

53. *West Africa*, 6 February, 1984, p. 258.
54. Lipset, M., *The First New Nation*, p. 19. Quoted in nwabueze, op. cit., p. 25.
55. *West Africa*, 9 January, 1984, p. 51.
56. Attempts to get official proceedings of the case failed. I am indebted for this discussion, to various Nigerian Dailies.
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58. Ghai, Y.P. and McAuslan, J.P.W.B., *Public Law and Political Change in Kenya*, 1970, p. 511.
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THE NIGERIAN LEGISLATURE: AN APPRAISAL OF THE IMO STATE LEGISLATURE

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INTRODUCTION

Democracy has been defined as a system of government under which the people exercise the governing power directly or through representatives periodically elected by themselves.¹ Under the modern state system the people cannot exercise real governing power directly. The only means through which the people can exercise political power is via their elected representatives. Thus, the representative assembly (the legislature) has become an indispensable institution of modern democratic government. The legislature is a body of elected representatives of the people empowered to make and un-make laws for the welfare of the people who they represent. The primary purpose of the legislature is to represent the popular will, check tendencies toward absolutism in the state, and make laws for the welfare and the promotion of the good life of the entire people. But for the legislature to satisfy this purpose it should be truly representative in character, knowledgeable and mature in judgement, selfless, responsive, responsible, competent and effective in the discharge of its functions, discreet and judicious in the exercise of its powers, and high in its integrity.

The Nigerian legislature developed through a series of constitutional developments starting from 1922 when the Clifford Constitution provided the elective principle for the first time in Nigeria. The British imperialists trained the Nigerian politicians in the Westminster parliamentary system with the result that when Nigeria attained its independence in 1960 it adopted the parliamentary system of government. In this system, the Nigerian legislature was dominated and controlled by the executive arm of government, and the executive depended on the majority support of the legislature in order to be in power. With this "fusion" of the legislative and executive powers during the First Republic, the legislature became the centre of political power in the Nigerian political system. After the collapse of the First Republic on the 15th of January, 1966, the military ruled Nigeria without an elected legislature for approximately fourteen years. The military produced the Constitution of the Federal Republic of Nigeria, 1979, with which it handed over political power to the elected representatives of the people. Principally, the Constitution provided for federal presidentialism. This is a system of government in which the governmental powers are shared between the federal and state governments, and each level of government has an executive which constitutes the focal point of the entire system, separated from the legislature and the judiciary, with an

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elaborate system of checks and balances. Thus, the Nigerian Constitution provided for federal and state governments. The federal government was composed of the President, the National Assembly and the Federal Judiciary, each separated from the other, while each of the existing nineteen state governments consisted of the State Governor, the State Assembly and the State Judiciary, each also separated from the other. Among these three organs of government, the legislature stood out as the best means for the realisation of a truly accountable and responsible government. This assertion is attested by the fact that the 1979 Nigerian Constitution endowed the Nigerian legislature with crucial powers that would enable it to play a dominant role in the Nigerian political system. But the crucial questions are: To what extent did the Nigerian legislature appreciate the powers endowed to it by the Nigerian constitution? Did the legislature perform its functions and exercise its powers in the interest of the people which it represented? To what extent was the Nigerian legislature truly representative in character and functions? Did the Nigerian legislature perform its functions creditably well?

To answer these questions, this paper concentrates on a study and critical appraisal of the Imo State legislature 1979—1983, which can be taken to apply, in a general form, to other legislatures in Nigeria.*

COMPOSITION AND MEMBERSHIP

The 1979 Nigerian constitution provided for a bicameral legislature at the federal level — the National Assembly which consisted of the Senate and the House of Representatives, and a unicameral legislature at the state level — the State House of Assembly. The main consideration for the provision of bicameral legislature at the centre was to create a vehicle for the two types of representation required in a federal system, to ensure adequate representation of various interests in the vast nation of Nigeria, and to create more barriers and checks for the exercise of governmental powers, which is in accordance with the idea of limited government. The main consideration for the provision of unicameralism for each of the state governments in Nigeria was economic. It was considered that the states were small in size and hence one legislative house could represent adequately all the necessary interests, and that at that stage of political, social and economic development, a state government could not maintain two legislative houses without incapacitating the entire political system.

State legislatures varied in their composition. The constitution provided that "a House of Assembly of a State shall consist of three times the total number of seats which the State has in the House of Representatives".² The Imo State had 30 members in the House of Representatives, and thus the Imo State Assembly consisted of 90 members. But during its fourth session, the House consisted of only 81 members, as it lost 5 members through deaths, 3 members resigned in order to join the state executive, while one member resigned for personal reasons. As the Federal Electoral Commission failed to

* The military toppled the civilian government of the Federal Republic of Nigeria on December 31, 1983, suspended the Nigerian Constitution and established once again military rule in Nigeria.

conduct by-elections for the vacant seats during the first four years of the house, the affected constituencies were without representatives, which amounted to disenfranchisement of the constituents. The constitution required the candidate for the State Assembly to be a Nigerian citizen and to have attained the age beyond that required of the voter but below that required of the candidate for the Senate. The age requirement of a voter was 18 years, that of a candidate for the State Assembly or House of Representatives was 21 years, and for the Senate 30 years. It is important to note that although the Constitution, or the Electoral Law, did not provide for property requirement, yet in practice there was an implicit property requirement as a candidate had to pay huge sums of money to his party and to the nominators before he could ever be nominated by his party to stand for election. Furthermore, the Constitution only provided that the candidate for the election should be a Nigerian citizen and did not restrict the candidature to only the indigenes. But in practice, only the indigenes of a constituency could stand for election. This negated the principle of one Nigeria and tended to exacerbate the problem of national integration in Nigeria.

The Imo State Legislature, like other state legislatures of the federation, but unlike the National Assembly, was dominated by a single political party. At the National Assembly, no single political party had an absolute majority in any of the two chambers. Thus, the NPN-controlled Federal Executive was not backed by an NPN majority in each of the two Houses of the National Assembly, although the NPN secured the highest number of seats of each of the five political parties represented in the two Houses of the National Assembly. This produced differences in the operation of the multi-party federal government and the "one party" oriented state governments. The Imo State Assembly was controlled and dominated by the Nigerian People's Party (NPP).

The state of parties in the State Legislature is shown as follows:

TABLE 1: STATE OF PARTIES IN THE IMO STATE LEGISLATURE AS AT OCTOBER 1979

S/NO.	POLITICAL PARTIES	TOTAL NO. OF SEATS
1	THE NIGERIAN PEOPLE'S PARTY (NPP)	76
2	THE NATIONAL PARTY OF NIGERIA (NPN)	12
3	THE GREAT NIGERIAN PEOPLE'S PARTY (GNPP)	2
4	THE UNITY PARTY OF NIGERIA (UPN)	—
5	THE PEOPLE'S REDEMPTION PARTY (PRP)	—
	TOTAL	90

This great imbalance in the representation of political parties in the state legislature affected the operation effectiveness of the state government as shall be shown later in this paper. The state legislature was far from being popularly representative. The legislators were drawn from much narrower occupational groups than those prevailing in the state as a whole; the state legislature was business-dominated in its composition. This is illustrated in the Table below.³

TABLE 2: OCCUPATIONAL BACKGROUND OF IMO STATE LEGISLATORS

S/NO.	OCCUPATION	NO. OF LEGISLATORS	PERCENTAGE
1	BUSINESS	36	44.5%
2	LAWYERS	12	14.8%
3	TEACHERS/LECTURERS	12	14.8%
4	CIVIL SERVANTS/WORKERS	12	14.8%
5	PROFESSIONALS (DOCTORS, ENGINEERS, ACCOUNTANTS, ARCHITECTS)	7	8.6%
6	JOURNALISTS	2	2.5%
TOTAL		81	100%

It is evident from the above Table that while the business interests were over-represented in the legislature, the interests of farmers, agriculturists and industrialists were not represented at all. For instance, in the French National Assembly, 12½% of the membership have agricultural backgrounds, in the German Bundestag, 11%, while in the United State of America agriculturists account for 8% of the membership of the House of Representatives.⁴ In addition, there were few retired workers and teachers in the membership of the State legislature, of whom two were veteran trade unionists. These championed the cause of the oppressed and exploited workers in the House, but naturally proved to be just lonely voices crying in the wilderness. Moreover, most of the legislators were urban dwellers who were quite isolated from their rural constituents and thus could not identify truly with the interests of the vast rural population. The consequence of this type of representation was that legislators tended to view the legislature as a "shopping centre" or a form of "business enterprise" which was operated for material gains. The interests of the farmers, workers, artisans and teachers were not protected. For instance, in April/May 1983, all the public servants in Imo State, which included civil servants, doctors, nurses, teachers, went on strike for one month for non-payment of salaries, an action which paralysed the management of public affairs in Imo State, but the State legislature took no significant steps to end the strike action.

Furthermore, the interests of the rural population were not adequately catered for. The percentage of lawyers, generally regarded as the defenders of the law and the individual liberty, is quite encouraging although, of course, this assertion needs to be justified by their performance. This percentage of lawyers in the Imo State Legislature compared favourably with their representation in the developed countries of the world.

For instance, in the French National Assembly, lawyers constitute 15% of the total membership, while they are 18% of the British House of Commons, and in the USA they constitute as much as 54%.⁵ It is also obvious that women were grossly under-represented in the state legislature, a pattern repeated throughout the federation. In the Imo State Assembly, out of 90 members elected into the House in 1979, only one member was a woman.

As far as educational qualification of the member of the Imo State Legislature is concerned, the quality of membership of the legislature was quite commendable. A high educational background is an important requirement for effective legislative performance. A representative should be educated enough to read, in a critical manner, newspapers, journals, magazines, government publications, government budgets, reports of the Accountant-General and the Director of Audit, and other reports and documents of public interest, and be able to critically evaluate and analyse public policies. The quality of membership of Imo State Assembly in terms of educational qualifications satisfied this requirement. This is illustrated in the Table below.⁶

TABLE 3: EDUCATIONAL BACKGROUND OF IMO STATE LEGISLATORS

S/NO.	EDUCATION QUALIFICATION	NO. OF LEGISLATORS	PERCENTAGE
1	GRADUATES	37	45.7%
2	COLLEGE EDUCATION	40	49.4%
3	PRIMARY SIX	4	4.9%
TOTAL		81	100%

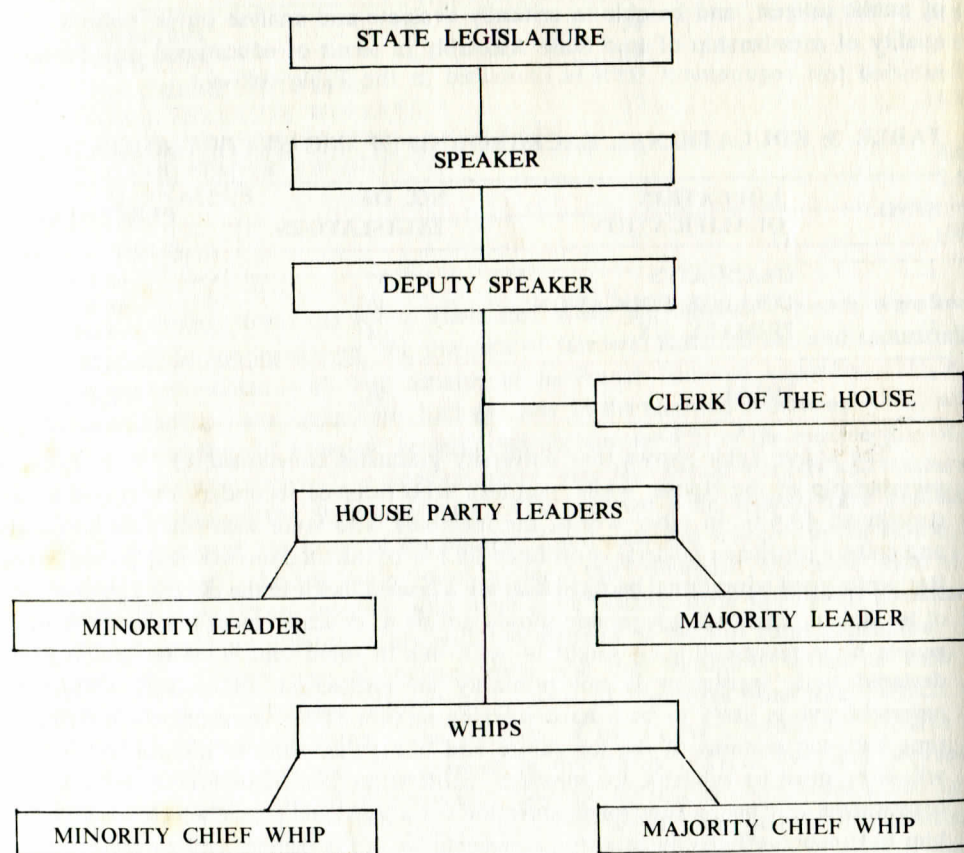
The above Table shows that university graduates constituted 45.7% of the total membership of the House, while members who received secondary college education constituted 49.4%. In other words, the members who were well educated (graduates and college certificate holders) constituted 95.1% of the total membership of the House. But while good educational backgrounds are a crucial factor in the effective performance of legislative functions, a legislator should not be so educated as to lose touch with the people he is representing. It might be with this in mind that Hitchner and Harbold declared that "legislation is not primarily an intellectual occupation; instead, the representative is likely to be a hard-working servant of his constituency, dividing his time between sessions of the legislature and numerous visits to his electoral district, where he must be available for meetings, conferences and innumerable services to his constituents".⁷ Thus, a functional education for a legislator is that which would enable him to function effectively as a true representative of the people, sharing their interests, values and problems as well as championing their causes.

LEADERSHIP OF THE LEGISLATURE

Leadership is crucial to the effective functioning of the legislative process. It is defined as "a strategy for accomplishing work effectively"⁸ and "a process of in-

fluencing the activities of an organised group in the task of goal-getting and goal achievement"⁹, and also as "the art of co-ordinating and motivating individuals and groups to achieve desired ends"¹⁰. In the state legislature there was a hierarchy of leadership. At the apex stood the Speaker of the House, whose position was the most sought-after post in the House. He was followed in rank by the Deputy Speaker, who acted in that capacity during the periods of absence of the Speaker. The Deputy Speaker was followed in rank by the House Party Leaders — majority Leader and minority Leader, and the Chief Whips — Majority Chief Whip and Minority Chief Whip. This is illustrated in the diagram below:

FIG 1: LEADERSHIP STRUCTURE OF THE IMO STATE LEGISLATURE



The Speaker was the nominee of the majority party, the Nigerian People's Party (NPP), and was normally elected by the House at the beginning of a new House from amongst its members. He held office as long as he retained the confidence of the House. A speaker could be removed from office by a resolution of the state legislature by the votes of not less than two-thirds of the members of the House.¹¹ For instance, the

Ondo State legislature was the first legislature in Nigeria that impeached both the Speaker and Deputy Speaker, on June 11, 1981, under this provision of the Constitution. The Speaker of the Nigerian legislature, just like the American Speaker but unlike the British Speaker, was a partisan politician and employed his powers within the limits of law and standing orders of the House to aid his own political party. He had the responsibility of directing the affairs of the House, maintaining order, and ensuring that the operation of the House was governed strictly by the standing orders. The Speaker had the power to recognise members wishing to speak, decide points of order, interpret the rules of procedure, determine the agenda of the House and assign bills to the appropriate committees. The Speaker also had the power to, and sometimes did, suspend proceedings of the House to repress disorder in the House. He had a casting vote, but sometimes used his position to manipulate the result of voting in the House. The Speaker put questions and announced results of votes by members. In most cases he adopted the *viva voce* vote in which members called out in turn "Ayes" and "Noes", and sometimes the Speaker announced that the "Ayes had it" when in fact the "Noes had it". The House rarely applied the voting device of "division" which involves a physical separation of "Ayes" and "Noes". It did not use the device of roll call or that of balloting. To avoid the manipulation of results of voting of members by the Speaker, there is a need to use secret balloting or to instal electronic voting machines in the legislative Houses to ensure accuracy of voting results.

The Speaker was the embodiment of the dignity, prestige, powers and values of the legislature. He was advised, where necessary, by the Clerk of the House who was the chief permanent official of the legislature. The Speaker of the Imo State Assembly, Barrister G.N.A. Atulomah, was tolerant, magnanimous and got on well with most members of the House, including members of the minority parties. He was moderate, but serious-minded in the discharge of the functions attached to his office. He tried to bring understanding and good relations between the Assembly and the Executive. The Speaker was aided in his leadership role by the Party Leaders of the House - majority Leader and minority Leader. The majority Leader was the link between the legislature and the Executive, introduced the Executive bills in the House and threw all his weight behind promoting and maintaining the interests of the State Executive in the House. The majority Leader was the chief lobbyist of the Executive, and helped to maintain discipline and order in the House. As a lobbyist, he should possess admirable personality traits, be popular with the members of the House and possess extensive verbal, intellectual and social skills. He applied all possible techniques to ensure easy passage of Executive bills. The minority Leader was the leader of the legislative committee of the minority party which met often to discuss the policies and problems of the members of the minority party, develop strategies on how to present their policies on the floor of the House. The minority Leader was the official spokesman of his party in the House. He coordinated the efforts of that party's members in the House and defended the policies of the NPN-controlled federal government. He counselled party members and led in the reconciliation of occasional conflicts between the majority and the minority parties. The minority Leader represented his party in official delegations of the House and persuaded his colleagues to support Executive bills that were of public interest.

The Chief Whips (majority and minority) ensured the discipline and orderly behaviour of members of their parties in the House. They ensured that, where issues before the Legislature bordered on major party policies, members voted according to party directive. They kept records of the degree of loyalty of individual members to their parties. The Chief Whip did not "whip" in the true sense of the word; rather, he persuaded and manipulated members through skilful use of words and influence and by admirable personal qualities. Pfiffner and Presthus rightly observed that "although power is an essential part of leadership, involving the ability to secure compliance by persuasion or command, formal authority or position cannot by itself insure leadership".¹² In other words, the personal quality of the Chief Whip is an essential requirement for success in his role in the House.

FUNCTIONS AND POWERS

The functions and powers of the legislature can be examined under four broad headings, namely law-making, control and supervision of the Executive, financial control, and the representation of interests and opinions.

(i) Law-Making and Policy Determination

The most important function of the legislature is law-making. The power to make law was vested in the Nigerian legislatures by the Constitution of the Federal Republic of Nigeria 1979, section 4.¹³ The power of the Imo State legislature to make laws was clearly provided under section 4(6), (7) which states:

The legislative powers of a State of the Federation shall be vested in the House of Assembly of the State. The House of Assembly of a State shall have the power to make laws for peace, order and good government of the State or any part thereof.¹⁴

These laws could cover any matter not included in the Exclusive Legislative List and any matter included in the Concurrent Legislative List and, further, any other matter in respect to which it was empowered to make laws in accordance with the provision of the Constitution.¹⁵

The power of law-making and policy determination was exercised through the introduction of bills and motions. During the first session of the first House of Imo State Assembly, members did not initiate bills, and most of the bills introduced were Executive bills. The members preoccupied themselves with the introduction of motions which have no force of law, with the result that, during the first session, the members of the House introduced a total of 143 motions, as compared with only 39 motions introduced during the second session.¹⁶ The reduction in the number of motions introduced during the second session was a result of the persistent advice by the Speaker to the members to initiate bills instead of motions, and the ultimate realisation by the members of the significant role of laws in the political process and the insignificant value of motions in the conduct of public affairs. This was clearly stated in Section 94 of the Constitution which declared that "the power of a House of Assembly to make laws shall be exercised by bills passed by the House of Assembly and --- assented by the Governor".¹⁷

The legislative process of the state legislature was guided by the Constitution and the standing orders of the House. The Constitution empowered the state legislature to regulate its own procedure, including the procedure for summoning and recess of the House. But the state legislature adopted the standing orders of the House of Representatives of 1962. The consequence of using the out-dated standing orders of the parliamentary system of the First Republic in the presidential system of the Second Republic was that the operation of the presidential system was in practice a hybrid of the parliamentary and presidential systems. Although the legislature had a monopoly of statute-making, most of the bills introduced in the Assembly originated from the Executive. The bills underwent rigorous processing before they became laws. After the first Reading of the bill which was done by the Clerk of the House, it went to the second Reading, where the general principles and the details of the bill were critically examined. Then the bill, if it sailed through the second Reading, was committed to the relevant Standing Committee of the House for critical scrutiny.

The Imo State Assembly had as many as 33 Standing Committees, all of which were chaired by members from the majority party. However, the minority parties were represented in the Committees in proportion to their strength in the Assembly. The bills were subjected to critical analysis, clause after clause, by the Committee. The Committee often held public hearings which enabled the Committee to hear all shades of opinion of such bills before they were either passed or killed. The Committee system was crucial and central in the functioning of the legislature in a presidential system. According to Hitchner and Harbold, "its function is to act as the 'house in miniature' and to subject the bill to such revision and amendments as will commend it to the membership generally".¹⁸ To stress further the importance of the Committee in legislative process, it is commonly said that the legislature in session is the House at play; but the House in Committee is the legislature at work. The Committee had the power to recommend to the House that the bill be passed without any amendments, or that the bill be totally rejected. The Committee could also recommend a withdrawal of the bill or in rare cases could produce a substitute to the bill. The Committee had the power also to put the bill in the "cooler" (technical killing of the bill).

In practice, however, the Committee work was very ineffective as a result of various factors. The first was a high rate of absenteeism in the Committee meetings with the result that on most occasions Committees failed to sit because of lack of quorum and often the work of the Committee was ultimately performed by the Chairman and the Secretary while other members only endorsed their names on the produced report. The Speaker often regretted this unfortunate situation, appealing to members to effect a change of attitude. Thus, he once lamented, "it is sad to note that the attendance at Committee meetings was generally poor and on several occasions committee meetings had to be cancelled for lack of quorum".¹⁹ He added that "Committees are the live-wire of legislatures in the Presidential System of Government and we cannot, therefore, afford to trifle with our Committee duties".²⁰ Some committees of the State Assembly rarely met. This phenomenon of high rate of absenteeism in Committee meetings which tended to paralyse the House Committee duties was serious and is clearly illustrated in the House Sessional Reports.

For instance, the House Second Sessional Report on the performance of the State Assembly clearly stated that most Committees, particularly, Public Service, Ethics, Public Utilities, Standing Orders, and Technology Committees, could not hold most scheduled meetings because of lack of quorum.²¹ The House Fourth Sessional Report states that the Committee on Budget Implementation did not sit at all for the four sessions of the First House (1979-1983) because "members did not attend scheduled meetings".²²

The Report states that the only meeting which the Committee on Community Development and co-operatives held was the inaugural meeting of June 25, 1982. Another example is the Report's remark on the performance of the Committee on Social Welfare which states thus:

Committee could not do much as scheduled meetings were cancelled due to lack of quorum. This Committee has a lot of areas to operate and could earn a reputable image for the House if it determined to work.²³

Furthermore, in his report to mark the end of the fourth session of the First House, the Speaker observed thus:

Attendance at Committee meetings continued to be poor and scheduled Committee meetings were, on several occasions cancelled for lack of quorum. As many as 11 Committees did not hold even a single meeting while 7 Committees held between 1 and 5 meetings during the session. The Standing Orders Committee was not able to give us a revised Standing Order throughout the four years.²⁴

The second factor was party supremacy. In some cases committee decisions were merely perfunctory. The majority party was so overwhelmingly powerful that most business of the State legislature was done at the party caucus, for the House to rubber-stamp. In such a situation one could describe what happened on the floor of the State Assembly as post-script. The third factor was Executive dominance, interference and manipulation. Very often the Executive informally dictated to the Committee on issues of the Executive's interests. Illustrations to substantiate these phenomena of party supremacy and Executive dominance are given in a later part of this paper.

The relevant Standing Committee gave its report on a bill to the whole House for consideration and if it passed this Report Stage, it was then given a third Reading. When the bill was passed, it was sent to the Governor for his assent. The Governor had the powers to give or refuse assent. The Governor, on some occasions, refused assent to bills passed by the State Legislature and once the House courageously re-passed one of them into law without the Governor's assent. This was the "Traditional Rulers and Autonomous Communities Law 1981".²⁵ This bill was initiated in the House on 6th January, 1981, passed by the House on 1st April, 1981 and then forwarded to the Governor for assent. The Governor refused assent to the bill and it was re-considered by the House on 13th July, 1981 and re-passed into law on the same day with two-thirds majority, in accordance with section 94(5) of the Constitution.

An important element in the legislative process is lobbying. A lobby, in its literal meaning, is an ante-chamber of a legislative hall or a corridor into which members pass as they vote. As this place is normally used by individuals or groups of persons who campaign to persuade legislators to make policies, laws and regulations favouring their

particular interests, the term lobby is then used as a political instrument applied to achieve legislative support. Lobbying is therefore a political device by which individuals or groups of people who have special interests in a proposal, measure, policy, motion or bill before a legislative assembly apply skilful communication and campaign to persuade or manipulate the legislators to make laws, approve policies and motions that favour their particular interests. Lobbying is an essential instrument of legislative support in a presidential system of government. When properly applied, it is an instrument through which individuals, pressure groups and the Executive participate effectively in the legislative process. It makes the electorate politically active, stimulates their political alertness and enhances participatory democracy. In the State Assembly lobbying was applied. During important bills, interest groups flooded the Legislative Assembly, campaigning for support or withdrawal of support. For instance, during the making of the Local Government (Amendment) Law which provided for the creation of 59 Local Government Areas in Imo State, people from various communities besieged the Legislative Assembly, campaigning for support of their demands. During important Executive bills, State government Commissioners were seen in the Assembly, lobbying for support. However, lobbying was not correctly applied at this early stage of the Presidential System. In the first place, there was the factor of the dominance of the Executive who very often won over legislators by promising them material rewards in return for their legislative support. Secondly, there was the element of party supremacy.

The majority party used a "big stick" on the legislators, to ensure that they toed the party line whether right or wrong. Legislators who voted contrary to the party's directive were accused of having committed the "crime" of anti-party activities, which earned them a very adverse record of great political consequence. One legislator of the majority party, Hon. L.N. Muoneke, was disciplined by his party through suspension for six months, for criticising his Government on the floor of the House for the Location of his Local Government Headquarters which he considered to be unsuitable. Furthermore, the Party did not re-nominate him for the 1983 General Election, as an additional punishment.

Party discipline in Nigeria was very strong because party leaders were authoritarian and dictatorial and they always liked to impose their will on their members. Whenever their will was found unacceptable and was resisted, this was termed anti-party activity. The party discipline had such strength, because the Constitution of the Federal Republic of Nigeria 1979 made it mandatory that any candidate for an election in Nigeria must be sponsored by a political party. Political parties in Nigeria were ethnic-based and once a person was expelled from the ruling party of his area, he was politically ruined. Thus, in order to survive politically, one had to obey party leadership. It must, therefore, be emphasised that party discipline in Nigeria was not based on ideological consideration as no political party in Nigeria was ideologically founded nor were individual politicians ideologically oriented; rather, party discipline in Nigeria was based on selfish interests of the party leaders. However, party leaders saw strict party discipline as indispensable, in an indisciplined society like Nigeria, to curb the excessive selfish interests of members which ran counter to party interests and thus save the party from disorganisation and which ensure its internal cohesion. Thirdly, most

people in Nigeria in general are not politically active, as a result of political apathy, lack of political consciousness and low cognitive orientation. This characteristic behaviour of political apathy in Nigerian politics can best be illustrated by the poor voter turn-out in the 1979 General Elections. The Federal Electoral Commission Report shows that the percentage turn-out of voters in the State Assembly elections was 31.18%, the House of Representatives elections recorded a votes turn-out of 31%, Gubernatorial elections recorded 32.35% Presidential elections recorded 34.8%, while the Senatorial elections had only 25% voters turn-out. Fourthly, there was the wrong notion that lobbying means buying legislators with money or material rewards, rather than persuading the legislators through skilful use of words and manipulation to adopt the lobbyist's viewpoint of the proposal under consideration. This corruptive way of acquiring legislative support was very opprobrious, dysfunctional to the political system and negating democratic principles. Finally, sometimes people, instead of applying the device of lobbying, resorted to carrying "juju" or native "medicine" to the Assembly in order to win legislative support for their particular interests. It is very disheartening that this crude and primitive practice, which is in fact antithetical to the practice of democracy was observed at this stage of political development.

In the area of policy determination the State legislature was dependent on the State Executive. This was a result of the complexities of the government process, the inability of the Standing Committees to devote time to their investigative and formulative roles and the nonchalant attitudes of the legislators. All legislators did in this direction was to review the policies, examine and criticise them and ultimately adopt them.

Thus, Executive dominance and party supremacy proved to be a cog in the wheel of legislation. The legislature was reduced to a mere puppet of the Executive. For instance, in Imo State, as in every other State in Nigeria, the Governor was the Leader of his party in the State. In this capacity he controlled the Chairman of the party in the State. Whenever there was a disagreement between the legislature and the Executive, the Governor turned it into a party affair in order to achieve his goal. The party Chairman in the State and other party leaders were summoned to discuss the issue with the Governor and the decision which was usually sent down to the State Assembly, where the members of the majority party, through party whips, were forced to comply. For example, when the legislators discovered that the Governor was applying the instrument of "arm twisting" by directing delay in the payment of their salaries and allowances for some months, in order to gain their support either to pass his bills and measures or to "kill" bills, motions and measures which were opposed to his interests, some members initiated and introduced a bill titled "the Legislature and Judiciary Self Accounting Bill 1981", which sought to achieve the financial independence of the legislature and the judiciary. When it appeared to the Governor that the legislators were in full support of the bill, he summoned the party leaders of the State and made the issue a party affair. The decision of the party caucus, which reflected the will of the Governor, was handed down to the members of the majority party in the House with orders to comply strictly. Thus the bill was "killed", simply because the Executive did not want the legislature and the judiciary to be fully independent from Executive control.

The Imo State Assembly, during the four sessions of the First House (1979—1983), received a total of 133 bills and passed only 81. The State Assembly Sessional Report further shows that out of these 133 bills 34 bills were introduced during the first session, 39 bills were received during the second session, 37 bills came in during the third session, while only 23 were introduced during the fourth session.²⁶ This shows that the House worked hardest during the second session, but during the fourth session individual members were more pre-occupied with election campaigns and struggles to be re-elected for a second term. Therefore, selfish interests of the legislators did over-ride the people's interest which these legislators were elected to serve.

A summary of the positions on the 133 bills is given in the Table below:

TABLE 4: BILLS INTRODUCED DURING FOUR SESSIONS (1979—83) OF IMO STATE ASSEMBLY

S/NO.	CLASSIFICATION	TOTAL NO.
1	BILLS INTRODUCED IN THE HOUSE	133
2	BILLS ACTUALLY PASSED	81
3	BILLS ASSENTED TO BY THE GOVERNOR	73
4	BILLS REFUSED ASSENT BUT REPASSED BY $\frac{2}{3}$ MAJORITY	1
5	BILLS IN THE "COOLER"/KILLED	52

SOURCE: Imo State Assembly Reports 1980—1983.

The above Table shows very poor performance of the State legislature. In the first place the total number of bills brought to the House during the four sessions is, grossly, very small. The ratio of the number of bills passed to the number of bills killed or placed in the "cooler" is very low. It is important to note that most of the Executive bills were passed. Moreover, Executive bills were treated with great speed. For instance, "Imo State Local Government Electoral (Amendment) Law 1983" which was first introduced in the House on September 14, 1983, was given the first, second and third reading on that same day and also was passed into law on that day, September 14, 1983. The bills which were "killed", withdrawn by their sponsors or placed in the "cooler", were mainly bills, sponsored by the members of the Assembly, which were opposed to the interest of the Chief Executive or the ruling party. These bills sought to check or control the powers of the Chief Executive. For instance, the Imo State "Economic Planning & Advisory Board Bill" of 1982 was "killed" by the influence of the Chief Executive who feared that such a Board might check his powers, and the same happened to the bill introduced by Hon. A.M. Uchegbu, which sought to have all monies accruing to the LAVAM Centre Project (a project undertaken by the Governor's wife) paid into the Revenue of the State and expended in accordance with the Financial Instructions governing public expenditure. Executive bills which were initially opposed by the House were ultimately passed through either lobbying, giving material rewards, "arms-twisting", intimidation, coercion, and Executive threats of delaying the payment

of salaries and allowances of members. Sometimes the matter was made a party issue and discussed in a party caucus where all members were compelled to comply or face party disciplinary action, usually consisting of suspension or expulsion from the party. The same instruments and strategies as enumerated above were employed to "kill" bills which were opposed to the party. These examples are all very good illustrations of Executive dominance and party supremacy.

Many factors were responsible for the poor performance of the House. The first was a high incidence of absenteeism, caused by lack of interest and commitment to the welfare of the people represented. Very often the House could not meet as a result of lack of quorum. Honourable members reported to the House just to sign the register and then disappear. Even on the days when the House did meet, they often sat for less than one hour and then adjourned. Moreover, the House regularly started its day's business late. Sometimes the House, which was supposed to start business at 9 a.m., started sitting at 12 noon and adjourned after some minutes' discussion. The public was told that they had such brief sittings in order to attend Committee meetings which however, very often did not take place as a result of lack of quorum.

The second factor was materialism on the part of the legislators. They did not care about representing the interest of the people. Most of the Nigerian legislators viewed the post of legislator as one through which to get rich quick. So, instead of applying the numerous allowances which they "milked" from the Nigerian economy towards efficiently performing their function, they rather applied them for selfish ends. For instance, legislators were given allowances to have an office, located at their respective constituencies, which was to serve as a link between them and their constituents. A legislator was expected to employ a graduate as a research assistant on Grade Level 9, a political assistant on Grade Level 8 and a typist, but most legislators used their houses as offices and, moreover, failed to employ these staff who would have aided them in their legislative functions. Rather, they preferred collecting the allowances for their personal enrichment.

The third factor was the inability of many House members to initiate bills. As shown before, the educational and occupational background of the State legislators was relatively high; therefore, the problem did not stem from poor quality of members but from a composite of factors ranging from lack of interest in legislative duties, materialistic attitude, lack of interest in the welfare of the people they represented and absence of competent legislative aid. Consequently, most members limited themselves to initiating motions instead of bills.

The fourth factor was that the minority parties were not given opportunity and encouragement to introduce bills in the House. This democratic right was denied them in the name of politics. Even when they managed to introduce a bill, such a bill was nipped in the bud. Thus, all the bills introduced by the minority parties during the first four sessions were killed in their early stages. More importantly, the members of the minority parties were not given adequate opportunity to speak on the floor of the House. It is important to note at the juncture that "democracy is not merely a matter of effecting the will of the majority, it requires some protection of the interests of the minorities as well".²⁷

The fifth factor was that most of the legislators failed to appreciate their central position in the political process. Most of them did not care to realise that the effectiveness of the government depended on their ability to determine all the areas of legislative priority, make appropriate laws and ensure their effective implementation. Most legislators appeared indifferent about the needs and problems of government. They did not care to study the operation of the State government and its problems and needs, and then formulate adequate and appropriate legislations and policies to solve the problems of the State and ensure good government.

(ii) Control and Supervision of the Executive

The executive functions of the State legislature flowed from the checks and balances built into the Presidential System of government. These functions were the control and supervision of the Executive. In the first place, the legislature was empowered to control the Executive on certain official acts. The Constitution of the Federal Republic of Nigeria 1979 empowered the State legislature to give approval to the Governor's appointment of his Commissioners. Thus, all the appointments to the offices of State Commissioner were duly approved by the State legislature. The appointments by the State Governor of the chairmen and members of the constitutionally established State executive bodies, namely, the State Civil Service Commission, the State Council of Chiefs, the State Judicial Service Commission and the State Electoral Commission, were subjected to confirmation by a resolution of the State House of Assembly. The removal by the Governor of any of the chairmen and members of these State executive bodies, established by the Constitution, could only be done after approval by a two-thirds majority of the State legislature²⁸. The State legislature was also empowered to approve the appointment by the Governor of the State Director of Audit and his removal by the Governor could only be effected with the approval of a two-thirds majority of the State Assembly. Finally, when the office of the Deputy Governor became vacant, by reason of death, resignation, removal or for any other reasons, the Governor could nominate and, with and approval of the State legislature, appoint a new Deputy Governor.²⁹ For instance, Governor Mbakwe's running mate in the 1979 election, Dr. B. Amalaha, was disqualified by the Court just after the election and the Governor nominated a member of Imo State Assembly, Mr. Isaac Uzoigwe, as his Deputy Governor, which was subsequently approved by the State Assembly. The essence of legislative control over executive appointments was to check any abuse of political patronage, to ensure that people of proven integrity, good character and ability were called upon to hold public offices and to ensure that political appointments were spread all over the State and not concentrated in one area. The party supremacy and Executive dominance however, tended to influence adversely the effective performance of this function by the legislature. Thus, Executive appointments were quickly ratified by the State legislature.

The legislature also controlled the Executive through compelling the Executive to furnish the House with relevant information about the administration. Thus, Hitchner and Harbold state that "if the legislature is to hold the executive accountable, it must know what it is doing. In consequence, all departments and agencies of government are obliged to issue a great volume of reports, regular and special, accounting for their activities"³⁰. To stress the importance of this aspect of legislative function, Woodrow

Wilson declared:

It is the proper duty of a representative body to look diligently into every affair of government and talk much of what he sees. It is meant to be the eyes and the voice, and to embody the wisdom and will of its constituents. Unless the Legislature have and use every means of acquainting itself with the acts and dispositions of the administrative agents of the government, the country must be helpless to learn how it is being served, and unless the legislature both scrutinise these things and sift them by every form of discussion, the country must remain in embarrassing, crippling ignorance of every affair which it is most important that it should understand and direct.³¹

This information gathering and investigative role was performed by the State legislature through summoning any member of the Executive branch of Government to appear before it and supply any required information, and through investigations conducted by the house and its Standing Committees. Commissioners and other officials were sometimes invited to give statements and discuss policies of the State government with Committees of the House. The Nigerian Constitution gave the State legislature the power to institute an inquiry or investigation into any matter on which it had power to make laws, and into the conduct of affairs of any person, authority, ministry or government department of the State government, for the purpose of enabling the House to make laws on matters within its legislative competence, to correct any defect in existing laws and to expose corruption, inefficiency or waste in the execution or administration of laws within its legislative competence and in the disbursement or administration of funds appropriated by it.³² The Constitution empowered the State Assembly or its Committee to issue a warrant to compel any person in Nigeria to appear before it, at any place, to give evidence on the matter under investigation or to produce any document or other object in his possession or under his control, which could be material or relevant to the subject-matter.³³

These provisions of the Constitution gave the State legislature a very heavy weapon with which to exercise sustained and effective control and supervision of the Executive, which would result in efficient and good government. These powers were so enormous that, if the legislature effectively applied them in the control of the Executive, it would ultimately serve as the "grand inquest of the nation"³⁴ It possessed "the signal responsibility to review executive policies and actions, to publicise those which are inefficient, ineffectual, or extravagant; to champion the cause of persons treated unjustly or arbitrarily, and to place the findings before the forum of public opinion."³⁵ Sir William Anson, in his *Law and Custom of the Constitution*, adds that the legislature, in the last resort, has the power to "bring to justice a great political offender"³⁶ Stressing the importance of this power of the legislature in the political process, Woodrow Wilson declared:

The argument is not only that discussed and interrogated administration is the only pure and efficient administration, but more than that, that the only really self-governing people is the people which discusses and interrogates its administration.³⁷

To what extent did the State legislature serve as the grand inquest of the State? To what extent did the legislature discuss, criticise and interrogate the administration? The State legislature did investigate some cases and interrogated the administration but its

activities did not produce any significant effect on the administration. Most of their resolutions were not implemented by the Executive. For instance, the State legislature resolved that the Commissioner of Local Government be asked to resign, on account of some allegations against him and also that contrary to the provisions of 1979 Constitution he was a traditional Ruler as well as a State Commissioner, but the Executive refused to implement the legislature's resolution. Similarly, the Assembly's committees conducted some investigations, reports of which were debated in the House. Usually the quality of debate in the Imo State Assembly was relatively high, which was a result of the high quality of the House membership. Regrettably however, the party lines in the legislature, just like in other legislatures in Nigeria, were so rigid that legislative debate hardly changed a member's vote. In any case, intelligent "debate provides the main forum in which the "rights" and "wrongs" of issues are aired"³⁸ Intelligent legislative debate, duly publicised, informs and motivates the public opinion. Stressing the importance of such legislative debates, Ranney observed: If an informed and enlightened citizenry is indeed a prime requisite for healthy democracy, informing the public is far from the least significant of legislature's functions"³⁹ However, most of those reports which were adopted by the legislature were not implemented at all. For instance the *ad hoc* Committee on Savings and Loans, which investigated into an alleged mismanagement of funds at Imo State Savings and Loans Board, discovered gross financial mismanagement in the establishment and made useful recommendations towards an efficient management of the corporation, but the report which was adopted by the State Assembly was not implemented. The officials of the corporation who were recommended for dismissal because of financial mismanagement were promoted rather than dismissed. Another example is the Health Committee Report which recommended, among other things, the dismissal of the Chief Consultant Surgeon at Queen Elizabeth Hospital, Umuahia, for gross mismanagement, but, again, the report was not implemented. In short, interviews with the Committee Clerks of the House have revealed that none of the reports of the House Committees were implemented. Apart from the non-implementation of the Assembly Committee reports, there was occasional Executive interference in Committee reports. The Executive and the majority party very often intimidated, coerced or persuaded the Committees to conduct the inquiry in a manner that would protect their interests. The consequence was the production of reports on matters of very serious public concern, which were "watery", subjective and of no political value. The House Committee on Information and Public Relations which investigated the industrial crises in the Imo Newspapers could not make a decisive, constructive and precise recommendation in its report, because of Executive interference. Its report was "windingly" ambiguous and could not precisely locate responsibility or determine exactly the guilty individuals in the dispute. Most members of the Assembly Committees lacked courage, firmness and objectivity. Some of the members of the Assembly Committees lacked enthusiasm, patience and devotion, which are required for effective investigative work. More importantly, most legislators did not appreciate their enormous powers, their importance and crucial role for the realisation of effective, responsive and good government.

The strongest weapon with which the legislature could control the Executive was impeachment. The Nigerian Constitution of 1979, section 170, provided that whenever

any allegation of gross misconduct in the performance of his duties was made against the State Governor or his Deputy, in writing, and signed and presented to the Speaker by not less than one-third of the members of the State legislature, the legislature should resolve by motion without debate whether or not the allegation should be investigated. If the motion to investigate the allegation was passed by the votes of not less than two-thirds majority of all the members of the House, the Speaker should within 7 days of the passage of the motion cause the allegation to be investigated by a committee of seven persons of high integrity who were not members of any public service, legislative house or political party. The members of the committee, who should be appointed by the Speaker and approved by the House, should investigate the allegation and report back to the House within three months. Should the Committee report that the allegation had not been proved, no further proceedings should be undertaken. But where the allegation had been proved, the House should consider the report and if by a resolution of the House, supported by two-thirds majority of all its members, the report of the committee was adopted, the Governor or his Deputy, as the case might be, should be immediately removed from office.⁴⁰ The Constitution further provided that "no proceedings or determination of the committee or the House of Assembly on any matter relating there to shall be entertained or questioned in any Court".⁴¹ Thus, the Constitution had placed the actions of the legislature on the impeachment of the Governor or his Deputy above the Court. This negated the principles of checks and balances against abuse of power. Thus, a hostile legislature could drive the Executive from office at will. This occurred in Kaduna State when on Tuesday, 22nd June, 1981, the Kaduna State legislature removed the then State Governor, Alhaji Abulkadir Balarabe Musa from office on charges of gross misconduct, with votes of 68 out of the 99 members of the State legislature. This was the first Chief Executive in Nigeria to be removed from office by the legislature.

In Imo State, there were occasional legislative-executive frictions but these did not lead to any impeachment move. This cordial relationship was fostered by the factor of party supremacy and the dominance of the majority party. The NPP which controlled the State Executive also controlled the State legislature with an overwhelming majority. Thus, conflicts between the legislature and the Executive were resolved by the State party hierarchy. For instance, the only major conflict between the Imo State legislature and the Executive occurred in November 1982, when the State legislature passed a motion of censure under "order 25" of its Standing Orders against the State Governor, on the accusation that the Governor always refused to grant audience to the Speaker, Deputy Speaker, the majority Leader and the Chief Whip, and that the Governor refused to reassign the then Commissioner for Local Government, as earlier resolved by the House.⁴² This conflict was ultimately resolved by the NPP hierarchy in Imo State, which thereafter restored cordial relationship between the State legislature and the Executive.

(iii) Control of Public Funds

An essential function of the legislature is the control of government funds. The legislature has the ultimate power to levy taxation and appropriate funds. The power of the legislature to levy taxation and appropriate public funds is crucial and very

significant in the operation of government for four major reasons. Firstly, the levy of taxation and the appropriation of public funds have far-reaching policy implications. All government policies depend on the availability of funds and on how they are appropriated. Secondly, the levy of taxation and appropriation of funds are powerful instruments for the control of the Executive and the supervision of administration. Thirdly, the control of the public purse is a central activity in the management of government, as public finance exerts a tremendous influence on the state of the national economy. Through the power of taxation the legislature can influence the general standard of living of the people. The effect of this power is even more pronounced with the national legislature. Fourthly, this final power to levy taxation and appropriate public funds represents the hallmark of representative government.

The State Executive had the initial responsibility for the preparation and presentation of a comprehensive government budget for a financial year, starting from January 1st and ending on December 31st. The budget proposes the monetary needs of various departments and services of the State government, balanced with the expected revenue. The budget was presented to the State legislature, which gave it a first and second Reading and then committed the supply portion of the budget to the Appropriation Committee while the revenue measures of the budget were considered by a separate Committee — the Ways and Means Committee. It was in these two Committees that the real work of the legislature was performed. The Appropriation Committee studied in detail, line after line, figure after figure, checking and cross-checking, the entire expenditure proposal. In its consideration the Committee related the allocations to the priorities and needs of the State. Generally it took the State Assembly about five months to pass the Appropriation Bill. The Assembly had the power to increase or reduce the proposals of the Executive. This Committee has performed useful functions, but most of its members did not devote adequate interest and attention to their committee work. Very often the committee work ground to a halt as a result of constant lack of quorum. In some occasion the bulk of the work was done by the Chairman, who was professionally competent and devoted, and was aided by a few other members. This negative attitude of most members of the Committee toward their committee work resulted in inefficient work and late passage of Appropriation Bills. For instance the 1983 Imo State of Nigeria Appropriation Bill, which was given the first Reading on December 17, 1982, was passed into law after it was given the third Reading on June 27, 1983, 6½ months later.

The Appropriation Bill, when passed by the whole House, was sent to the Governor for his assent. He had the power to veto the Appropriation Bill, while the legislature possessed the power to re-pass the bill, should the Governor refuse his assent, with two-thirds majority. However, there has never been an occasion when the Imo State Governor has refused to give his assent to any Appropriation Bill. The State legislature always effected some significant changes in the Executive's proposal, which were embodied in the Appropriation Bill. But all their efforts were rendered fruitless, as the Executive implemented the budget in the way it liked, and later used the Supplementary Budget to legalise unauthorised or irregular actions and expenditures.

The legislature was empowered to make a systematic examination of the Executive

accounts. It was expected that the Director of Audit should provide the legislature with an audited account of all government expenditures during each financial year, to ensure that the public funds provided by the legislature were actually spent in the manner which the legislature had prescribed, and to discover how effectively the appropriate funds had been applied in public programmes. This function was poorly performed. The Director of Audit and his team had a lot of arrears in un-audited accounts of government expenditures. On the other hand, most of the audited accounts of government departments and agencies which were submitted to the House were not even considered, as the Public Accounts Committee of the House lacked dedication and devotion to their work. Although this function is a vital instrument of financial control, it should be noted that it has a limited utility. Even when it is effectively performed, it still remains "medicine after death", and illustrates a proverbial "locking the barn door after the yams have been stolen". Thus there is an urgent need to devise a reliable means of ensuring that the Executive actually executes the budget in accordance with the Appropriation Bill and the monies are actually and strictly applied to the services and programmes they are designated for. The State legislature had a Standing Committee on Budget Implementation. This Committee was expected to monitor the Executive's implementation of the budget approved by the State legislature, to ensure that programmes approved by the House were actually implemented by the Executive and that monies voted for programmes were applied strictly for such programmes. It is very disheartening to discover that this Committee has never met and has never done any service in all four sessions. Where then lies the legislative control and supervision of the Executive?

(iv) Representation of Opinions and Interests

As an essential institution of democracy, the legislature serves as a forum, where the representatives of the political community, through debates, discussions and votes, inform those who exercise the political power, of the needs, interests, opinions and grievances of the people they represent. The legislature also serves as an important link between the people and the government. The representative inform their constituents of what the government is doing. As the people's representatives, the legislators, in a democracy, represent the voice of the people. For the legislators to represent the voice of the people, they should truly represent the people's interests and values, and identify themselves genuinely with their aspirations and problems. But there is a universal problem, in this issue of representation, as to whom the legislator is representing. Is the legislator representing the entire state, or his constituency, or himself, or his political party? Edmund Burke attempted to provide an ideal answer to this thorny question in his address to the electors of Bristol in 1774, when he counselled thus:

It ought to be the happiness and glory of a representative to live in the strictest union, the closest correspondence, and the most unreserved communication with his constituents. Their wishes ought to have great weight with him, their opinion high respect, their business unremitting attention. It is his duty to sacrifice his repose, his pleasure, his satisfactions, to theirs — and above all, ever, and in all cases, to prefer their interest to his own.⁴³

By this statement, Burke did not advise that the representative should sacrifice his objective and mature judgement to the opinion of his constituents. For he added:

But his unbiased opinion, his mature judgement, his enlightened conscience, he ought not to sacrifice to you, to any man, or to any set of men living. --- They are a trust from Providence, for the abuse of which he is deeply answerable. Your representative owes you not his industry only, but his judgement, and he betrays, instead of serving you, if he sacrifices it to your opinion.⁴⁴

Edmund Burke further advised that government and legislation are matters of reason and judgement, and not of inclination, and he asked "what sort or reason is that in which the determination precedes the discussion; in which one set of men deliberate, and another decide".⁴⁵ Finally he said:

Parliament is not a congress of ambassadors from different and hostile interests which interests each must maintain, as an agent and advocate, against other agents and advocates; but Parliament is a deliberative assembly of one nation, with one interest, that of the whole, not local purposes, not local prejudices, ought to guide, but the general good, resulting from the general reason of the whole.⁴⁶

The representative is actually representing the interests and opinions of his constituents, his political party, the entire people of the political community, interest groups within the state, and also himself. In this representation, conflict is bound to occur. The representative should consider the interests of his constituents paramount and superior to his own interests or to his party interests. But where the interests of the constituents conflict with a truly unbiased and sound judgement and enlightened conscience of the representative, his judgement prevails over the opinion of his constituents. And where there is a conflict between the party interest, the constituents' interests and the national or state's interests, the national or state's interest should prevail over all other interests.

In the Imo State legislature, and in fact, in all legislatures, in Nigeria, legislators represented primarily the interests of their political parties. State or national and constituents' interests were sacrificed on the altar of party interests. Legislators shouted aloud on the floor of the House against government policies, voicing the grievances of the people, but when it came to voting, they voted rigidly along party lines, protecting the government actions and policies which they had earlier criticised. This made non-sense of representation. It should be emphasised here that legislators in Imo State and in Nigeria in general were not representing the people's interests, needs, values and opinions; rather, they were representing their personal and parties' interests. Generally, most of the legislators demonstrated biased judgements and changeable convictions often mortgaged their consciences, and were ruled, not by their enlightened consciences, but by party domination and selfish interests. Here, one questions the value of representative assemblies in Nigeria.

REMUNERATION

The legislators were paid huge salaries and allowances from the public purse. The Constitution of the Federal Republic of Nigeria 1979, sections 78 and 116, provided that the National and State assemblies should fix remunerations of the members of the Executive and Judicial branches of government.⁴⁷ But the Constitution was ominously silent on who should fix the remunerations of the legislators. This was, in fact, a very

serious omission and the legislators exploited the situation and took upon themselves the power of fixing salaries and allowances for themselves. Consequently the legislators awarded to themselves staggering salaries and allowances which were completely out of proportion with the national salary scales system and which were out of tune with the state of the national economy. The Imo State legislators were no exceptions. A state legislator received a basic annual salary of 13,000. In addition, he received various fantastic allowances, as shown below:

TABLE 5: STATE LEGISLATORS ALLOWANCES

S/NO.	TYPE OF ALLOWANCE	AMOUNT PER MONTH	AMOUNT PER ANNUM
1	CONSTITUENCY ALLOWANCE FOR EACH MEMBER	1,045	12,540
2	TRANSPORT ALLOWANCE FOR EACH MEMBER	625	7,500
3	HOUSE ALLOWANCE OF ₦ 40 PER DAY	800	9,600
4	COMMITTEE ALLOWANCE FOR EACH MEMBER	70	840
5	ALLOWANCE FOR EACH COMMITTEE CHAIRMAN	100	1,200
6	CHIEF WHIP ALLOWANCE	276	3,312
7	MAJORITY LEADER ALLOWANCE	300	3,600
8	DEPUTY SPEAKER'S ALLOWANCE	300	3,600
9	SPEAKER'S ALLOWANCE	666	7,992

The above table shows that an average state legislator got a gross remuneration of approximately 51,000 per annum. This was just "chicken feed" compared to what the National Assembly legislators received. It is quite undemocratic that, in a capitalist society like Nigeria, a group of public functionaries should possess a monopoly on fixing salaries and allowances for themselves, without any form of checks and balances. It amounted to an abuse of representation that those, who were elected to represent, serve and protect the people's interests, shared most of the public funds entrusted to them, with the result that the teachers were not paid for months, salaries of workers were irregularly paid, the rural population was neglected and most of the essential services were not provided. The legislators appeared unconcerned and unworried about the sufferings of the masses. (One Federal legislator, some time ago, was honest and courageous enough to admit that the Nigerian legislators were over-paid.⁴⁸) They were over-paid for producing an inefficient and bad government, incapable of responding to the needs of the people. They succeeded in producing an extreme class disparity in society. They appeared to be unaware of the feelings of the exploited Nigerians, the toiling workers, the unemployed, who were suffering in silence and watching them with suppressed emotions and helpless tolerance, as they "milked" the economy. President John F. Kennedy rightly warned that if a free society cannot help the many who are poor, it cannot save the few who are rich. The entire system requires a drastic change, to save the economy from undue strains and make the government more responsive to the needs and aspirations of the people.

CONCLUSION AND RECOMMENDATION

The legislature is designed to serve as an essential institution of democracy and an agency for good and responsive government. This paper has shown that the state legislature during its first four sessions, failed to fulfil its crucial role in the political process. The study has discovered that the elements of party supremacy and the excessive Executive interference and dominance eroded the independence of the legislature and rendered it an impotent organ of government. The phenomenon of "one-party" government was apparent in virtually all the states of the federation except Kaduna State, and this weakened the Presidential System. The Presidential System of government cannot flourish in Nigeria without the existence of a strong minority party which can effectively check and balance the power of the majority-party-backed Executive. A high rate of absenteeism prevailed among members in legislative meetings.

There was a proliferation of legislative Standing Committees, most of which were irrelevant, redundant and unproductive. Members lacked interest and devotion in Committee business. Most legislators were governed by materialistic and selfish considerations which adversely influenced the performance of the House. The voting device of *viva voce* vote proved to be very unsatisfactory, and the quorum requirement of the House was not always observed, as on some occasions important issues were decided without the necessary quorum. Furthermore, the legislators were over-paid.

It might be pertinent to note here some of the problems under which the Nigerian legislature in general functioned. The legislators started, in 1979, from scratch, after approximately fourteen years of military rule. They inherited neither past records, nor past files to which they could refer for guidance. Furthermore, the legislators were all "freshmen" in legislature: they had not practised politics during that long period of 14 years of military dictatorship. Moreover, they had been brought up under the parliamentary system the practices and norms of which had permeated into their "political blood stream" and influenced adversely the operation of the Presidential System. Also, they were operating in a situation where there was an absence of a body of politically active and conscious citizenry and a democratic political culture.

These problems, as great as they might appear, do not justify the apparent impotency of the legislature. There is, therefore, an urgent need for reform in order to revitalise the legislature. In the first place, something must be done to reduce the party supremacy and Executive dominance. There should be a provision in the Constitution to protect the legislators from party victimisation, when they are acting or voting contrary to their party's directives. Legislators should always be free to act and vote on the basis of unbiased judgement and enlightened conscience. The minority parties should be encouraged in all states of the Federation, so that they can get enough seats in the legislature to balance the majority party and check the excesses of the Executive. To ensure a proper representation of the working class, there is a need for the formation of a Workers' Party in Nigeria. Furthermore, the system in which legislators are paid salaries should be completely abolished. Legislators should be paid sitting allowances, but only for the days they work. This would check absenteeism of legislators. The constituency, House and Committee allowances should be completely abolished. The only

allowances which members should be paid, apart from sitting allowances, are transport allowances. Only the Speaker should be paid a salary. The sitting allowances of members and the salary of the Speaker should be fixed by the Council of State. The number of Standing Committees for each legislature should not exceed 12, while the total membership of each legislature in Nigeria should be reduced to 50% of its size under the 1979 Constitution. The posts of Chief Whip should be abolished, as they have no proper place in the Presidential System of government and have proved dysfunctional to the effective operation of the system.

Should the above measures fail to improve the performance of the system, there is no other alternative than to make the painful recommendation of total abolition of the legislature in the political system and the establishment of what should be termed an *Executive Form of Government* for all states, in which the Governor and not more than 10 Commissioners shall be directly elected by the people, to make and execute laws and policies, while a *Workers Council*, made up of representatives from various industrial unions and professional bodies having no affiliation with any political party shall be established to criticise, supervise and control the Executive. Democracy is not an end in itself; rather, it is a means for the realisation of a government whose primary purpose is the welfare of the whole people. If the Nigerian legislature is to remain, it should be made to be truly representative, control and supervise the Executive effectively, determine good policies and make just laws based on public interest and general welfare, and ensure effective and responsive government.

FOOTNOTES

1. A. Appadorai, *The Substance of Politics* (London, Oxford University Press, 1968), p. 137.
2. *The Constitution of the Federal Republic of Nigeria 1979* (Lagos: Federal Government Printer, 1979), Section 85, p. 32.
3. Compiled from *House of Assembly Imo State of Nigeria* (Profile of Legislators), (Owerri; Ministry of Information, Sports, Youths and Culture, 1980).
4. D.G. Hitchner and W.H. Harbold, *Modern Government* (New York: Dodd, Mead & Company, 1966), p. 391.
5. *Ibid.*
6. Compiled and computed from *House of Assembly Imo State of Nigeria* (Profile of Legislators), *op. cit.*
7. Hitchner and Harbold, *op.cit.*, p. 390.
8. Chris Argyris, *Integrating the Individual and the Organisation* (New York: John Wiley & Sons, 1964), p. 214.
9. C.A. Gibb, (ed.), *Leadership* (England: Penguin Educational Inc., 1969), p. 50.
10. John Pfiffner and Tobert Presthus, *Public Administration* (New York: The Ronald Press Company, 1967), p. 88.
11. *The Constitution of the Federal Republic of Nigeria 1979, op. cit.*, Section 86, p. 32.
12. Pfiffner and Presthus, *op.cit.*, p. 88.
13. *The Constitution of the Federal Republic of Nigeria 1979, op.cit.*, section 4, pp. 2—3.
14. *Ibid.*
15. *Ibid.*
16. *Imo State Legislature First House Second Session Report 1980/81* (Owerri: Government Printer, 1981), p.3.
17. *The Constitution of the Federal Republic of Nigeria 1979, op. cit.*, Section 94, p. 34.
18. Hitchner and Harbold, *op.cit.*, p. 404.
19. G.N.A. Atulomah, "Report by the Honourable Sepaker, Barrister G.N.A. Atulomah to the Imo House of Assembly on 14th August 1981 to mark the end of the Second Session of the First House" *Imo State Legislature First House Second Session Report, op. cit.*, p. 4.
20. *Ibid.*
21. *Ibid.*
22. *Imo State Legislature, First, House, Fourth Sessional Report 1983* (Owerri: 1983), p. 5.
23. *Ibid.*
24. *Ibid.*
25. *Id.*, p.8.
26. *Imo State Legislature, First House, Fourth Sessional Report, op.cit.*, p. 3.
27. Hitchner and Harbold, *op. cit.*; p. 380.
28. *The Constitution of the Federal Republic of Nigeria 1979, on. cit.*; Sections 178 — 182, pp. 60 — 61.
29. *Id.*, Section 172, p. 59.
30. Hitchner and Harbold, *op.cit.* p. 401.
31. Woodrow Wilson, *Congressional Government* (Boston: Houghton Mifflin, 1885), p. 303 Quoted in John H. Ferguson and Dean E. McHenry, *The American System of Government* (New York: McGraw-Hill Book Co., 1963), p. 239.
32. *The Constitution of the Federal Republic of Nigeria 1979, op.cit.*, section 120, p. 40.
33. *Id.*, section 121, p. 41.
34. Hitchner and Harbold, *op.cit.*, p. 402.
35. *Ibid.*
36. Sir William Anson, *Law and Custom of the Constitution*, quoted in Hitchner and Harbold, *op.cit.*, p. 402.
37. *Ibid.*
38. Austin Ranney, *The Governing of Men* (Hinsdale: The Dryden Press, 1975), pp. 356 — 357.

39. *Id.*, p. 357.
40. *The Constitution of the Federal Republic of Nigeria 1979, op. cit.*, Section 170, pp. 57 — 58.
41. *Id.*, p. 58.
42. Imo House of Assembly *Fourth Session, First House, No. 21, Votes and Proceedings* (Owerri: Government Printer, 2nd November, 1982), pp. 71 — 72
43. Edmund Burke's address to the Electors of Bristol in 1774 on the relationship between the representative and his constituents. Quoted from Hitchner and Harbold, *op.cit.*, p. 393.
44. *Ibid.*
45. *Ibid.*
46. *Id.*, p. 494
47. *The Constitution of the Federal Republic of Nigeria, 1979, op.cit.* Sections 78 and 116, pp. 30 and 39
48. *Daily Times*, Lagos, June 13, 1983, p. 5.

THE RISE AND DECLINE OF THE NIGERIAN YOUTH MOVEMENT, 1934 — 1941

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The Nigerian Youth Movement (NYM), formed in 1934, was the first political organisation in Nigeria to make real and determined efforts to bring under one umbrella the anti-colonialists and the politically conscious and articulate elements of the Nigerian population. The contributions of the movement to the growth of national and political consciousness in Nigeria have never been fully appreciated. A study of its rise and decline is a pre-requisite for a clear understanding and interpretation of the development of political ideas and the emergence of political parties in Nigeria since 1941.

This paper examines the origin of the NYM, its aims and objectives, its major activities and its contributions to the political development in Nigeria. In addition, it examines the circumstances leading to the decline of the movement and the repercussions of that decline. The political environment into which the movement was born is discussed as background information.

THE GROWTH OF NIGERIAN NATIONALISM, 1920 — 1939

As Cole has pointed out, the problem of whether nationalism existed in Nigeria before the Second World War or not depends on the definition of nationalism.¹ If nationalism is defined as a consciousness which makes all Nigerians, or even most Nigerians, place their national identity before their ethnic or regional identity, then Nigerian nationalism is still in the embryonic stage. But nationalism may also be conceptualised as a shared national or pan-Nigerian consciousness among the educated, even if the vast majority of the people in the country do not share such feelings of nationalism. It is a matter of political leadership. That the educated elite in Nigeria under the banner of nationalism were able to lead the country into independence cannot be denied. If the latter conception of nationalism is accepted, then nationalism existed in Nigeria before the Second World War.

During the period under review Nigeria's educated elite fervently believed in the concept of a single Nigerian nationalism and they tried to speak for Nigeria on matters affecting the whole country. It is true that they were based mainly in Lagos. But Lagos was the main centre of power in the country, and the Lagos politicians were seen by the educated people in the rest of the country as their representatives. The Lagos newspapers were full of the reports of the grievances of people from all over the country. The crucial issue should be whether the actions and the words of the educated elite as political

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