke: Lagos: *The Nation*, Monday, March 16, 2009, p.)

This development was corroborated by the Governor's assertion, as he recall that when the Party National Working Committee summoned all stakeholders on Ogun State politics of disquiet to Abuja to sort out the differences on Monday, March 16, 2009;

Chief Jubril Martins Kuye clearly emerged as the arrowhead of the opposition that was at the centre of the rumblings within the House of Assembly, with implication for the peace of the state. It is not impossible that he stands as proxy for bigger man. But given his status and long standing engagement in party politics of Ogun State, he may well represent his own interest, a General with his own mobilized troops while his Commanding Officer is a Chief of General Staff (Daniel, 2011: 418).

He also adds that:

His coronation was at the shooting efforts of the National Working Committee of the Peoples' Democratic Party (PDP) where he led the other factions in the House of Assembly and other stakeholders united against the governor of Ogun State, Otunba Gbenga Daniel. To demonstrate his power Chief Kuye exercised the mandate bestowed on him as the 'leading leader' to prosecute me, under four charges to wit, marginalization of other stakeholders in the state, exclusion of other stakeholders in the state from party affairs, initiator and execution of violence against perceived enemies of the governor in the state, and insolence of dissenting view points. He then chose three people in the persons of my former commissioner for agriculture, Waliu Taiwo, my former Secretary to the State Government and former Minister of Power and Energy, Alhaji Tunji Ishola and a senator of the Federal Republic of Nigeria, Senator Lekan Mustapha, to speak on the four allegations leveled against me. Witnesses assembled against me included members of the so-called G15, Senator Iyabo Obasanjo-Billo, Hon. Akinlade who represented Yewa South and Ipokia Federal Constituency at the House of Representatives<sup>103</sup> (Daniel, 2011: 419).

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<sup>103</sup> One thing that struck me at this supposed trouble-shooting meeting was the sartorial taste of those who came in to accuse me of violence. In the first place there was an element of deceit in the very conduct of its leadership, especially Chief Jubril Martins Kuye, with whom I had earlier-on, prior to the Abuja meeting, met with, and who has assured me he would not be part of the so-called faction that had teamed up against OGD in Ogun State. Not only did Senator Martins Kuye appear in Abuja, he was in the same attire with the rebellious group. While we the 'accused', the trouble-maker appeared in all-white apparel, with Yoruba cap made with Yoruba *aso etu fabric*, a symbol of peace and good conduct, our 'prosecutors' chose a cap made of fire-red, signifying war. I was amazed at their choice of colour. Because there were non issues in the series of allegations leveled against me, none could be established before the party leadership at the national level (Daniel, 2011 pp.420-421).

### 5.1.3 Lack of Virile Opposition:

The State was bereft of virile opposition that could have offered credible alternative policy options to the government. With a near absolute majority, except on politics and election-related issues, the Alliance for Democracy (AD)-dominated fourth Assembly (1999-2003) was not challenged by the major opposition parties, the All People's Party (APP) and the PDP at the time. Similarly, the PDP- dominated fifth and sixth Assemblies were neither challenged by any credible and formidable opposition for example, the Action Congress of Nigeria (ACN) and the Labour Party (LP) at the time. This was a disincentive to effective legislative performance (Nwokolo, 2009).<sup>104</sup>

### 5.1.4 The Nature of Politics

Ogun State also manifested what Richard Joseph describes as “prebendal politics” with its attendant consequences. Representative party politics was characterised by enticement, penny attraction and the appropriation of public goods for private gains (Joseph, 1987).<sup>105</sup> Reflective of the pre-eminence of informal rules of engagement,

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<sup>104</sup> This was better captured by former Deputy Governor of Ogun State (under Governor Osoba 1999-2003), Alhaji Sefiu Adegbeniga Kaka, who was also governorship candidate of the Democratic Peoples Alliance in the 2007 election. He posited thus that; ...sincerely speaking, we have a serious problem at hand. Not only my party, not only myself; but the entire country and the entire state. The reason is so simple – we were all foolish when former President Olusegun Obasanjo was promoting what turned out to proliferation of political parties. Hence, we have 50 political parties, which is insanity. With the monster of the People Democratic Party (PDP) desecrating our lands, the only option left is for the majority, the key opposition members to come together under one umbrella to confront the monster of PDP. That is the only way we can checkmate them, either in Ogun State or at the Federal Government level. You would discover that after the 2007 election we have not been having any election. All the local government elections held, the outcome was already known. In Plateau State, it was terrible, while over 1000 people died, the authorities claimed over 200. Even at 200 must we have such a thing? These are the problems. If we are not careful, it is the PDP that will bury Nigeria, if Nigeria does not bury the PDP fast (Nwokolo Ernest. Lagos: *The Nation, Sunday, March 1, 2009 pp. 74 & 76*)

<sup>105</sup> Richard, Joseph. 1987. Democracy and Prebendal Politics in Nigeria: The Rise and Fall of the Second Republic (Ibadan: Spectrum Books Limited), p.85-86 He maintained the immense facilities the Nigerian state offers in assisting private primary accumulation renders its capacity to promote the general interest a secondary and derivative one. Members of Nigeria's dominant class whose activities are so focused on the state have a great interest in ethno-clientelism as part of their own self-promotion. The attitudes that underlie prebendalism enable them to function simultaneously along the axes of self, class and communal interests.

supposed community leaders, particularly the traditional rulers and chiefs, obstructed the institution of representative government. This they did by serving as spokespersons for, and protecting the interest of the Governor rather than permit the application of universal rules of engagement. Legislators were often summoned by traditional rulers at the instance of the Governor resulting in blackmail or unhealthy truce and compromises.

The manner of emergence of members through recommendation, nomination and selection by privileged individuals, few influential figures and godfathers also call to question legislators' credentials. In addition to this was the fact that the political space was largely 'clientelistic' with little or no incentive for legislators to invest in 'legislative professionalisation', party cohesion, or policy development as opposed to what is obtainable in a 'programmatic' context. As a 'clientelistic' environment, commitment to legislative oversight was secondary after the pursuit of patronage from the executive branch. This was more so that legislators do not require effective oversight to further their representative credentials and political careers.

### **5.1.5 Politics, Culture and Society**

Fieldwork shows that among various moves by the executive to browbeat legislators were alleged attempts to lure the leadership of the party that was loyal to it to prevail on the constituents of dissenting State legislators to initiate their recall in line with Section 110 of the Constitution. The Governor also initiated peace moves through some notable leaders, including Senator Martins-Kuye, with whom he had earlier mend fences. He sought the support of the paramount rulers and chiefs in the State, including the Awujale of Ijebuland (Nwokolo, 2009)<sup>106</sup>, the Akarigbo of Remoland, and the Olu of Yewaland to reconcile the

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Such a system has been made to albeit at the cost of political stability, economic development and social justice.

<sup>106</sup> Spirited efforts by the Awujale of Ijebuland, Oba Sikiru Kayode Adetona, to resolve the crisis between Governor Gbenga Daniel and the legislators over alleged impeachment plot by the state lawmakers failed completely. The G-15, a group of the lawmakers had threatened to serve the Governor an impeachment notice if he fails to implement laws passed by the state since 2003. One of such meetings to reconcile Daniel with the legislators was boycotted by the G-15 lawmakers who cited "security reasons and the peculiar nature of the Governor" as reasons for shunning the meeting scheduled for Friday 27<sup>th</sup> February 2009 at the palace of Oba Adetona in Ijebu-Ode. When Awujale contacted the Speaker, Honourable Samson Tunji Egbetokun, to know why he and his members could not show up at the reconciliatory meeting, the lawmakers responded that they could not honour the invitation in the circumstance they found themselves, as similar efforts in the past collapsed because the Governor rarely honoured his part of agreements reached. The Speaker reiterated their

warring factions and parties to the crisis (*Great Achiever Magazine*, No. 27, Nov-Dec, 2010, pp.6-11). It also sought the support of the Alake of Egbaland to assist in resolving the festering differences between the Governor and Senators Iyabo Obasanjo-Bello and Sarafa Tunji Ishola, both of whom were considered very instrumental in the lawmakers' 'recalcitrant' posture as well as the Ebumawe of Ago Iwoye, the hometown of Senator Martins-Kuye. The Governor again met with Martins-Kuye and pleaded with him to help placate Obasanjo-Bello and Sule Onabiyi (Bamidele, 2009).

The Governor furthered his peace moves by inviting lawmakers opposed to him to a meeting at the Government House in Abeokuta, although those invited declined the invitation (Bamidele, 2009). While the spirited efforts to resolve the intractable crisis within the legislature on the one hand and between the legislature and the executive on the other hand proved abortive, such efforts had the tendency of being exploited for purposes of blackmail and intimidation to the advantage of either side to the crisis at the expense of principles, extant rules, ethics and the constitution. Much the same was the tendency to readily compromise the confidence reposed in the legislators by the electorate and the collective interest of the electorates. The assemblage of these traditional rulers was also capable of negating the primary concerns of the legislators by undermining their effectiveness in the legislature in a polity such as ours.<sup>107</sup>

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utmost respect for the Awujale but had to decline attendance. In addition to this he claimed that: "I was not officially invited... If I attend and anything untoward happens to me what do I lay claim to? Besides, the Governor through the state Attorney-General had in newspaper advertorials attacked me and my colleagues same day the meeting was called. Where is genuine effort towards reconciliation with things like that? We are used to his antics. He will use his weak left hand to seek peace parley and at the same time use his strong right hand to wage war against me and others. We are not fooled anymore. I respect the Awujale and his effort and that of other Obas from Yewa, but there should seriousness from whomever that seeks reconciliation" (Nwokolo Ernest. Lagos: *The Nation*, Sunday, March 1, 2009 pp1 & 8)

<sup>107</sup> All the PDP chairmen in the 20 local councils in the state expressed their support to the Assembly's new leadership. Their press statement reads: "The albatross called G-15 (Egbetokun's faction) has precipitated one form of crisis or the other using the Lagos axis print and electronic media to dish out falsehood, spurious allegations, painting a gloomy picture of the financial strength of the government and orchestrating a deliberate attempt to dent the image of our visionary Governor and thereby slowing down the speed and progress of the state." They described the development in the House as divine intervention and also predicated their disposition on the argument that: "all entreaties, overtures, appeals, dialogues by well-meaning citizens of Ogun State, royal fathers, elders' councils, senior citizens, party stalwarts, market women, labour and civil society organisations to make the G-15 reason and toe the path of honour, failed" (*The Guardian*, Wednesday, September, 8, 2010, pp.1-2)

### 5.1.6 Election-Related Issues

From the legislators' account, election of members into the State Assembly was fraught with compromises. For example, the G-11 admitted that the respective successes recorded by all the legislators at the polls were made possible through the goodwill, financial and logistic support provided by Governor Gbenga Daniel during the 2007 elections. It must be noted that virtually all their campaign posters bore the complementary pictures (as inserts) of Governor Daniel during his re-election campaign for second term of office as a mark of patronage and loyalty (*Great Achiever Magazine*, No 27, Nov-Dec, 2010, pp.6-11). As noted earlier in this work, this position was also corroborated by Governor Daniel's confession to the deployment of his political machinery towards the success of Mrs. Titi Oseni at the poll and on the floor of the Assembly during her quest for speakership. Legislators therefore owe their services, obedience and loyalty to the executive in all circumstances.

Closely related to the above was the **Post-2011** politics and relevance of key actors in the politics of Ogun State. The crisis within the legislature and the PDP was also alleged to be associated with the personal ego of the Governor and prominent sympathetic party leaders within the PDP. Anti-executive actors in the crisis differ on the Governor's approach to politics, which was characterised by intolerance and high-handedness, even though they admitted his favourable governance credentials during his first term in office, i.e. (2003-2007). This was against the background of the politically peaceful nature of the State over the years. The opposition camp within the PDP therefore heaped all the blame for the crisis on the Governor and the party as chief proponents of the 2011 ambition. To this, the Governor observed for example that:

The removal of Titi Oseni, the first female Speaker of an Ogun State legislature, which, ordinarily, was within the competence of any legislative house, was to set in motion its own course of events, whose trajectory the prime movers themselves may not have foreseen. It redefined the character of some of the hitherto leading lights in our polity. Yet, for some of us and that include my humble self, our error of judgment in respect of some of the decisions we had taken, ostensibly in the interest of our nascent democracy, was clearly shown. I was to learn that Mrs. Oseni's removal was to pave the way for my removal as governor. The idea, as I later learnt from those who were privy to the scheme, was to get my deputy enthroned as governor and the move was to present a *fait accompli* to the politics of Yewa/Awori gubernatorial aspiration; that there was no more a section of the state that was being marginalized by being denied the highest office in the state. There may have been external promoters but I guess the external forces only came

to fish in trouble waters with their own strategic objectives to achieve (Daniel, 2011: 435).

This belief was given credence by the Governor's disposition to having a successor from Yewa zone of the State. The idea of having an anointed candidate was interpreted by the opposition, even outside the ruling party, as an attempt to cover up perceived inefficiency in the administration of the State beyond 2011. Members opposed to the Governor's position also argued that although they were not averse to the State producing a Governor of Yewa extraction in 2011, they however queried an alleged attempt at imposing a candidate on the entire people of Ogun State<sup>108</sup> (Oropo, 2009).<sup>109</sup> Thus, pre and post elections politics and issues around the identified personal ambitions and aspirations fuelled the intra-institutional crisis much the same as the legislature-executive relations.<sup>110</sup>

#### **5.1.7 Dearth of Vibrant Middle Class**

A major disincentive to a virile representative government is the pre-eminence of minority voice in all circumstances. Ogun residents in active politics and government constitute a relatively small fraction of the entire populace. Yet, this category of individuals

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<sup>108</sup> Daniel had argued severally that the legislators were being used by those opposed to his plan to facilitate the emergence of a governor from the Ogun West Senatorial District, otherwise called the Yewa-Awori Division (*The News*, March 30, 2009, p.21).

<sup>109</sup> Kamal Tayo Oropo: "Ogun State: Rumpus in the Gateway: Blame Chief Security Officer of the State, Says Kaka - Elders in the State are Compromised; Governorship in 2011 can't be Imposed." Lagos: *The Guardian*, Sunday, March 1, 2009 pp.74 - 76.

<sup>110</sup> Deji Kalejaiye, PDP Publicity Secretary, once argued that Daniel was a democrat, as evidenced by the case involving one Senator Tunde Osholake, who was removed as the Chairman of the party in Ogun Central Senatorial District and replaced by Bode Mustapha. The reason for Osholake's removal was the unexpected emergence of Egbetokun as the replacement for the impeached Speaker, Titi Oseni. Both Osholake and Egbetokun hail from Obafemi/Owode Local Government Area while, Mustapha is from Odeda. But a section of the party kicked against the arrangement and took the case to the national leadership of the party, which directed that Osholake be reinstated because he was elected at congress. Kalejaiye said the fact that the party complied with the directive showed that he was committed to democratic principles. Kalejaiye argued that the fidelity of the congresses could not be questioned because they were superintended by a "credible" figure in the person of Alhaji Ibrahim Mantu, former Deputy Senate President, and ratified by the Independent National Electoral Commission, (INEC). He also credited the Governor and the party leadership in the state with conceding a lot to ensure the return of peace through the halting of the recall of G-15 members by their constituencies and lifting of the suspension of members thought to have contravened party regulations (*The News*, March 30, 2009, p.21).

was the most vibrant and most ambitious. Beyond literacy, it is the most patronised and with the greatest access to the media. Whereas the world over, the middle class constitutes the driving force for change, this class of the citizenry was in the minority in Ogun State. The bulk of the seemingly active residents are either in the public service, and therefore less disposed to anti-government action, or are individuals whose major preoccupation was with subsistence living. Therefore, representatives rarely have any sense of responsibility and accountability to their constituents except to a clique of benefactors or godfathers.

### **5.1.8 Intervening Variables**

Among other intervening variables that came to the fore during the 2007-2011 legislative term were the pre-eminence of influence of traditional patterns, institutions and practices including secret oath-taking and cultic practices. There were allegations and counter-allegations of existing secret oaths and agreements within the legislature on the one hand and between the Governor and the legislators on the other hand. The State House of Assembly was alleged to be characterised with cultism as confirmed by the newspaper interview granted by Titi Shodunke-Oseni, former Speaker and similar reports in the media. High level of poverty and the defective state system also bred unhealthy compromises among the representatives and the citizenry. To this Titi Oseni stressed further:

We sat down and discussed things but I was dealing with people who have committed themselves to so many fetish things; oath taking and the likes. And when you see people who had gone to such an extent just to remove the Speaker, you begin to wonder what this is all about. You see people saying if they reneged they would all die. Who wants 15 or 20 people dead in Ogun State just because of an office that one would leave one day, whether you like it or not? So, I guess the best option is you rather let them be; let them go ahead and do it. That was why the governor could not do much. They said they had taken oath and if they reversed it, they would all die. I was there. The traditional rulers were there; the Awujale of Ijebu land, Oba Sikiru Adetona was there, Oba Gbadebo was there and many leaders. They said the oath was so deep. They mentioned those people surrounding their oaths. You just had to let them be, rather than have a situation in your hand where the state would have to be burying its legislators one after the other. Only they know the nature of the oaths they were sworn (Oropo, 2009).<sup>111</sup>

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<sup>111</sup> Oropo, Kamal Tayo: "Those Challenging the Governor Ignorant of Constitution – Oseni." Lagos: The Guardian, Sunday, March 1, 2009 pp.74-76.

### 5.1.9 Federal System, State Security and Crisis Management

The issue of security and the command structure of the Nigeria Police Force (NPF) came into focus as the Governor is constitutionally recognised as the Chief Security Officer (CSO) of the State by virtue of Sections 214-216 of the Constitution. The G-15 alerted the Federal Government and requested its intervention in the crisis through a petition it forwarded to the National Assembly. The petition, among other things, claimed that the State Commissioner of Police had sealed off the State Assembly complex and refused to provide security for dissenting legislators, thereby preventing the legislators from sitting. It would be recalled that the House went on an indefinite closure on March 4, 2010 when thugs suspected to be loyal to the Governor invaded the Assembly Complex to prevent a sitting of members and the Assembly could not reconvene thereafter (Bamidele, 2009; Oropo, 2009).<sup>112</sup>

The attack by the thugs was informed by the suspension of Rt. Hon. Titi Oseni, the former Speaker of the House as well as Hon. Isaac Solaja, representing Ikenne Constituency, both of whom were loyalists of the Governor. The suspension of the duo resulted in a free-for-all. The G-11 suspected that the suspension of the two legislators signalled the resolve of the House under Egbetokun's leadership to commence impeachment proceedings against the governor (Bamidele, 2009).<sup>113</sup> The G-15 alleged blackmail, intimidation and harassment from the executive over attempts to investigate the debts owed by the State Government among other charges (Oropo, 2009).

Perhaps, to clear itself of insinuations of possible personal grouse with the Governor, the group acknowledged the performance of the Governor, particularly in the area of infrastructure development during his first term in office, 2003-2007. It nonetheless noted that success in office must be all-encompassing to include being good at managing

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<sup>112</sup> The next day, Mr. Emmanuel Ayeni, then Commissioner of Police, and his deputy, Okey Ikemefuna, were redeployed from the State, following complaints by the Governor's opponents that they had been biased in their handling of the crisis in the State (*The News*, March 30, 2009, p.21).

<sup>113</sup> In between, Governor Daniel sacked Waliu Taiwo as Commissioner for Agriculture, for suspected romance with the G-15 led by Tunji Egbetokun. Taiwo, who alleged that he was sacked because he confronted the Governor on his anti-democratic tendencies, was attacked by thugs at his residence (*The News*, March 30, 2009, p.21).

crisis, a quality the Governor lacked in G-15 members' estimation and a factor that eventually fuelled the crisis beyond every party's estimation (Oropo, 2009).<sup>114</sup>

It was also instructive that there was no record of concrete intervention by the Federal authorities particularly in the area of ensuring that the House reconvenes to perform its constitutionally assigned roles. This was despite the assistance sought from the National Assembly and the Presidency through series of correspondence from the two factions and public exchanges from both ends.<sup>115</sup> It was also a distasteful precedence, a test case for constitutional government and the Nigerian federalism that the Assembly was not able to reconvene as a full House throughout the remaining part of the legislative term 2007 – 2011 (Ojiabor, and Nwokolo, 2010).<sup>116</sup>

#### **5.1.10 Disenchanted Populace**

Generally, Ogun residents appear traumatised, a typical feature of the prevailing religious, tribal, and associational sentiments. Residents have been stereotyped perhaps to believing that politics is an exclusive preserve of certain individuals or groups of individuals.

#### **5.1.11 Autonomous Civic Culture**

Closely linked to the above was the absence of an autonomous civic culture, a factor that has had significant implication for the effective functioning of the legislature. Individually or collectively, Ogun State people have not posed a major challenge to their elected representatives through any of the avenues for the ventilation of grievances or calling their representatives to account for their actions or inactions except for pockets of elitist outbursts. Hence, no incentives for the legislators to perform effectively (Section 110

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<sup>114</sup> Kamal Tayo Oropo: "Our Problem With Daniel, By Deputy Speaker: Yes, Daniel has performed but his Crisis Management is Poor; Threat to our Lives is Real." Lagos: *The Guardian*, Sunday, March 1, 2009, pp. 75-76.

<sup>115</sup> As things stand, there was no indication of any meaningful resolution of the crisis in the interest of residents of Ogun State.

<sup>116</sup> "Your Excellency Sir, we wish to reiterate that if extraordinary measures are not urgently taken to address the above, the Ogun State House of Assembly may not be able to perform its constitutional responsibilities for the rest of the tenure of this administration." Apart from President Jonathan, the letter was copied to the President of the Senate, Speaker of the House of Representatives, National Security Adviser to the President, Director-General of the State Security Service (SSS) and Inspector-General of Police (Ojiabor, Onyedi, and Nwokolo, Ernest. Lagos: *The Nation*, Saturday, August 28, 2010, p.5).

makes provisions for recall of representatives found wanting). The implication of this was the lackluster deployment of organised platforms for the conscious sociopolitical engineering and the attendant deficit of civic spirit which is a desirable condition for viable democratic spirit in the citizenry.

#### **5.1.11.1 Group Action**

Besides voting, political rally represents an avenue for mass action for or against government policies and programmes. Political rallies are also platforms for mobilising people's support as well as for political engineering where party candidates are presented, party manifestoes are reeled out to the public and where people's support is galvanised for anticipated political actions like elections, debates and referendum. An average of six in ten (62.8 per cent) of respondents responded "No" to participation in public affairs through attending political meetings or rallies. This was borne out of the feelings that respondents did not have faith in collective mass action for reasons ranging from insecurity to intimidation and harassment from powers that be.

Alao Adedayo and Johnson Ogunbanwo were however of the opinion that Ogun residents were rather too complacent and concerned with subsistence living than getting involved in any group action, political party meeting or rally that would likely be beneficial to a handful of individuals in the long run. An average of five in ten (57 per cent) of respondents did not subscribe to participation in public affairs through group action. Eight in ten (83.3 per cent) of respondents also responded "No" to participation in public affairs through writing to a newspaper. This was in spite of the many print media houses in Ogun State as well as the adjoining States of Lagos and Oyo, an axis held in highest esteem as the media hub of Nigeria. The inaction and seeming complacency on the part of the people was rightly construed by Edward Odugbesan. He was of the view that the absence of protest by the people signified popular approval of the reigning divide-and-rule politics that was the hallmark of representative government in Ogun State.

#### **5.1.11.2 Membership of Association, Union or Club**

Being a member of cooperative association or union offers an opportunity for the citizenry to get familiar with politics at the micro level and much the same engenders considerable civic spirit. A relatively high figure of 57.7 per cent of respondents responded "No" to participation in public affairs through being an active member of any cooperative/farmers association while three in ten representing 33.6 per cent of the

respondents admitted participation in public affairs through being a member of one co-operative/farmers association or the other. Another (relatively low 30.2 per cent) admitted participation in public affairs through being an active member of a business association as against 69.3 per cent that responded “No” to the same question. An average of four in ten (42.2 per cent) of respondents responded “Yes” while 57.6 per cent responded “No” to participation in public affairs through being an active member of a trade union.

Conversely, six in ten (60.9 per cent) of respondents responded “Yes” to participation in public affairs through being an active member of one professional association or the other. This development was ascribed to the incidence of career development, professional calling or administrative requirement both in the private and public sectors of Ogun State. The implication of this was that there was no effective deployment of identified organised platforms for the conscious socio-political engineering of the citizenry and the attendant civic spirit, which is a desirable condition for viable democratic spirit in the citizenry.

### **5.1.11.3 Sources of Information available to Ogun Residents**

In recognition of the centrality of information to people’s participation in the political process, respondents were polled on the sources of information available to them on government and governance in Ogun State. Findings reveal that respondents’ main source of news and information was the internet particularly the social media like facebook, websites, and search engines with eight in ten (80 per cent) of respondents affirming their heavy reliance on the internet for information about government and governance in Ogun State. Also of significance were private discussions with friends, family members and colleagues. An average of seven in ten (77.8 per cent) of respondents prefer to discuss public affairs with friends, family members or colleagues.

There was a balance in the recourse to the largely government-owned electronic media establishments and privately owned print and electronic media. Seven in ten (70.5 per cent) of the respondents responded “Yes” to patronising government-owned television stations; six in ten (61.0 per cent) patronising government-owned radio; six in ten (60 per cent) privately owned television and an average of six in ten (60.6 per cent) respondents equally patronising privately owned newspapers to get information on government and governance in Ogun State.

This was in spite of the seeming dominance of the State Government in the electronic media in Ogun State. Major means of communication were radio and television stations owned by the State and Federal Governments. These include the Gateway Broadcasting Corporation made up of Gateway Television (GTV) and Gateway Radio (AM and FM), the Nigerian Television Authority (NTA) Abeokuta and Ijebu-Ode as well as the Paramount FM, Abeokuta, one of the outreach stations of the Federal Radio Corporation of Nigeria (FRCN).

This advantage was largely credited to the proximity of Ogun State to Lagos and Oyo States and the attendant flow of information from media houses in these adjoining states respectively. As at the time of this report, except those that were appendages of the Federal Government-owned media houses, the radio and television stations in Ogun State were owned largely by the State Government. Residents however enjoy good reception of quite a number of the privately owned radio and television stations operating from Lagos and Oyo states. Virtually all the privately owned print media houses (newspapers) also enjoy considerable circulation of their publications across the major towns and cities in Ogun State. These include: Tribune, Compass, The Guardian, The Punch, Vanguard, The Nation, Daily Sun, TELL, and, The News magazines, *Alaroye*, *Akede Agbaye*, *Alariya* (Yoruba language newspapers), to mention but a few.

The ease with which newspapers get to the people of Ogun State is one major factor that accounts for wide readership of newspapers. Another significant factor is the fact that some newspapers are published in Yoruba, a widely spoken indigenous language. These include *Alaroye*, *Akede Agbaye* and, most recently, *Alariya*, all of which further enhance public access to information on government and governance. These indigenous language newspapers have helped to bridge the information gap, literacy as well as rural-urban divides among respondents.

An appreciable percentage of respondents also admitted talking about politics with family, friends and colleagues on a regular basis and at the slightest opportunities. Such discussions were commonplace in urban and rural areas across sexes and ages. Implicitly, successive governments and ruling parties during the period under review, were clearly at disadvantage when it comes to concealing or manipulating vital information on government policy, performance and or service delivery. In other words, there were limits to the extent of information on happenings in government can be concealed from the prying eyes of the public. This also has a lot to do with the level of enlightenment and sophistication of residents in relative terms especially with the opening-up of the political space. Also of

significance was the preponderance of broader avenue for dissenting views as well as the ventilation of grievances by the citizenry. Curiously however, this information advantage never translated into a concrete course of mass action on the part of the citizenry.

#### **5.1.12 Public Trust vs. Loyalty to the Executive**

Public declarations of members of the Assembly (2003-2007 and 2007-2011 in particular) on their line of command and direction of their loyalty attested to the fact that some of the legislators did not have the full grasp of their expected roles and responsibilities as trustees of the electorates. A major indicator of this role misconception was in the seeming inability of legislators to draw a clear line between loyalty to political party, institutions, interests, and individuals (Oropo, 2009).<sup>117</sup> For example, a faction of the legislators (G-11) publicly arrogated the role of security agencies in the State by claiming credit for being able to facilitate peace to the State. This group of legislators also boasted that they repaired roads and fixed bridges.

It was convenient for legislators to speak for the State Governor, sympathise with him for using his security vote and committing personal resources to fixing the State's infrastructure while berating their colleagues in the G-15 for cutting the State Government's budget. The G-11 grouse also included the fact that for the period that the G15 held sway in the Assembly, the House was only able to record resolutions and motions that sought to embarrass the government and the PDP in Ogun State as well as those

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<sup>117</sup> For example, in defending the Governor's action to have his choice candidate from Yewa as his successor, Edward Ayo-odugbesan, former Deputy Speaker to Rt Honourable Titi Oseni (2003-2008) representing Ijebu North-East (Atan) Local Government in the State House of Assembly was vehement. To him, Governor Daniel has been very tolerant and he would want to believe that this was part of the problem they had with other colleagues in G-15. According to Odugbesan, if the governor had been less tolerant of dissenting view, perhaps the Assembly would not have had some of the issues that led to the crisis. He asserted further thus: ... 'There are some of us who had been disciples of governor Daniel; there are some of us who have been involved since the days of zero party, way back in 1989/90, and we know that the arrangement or the understanding had been there that after the Ijebus, the Ogun East, would have had a shot at the governorship, after Governor Osoba, it would be the turn of Yewa-Awori to produce the governor. ... Then we started again when Governor Daniel came in 2003, we said it will be the turn of the Yewa people after the tenure of Governor Daniel. It was on this understanding that we, some of Daniel's disciples, stand. I want to tell you, and I make bold to say that it is the Yewa-Awori for 2011'. *The Guardian, Sunday, March 1, 2009. pp 75&76*

requesting to compel the Economic and Financial Crimes Commission (EFCC) to probe the State Government<sup>118</sup> (*Great Achiever Magazine*, No 27, Nov-Dec, 2010).

Against the spirit of the legislative institution, these Assembly members in their utterances and conduct not only compromised, but also succeeded in creating the impression that the issue at hand was far from the typical disagreement between and among colleagues but between some 'recalcitrant' colleagues and the State's Governor whose interest ought to take precedence over and above their representative calling. For example, while the legislature was unable to properly reconvene, a faction of the Assembly proceeded with the legislative activities not necessarily to act in line with the demands of their mandates as legislators but to do the bidding of the executive arm, particularly on such areas where legislative approvals were desirable in the circumstance (Oropo, 2009).<sup>119</sup>

The G-11 sees the public debate on the Bond as a way of embarrassing the government and a delay on the Bond application. It hinged its argument on the premise that public debate was not part of the process for Bond application, more so that it had no precedence in the history of Nigeria. To G-11, all that was required was for the Assembly to give a resolution approving of the State Government's plan to access the bond as proposed, a request the G-15 refused to grant in over two years! The G-11 therefore passed a resolution that empowered the executive to further action on the bond issue by approving the N100 billion in phases of N26 billion, N34 billion and N40 billion (*Great Achiever magazine*, No. 27, Nov-Dec, 2010). One of the legislators loyal to the Governor succinctly put the argument thus:

As someone close to the Governor what I think the Governor should have done, which he did not do and which is one of the reasons why we are having this problem in the House of Assembly, is that when this House was inaugurated, some of us were of the opinion that he should have his own group of loyalists. But the Governor, as a God-fearing, fair-minded person and as the leader of all in the party, told us that, 'no' he would not divide the

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<sup>118</sup> They were considered anti-people resolutions: A resolution that the EFCC should come and probe all commissioners; resolution refusing to approve a nominee of the Governor who signed all our nomination forms into the House, who retired from INEC and became PDP scribe, serving the party for almost eight years.

<sup>119</sup> The performance of the Governor is commendable. The State has become a model in the Federation. Today, when I look at what the State has become in terms of development and beauty that alone gladdens my heart. And whoever makes this happen will always be my friend. Ogun State is now up there. Of course, we have arguments over issues once in a while, but never to the level of making it a media event. I have a reputation to protect (*The Guardian*, Sunday, March 1, 2009, pp.74-76).

House. He said, 'look, I want to carry everybody along. If there are issues let us solve them together.' He wanted to carry everybody along as a father. Unfortunately, he did not know there were some elements masquerading as members of the PDP but who were, in fact, loyal to enemies of the party. That was why we found ourselves in this problem we are in today. If we are to do it again, I will insist that the Governor has his own loyalists. At least, to deny the members of having the two-third majority to carry out the impeachment of the Speaker and the Deputy or to attempt to impeach the governor, any Government should have its own loyalists in the Assembly (Oropo, 2009: 75-76).<sup>120</sup>

## **5.2. Institutionalisation of the Ogun State Legislature**

This section provides a comprehensive rundown of some of the identifiable issues and challenges that impeded the institutionalization of the Ogun State legislature along the line of initiation of independent action, structural composition with procedural underpinnings and available statutory and legal framework to domesticate, promote and enhance legislative global best practices.

### **5.2.1 Lack of Autonomy**

Another discernible challenge from development in the State legislature was the manifestation of seeming dependence on the executive over the years. Pointers to this were some of the contentious issues that the sixth Assembly and in particular the G15 under the leadership of Egbetokun was opposed to, and sought to 'correct'. One of these had to do with bringing the Constitution to bear on governance issues by implementing laws that were yet to be implemented by the State executive, particularly those that had direct bearing on the effective functioning of the State legislature as an autonomous institution inline with Section 101. These laws include the law guiding the manner of appointment of the Clerk of the State House of Assembly, the setting up of the Ogun State House of Assembly Service Commission, and the self-accounting law of Ogun State.

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<sup>120</sup> Perhaps people are reading the body-language of some of us, his disciples. And perhaps, people from Awori are selling their agenda, their candidacy and are appealing to the democratic conscience of the people of Ogun State that Ogun Central has produced the governor two or three times, Ogun East has produced the governor two or three times, let us produce the governor, at least just this once' (Oropo, Kamal Tayo: "Those Challenging the Governor Ignorant of Constitution – Oseni." Lagos: The Guardian, Sunday, March 1, 2009 pp.74& 76).

The Egbetokun group, (G-15) differs on the State executive's disposition to the appointment of Clerk of the Assembly, which was done by the executive without recourse to the legislature whose prerogative it is to appoint such officer in line with Section 93. Perhaps, the Governor must have leveraged on Section 310 and 311 transitional provisions in the Constitution. This was perceived as a calculated attempt to incapacitate the Assembly and make it subservient to the executive.<sup>121</sup> Rather than be at the mercy of the executive, the group reasoned that the provision of the Constitution on the setting up of the Assembly Service Commission (Section 101) should be followed to the letter. This was with a view to repositioning the State legislature to handle the recruitment, training and re-training of its staff and all such legislative matters independently (Oropo, 2009).<sup>122</sup>

Again, in the spirit of separation of powers, the Self-Accounting Law of Ogun State (No.5) 2003 was passed and assented to by the Governor. It provides that whatever stands in favour of the legislature in a financial year should be paid to the Assembly's Account on a monthly basis by the State's Accountant-General. The G-15 therefore joined issues with

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<sup>121</sup> Mr. Remmy Hazzan, representing Odogbolu State Constituency and Deputy Speaker (to Rt. Hon. Egbetokun) captures the capability of the State House of Assembly to discharge its statutory responsibility effectively and efficiently. There is a constitutional provision guiding the manner of appointment in the state says that the Clerk of the State House of Assembly shall be appointed in a manner prescribed by a law of the House of Assembly of the state. However, the appointment of the Clerks of Ogun State House of Assembly was done at the whims and caprices of the governor and based on his perception of who would carry out his orders. The intricacies of the jobs of the legislators are more in the hands of the career officers. Ours is just to offer the basic positions, they are the ones to see them through in the manner they should be done. The Clerk we met on the ground came there two years before we came in, he's still trying to grapple with the demands of the job. There is an experienced Director of Table whose tenure in service expired by reason of age some two months after we came in. We looked at all these and told ourselves something must be done. We had to engage this Director as a consultant after his retirement to train those who are just coming. The person who took over from him as Director of Table was also taken away. This is because they were perceived to have connived with us in changing the leadership of the House. At the end of the day that is more than incapacitating the House in doing its work as provided by the constitution. *The Guardian, Sunday, March 1, 2009 Pages 75 & 76*

<sup>122</sup> *ibid.* Rather than be at the mercy of the executive all the time, what that House of Assembly Service Commission Law sought to do was to position the House in a manner that it could design a way of recruitment, training and re-training of the staff of the House. The Service Commission may not be for this present crop of leadership, but at least it would re-position the House so that whoever is in the House will now know that everything that has to do with career officers of the House is with a recourse to the House of Assembly Service Commission. *The Guardian, Sunday, March 1, 2009 Pages 75 & 76*

the executive on the Accountant-General's failure to pay the amount due into the legislature's Account as stipulated by the Law, thus putting the Assembly at the mercy of the executive.

The G-15 disposition was in conflict with the practice during the previous leadership of the Assembly and in the chequered history of the State's legislative-executive relationship. The group insisted on a departure from this conventional practice of the legislature being at the mercy of the executive through the State's Commissioner of Finance, the Commissioner for Budget and the Accountant-General for the legislature to function effectively. Thus, failure of the executive to implement these laws amounted to constitutional breach, an action the G-15 considered misconduct and a breach of the constitutional oath by the executive (Oropo, 2009).

Consequent upon this, the G-15 passed Resolution '167' restraining the executive from dealing with the State's bankers' and allied institutions. The Resolution was meant to suspend all financial transactions with the Ogun State Government until the House directed otherwise. Compliance with this resolution affected investment drive, liquidity as well as the day-to-day functioning of the State Government. The G-15 also halted efforts by the State Government to access a bond at the Stock Market.

In reaction, the G-11 considered Resolution 167 to be a calculated attempt to ground the State Government. Members of the group reasoned that their colleagues acted in bad faith given the fact that the Assembly had earlier approved that the State Government proceed to access the Bond, its execution therefore must not be stalled on the alter of politics by the unwillingness of the executive to meet the demand of the G-15 for "bribe"<sup>123</sup>

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<sup>123</sup> Tunji Egbetokun however alleged in an interview with a reporter that he was offered N1 billion bribe to ensure passage of the proposal. Egbetokun claimed to have rejected the offer in the interest of the state and that opposition to the bond proposal was based on principles rather than the dictate of any external influence as being alleged. He alleged: "I have been offered about a N1 billion on this bond issue at a single meeting. I am not very rich, but I am comfortable." While he declined to mention who offered him the bribe, he insisted that for the proposal to scale through, it must be subjected to public debate during which officials of the Finance Ministry will answer questions. He stated challenged the executive further that: "We are not being remotely controlled by external forces. The moment they are able to convince us, we will get to the plenary and pass the bond. The easiest way to end this bond issue is through a public debate which should be aired on a state-owned television station." (*The Nation, Wednesday, August 25, 2010 Page 2*)

or some untoward demands on the executive<sup>124</sup> (*Great Achiever Magazine*, No 27 Nov-Dec, 2010).

#### **5.2.1.1 Executive Hegemony**

Again, this was more evident during the legislative period 2007-2011. The crisis between the G-15 and the State executive during this period could be understood from three different perspectives. A governor always at loggerheads with the party executive committees from the State to the political ward level as constituted at the time; a number of stakeholders in the ruling party who were displeased with the modus operandi of the frontline members and the leadership style of the party flag bearers; and a group of legislators that was determined to assert the legislature's autonomy and its constitutional recognition as a crucial institutional prerequisite in the representative government project (Oluokun, 2009).

Findings reveal that the State executive was not used to oversight challenges in the manner the sixth Assembly supposedly undertook the legislative initiative. It could therefore be infer that the State executive was not willing to submit itself to legislative oversight and this was more evident in the confusion that engulfed the Assembly two days to the public debate that was slated for September 8 2010 in furtherance of the legislative approval for the 100 billion Naira Bond being sought by the State executive.

The Assembly was also hindered from performing its constitutional oversight functions as the G15 argued that the executive consistently frustrated every request to the Auditor-General of the State to furnish the Assembly with details of all monies collected and disbursed, all receipts by the state from the Internally Generated Revenue (IGR) and the Federation Account for both the State and local governments as well as the audited account of Ogun State for 2003-2008. This was contrary to the law, which mandated the chief executive officer of the State to make the financial statements of the State public and the law that compels the Chief Executive of the State to furnish the Assembly with the same information (Salaudeen, and Oladesu, 2009)<sup>125</sup>. Deductive from the foregoing was the

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<sup>124</sup> Thus began a frosty relationship, which took a new dimension when the Governor accused the legislators of plotting to impeach him. The lawmakers denied the charge, but the Governor insisted and accused them of changing the House leadership because they wanted greater access to State funds, which he was not ready to make available (*The News*, March 30, 2009, pp.21).

<sup>125</sup> The legislators highlighted the executive's refusal to implement the House of Assembly Self Accounting Law which the Assembly passed in 2004. By the provisions of the law, the State Accountant-General must

executive comfort in the fractionalisation of the Assembly and the attendant divide-and-rule for coping with the legislature's perceived intransigence by the State executive.

### **5.2.1.2 The Personality of the Chief Executive/Governor**

While Governor Osoba wielded much power combined with party hegemony which the Alliance for Democracy enjoyed from 1999 to 2003, Governor Daniel was able to muster independent political will outside of, and beyond his party to command considerable followership, allegiance and obedience from a number of legislators during the 2003-2007 and 2007-2011 legislative terms. Closely related to the above was the excessive use of coercion, intimidation and harassment by the Governor to bring legislators to reckoning. This disposition, which was perceived as the desirable quest for supremacy, hindered the legislature from performing effectively. This was also a clear indication of the reality of Governor Daniel's view, perception, and interpretation of his role vis-à-vis the legislative-executive relationship. Discrete private sessions with the legislators often considered as a favour and privilege were laced with offers and compromises. Misunderstandings which culminated into crisis became public knowledge as agreements at such clandestine nocturnal meetings were considered breached and discountenanced.

## **5.2.2 Internal Complexity**

### **5.2.2.1 Leadership Challenge**

The State Assembly had to contend with leadership instability barely two years into its four-year legislative tenure, 2007-2011. The State Assembly was caught in the web of intra-party squabbles that hindered effective discharge of its duties. The crisis in the Assembly which factionalised members into two groups of fifteen legislators (also known as G-15)<sup>126</sup> and another eleven legislators (also known as G-11) threw the Assembly into

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make direct payment of legislative fund into the account of the Assembly different from the State Government's account. The Governor was also accused of backdating laws already made by the House of Assembly as well as appointing a commissioner without the approval of the Assembly (Salaudeen, Leke, Oladesu, Emmanuel. Lagos: *The Nation*, Monday, March 16, 2009).

<sup>126</sup> The G-15 comprises: Samson Tunji Egbetokun, Speaker; Remmy Hassan who hails from Omu-Ijebu, in Odogbolu Local Government Area of the State, the same as the Governor, Deputy Speaker; Lukman Adiro; Tokunboh Oshin, chairman, House Committee on Information; Sewendo Fasinu, Majority Leader of the House; Giwa Nosiru; Leye Odunyo; Adekunle Adegboyega; Adijat Adeleye; Akeem Salami; Pelumi Olusola;

confusion with damaging implications for the people's confidence in the Assembly and representative government altogether (Nwokolo, 2009).<sup>127</sup>

The major implication of the high turnover of leadership, particularly between May 15, 2008 and September 6, 2010 was the attendant instability in the government and administration of the State. While the Assembly was able to record limited success in terms of meaningful contribution into the government process, the electorate were at the receiving end of the frosty relationship among members of the Assembly during the sixth legislative term on the one hand and between the legislature and the executive on the other hand.

### 5.2.2.2 Quality of Legislators

As noted earlier, representatives that made the fourth Assembly, (1999-2003) largely rode on the goodwill of pro-democracy organisations and individuals whose choice of candidates made the list of would-be legislators in the immediate post-military administration that the legislative term signified. A majority of members had only limited education without complementary legislative experience. Similarly, members in the 2003-2007 as well as the 2007-2011 legislative terms were nominated or selected by godfathers, including traditional rulers, influential party and opinion leaders.

Nonetheless, majority of members (17) had first (or its equivalent) and higher degrees, a feature that distinguished it from the previous Assemblies. Majority of members that made the sixth Assembly (2007-2011) were first-time members while virtually all second-term members were disciples of the Governor with extensive implications for independent action, convergence of interest and unity of purpose. Hence, indications were that legislators, but for a few exceptions, were not qualified for the responsibilities entrusted to them. This fact, buttressed by Shoyemi Coker, Speaker (G-11) accounted for

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Abiodun Akoforoyo; Joshua Fatokin; Job Akintan; and Wale alausa. The eleven other lawmakers who pitched their tent with the executive include: Shoyemi Coker, Speaker; Edward Ayo-Odugbesan, Deputy Speaker; Titi Shodunke-Oseni (Mrs), Musa Maruf, Chief Whip; Salmon Adeleke, Deputy Chief Whip; Durotolu Bankole, Majority Leader; Abiodun Moses, Deputy Majority Leader; Bakenne Fasinu; Isaac O. Solaja; David Kojeku; and J.F. Adegbesan.

<sup>127</sup> *The Nation* newspapers reported alleged impeachment plot by the State lawmakers based on: security reasons and the peculiar nature of the Governor, who rarely honoured his part of agreements reached. It also reported that the lawmakers insisted on toeing the path of justice and rule of law; and failure of the Governor to implement laws passed by the State since 2003 (Nwokolo, Ernest. Lagos: *The Nation*, Sunday, March 1, 2009, pp.1 - 8).

the perceived greed, corruption, indiscipline and disregard for the people's will by the legislators.

### 5.2.2.3 Intra-institutional Indiscipline

In an atmosphere of predatory politics, the legislature became its own enemy. While the G-11 argued that the G-15 demanded for bribe, Tunji Egbetokun alleged that it was the executive that actually offered him one billion Naira bribe at an undisclosed meeting to facilitate the passage of the Bond proposal before the State Assembly. He reiterated the position of his group to the effect that, for the proposal on the bond to scale through, it must be subjected to public debate which must be aired on a state-owned television station and during which officials of the Finance Ministry would answer questions. Both groups resorted to treating administrative correspondence on the pages of newspapers with the intent to blackmail each other in the process (Oluokun, 2009).

It was common for the G-11 to make claims that their co-legislators, (G-15) were being influenced by external forces to run down the government rather than supporting the State executive's policies for public good. It was also convenient for the G-15 to adduce arguments to the contrary (Nwokolo, and Tijani, 2010).<sup>128</sup> With the impeachment of the leadership of the G-15, the G-11 was able to pass a vote of confidence on the governor (Bamidele, 2009).<sup>129</sup>

The leadership of Shoyemi Coker vacated Resolution 167, which barred financial transactions with the State Government until the debt profile of the State was ascertained; passed series of resolutions to give the required but highly contentious legislative backing to such issues as the One Hundred billion Naira Bond being sought at the capital market; legislative approval for nominees for appointments as well as reviewed and vacated the

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<sup>128</sup> The Assembly under the leadership of Egbetokun also rejected the proposed Twenty-Six billion Naira supplementary budget brought before it by the executive. This action was predicated on the fact that certain funds approved in the 2010 budget were yet to be utilised by some ministries (Nwokolo, Ernest, and Tijani, Oriyomi. 2010: Lagos: *The Nation*, Wednesday, August 25, 2010, p.2).

<sup>129</sup> Daniel's feud with the lawmakers began in 2008 when the House removed Oseni as Speaker and replaced her with Egbetokun. The Governor, who had been in total control of the House, was on a short vacation abroad when the impeachment took place. He cut short his trip, in the hope that he could reinstate Oseni. That hope was dashed, as the legislators insisted that Oseni was history as Speaker (*The News*, March 30, 2009, p.21).

suspension of Titi Oseni and Omosanya Solaja on the ground that their suspension was unjust and unnecessary (Coffie-Gyamfi, Odita, and Agbedo, 2010),<sup>130</sup> among others.

Predicating their actions on the doctrine of necessity, the G-11 justified the impeachment of the majority (G-15) by the minority in the heat of the crisis and at a time when the Assembly was unable to properly reconvene (*Great Achiever Magazine*, No 27, Nov-Dec, 2010, pp.6-11). By and large, the development was a pointer to the fact that there was no love lost between the two factions of members of the Assembly as well as between the State legislature and the executive. Thus, the State Assembly was a House divided against itself with two opposing factions trading tackles to the benefit of the executive.

Within the legislature, the understanding in G-11 quarters was that the G-15 action was informed in part by greed and by inordinate ambition of members despite being members of the same party, the PDP. Both the pro-executive and the anti-executive lawmakers resorted to the use of the media to make their case and at the same time attract sympathy from the public at the expense of institutional ethics and their representative callings (Nwokolo, 2009). The legislators' actions amounted to indiscipline and a negation of institutional decorum. Some members publicly and immodestly exhibited high-level ignorance, incompetence and compromise by advancing the sentiment that when Titi Oseni was impeached, everyone that counts in the political circle approved of the leadership change in the Assembly including the Governor. Some loyal Assembly members even paid public homage to the State Governor to demonstrate and assure the executive of their loyalty (*Great Achiever Magazine*, No. 27, Nov-Dec, 2010, pp.6-11).

#### **5.2.2.4. Avenue for Settling Personal and Political Scores**

The various institutional actors used the intractable crisis to settle personal and political scores. As opposed to typical disagreements on principle or ideological ground usually characteristic of such theatre of politics as the State legislature, members easily resorted to vendetta, malice and mischief in advancing positions for or against the status quo.

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<sup>130</sup> Coffie-Gyamfi Charles, Odita Sunday, and Agbedo Onyedika: "Fresh crisis in Ogun, nine Lawmakers outst Speaker, 14 others." Lagos: The Guardian, Tuesday, September, 7, 2010, pp.1-2.

The above was played out at an informal meeting involving some of the principal actors in the face-off between the legislature and the executive (outside office) as captured by the Governor thus:

I am however, consoled by the fact that, in spite of the harvest of betrayals by supposed allies, many a hitherto political opponents would later realize that they were simply used to engage me and my administration in an unnecessary struggle by people who had their own pre-determined agenda unknown to many of them. It was gladdening receiving the former Speaker of the House's of Assembly and one who crippled the economy of the state by the House of Assembly's destructive rejection of the state attempt to seek financial assistance from the Bond market. Together with Hon Tokunbo Oshin, the deputy to Hon. (Mrs.) Titi Oseni during her First Term as Speaker (2003-2007), Hon. Wale Alausa and Hon. Akeem Salami, Hon. Tunji Egbetokun was in my house and we made up. Events were reviewed on both sides of the divide, with each of us admitting where the wrongs were, by way of tactical approach in resolving a crisis that they agreed was needless. We parted on a good note and I was glad that my younger brothers' realized that the fight against me and my administration was needless and unprofitable; both to the individuals concerned and to the system we were both obliged to serve. Definitely, a few lessons have been learnt (Daniel, 2011: 531).

He reasons further that:

...Perhaps, I was not properly understood. Or I did not adequately explain my point of view to my antagonists as events, as they unfolded later before our very eyes, were to bear out; so much that, Hon. Tokunbo Oshin, who was one of the most truculent of anti-OGD sentiments among the G15 legislators, was to later intone in an interview with the Press that, "OGD meant well", (Daniel, 2011: 531-532).

Some of the legislators also preferred to be on the State executive's good books rather than maintain a principled or ideological position. For example, the predecessor of Egbetokun, Titi Oseni, argued that her colleague should be reprimanded for challenging the State Governor on all issues raised. She also faulted her colleagues' arguments on the actions and inactions of the Governor towards the legislature or issues raised by it. She was of the view that the G-15, led by Egbetokun, should be held responsible for the crisis and its implications on the State and its residents given her background knowledge of the personal and administrative qualities of the Governor<sup>131</sup> (Oropo, 2009).<sup>132</sup>

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<sup>131</sup> She went further to describe the Governor as an administrator and an astute politician, her leader, a mentor who weighed all options before taking a decision, and a goal-getter par excellence. "You have to be able to convince him beyond reasonable doubts, before he can yield to certain situations sometimes." he's she said

In what could pass for the executive's position on the legislature's disposition, the governor posits that:

No one would ordinarily quarrel with the legislative arm of government for exercising its duties and responsibilities to itself and to the members of the public by whose grace the house is constituted. And it did need not consult anyone outside of itself to do what it was constitutionally empowered to do or on matters where its discretion laid. This it did when it removed its speaker for reasons that are yet to be publicly explained. Surely, whatever the reasons were, as sewn together at different fora where its various spoke persons have cared to advance some grounds, corrupt practices have not been put on the card. I heard such accusation that the speaker, the impeached Speaker, Mrs Titi Oseni, was too close to the governor. But beyond other grounds, yet unstated, is any Speaker, the head of one of the three arms of government, expected to be far, if being far connote being antagonistic or not to cooperate with the governor, the head of the executive, another arm of government? (Daniel, 2011: 394).

The former Speaker asserted that, the House of Assembly was the architect of its own problem.<sup>133</sup> The crisis also brought to the fore, series of verbal attacks on members of

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though that someone that ten times over if she had the opportunity to work with him she would be glad to do so all over again. "However, he could lose his patience sometimes, he could be angry just like every other human being" (*The Guardian*, Sunday, March 1, 2009, pp.74-76).

<sup>132</sup> "The Governor is someone that believes in the rule of law." On her impeachment, she has this to say: On that I guess I was not a very good politician and I doubt if the Governor picked anything either. When the problem reared its head and some people were up in arms, the Governor called all of us together, the traditional rulers were there and they asked them (those insisting on impeaching the leadership of the House) what went wrong. Interestingly, nobody could come up with anything tangible as the offence of Madam Speaker. We sat down and discussed things but I was dealing with people who had committed themselves to so many fetish things; oath-taking and the like. And when you see people who had gone to such an extent just to remove the Speaker, you begin to wonder what this is all about. You see people saying if they renege they would all die. Who wants 15 or 20 people dead in Ogun State just because of an office that one would leave one day, whether you like it or not? So, I guess the best option is you rather let them be; let them go ahead and do it. That was why the Governor could not do much. They said they had taken oath and if they reversed it, they would all die. I was there. The traditional rulers were there; the Awujale of Ijebu land, Oba Sikiru Adetona was there, Oba Gbadebo was there and many leaders. They said the oath was so deep." (*The Guardian*, Sunday, March 1, 2009, pp.74-76).

<sup>133</sup> "The bill that they are talking about was passed during my own tenure as the Speaker. It was the former Speaker of the House of Representatives, Aminu Masari that said all Houses of Assembly in the country should pass those two bills and we all did at that time when we came in 2003. What the Self-accounting Autonomous bill is saying is that you will be given a portion of money every month and when they give you the money you will determine how best to deploy it. Even the judiciary has similar autonomy. That is what

the Assembly and against the institution of the legislature. This was opposed to lobbying, bargaining and compromises that are hallmarks of legislative practices for effective harmonisation of diverse views and preferences. These were done through different guises like stakeholders' meetings, political rallies and at sundry public and private functions. As earlier noted (see quotation on p.171 above), this report must once again acknowledge here the fact that some principal actors in the crisis, in their individual capacity regretted the unhealthy situation that accounted for the inability of the Assembly to reconvene and function as required by the law and also brought governance to halt (Daniel 2011; Ojiabor, and Nwokolo, 2010).

Above all, the crisis involving the State legislature exposed students of politics and political actors to the realisation that, beside impeachment, there are several measures that could be deployed to whip an erring executive into line.

To this, the G15 argument is instructive to the effect that:

...we are just looking at the ways to get the Governor to realise that our reprimand – even if we have done any wrong – is not in his hands. But if he has done any wrong, his reprimand is right in our hands. If there is anybody who can reprimand us for any kind of misconduct, it's the electorate by way of recall. But if the Governor has done anything that amounts to misconduct or gross misconduct, the reprimand of the Governor is in the hands of the legislature. But why do we have to get to the point of wanting to reprimand each other? Ogun State is the only politically homogeneous state in the whole of the south-west. So, why then do we continue to have this kind of bickering which is PDP versus PDP? (Oluokun, 2009: 24).

#### **5.2.2.5 Lack of Resources**

Essential material and human resources like modern computers, professional and technical support staff were in short supply to the legislature and the legislators as at the time of this study. For example, there was not a single copier available within the Assembly complex. The Assembly complex was functionally empty as it was starved of minimum secretariat services.

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the Autonomy Bill is all about. As long as the Constitution still does not allow you get the money straight from the Federation Account, the money still must come through the state executive. When it comes through the executive arm, they will only allocate but will not tell you how to apply the money; that's what the Self-accounting Bill says and that is exactly what we are doing. The Governor would disburse the money in bulk to you and then you determine how it's going to be spent." (*The Guardian*, Sunday, March 1, 2009, pp.74-76).

### 5.2.3 Universalism

Successive Assemblies in the State, (1999-2003, 2003-2007 and 2007-2011) lacked the necessary legal framework that could have enhanced independent actions on the part of the legislature and in relation to the executive, particularly in the area of finance, human and material resources. What could pass for statutory hinderances to the legislature's operation were given credence by the Governor, Otunba Gbenga Daniel when he noted for example that:

...the three arms of government, where parliamentary democracy is practiced, are expected to be organically related, with mutual respect for one another. None is expected to be, or be seen or placed in a position of inferiority complex in its relationship with any, or all of the others. The constitutional arrangement of a democratic government has so much guaranteed this. And this is so in the Nigerian Constitution under which the state subsists. The executive arm has a responsibility to other arms due to the obvious fact that it is within its purview that the lever of governance is placed. It has the authority to disburse power and privileges. And this is even more pronounced in a presidential system of government where the legislature is quite different in its rules of engagement from the executive, with ministers and commissioners, as the case may be, appointees of the president and governor respectively, each exercising executive power in allotted domain. Given the power of the head of government in a presidential system of government, it is not an hyperbole when someone once said, to my hearing, that the Presidency is a modern monarchy with all feudalistic privileges. Perhaps, this is the Nigerian variant of Presidential system of government. It is not to be suggested that there are no institutional arrangements whereby the excesses of a Chief Executive can be checked. The truth, however, is that the process is a bit cumbersome, time consuming and definitely expensive. Are we talking of the power of the legislature to initiate and execute impeachment of a President or a state governor? Or is it the recall of a parliamentarian by its constituency? The reality of the Nigerian experience is that it has rarely succeeded. I am not unaware of the series of 'Spanish inquisitions' that were the so-called impeachment of some state governors between 20003 and 2007. Yet, the futility of the exercises were clearly demonstrated by the way and the ease with which many of these cases were upturned by the various courts to which these so called impeached governors took their respective cases (Daniel, 2011: 394).

By and large, being a microcosm of Nigeria with shared development trajectory, Ogun State at various points in her history, projects a picture that seemed to suggest a state that was increasingly failing in its basic responsibilities to the citizenry breeding discontent, distrust and disconnect between the government and the electorate. Under successive regimes, poor funding of the vital sectors of the economy, collapsed infrastructure and

dearth of institutional frameworks supportive of good governance, gross ineptitude in the public service have become symptomatic.

In the rural areas as the report of findings here suggest, electorate were hardly affected by development in the State's economic and political fabrics except in negative terms. Urban centres bear the burden of congested cities and discomfiting cost of living (Theen, and Wilson, 1986). Corruption in government is further encouraged by endemic poverty and imunity, giving room for avoidable wastage of resources, and increasing cost of running government including expenses on government functionaries and lawmakers.

Poverty has also held back development and responsible citizenship. Nigeria holds the distinction of taking more than fair share of the African quota of global poverty. All of these problems have triggered countless uprising, violence, and even threats of war occasionally disguised as civil society in action. Nigerians have gone through harrowing experiences of hardship and deprivation. This development has held responsible civil society action hostage as electorate battle for daily survival, thereby undermining representative accountability.

Thus far, this chapter dealt with the review of challenges facing the Ogun State House of Assembly in the performance of its primary responsibilities of lawmaking, representation and oversight of the executive. It was revealed that the Assembly grossly underperformed due to the myriad of issues identified, from dearth of autonomous civic culture, chaotic politics and polity, to the intervening variables of defective state and federal systems to which Nigeria subscribes as well as the prevailing high-level poverty to mention but a few. The foregoing discussion has shown the relationship between the legislature and the executive in political and government discourse. In other words, to consolidate democratic accountability and achieve overall development, there must be a convergence of commitments to upholding the ideals of representative government by both individual and institutional actors.<sup>134</sup>

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<sup>134</sup> This submission also benefited from the views expressed and information gathered from personal interview held with: Chief Segun Osoba, former Governor of Ogun State; Chief Alao Adedayo, Publisher, Alaroye Group of Companies (newspapers) and prominent opinion leader; Alhaji Abdullateef Adegbite, prominent indigene and community leader; Dr Onoolapo Soleye, former Commissioner, during the military era and member of a select committee during the first term of the Governor 2003-2007; Prof S.A. Tella, former V.C., Crescent University, Abeokuta; The Rt. Hon. Shoyemi Coker, Speaker (G-11 legislators); Hon. Musa Moruf, Chief Whip in the current dispensation under Coker's leadership and member of the G-11; Hon. Salmon Adeleke, Deputy Chief Whip in the current dispensation under Coker's leadership and member of the G-11;

## CHAPTER SIX

### Summary, Conclusion and Recommendations

#### 6.0 Preamble

The significance attached to the legislature derives largely from the extensive powers vested in the institution of parliament and the broad range of functions members are expected to perform, which include but are not limited to representation, deliberation, law-making, and oversight. The legislature, as an effective arm of government at the state level in Nigeria, gained prominence with the advent of the 1979 Constitution of the Federal Republic of Nigeria. In contemporary Nigerian politics, the legislative powers of the Nigerian Federation are vested in the National Assembly comprising the Senate and the House of Representatives as clearly spelt out under section 4(1-2). Section 4(6-7) clearly defines the legislative powers of the States houses of assembly similar to those of the National Assembly.

#### 6.1 Summary

In spite of its critical role and its strategic importance, subnational legislatures have remained largely underdeveloped and, until recently, they have not been accorded adequate attention in Nigeria. While national legislatures have gained prominence, discussion on subnational legislatures and legislative practices are few and limited. Thus, this study examined the performance of a subnational legislature (1999-2011) and the implications for representative government.

The legislature deserves to be studied in its own right as an essential element of democratic government. While other aspects of democratic governance - party politics, elections and electoral matters - have gained prominence, discussion on legislatures and

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interview session with the Speaker G-11, Shoyemi Coker with Hon. David Kujeku, Majority Leader and Hon. Durotolu Bankole in attendance; Mr. Ayo Giwa, S.A. to the Speaker and Chief of Staff in the Governor's Office; Mrs. Olufunke Fadugba, former Chairman of NUJ Lagos State Chapter and resident of Ogun State; Mr. Orishadare Jibola Lawal, lecturer, politician and close confidant of the Deputy Governor; Mr. Johnson Ogunbanwo, community leader and activist; Mr. Goke Ayeni, community leader, and Vice-Chairman, Obafemi Owode Local Government Area Community Development Council.

legislative practices are few and limited. Thus, there was the need for a specific study of the character, activities and performance of the legislature, legislative processes, as well as the circumstances of political exchanges, particularly at the subnational level in Nigeria.

The palpable failures of the legislative institutions at the subnational levels, to act swiftly and proactively on issues of corrupt practice, have raised questions concerning the capacity and relevance of the legislatures. Some states' houses of Assembly have not only been viewed as accomplices and collaborators at the disposal of the executives, but have actually been accused of subverting the basic tenets of representative government through unhealthy compromises.

The **general goal** of this study was to investigate subnational legislatures as important institutions of representative government in Nigeria, using Ogun State as a case study. The **specific objectives** were to: explore the historical evolution of the legislature in Ogun State; investigate the peoples' perception of the performance of the legislature through sample surveys; Assess the legislature in terms of effectiveness using Polsby's three dimensions of institutionalisation, namely: autonomy; internal complexity; and universalism; Identify factors that account for representative deficit or otherwise of the state legislature; as well as proffer suggestions on how to improve legislative performance and institutionalisation.

On **methodology**, the study adopted case study and survey design methods. The geographic coverage of this study was Ogun State with a population of 3,751,140, three senatorial districts, nine federal constituencies, twenty-six state constituencies and two hundred and thirty-six political wards. While our smallest geographic units were political wards, our sample elements were residents of voting age in Ogun State.

The survey on which this report is based was carried out in all the twenty Local Government Areas of Ogun State, to seek people's opinion on the legislature and representative government. The survey was a representative sample of 424 residents of voting age purposively selected using a multi-stage and area-stratified sample. In addition to questionnaires - which contain structured and semi-structured items - administered, 15 personal interviews were also held with key political actors, legislators, opinion leaders and potential elites from the State.

Both qualitative and quantitative methods of analysis were used. Data collected were subjected to simple descriptive statistical analysis using frequency counts and simple percentage. In addition to making sense of the expressions of interviewees, verbatim quotation was used extensively in presenting the data from the interviews. Library and

archival materials, newspaper and government reports were also patronised with the objective of uncovering the historical and cultural conditions that gave rise to the nature and character of the State legislature.

On **scope**, the study covers activities of the House of Assembly in Ogun State for the period May 29, 1999 - May 29, 2011. The study builds on the existing works on legislative studies in Nigeria. It provides updates on a range of issues as regards legislatures, representation, lawmaking and oversight.

The **second chapter** of the study undertook an overview of available literature on the essence of the legislature with special emphasis on subnational legislature. It also attempted a review of literature on the application of basic legislative tools; factors that enhance productivity as well as explanation for possible legislative inefficiency within the context of representation, lawmaking and oversight. It revisited issues on the two major environments around which the assessment of the legislature revolves.

These are: the relationship of the legislators to the executive; and the relationship of the legislators to the electorate. This network of relationship offered considerable understanding and explanation for the nature and character of the legislature. Literature attests to the significance of the study on subnational legislature as a crucial “mini-laboratory” for observing and explaining how the same institutions work in different contexts. This was with a view to drawing inferences from the state’s experiences on how best to improve the legislature’s overall productivity at the national level.

The study also reckoned with the view that legislatures have been showing signs of weakness in emerging democracies than in established democracies. This is more evident at the subnational level in Nigeria where state executives overshadow the legislatures. Among tools that legislatures could employ to perform their assigned responsibilities of overseeing the activities of the executive are hearings in committees; hearings in the plenary; inquiry, parliamentary questions, question time, visitation and interpellation.

However, the presence of these oversight tools is a necessary but insufficient condition for effective oversight. There are other conditions that determine the effectiveness or otherwise of the legislature. These include the specific oversight powers given to the legislature; availability of information to the legislators; the capability of committee heads; the saliency of issues and how aggressively the opposition performs its role among other historical and cultural variables, which this study identifies.

The study adopted Polsby's (1968) institutional theory in engaging the Ogun State legislature. Three dimensions of institutionalisation, namely: autonomy (differentiation from the environment), internal complexity (intra-legislature rules and modus operandi) and universalism (application of globally acceptable practices in the conduct of internal affairs) constitute the conceptual framework within this theory for assessing how the legislature has developed over time in Ogun State.

**Chapter three** of the study provided an insight into the historical evolution of the Ogun State legislature. The first legislature in Ogun State was inaugurated on October 2, 1979. The 1979-83 Assembly then had 36 members representing 36 constituencies. The Governor and the thirty-six members of the State House of Assembly were of the Unity Party of Nigeria (UPN) extraction. The legislature passed eleven bills into law. The first Assembly's, (1979-83) legislative term ended in 1983.

Another election ushered in what was supposed to be the second Assembly's 1983/87 term that commenced on October 2, 1983 but was aborted by the Buhari/Idiagbon military coup on December 31, 1983.

The third Assembly (1992-93) had 30 members with Hon. Stephen Afolabi Sokoya as the Speaker. The (1992/93) legislature passed six bills into law, tabled 150 motions and passed 50 into House resolutions.

The Alliance for Democracy (AD)-dominated 26-member fourth legislature was inaugurated on June 3, 1999 for the 1999/2003 legislative term. Three members of the House at that time belonged to the Peoples Democratic Party (PDP) and two to the All People's Party (APP).

The Peoples Democratic Party (PDP) dominated the fifth legislature of the Ogun State House of Assembly, which was inaugurated on June 4, 2003 for the 2003/2007 legislative term. The State produced the first female Speaker in her political history and that of the south-west, and the only female Speaker in Nigeria at the time.

The sixth legislature was inaugurated on June 4, 2007 for the 2007/2011 legislative term. The PDP-dominated Assembly comprised twelve (12) former members of the fifth legislature (2003-2007) and fourteen (14) new lawmakers.

**Chapter four** dealt with an analysis of electorates' opinion on the performance of the legislature in terms of legislative-executive relations on the one hand and legislature-electorate on the other hand. In order to deepen the discourse, data from the interviews conducted, government and media reports were used to supplement the survey data. Our analysis focused on the objectives of:

- Investigating the people's perception of the performance of the legislature through sample surveys; and
- Assessing the legislature in terms of effectiveness using Polsby's three dimensions of institutionalisation namely: autonomy; internal complexity; and universalism.

The **performance** of the legislature was examined along the key indicators of effectiveness, namely: representation; law-making and oversight; and Polsby's notion of institutionalisation, namely: autonomy, internal complexity and universalism.

On **representation**, consideration was given to: the geographical composition of the legislature; consultation; constituency relations; support for the system of rule; interest aggregation and articulation; assent on behalf of the people; checking executive excesses; significance attached to the legislature, among other variables. The State legislature manifested signs of weakness in its disposition and action in virtually all of the identified core areas except for the geographical composition. This was more evident during the 1999-2003 and 2003-2007 sessions when the State executive overshadowed the legislature in the government process.

Respondents were unanimous in their verdict that the legislators were not representative as their actions were more self-serving than being in public interest. Respondents were less concerned by, and indifferent to what happened in, and with, the legislature. The currency of interaction was very low and the generality of the people did not think well of their representatives and the legislature. Respondents felt that their representatives had not met their basic expectations both in terms of relating with their constituents and in the discharge of their legislative responsibilities.

There was palpable disconnect between the legislators and the residents as respondents hardly had any significant input into the policy making process through the institution of the legislature. Devoid of constructive engagements, the relationship between the legislators and the residents suggested a "no stake in government" disposition on the part of the latter.

On **lawmaking**, the 1999-2003 legislature had to its credit 30 bills which became laws and these include: a bill to amend the Local Government Law, 2000; a bill for a law to create 32 new Local Government Areas in Ogun State; a bill to repeal the Ogun State Government Investment (transfer of assets and liabilities) Edict 1998; a bill for the Secret Cults (Prohibition and Special Provisions) Law 1999; and a bill to amend the Criminal Code Law, Cap 29, Law of Ogun State of Nigeria 1978.

The 2003-2007 legislature had 42 Bills, which became laws to its credit with about 278 Resolutions. The 2007-2011 legislature had to its credit 51 bills and about 274 Resolutions altogether. These include: Gateway Television amendment Bill 50; a bill to nullify all irregularities perpetrated by the Executive; as well as the Gateway Broadcasting amendment Bill 49.

The State legislature was considered fairly effective in lawmaking. It was observed that the opinion of the respondents from the survey and the report in the media was given fillip largely by the fact that from September 2008 to June 2011, there was an executive-legislature stand-off that plunged the legislature into disarray for the better part of the legislative term. The conflict was diabolically dramatic such that the legislature could not operate for many months. It operated in 'fits and starts' for almost two years and it was enmeshed in myriads of crisis.

Respondents rightly describe the legislature as characterised by cultism and occultic oath-taking, a view that was corroborated by some of the key members of the Assembly particularly the former Speaker Rt. Hon Titi Oseni. This naturally affected the perception of the legislature by the general public, a situation that was further worsened by the description of the previous legislatures by Rt. Hon Tunji Egbetokun as rubber stamp in the hands of the executives.

On **oversight**, the Ogun State legislature (1999-2003, 2003-2007 and 2007-2011) could be described as ineffective and of little significance in its oversight responsibilities. The oversight potentials of the legislatures had limited effect on the measure of representativeness or the representative quality of the system of rule. As sections 120 – 129 of the constitution attest, the legislature had adequate statutory latitude to exercise powers and control over public funds by accessing government account through contribution to budget, request for information from government departments or to initiate inquiries for similar purposes. The legislature lacked the political will to hold the executive accountable notwithstanding partisan politics and executive antics.

The legislature was largely ineffective in holding the executive accountable for its action. It manifested considerable measure of unhealthy compromises. It nonetheless recorded pockets of commendable exceptions in visitation and limited input into the budgetary process. The legislators lacked the intellectual and material wherewithal to effectively monitor budgets, check commissioners or generally hold the executive accountable. Respondents were quick to pin the unhealthy legislature-executive relation

that culminated into the 2008–2011 faceoff down to the mentality of sharing the “national cake” with impunity.

They averred that crisis only ensued when there could not be acceptable compromise on the modalities for sharing available resources among the elected representatives both in the legislature, and in the executive arms of government. Regardless of the identified shortcomings however, the legislature as an institution is worth having because it is a constitutional provision. Significant achievements of the Ogun State House of Assembly that underscores this fact include but not limited to: periodic approval of the budget, scrutinising the appointment list of the executive and confirmation of same, a number of quasi-judicial functions among other identifiable oversight undertakings by the legislators at different times.

### **6.1.1 Institutionalisation of the State Legislature**

We were concerned with such critical indicators as autonomy, internal complexity, and universalism. These entail available constitutional and legal powers for the legislature: resources, expertise and information available for the legislature to perform as well as the power and the political will to hold the executive accountable for its actions.

On **autonomy**, the Ogun State House of Assembly was not independent of the executive. The legislature was not free to manage its own affairs and work independent of the executive. It relied heavily on the executive for the requisite resources to function. This is contrary to powers granted the legislature by virtue of sections 93 and 101 of the 1999 Constitution on composition and staffing, and functioning of the legislature independent of the executive.

The legislature was therefore not effective in its representative and oversight functions. The executive, at best, used the legislature to achieve limited political goals. Laws to make the Assembly independent of the executive were passed could not be implemented. Efforts to make the legislature autonomous include: the Self-accounting Law of Ogun State (No.5) 2003 which was passed and assented to by the Governor; the law guiding the manner of appointment of the Clerk of the State House of Assembly; and the setting up of the Ogun State House of Assembly Service Commission.

On **internal complexity**, the Ogun State legislature recorded high turnover in the 1999-2003, 2003-2007, and 2007-2011 Assemblies respectively. All the legislators for the 1999-2003 Assembly were new members, ditto for the legislative term 2003-2007. The 2007-2011 Assembly comprised of twelve (12) former members of the fifth Assembly

(2003-2007) and fourteen (14) new members. Whereas the legislature needed to be adequately equipped with the requisite human and material resources to function effectively, the Ogun State legislature was poorly equipped to function independent of other arms of government, particularly the executive. This resource deficit hampered efficiency and effectiveness on the part of the legislators and the legislature.

The legislature was practically dependent on the executive to initiate independent action or function effectively. Worse hit in this area of dependence were the requisite financial and human resources as the executive retained the power to hire the Clerk and allied staff of the Assembly against the spirit of Section 93, and 101 of the Constitution.

It is pertinent to acknowledge the fact that the State House of Assembly was one of the most relatively peaceful of all the State Houses of Assembly with visible single party hegemony across the federation prior September 2008. However, the G11 and G15, the two factions into which the 2007-2011 Assembly was eventually divided in the 2008-2011 imbroglio identified indiscipline as the bane of the legislature and a major factor that best accounted for the attendant fragmentation of the Assembly and the legislative-executive face-off that brought governance to a halt in the State.

On **universalism**, the status of the legislature in Nigeria is as stated under Section 4 of the 1999 Constitution of the Federal Republic of Nigeria. The legislative powers of the Nigerian federation is vested in the National Assembly, comprising the Senate and the House of Representatives, as clearly spelt out under section 4(1-2) of the Constitution. Section 4(6-7) clearly defined the legislative powers of the State Houses of Assembly similar to those of the National Assembly. Chapter V Sections 90 – 129 outline details on; the composition and staff of the State House of Assembly, Procedure for Summoning and Dissolution of the Assembly, Qualification for Membership and Right of Attendance, Election into the Assembly as well as Powers and Control over Public Funds including right to the conduct or investigations and to seek evidence within the confines of legislative oversight. These provisions are similar to those for the National Assembly under Sections 47 – 89 of the 1999 Constitution.

The principle of separation of powers and personnel is enshrined in the constitution with provisions limiting executive influence in, and on, the legislature. These provisions include those that clearly define the direction of legislative-executive relationship vis-à-vis the principle of checks and balances. On this basis, Section 100(1-5) of the Constitution requires that a bill passed by the Assembly be presented to the Governor for assent, and for the Assembly to by-pass the Governor's assent when and where such action is delayed or

denied. Section 101 granted the Assembly power to be self-regulatory. Section 105(3) granted the Governor power to issue a proclamation for the holding of the first session of the House of Assembly or for its dissolution as and when necessary.

These are similar to Sections 58, and 64 as regards the National Assembly. Section 188 empowers the State Houses of Assembly to remove - as a last resort - an erring Governor or Deputy Governor, as the case may be, in line with these provisions. This is similar to provisions under Section 143, which empowers the National Assembly to remove an erring President or Vice-President. Thus, the 1999 Constitution made adequate provisions for the effective functioning of, and a representative legislature.

Except for the **2003-2007** Assembly which was to become a reference point in legislative actions in relative terms, the State legislature was not institutionalised on account of quality of members, membership and leadership composition, strict observance of House rules, enforcement of discipline as well as of inadequate capacity to initiate independent action on capacity-building, provision of requisite human and material resources, research and development, among others.

Thus far, while the 1999-2003 legislature could be excused for the fact that the members were just developing the right disposition, strategies and structures that could enhance legislative efficiency and effectiveness, the same could not be said of the subsequent legislatures. The legislature lacked the organisation, financial resources, information service, experienced members and staff to serve as an autonomous point of deliberation in the policy process. The State legislature was less institutionalised, static, stable and immutable. The 1999-2003, 2003-2007 and 2007-2011 legislatures were at the mercy of the executive through the Commissioner for Finance, the Commissioner for Budget and the Accountant-General of the State for the legislature to function effectively.

The legislature was largely not autonomous from the executive. This was essentially because the legislature suffered from poor capacity and a legitimacy deficit that ensued from its members' nomination and selection process. The basic rules that could have enhanced independent actions on the part of the legislature were established during the later part of the fifth legislature. The attempt by the sixth legislature to breathe life into its internal rules and constitutional powers pitched it against the executive.

The confrontation with the executive culminated in the fragmentation of the legislature, leading to crisis. Not only was the turnover of leadership of the legislature very high, the turnover rate of membership was also quite high, starving the legislature of the benefit of experience. From the survey, the performance of the legislature was quite low.

Interaction between representatives and their constituencies remained very poor. The legislature was less institutionalised, static, stable and immutable. It could be described as weak, subservient and fragmented.

### **6.1.2 Characterisation of the Legislature**

The immediate post-military AD-dominated 1999-2003 legislature was a **transitional** legislature. It was technically deficient to function effectively, having been peopled by individuals with limited educational qualification, little experience and limited exposure and generally inexperienced in political and legislative matters. The 1999 Constitution made adequate provisions for the legislature to function effectively though; but the legislature lacked the political will to function effectively. There was also the dearth of infrastructure that could have facilitated effective legislative action. Members of the legislature largely rode on the influence of strong party leaders with enormous goodwill to secure their membership of the Assembly and on whose authority and command they survived. The legislature was not independent of the executive; hence it was not effective in the performance of its responsibilities.

The PDP-dominated 2003-2007 legislature could be characterised as a **rubber-stamp** legislature. The Assembly was subservient and largely dependent on the executive for its human and material resources. Members owed their nomination and success at the poll to godfathers as well as the defective electoral system. Their respective electoral victories were bankrolled by the governorship aspirant and the eventual State chief executive. The legislature was peopled by inexperienced members with poor role perception and no clear-cut party ideology beyond primitive accumulation through executive hand-outs. The legislature was not independent of the executive and the executive's initiation power overshadowed the legislature's on virtually all policy issues. The preferences of the executive and party leaders took precedence over and above the legislators' or electorates' preferences. Legislative oversight was either limited or carried out to achieve limited political goals.

The PDP-dominated 2007-2011 legislature could be characterised as a **fragmented** legislature. It was chaotic and occultic with accusation and counter-accusations of secret oath-taking. The legislature's operation was mired by intra-institutional violence and primitive disposition of legislative responsibilities. There was crisis of confidence among the legislators on the one hand and between the legislature and the executive on the other hand. The legislature was basically divisive, uncoordinated and ineffective.

The legislature lacked autonomy, could not advance its organizational work process, and was ineffective in representation and oversight. It moved regressively from being marginal in the fourth, to rubber stamp in the fifth, embroiled in internal crisis and ultimately became fragmented in the sixth.

### **6.1.3 Factors that Accounted for Representative Deficit of the State Legislature**

A major manifestation of this structural defect was the perceived appropriation and personalisation of the ruling party, the Peoples Democratic Party (PDP) machinery by the Governor as the leader of the party in the state.

**Personality of the Chief Executive:** Closely related to the above was the alleged excessive use of coercion, intimidation and harassment by the executive to bring dissenting legislators into reckoning. This was a clear indication of default role perception, interpretation and understanding as regards the legislative-executive relationship. Discrete private sessions with the legislators were often considered as favour and privilege laced with offers and compromises. Crisis only ensued and became public knowledge when agreements at such clandestine nocturnal meetings were considered breached and discountenanced.

**Lack of Virile Opposition:** The state was bereft of virile opposition that could have offered credible alternative policy options to the government. With a near absolute majority, except on politics and election-related issues, the Alliance for Democracy (AD) dominated fourth legislature, 1999-2003 was not challenged by the major opposition parties, the APP and PDP at the time. This situation remained the same subsequently.

**Quality of Legislators:** Representatives that made the Fourth Assembly, (1999 - 2003) largely rode on the goodwill of pro-democracy organisations and individuals whose choice of candidates made the list of would-be legislators in the post-military administration that the legislative term signifies. Similarly, members of the 2003 - 2007 as well as the 2007 - 2011 legislative terms were nominated or selected by ‘godfathers’, including traditional rulers, influential party and opinion leaders. This accounted for the perceived greed, corruption, indiscipline, exuberance, and disregard for the people’s will that the disposition of legislators suggested.

**Lack of Autonomy:** The successive Assemblies in the State (1999-2003, 2003-2007 and 2007-2011) lacked the necessary intra-institutional framework that could have enhanced independent actions on the part of the legislature and as regards legislative-

executive relations. The Assemblies were dependent on, and at the mercy of the executive for resources to function.

**Lack of Resources:** Essential material and human resources like modern computer and, support staff were in short supply to the legislature and the Legislators.

**Disenchanted Populace:** In spite palpable information advantage occasioned by the enviable presence of media houses coupled with the State's proximate location to the hub of socio-economic advancement in Nigeria, electorate appeared traumatised and disillusioned, having to live with the typical feature of the prevailing religious, tribal, and associational sentiments that were the hallmark of national politics. Residents were stereotyped perhaps to believing that politics was an exclusive preserve of certain individuals or groups of individuals, almost invalidating the desirable constructive engagement with their representatives and key political actors to demand accountability. This development constitutes an electoral disincentive to legislative practices.

**Politics and Society:** Ogun State also manifested what Richard Joseph (1996) refers as "prebendal politics" with its attendant consequences. Representative party politics was characterised by enticement, penny attraction and the appropriation of public goods for private gains. Reflective of the pre-eminence of informal rules of engagement, supposed community leaders, particularly the traditional rulers and chiefs inadvertently obstructed the cause of representative government. This they did within the context of the prevailing traditional and cultural patterns by serving as spokespersons for, and serving the interests of either the Governor or legislators rather than permit the application of universal rules of institutional engagements. The traditional rulers were reported to have summoned legislators on a number of occasions at the instance of the Governor, resulting in perceived breach of cultural ethos, cheap blackmail and occasional truce and compromises that negated the representative calling of the legislature.

**Intervening Variables:** These include occultic practices and secret oath taking. The State legislature particularly the 2007 – 2011 House of Assembly was characterised by cultism and oath taking as findings attested. Assembly members were widely reported to have committed themselves to many fetishes, oath taking and the likes. Their lives were alleged to be threatened with death should members renege. The resort to this traditional religious patterns amounted to members' compromise of their representative calling for the pursuit of personal gains and group advantage, as their action became inimical to the desirable institutional cohesion, loyalty, and discipline.

**Dearth of Vibrant Middle Class:** Ogun State suffered the dearth of a vibrant middle class that could have galvanised civil action, challenge political actors and set agenda for representatives and generally demand representative accountability. Hence, a major disincentive to a virile representative government in the State was the pre-eminence of often-inconsequential elitist outbursts in virtually all circumstances. Hence, representatives rarely have any sense of responsibility and accountability to their constituents except to a clique of benefactors or celebrated godfathers usually in the minority.

Above all, in the capital-intensive high-wired and winner-takes-all Nigeria's party politics, the pursuit of election and re-election often make legislators vulnerable to financial inducements from the executive and patronage from overbearing party leaders. This invariably hinders legislators' independence in the discharge of their official duties to the detriment of their mandates.

## **6.2. Conclusion**

This study explored the historical evolution of the legislature in Ogun State with specific emphasis on the Fourth (1999 - 2003), Fifth (2003 - 2007) and the Sixth (2007 - 2011) Assemblies. Given the peculiar circumstances of the emergence of the Fourth (1999 - 2003) and the party cohesion that characterised the Fifth Assembly (2003 - 2007), the Ogun State House of Assembly would not have attracted the attention it got from the general public in spite of identifiable structural and operational inadequacies. The significance of the legislature; its functioning and the direction of legislature-executive relationship came to the fore with the crisis that engulfed the Sixth Assembly, (2007 - 2011).

The legislature was largely not autonomous from the executive as it suffered from poor capacity and a legitimacy deficit that ensued from its members' nomination and selection and election processes. The basic rules that could have enhanced independent actions on the part of the legislature were established during the later part of the Fifth Assembly. The attempt by the Sixth legislature to breathe life into its internal rules and constitutional powers pitched legislature against the executive.

The confrontation with the executive culminated in the fragmentation of the Sixth Assembly into pro (G11) and anti (G15) executive factions, leading to crisis. The turnover of leadership of the legislature was not only very high, the turnover of membership was also quite high, starving the legislature of the benefit of experience. There were three speakers in the Sixth Assembly, characterised by disregard for due process and party

fractionalisation, conflicts over allegiance to the governor, involving accusations and counter accusations of occultic oath-taking. From the survey, the performance of the legislature as shown in the people's satisfaction with representative government was quite low. Interaction between representatives and their constituencies remained very poor. The legislature was less institutionalised, and could be described as weak, subservient and fragmented.

While the 1999 - 2003 Assembly could be excused for the fact that members were just developing the right disposition, strategies and structure that could enhance legislative efficiency and effectiveness, the same could not be said of the subsequent Assemblies. The legislature lacked the organisation, financial resources, information service, experienced members and staff to serve as an autonomous point of deliberation in the policy process. The State legislature was less institutionalised, static, stable and immutable. The legislature was at the mercy of the executive through the Commissioner for Finance, the Commissioner for Budget and the Accountant-General of the State for the legislature to function perhaps minimally.

The State legislature was generally not institutionalised on account of quality of members, membership and leadership composition, adherence to House rules, enforcement of discipline as well as capacity to initiate independent action. The legislature could not advance its organizational work process, and was ineffective in representation and oversight. It moved regressively from being marginal in the Fourth, to rubber stamp in the Fifth and embroiled in internal crisis and ultimately became fragmented in the Sixth Assembly.

The executive takes the initiative but requires legislature's support to sail. The fallouts of Resolution '167' passed by the Sixth Assembly, prohibiting the executive from all financial transactions until the Assembly direct otherwise, were indications that House Resolutions, where and if well deployed could be a potent oversight tool. However, a determined executive could hinder effective performance through threats and intimidation. Enduring representative government through institutionalised legislature would require institutional autonomy, and enhanced capacity. Sustained civic spirit on the part of the electorate as against the docility of a disenchanting citizenry that the situation in Ogun State suggested is equally essential for the legislators to be accountable.

A party with parliamentary majority must overcome the euphoria of its success at the poll and take maximum advantage of its vantage position to advance its cause as an institution. The starting point is for such political party to make a clear distinction between

partisan politics and post-election governance. While not discountenancing the manifestation of politics in governance, there must be conscious effort by political actors to avoid political gridlock that could hinder government's ability to deliver on electoral promises. Party leadership must therefore be committed to a clear-cut ideology around the vision, mission and focus of the party, make merit count in both elective positions and within the party hierarchy and the government. It must also institute effective intra-party communication to avoid divisive tendencies as witnessed in Ogun State.

### **6.3 Recommendations**

Thus far, putting in place effective legislative institutions or sustaining the modest achievements recorded by the existing ones and consolidating it in a supposedly emerging economy like Nigeria with vices of poverty, inequality, and corruption is no doubt a herculean task. This is more so in an atmosphere where the conducts of free, fair, and credible elections into such institutions have become near impossible. Nonetheless, effective representative institutions are necessary prerequisites for public accountability and popular participation. Strong and viable institutions as opposed to powerful personalities and individuals with no clear-cut ideology are desirable for representative government to thrive.

This would require that political actors recognise constitutional provisions and respect the rule of law. In spite of any real and perceived misgivings, the 1999 Constitution made adequate provisions for the independence and effective functioning of State legislatures. It is therefore imperative that political actors and public office holders consciously subscribe to the strengthening of these representative institutions. Representatives would require periodic re-orientation on the demand of their mandates and the provisions of the Constitution. Such members would strive to extricate their institution from the vagaries of dependency, cultivate institutional cohesion and maintain internal discipline among other professional ethics.

Electorates however have the balancing role to play in policing legislative institutions by ensuring compliance with rules of engagement. In this manner, executives would be compelled grant right of scrutiny, guarantee the provision of adequate resources for, and respect the independence of their respective legislatures to function effectively. Beyond legal framework potentials, suggestions on how to improve the performance and institutionalisation of the legislature include:

**Restructuring the Polity:** This is not to underscore the rudimentary stage of the nation's system of rule though; but in addition to compliance with electoral rules, aspiring legislators, like other prospective aspirants, must be made to engage the electorate through issue-based campaign for and during elections. Platforms must be instituted for aspirants to interface with, and bring them in direct contact with the electorate. This could be facilitated by the electoral umpire and the civil society organisations. Within this context is also the need to monitor sources of aspirants' campaign funding. These are with a view to correcting the impression that elections can be won with or without engaging the electorate or that representative institutions can be desecrated on political expediencies.

**Restructuring the Political Parties:** A supreme party structure whose leadership is divorced from, not subservient to, but supersedes the State Governor, is of the essence in ensuring compliance and party loyalty. Although a strong party may not necessarily guarantee systemic stability, it has the tendency to facilitate high level of discipline among members, quality control of aspirants, and check possible excesses of dominant personalities as regards the deployment of party machinery. A virile party also has the capacity to engender unifying ideology and enviable corporate ideals for the benefit of the system of rule. It could thus initiate policies that would be enduring and sustainable for the benefit of the system and the electorate, and for internal democracy that would be appealing to well meaning citizenry. This would invariably offer conducive atmosphere for the right candidates with the requisite capacity to internalise the party's programmes and manifestoes for elective offices. By and large, parties would not be easily deployed as a vehicle for pecuniary benefits.

**The Legislature's Autonomy:** The Legislature should be empowered to manage its affairs and work independent of the executive through the implementation of the appropriate legal framework that would guarantee autonomy in the areas of finance, human and material resources in line with the statutory provisions. This also entails upgrading the existing facilities in the legislature. By doing this, the legislature would have been granted the opportunity to evolve the desirable leadership, well grounded in the art of understanding the dynamics of presiding over an institution that is composed of representatives with diverse preferences independent of external influences. Depending on its style, such leadership could wield influence over members, which could engender institutional cohesion and unity of purpose for legislative performance notwithstanding party affiliation. This is also with a view to instituting the suitable atmosphere for bargaining and compromise that could enhance legislature's effectiveness.

**Role Re-orientation for Legislators:** There is the need to arrest the trend of default interpretation legislative responsibilities by lawmakers and their penchant for willing submission to external influences and manipulations. Parties must provide avenues for constructive engagement with representatives, particularly as regards perception of roles and responsibilities in order to mitigate such constitutional anomaly where minority decision takes precedence over majority considerations as exemplified by the pronouncement of impeachment on the Speaker, Tunji Egbetokun, and 14 others by a group of eleven members of the 2007-2011 Assembly. This was the trend in Plateau State and Oyo State where minority legislators initiated impeachment campaigns against their respective executives.

**State Security:** The development in Ogun State calls to question the constitutional provisions (Sections 214-216) that entrusted the State Governor with the control of the State security apparatus including the police force at the expense of the legislature in time of protracted disagreement as witnessed during the 2007-2011 legislative term. The Ogun State House of Assembly could not sit as constitutionally required due to alleged insecurity, particularly on the part of the majority faction (G-15). The alleged threat to their lives was on account of their non-compliance with the wishes of the Governor and the latter sense of insecurity as regards possible fallout of legislators renewed oversight quest. Legislators could take-up the executive found culpable in the abuse of power through arbitrary deployment of security agencies as alleged by the State legislators during the period under review.

**Active Participation by the Electorate:** The electorate must take-up the challenge of electing the most eligible and qualified representatives. This requires preferences for choice representatives with the requisite professional competence and intellectual capacity to function effectively. It also requires an enviable sense of duty among other right attitudes to undertake such roles and responsibilities that are expected of a quality intermediary between the government and the citizenry, chief of which includes challenging the authority of the executive through oversight where and when executive's action is at variance with the interest of the representative's constituent. Participation here also entails calling to question erring representative through individual and group action and possible recourse to Section 110 of the constitution to recall representative found wanting and when necessary. All these have the tendency to arrest the greed, self-centredness, seeming disregard for the peoples' will and further enhance legislative accountability.

**Bridge the Interaction Gap:** Deliberate efforts must be made to arrest the palpable disconnect between the legislature and the executive on the one hand; and between the legislature and the people on the other hand. This requires constant dialogue, appropriate deployment of communication tools to reach out to the two environments, the executive and the electorate. The legislature, and specifically the elected officials, must be willing to engage the electorate who are politically informed, aware, and knowledgeable and could question their actions and inactions for critical input and enhanced performance. Frequent interaction with their respective constituents will make legislators to be more representative, responsible and accountable.

**Incorporating Noble Cultural Values:** In view of the prominence of traditional practices and institutions, particularly the seeming difficulty in divorcing these from the polity, there could be deliberate efforts to incorporate noble traditional values and informal practices as intervening and coping mechanisms, including, in some instances, ensuring compliance with oath of office. Such must have prospects for enhancing discipline and sincerity of purpose among lawmakers. For example, this study uncovered peculiar traditional religious practices involving traditional religious and cultic practices like oath-taking that was patronized by the sixth Assembly to extract loyalty, followership and sustain group cohesion, and the efficacy of this traditional religious pattern manifested itself in the unity of purpose exhibited by groups accused of undertaking such practices. There is no doubting the fact that the malfeasance in government could be contained through resort to traditional oath-taking acclaimed by adherents traditional religious practitioners to be of high potency, more so that oath-taking in the Islamic and Christian manners have had little consequences having been observed in breach.

**Capacity-Building:** This study aligns with Barkan (2008) submission to the effect that among factors that building legislative capacity requires changes to the formal rules that structure legislative-executive relations coupled with provision of commensurate resources both to the legislature as an institution and to the legislators as individuals. It also identifies the need for quality human resources particularly competent personnel and technocrats to support a modern legislature.

Legislators should maintain functional constituency offices and be supported by professional staff, both in the legislature and in their respective constituencies. The same goes for legislative committees and such other mechanisms for legislation and oversight all of which must have expert support. This is against the background of a small number of professional staff compared to the retinue of auxiliary staff, including secretaries and

drivers among other non-professional support staff that currently surround the State legislature.

Recruitment to such posts must not be through patronage but through merit and a credible selection process. The pursuit of election and re-election into the legislature often make legislators vulnerable to financial inducements from the executive and patronage from overbearing party leaders, which invariably hinders legislators' independence in the discharge of their official duties to the detriment of their mandates.

The equally agrees with Barkan (2008) to the effect that among factors that determine the relative capacity of the legislature to become more attuned to its responsibilities and enhance effective representation are: the presence in the legislature members that are committed to internal reform of the legislative institution. Such members, either on account of exposure or sheer understanding of their granted powers perceive that their legislature is deficient in comparison to more effective similar institution elsewhere thus, resolved to up their game; such legislature could also parade the leadership that could be formidable forces for or against change; an executive, who invariably opposes the strengthening of legislative capacity for whatever reason; and civil society groups and partners that are committed to institutional capacity building through legislators training and encouragement of legislators designed to make the legislature stronger and more effective as an institution.

Changing the economic fortune of Nigeria has become imperative to provide employment to the teeming youths and robust adult population to engender the development of autonomous civic culture with citizens who would be free enough to engage their representatives, ask pertinent questions and crave for public accountability.

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