

# A Critical assessment of Corruption within the Legislature in Nigeria

Lawrence, Ethelbert Okey

Department of Sociology, PMB 2084, University of Jos, Nigeria

**Abstract-** Nigerian is confronted with an array of challenges which threaten its survival. One of these is corruption, especially within the legislature, given the fact that this arm of government is the lamp of the society, any calculated action, or omission from it, has significant impact on the general outlook of the country. Corruption is viral as such combating it is persistently proving difficult. However, laudable achievements have been recorded by the legislature but regrettably, the ugly incidences of corruption in the system is grossly beclouding these strides. Generally, corruption brings about economic backwardness, political instability, social insecurity, infrastructural decay, negation of the principle of law, etc. Based largely on secondary data, findings reveal that the consequences of corruption on the legislature in Nigeria includes bills that are not entirely beneficial to Nigerians have been passed into law in order to please the executive, political patronage, partisanship, and primordial sentiments characterise legislative activities; negating the principle of check and balance between the three arms of government. It is recommended among others that corrupt individuals should not be part of the legislature; the emolument of political office holders at all tiers of government should be made public; effective laws to check the excesses of legislators and all political office-holders in Nigeria be put in place as a matter of urgency; The Nigerian federation be restructured in order to deal with the psychology of national cake sharing which breeds corruption in governance and holding forth honesty and integrity in the discharge of legislative constitutional responsibilities.

**Index Terms-** Corruption, Critical Assessment, Legislature, Nigeria.

## I. INTRODUCTION

The legislature in Nigeria is making significant efforts towards enunciating effective laws in order to bring about the promotion of a progressive Nigeria. Yet it appears as if nothing is being done. This is premised on the fact that this arm of government is faced with multiplicity of challenges prominent of which is the incidence of corruption which hampers its efforts in executing this onerous task. It is based on the foregoing that this paper attempts a critical assessment of corruption within the legislature in Nigeria. To achieve this, the paper is divided into eight sections consisting of: background; conceptualization; theoretical framework; factors responsible for corruption in the Nigerian legislature; incidences of corruption in the Nigerian legislature; consequences of corruption within the legislature on Nigeria; conclusion; and solution.

## II. BACKGROUND

The Nigerian state from its inception as a socio-political and economic entity has been shaken and is still being threatened by the phenomenon of corruption. In recognition of this, the colonial administration in fashioning out laws for the various component units (regions) which constitutes it un-mistakenly enshrined legislations against it in the constitutions of these areas. Specifically, Section 98, 98A, 98B, and 104 of the Criminal Act; and Section 115-122 of the Penal Code which prevailed in the Southern, and Northern parts of the country respectively lay emphasis on this. In spite of these legislations, the phenomenon still prevailed over the country in varying degrees, though not as serious and as systematic as it has become nowadays. Worrisome is its prevalence in the legislative arm of government from the first Republic to the present. Corruption within the Legislature in Nigeria is a function of acts of omission, or commission, or a combination of both, as regards what its members have, or have not done as regards holding forth the light for illuminating the country. Under this circumstance, personal aggrandizement becomes the decisive factor for the foregoing action(s). In his analysis of how corruption rested within the domain of power in Nigeria, Osoba (1996:373-381), made a chronology of corruption development in Nigeria which he identified as the monopoly of power by the colonialist which eventually transcended to the use of powers by politically influential Nigerians (herein lies the genesis of corruption within the legislature in Nigeria) over award of contracts for public projects, issuance of commodity buying agents' licenses, etc. This resulted in the emergence of ten percent "kickbacks" and other forms of corrupt practices during the period of decolonization (1952-60); During the immediate post independent era (1960-1966), the governing elites used state power and the state treasury to better their lot as well as other forms of corrupt practices which include fraudulent awards (including outright sale) of unsecured government loans, produce buying and import-licenses to cronies, inflation of contract values, etc. The intervention of the military in Nigeria's politics between 1966 and 1979 saw the foundation of kleptocracy in the nation's body polity especially the immediate post-civil-war era due to the emergence of the oil boom. However, the fourth republic presented a new dimension to the phenomenon, thus various forms of unwholesome misappropriation through the budget and other financial dealings including vested interest in what is called *constituency projects* which engenders corruption. It is important to note that Nigeria has multiple legislations for controlling corruption. These include: the provisions of the Code of Conduct Bureau and the Code of Conduct Tribunal; the

provisions of the 1999 Nigeria constitution; the failed Bank and Financial Malpractices Decree No.18 of 1994; and the money laundering decree No. 3 of 1995 as amended in 2003 and 2004 Money Laundering Acts; provisions of the Criminal Code, Penal Code, Criminal Procedure Act etc; the ICPC Act of 2000; as well as the EFCC 2004 Act. There are a number of agencies and statutory bodies for managing corruption in Nigeria. These include: Code of Conduct Bureau and the Code of Conduct Tribunal; the Public Complain Commission; the Independent Corrupt Practices and other related offences Commission (ICPC); the Economic and Financial Crimes Commission (EFCC). Effort at sanitizing the body polity of corruption especially in the legislature is proving difficult. This is due largely to the fact that it is non arguable that the fight against corruption was never systematic and deliberate due to the presence of the menace within the corridors of power in Nigeria especially the legislature which is supposed to be the light of the nation. Thus it is important to examine corruption within the legislature in Nigeria. This is because defining Nigeria as “fantastically corrupt” in the words of the then British Prime Minister, David Cameron in 2016, is not to be taken for granted by those that have the interest of Nigeria at heart. Furthermore, “corruption in Nigeria has passed the alarming and entered the fatal stage and Nigeria will die if we keep pretending that she is only slightly indisposed” (Achebe in Agedah, 1993:67). On the other hand, Ohiorhenuan (2015:97-125), conceives corruption as the driving force for the evolution of institutions in Nigeria. It is observed that “whereas war at most kills off a fragment of the present, economic warfare *represented by corruption* murders *not just the present but the future*” (Hitler, 1983:8; emphasis mine).

### III. CONCEPTUALIZATION

All human societies have rules and regulations which guide their interactions (socio-political and economic relations), the essence of which is to bring about predictability in the behaviours of members of the society in question, the foregoing places boundary for the definition of compliance, or non-compliance to these bodies of norms. Very important is the fact that rules and regulations are socially created to serve defined purpose for the society. It is equally true that all societies have systems through which these rules and regulations are generated. Same can be said for all regimes (military or civilian; authoritarian, despotic, totalitarian, monarchical, democratic etc) everywhere, thus Nigeria is not in isolation as regards this. As a Democratic State, the body responsible for making these rules and regulation as far as Nigeria is concerned, is the legislature. In line with this, Section 47 of 1999 Nigerian Constitution observes that “there shall be a National Assembly for the Federation which shall consist of a Senate and a House of Representatives” and section 90 declares that “there shall be a House of Assembly for each of the States of the Federation.” The legislature in Nigeria from the foregoing operates at two tiers of government i.e. at the Federal, and the State; while at the Federal level, it operates as two distinct chambers i.e. the upper chamber (Senate) and the lower chamber (House of Representatives) due to the fact that Nigeria runs a bicameral legislature. Thus as stated in Section 4(1) of 1999 Nigerian Constitution, “the legislative powers of the

Federal Republic of Nigeria shall be vested in a National Assembly for the Federation which shall consist of Senate and a House of Representatives.” While Section 4(6) holds that “the legislative powers of a State of the Federation shall be vested in the House of Assembly of the State.”

As regards the number of individuals whose responsibilities it is to see that Nigeria is properly governed with good legislation specifically at the Federal level, Section 48 of the constitution of the Federal Republic of Nigeria holds that “the Senate shall consist of three Senators from each State and one from the Federal Capital Territory, Abuja” in this case, 109 members given the fact that Nigeria is made of 36 states; and Section 49 of the constitution indicates that “...the House of Representatives shall consist of three hundred and sixty members representing constituencies of nearly equal population as far as possible, provided that no constituency shall fall within more than one State” in this case, the population dynamics of closely bounded areas is the delineating parameter. Thus the total number of the legislature at the Federal level is summed up to 469 members.

The primary responsibility of the legislature (at the Federal level) which undoubtedly is making of laws is clearly stated in Section 58 of the 1999 Nigerian Constitution which states that:

- (1) The power of the National Assembly to make laws shall be exercised by bills passed by both the Senate and the House of Representatives and, except as otherwise provided by subsection (5) of this section, assented to by the President.
- (2) A bill may originate in either the Senate or House of Representatives and shall not become law unless it has been passed, except as otherwise provided by this section and section 59 (which deals with the appropriation bills or supplementary appropriation bills as well as other financial and tax matters) of this constitution, assented to in accordance with the provisions of this section.
- (3) Where a bill has been passed by the House in which it originated, it shall be sent to the other House, and it shall be presented to the President for assent when it has been passed by that other House and agreement has been reached between the two Houses on any amendment made on it.
- (4) Where a bill is presented to the President for assent, he shall within thirty days thereof signify that he assents or that he withholds assent.
- (5) Where the President withholds his assent and the bill is again passed by each House by two-thirds majority, the bill shall become law and the assent of the President shall not be required.

However, Section 100 of the same Constitution elaborates the corresponding responsibility of legislature at the State level (House of Assemblies).

The second issue under review here is the concept of corruption. Scholars have attempted various definitions for this global evil which emergence cannot absolutely be tied to any particular society due to the fact that it manifests in varying degree in particular, or different places at given, and different times. For example, Dambazau (2009:94&95), observes that

“corruption by itself is crime...which takes the form of bribe, undue gratification, fraud and embezzlement...It is found in business, politics, religion, and education...It encourages criminal acts as a result of its ability to encourage dishonesty, theft, and violence in the society.” While Otite (in Peter, 2013:241), holds that corruption is “the pervasion of integrity or state of affairs through bribery, favour, or moral depravity” this is anchored on the fact that it produces dishonest, unfaithful or defiled situations when at least two parties have interacted to change the structure or processes or the behaviour of functionaries in the society. To Osoba (1996:372), it is “a form of anti-social behaviour by an individual or social group which confers unjust or fraudulent benefits to its perpetrators”. To him, it is inconsistent with, and a negation of legal norms and prevailing moral ethos of the society due to its capacity to subvert the capacity of government or any other legitimate authority to fully provide both the material and spiritual wellbeing of members of the society justly and equitably. However, Yakubu (2004/2005:54), observes that “corruption is the negation of the ideals of democracy and good governance” hence bad governance, premised on the ground that the termination of democratically elected governments is linked to corruption in the system. On the other hand, Section 98, 98A, 98B, and 104 of the Nigerian Criminal Code specifies actions which can be conceived as corruption especially Official Corruption in line with Section 115 to 122 of the Penal Code. For example Section 98 of the Criminal Code is clear in stating that:

- (1) Any public official who-
  - (a) Corruptly asks for, receives or obtains any property or benefit of any kind for himself or other persons; or
  - (b) Corruptly agrees or attempts to receive or obtain any property benefit of any kind for himself or any other person, on account of-
    - i. Anything already done or omitted, or any favour or disfavour already shown to any person, by himself in discharge of his official duties or in relation to any matter connected with a function(s), affair(s) or business of a Government department, public body or other organisation or institution in which he is serving as public official, or
    - ii. Anything to be afterwards done or omitted, or any favour or disfavour to be afterwards shown to any person, by himself in the discharge of his official duties or in relation to any such matter as aforesaid.

Is guilty of felony of official corruption and is liable to imprisonment for seven years.

However, Section 116 of the Penal Code states that:

Whoever accepts or obtains or agrees to accept or attempts to obtain from any person for himself or for any other person any gratification, whatever, whether pecuniary or otherwise as motive or reward for inducing by corrupt or illegal means any public servant-

- (a) To do or forbear to do any official act; or

- (b) In the exercise of the official functions of such public servant to show favour or disfavour to any person; or
- (c) To render or attempt to render any service or disservice to any person with any department of the public service or with any public servant as such shall be punished with imprisonment for a term which may extend to three years or with fine or both.

Despite how corruption has been defined by scholars, this research considers it in relation to the legislature, as any act or action which contravenes the 5<sup>th</sup> schedule of the 1999 Nigeria Constitution. Therefore, corruption within the legislature in Nigeria is the wrongful use of one’s influence or position as a legislator in order to procure or gain some benefit(s) for one’s self, other person(s), or group(s) contrary to their right(s) of duty or the right(s) of others. Furthermore, it is associated with cheating, indiscipline, abuse of privileges, powers and rights. It brings about inertia/retrogression not only in the legislature, but the country as a whole, increases the rate of inefficiency, greed, waste of resources and as such introduces instability and mediocrity (negation of meritocracy) in the country. This usually leads to non-compliance to the rule of law and constitutionality. In line with the foregoing, legislative corruption can be deduced from Samuel, Aju, and Elaigwu, (2014: 20) and Ohiorhenuan (2015:104-106), who locate it within the context of political corruption, which entails misuse of legislative power and rights which also include legislation carried out to benefit political office holders, abuse of judicial procedure, auditing, investigatory and oversight functions abuse. Destabilization of electoral processes through buying of votes and bribing officials, conversion of public property for one’s interest or those of cronies, usurping of public coffers for private cause, large political donations and bribes. This type of corruption is associated with top level executives, legislative and judicial officials, top businessmen and captains of industries, bureaucratic power holders and the political elites.

#### IV. THEORETICAL FRAMEWORK

Corruption committed within the legislative arm of government in Nigeria is complex, hence would be inadequately explained from the stand point of just a single theoretical interpretation. Thus, an integrative approach would serve a better purpose towards this end. This is because, while corruption committed by members of the legislature is unarguably *class* based as indicated by Achebe (1984:38). He also stated that any meaningful discussion on corruption in Nigeria must be located within the *corridors of power* since, as he observed, what the common man has is not *power*. Therefore, corruption within the legislature from the foregoing is linked to two fundamental elements which are; power and status, hence, elitist in nature.

What makes this power elite explanation of corruption interesting is the fact it is triggered by two basic elements which are: the drive for wealth acquisition, which capitalism breeds as explained by the Marxist theory and the obligation to satisfy primordial demands as propounded in Ekeh’s two publics. Every individual uses his/her position as well as influence to accumulate as much wealth as possible - including adapting various forms of corrupt practices. So, using one’s status as a



politician and position as a legislator as well as the influence associated with it makes it easy for one to accumulate wealth. This is because specifically in Nigeria, it is believed that public position is the quickest as well as the shortest means of becoming wealthy due to the fact that such position(s) is considered to operate within the realm of the *civic public* as explained by (Ekeh, 1975), which is regarded as amoral, consequently, it is permitted that individuals holding such position(s) (in this said realm) steal as much as they can in order to better their *primordial public*, which is considered as moral (which they cannot steal from). This is because one is only considered as a good, productive and beneficial member of the primordial public if he/she generously gives part of the largesse or booty stolen from the civic public to it. This set of individuals will enjoy protection and blessing from their primordial public as well as honoured with chieftaincy titles; very important is the fact that this drive for wealth accumulation brought by legitimization of banditry i.e. stealing from the civic public is facilitated through the principle of *Social Exchange* which incidentally is the second factor. This system of exchange is transactional and driven by the philosophy of utilitarianism which is guided by the psychology of both intrinsic and extrinsic desire for gain (material, position, pleasure, etc) which the individual stands to gain from the process. This exchange model holds that every individual no matter how highly placed has a price, once the price is mentioned/or offered, the deed is as good as done. Coupled with the fact that the individual(s) involved at this level of transaction(s) are power elites hence, they are largely considered *sacred* as such, untouchable by the regulatory agencies. Therefore, they are above the law despite being part of the law making process. The only time their actions are considered out of place is only when the reciprocal obligations of an exchange relationship(s) are violated, forcing deprived parties/individuals with no option than to sanction negatively those violating the norm of reciprocity, or when the elite's/elites' action(s) threatens the general wellbeing of the elites' group, or those of the elite group higher than the group the elite(s) belongs. Next to this is the question of how much does the said elite(s) count in the whole elite arrangement. This largely determines how his/her action(s) would be managed no matter how severe. Otherwise, the totality of the elite group would go up in flames as cans of worms might be opened here and there.

This integrated theoretical approach which combines the: Power Elite theory; Marxist's Historical and Dialectical materialism; Ekeh's Two Publics in Africa: a theoretical statement; and Exchange theory, offers us a balanced explanation of corruption in the legislature in Nigeria, and as such adequate insight into possible solutions to this evil bedevilling the Nigerian State.

## V. FACTORS RESPONSIBLE FOR CORRUPTION IN THE NIGERIAN LEGISLATURE

Psychology holds that stimuli give rise to response. Indeed, there cannot be smoke without fire, the above point to the fact that there are factors either within or without the realms of the legislature in Nigeria, which conditions the occurrences of corruption in it. A careful examination of issues reveal that the occurrences of corruption in the Nigerian legislature are not

strait-jackets, hence cannot be compartmentalized since they correlate with other factors. Some of these identified factors include:

### **Executive indiscretion**

This, by and large requires the support of the legislators (through lobbying) whose desires must be met by the executive in one way or the other but most often as the case in Nigeria is, through appropriations in the budget, but sometimes through outright bribing of the legislature in order to facilitate passage of bills sent to it by the executive. Due to the fact that the norm of check and balance of power is in principle expected to guide the relationship between the executive, legislature, and the judiciary in the federal system of government for effective and efficient dispensation of governance to the people, regrettably, the reality is something different as far as Nigeria is concerned. The outfall is that the legislature is made inactive, dormant, or at best make excuses for not calling the executive arm to order where it is evident that they are missing the mark. for example: Zuma of South Africa was found guilty in March 2016 for using about 246 million rand (\$15-16.7 million) state resources to renovate personal edifice in 2009 (Power steering, 2016:64; Onishi, 2016); Brazilian President, Dilma Rousseff was removed from office by that country's Senate in August of 2016 for indiscretion in office. These stated examples, were not, are not and may not be part of the process in Nigeria except her democracy is taken seriously. Furthermore, it is yet to be witnessed that any legislative assembly of all the years that Nigeria experimented or experienced democratic governance, that the executive is held responsible as regards campaign promises made to the people during electioneering periods as obtainable in advanced democracies, and not merely making mention of them on floor of the house and subsequently play politics with them. It is equally important to note that executive indiscretion is a direct/indirect failure of the legislature. This is premised on the tenets of Section 84 of the Nigerian Constitution. For example, Subsection 1 of it observes that: remuneration, salaries, and allowances of the President, Vice President, Chief Justice of Nigeria, Justice of the Supreme Court and other officials of government as enumerated in Subsection 4, may be prescribed by the National Assembly, however, not exceeding the amount as determined by the Revenue Mobilization Allocation and Fiscal Commission, just as Section 124 correspondingly observes those of the States' House of Assembly as regards State Governors and their Deputies, etc. the question however, is, to what extent has the legislature in Nigeria lived up to its constitutional responsibility with regards to the issue being discussed without being somehow compromised? From the foregoing, it is evident that lack of understanding of legislative functions, correlates strongly with executive indiscretion to bring about the incidences of corruption in the legislature.

### **Lack of understanding legislative functions**

The incidences of corruption in the corridors of the hallowed chambers (Senate, and the House of Representatives, and the States House of Assembly) in Nigeria can best be described as unfortunate. This is because a good number of individuals in these chambers do not in the first instance understand what the business of legislation is, neither are they

interested in understanding it. Thus according to Wilmot (2007:124), as regards their activities during Nigeria's democratic experience (1999-2007) for instance, "instead of passing laws to promote economic development, justice, probity and the rule of law, legislators await the President's bagmen to bribe them with up to \$1,000,000 to ensure he continues to misrule". These monetary attraction was a factor for the quest for the unrealised third term bid adventure by the then President for the number one citizenship position of the country. While commenting on the constituency project saga between the executive and legislative arm of government in Nigeria, Ajaja (in Adesomaju., Olorok, & Onuba, 2016:7) observed that

"the idea is an organised fraud driven by the most ignoble men and women who have serially foisted themselves on Nigeria and Nigerians as lawmakers, but with no intentions of making laws that would engineer national development beyond advancing a cause for themselves via loopholes in the system".

Closely related to the issue under study is the fact that the voting format of shouting *I* or *Ney* in favour, or against motions used in these chambers may be argued to be defective hence may not yield the best outcome. This is premised on the ground that it is not systematic for one to verify the consent of members where equal number of members assent to the options. Furthermore, greater number of members with low vocal capacity may likely not have their way concerning a given motion due to their low sounding vocal strength, hence fewer number of members with high and stronger vocal capacity assent, erroneously accepted as the popular opinion. Not forgetting the fact that subjectivity may come into the presiding officers' decision on such matter(s) since objectivity is not followed. Under this circumstance, level of vocal sound is what is used to decide a motion instead of the scientific method of counting members' votes. Regrettably, Section 56(1 & 2) of the 1999 Nigerian Constitution is clear on this matter by stating that:

"...any question proposed for decision in the Senate or the House of Representatives shall be determined by the required majority of members present and voting; and the person presiding shall cast a vote whenever necessary to avoid an equality of votes but shall not vote in any other case; ...the required majority for the purpose of determining a any question shall be a simple majority."

Section 98 (1 & 2) of the same Constitution upholds the method of voting for States' House of Assembly.

### **Wealth acquisitive drive and personality influence**

The above discussed factors and more are premised on the fact that a good number of Nigerian legislators are crazy for wealth acquisition as events and evidences over time have proven. Integrity is not the watch word, honesty and transparency is outdated virtues; what counts is how influential one is on the bases of wealth acquired. Since the foregoing accounts for how influential the individual becomes which would bring about recognition within and outside the individual's immediate community, as well as account for Honorary awards, and chieftaincy titles he/she receives (Wilmot, 2007; Dambazau 2009; Ethelbert, 2016a & b). No wonder political commentators and scholars in Nigeria often refer to them as *legislators* (the undesirable Judases in the midst tarnishing the image of the legislature) who react to the acquisitive instincts of primitive

accumulation of capitalism as if they have all it takes to outwit every other person if the said behaviour was an acceptable one. To summarize this wealth acquisitive drive and personality influence, (Waive, 2016) holds that, the super wealthy status of Nigerian politicians and past leaders can only be explained by their involvement in government. This phenomenon dates back to the immediate post independent era (1960-1966), the governing elites used state power and the state treasury to better their lot as well as other forms of corrupt practices which include fraudulent awards (including outright sale) of unsecured government loans, produce buying and import-licenses to cronies, inflation of contract values, etc.(Osoba, 1996). To elucidate the foregoing, Zi and Benard (2013) observed that wealth glorification has become part of contemporary Nigeria's tradition.

### **Corrupt individuals within the fold**

Another factor responsible for the prevalence of various forms of corruption within the legislature is the undeniable fact that this organ of government in Nigeria as it is today, harbours a good number of individuals who have been accused of, or convicted of one corrupt practice or the other either as onetime chief executive of their state (governor) who manipulated their way into the legislative arm; as well as others whose cases of corrupt practice(s) were effectively thwarted. These individuals have, over time, indicated to Nigerians by their actions that they are experts in manipulating and circumventing the judicial process of the country, and as such considered sacred cows and hence untouchable. According to a report in Power Steering Journalism (March 2016: 62), there are top Nigerian politicians who are sacred and cannot be touched by the regulatory agencies in Nigeria. Having understood the nitty-gritty of the judicial process on the basis of how best to thwart justice (including obtaining perpetual injunction to prevent their trials), they stand as prelude for others to emulate within the system. According to Dewey (in Guerin,1993:10), "because response is in effect a classification of stimulus, the organism is in effect confronted with the problem of an indeterminate stimulus. How the conflict is resolved will shape how the organism responds to future stimulus." The import of this statement is that, the measure(s) taken by both the legislature and the regulatory agencies in response to corrupt practice(s) by any member or group(s) in the legislature, would determine the extent to which corrupt act(s) reduce(s) or otherwise in it. This will also shape the general outlook of the legislature and the agencies in charge of corruption management and control. In so far as there prevails what I have argued elsewhere as *corrupt individuals within the corridors of power* (Ethelbert, 2016b:33 ) corruption will persist within the legislature in Nigeria in spite of efforts made by few honest and dedicated legislators. This position is supported by Jibrin (in Obi, 2016: 14) who stated that "President Olusegun Obasanjo had been right and that, yes we (National Assembly members) are corrupt...there is corruption in the House of Representatives, and not only is there corruption, there is institutional corruption. These are things that I can prove and it is what my struggle is about." What the actors have said is like stating the obvious. Take for instance in June of 2011, the then Head of the Economic and Financial Crimes Commission (EFCC), Mrs. Farida Waziri while reacting to petitions received

by the Commission concerning legislators declared that, “we have evidence for arraignment, with this revelation, there are indications that more arrests and arraignment of lawmakers, (principal officers particularly) in the National Assembly on charges of corruption may not be ruled out” (Oluwasegun, 2011:12). Furthermore, Jibrin (in Ameh, 2016) stated unequivocally “I dare say corruption in the House of Representatives today is more than that of the executive and judiciary combined”

### Absence of effective laws

Laws guide and direct human actions and interactions so that relationships can be predicted. However, effective laws are those which are adequate towards producing the desired result. This means that there are laws which though exists, but do not produce the desired result towards given end. From the foregoing, the absence of effective laws which would ultimately check the excesses of legislators and indeed other political office-holders in Nigeria is a major factor leading to the incidences of corruption, coupled with the fact that due to the propensity of some legislators towards corruption and the smear of corruption allegation on others, it is difficult for legislators in Nigeria to enunciate let alone pass into law effective laws which will enhance the success of the crusade against corruption in the country. On the contrary, what prevail are the antics of attempting the amendment of existing inadequate laws to further their selfish subjective interests. For example, the attempt at amending the Code of Conduct Act and the Code of Conduct Tribunal to remove the powers of executing of criminal procedure from the CCT on individuals brought before it; and those of Section 308 of the 1999 Nigerian constitution, in order to guarantee immunity for the principal officers of the Legislative Assemblies at all levels in Nigeria as evident in 2016. It is important to state in an unequivocal term that politics by its very nature is not bad or dirty. The issue however is the fact that some political actors in Nigeria and elsewhere are dirty or murky, and stinking as a result of corruption. Ironically, some of these set of individuals make their way into the legislature to make laws for those who have better moral standing and standard than they have. Furthermore, it is not out of place for us to also add that, sound and effective legislation which promotes the very essence of humanity should necessarily proceed from sound minds, not criminals and rogues. Consequently, due to dearth in the number of those with integrity in Nigerian politics, *demonarchracy*, (a system where democratically elected political leaders act like absolute monarchs with absolute powers, hence no check and balance on their activities) prevails (Ethelbert, 2016b:27); or better still *lootocracy* stands in place of democracy; *legislooting* carried out by *legislooters* (those who are not qualified to be in the legislature who define legislative functions in terms of monetary benefits only) replaces legislation performed by legislators.

It is equally important to note that there prevail the incidences of extra-legislative activities by the political actors in the legislature. This is evident in numerous incidences of meddling into the activities of corruption regulatory agencies in Nigeria (EFCC, ICPC and CCB) especially where one of their members is indicted for corrupt practice, or efforts at using these agencies for getting at political opponents (Umar, 2015;

Ethelbert 2016a; Igun, 2004/2004:49; Enweremadu, 2011:9; Zi & Benard, 2013: 161-162; Samuel, Aju, and Elaigwu, 2014:29). Consequently, these resulted into poor or weak control mechanisms, that is, weak anti-corruption laws and anti-graft agencies or these agencies are made weak, or ineffective (Osoba, 1996:385; Igun, 2004/2004:51; Our Milestones, 2011:31 & 32; Zi & Benard, 2013:161-164; Odekunle, 2013/2014:57). The point being made here is that the rule of law should prevail and not the rule by law (Osibanjo, 2008: 50 & 51). Nigeria must learn from advanced democracies the maturity of political actors/public office holders resigning their position on allegation of corruption to pave way for proper as well as unhindered investigation, and prosecution of cases against them where facts and evidences are established. Regrettably, the reverse is the case in Nigeria where these individuals fight back with everything in their arsenal, including employing various forms of propaganda and attack on anybody that seems to be standing on their path, castigating and throwing of tantrums, constituting impediment(s) to the anti graft agencies in various ways, constituting praise singers (including journalists) paid to drum to the world how innocent they are and how some primordial sentiments are deployed to persecute, *not prosecute* them etc, and at extreme, use their legal counsel(s) to raise frivolous claims and counter claims during litigation, thus leading to constant increase on number of high profile cases of corruption spread across various courts in Nigeria, so that cases involving a host of former governors, ministers and lawmakers remain pending, only petty thieves bear the full wrath of the law (Samuel, Aju, and Elaigwu, 2014:29; Ndujihe, 2015).

### Pseudo federalism

A major contributory factor to the prevalence of corruption in Nigeria as a whole and not just the legislature is the fact that the Nigerian state upholds and practices a defective as well as an unbalanced federalism. The fact is that the present/assumed federalism practiced in Nigeria is nothing short of a unitary system of government, hence, *pseudo-federalism* bequeathed to it by the military regime (beginning with Ironsi) since the collapse of the first Republic (which was a parliamentary system of governance) in 1966, and granted further impetus by the 1979 and 1999 defective military backed crafted federal constitutions. The facts are obvious that the nation’s federalism lacks the ingredients of a true and proper federalism. According to Ekeh (2000:12-14), the ingredients of true federalism must include: a specified proportion of the federating unit rectifying the Federal Constitution; each federating unit has its own constitution in which it specifies how many legislative chamber it desires (unicameral, or bicameral legislature), as well as the location of its Capital; each component unit has and flies its own flag alongside that of the National flag; each constituent state has its own Police formation, as well as the Federal Police; each federating state develops and control its own human and material resources; and each federating unit enjoins a notion of justice in which it gives to the centre and receives some proportion in return. The facts are there that the present Nigerian Federation lacks in the above discussed ingredients. From the foregoing, Uwalak (2013:22), observed that “the way forward is to divide Nigeria into countries, or practice confederalism or resource control federalism-some call it true federalism...that will give the



power of development to states, regions etc.” It is not arguable that the present defective unitary cum federalism practiced in Nigeria concentrates resources as well as the power for its allocation to the centre, enthroning parasitism, where states sit idly by and wait for central government to dish out the monthly allocation from the resources of other states (Uwalak, *ibid*). As such, denying the communities with these natural endowments rights over their benefits, this is a corrupt and defective system itself, hence, brings about nothing but corruption (Ekeh, *ibid*). Consequently, the practice of national cake sharing which every member of the political elite jostle to grab as much as he/she can, not minding whose Ox was gored is the outfall of this pseudo federalism. Therefore, this pseudo federalism has to be resolved through the adoption of both political and economic solutions that will grant political and economic autonomy to the component/federating units. These units expectedly would remit specified sum to the centre on agreed intervals to enable it maintain the federal workforce and other federal responsibilities.

### **Defective electoral process**

Closely linked to the issue of defective federalism is the fact that Nigeria electoral process is equally defective. The foregoing implies that the process through which these political gladiators come to power is itself corrupt. Evidence on ground points to the fact that from the first republic, elections in Nigeria is characterized by irregularities such as snatching of ballot boxes; stuffing of ballot boxes; manipulation of election results; bribing of electoral officials; prevalence of various forms of electoral violence including political assassinations, arsons etc; late arrival of election materials; short supply of these materials or completely non supply of these materials to some areas to favour as it were a prebendal candidate who is ready to buy anything and indeed anybody in order to win election, hence ready to comply effectively with the ugly method of rigging ; buying of voters cards; deliberate omission of voters’ names or other associated antics that accompanies it; cancellation of results in some areas to give a preferred candidate undue advantage; declaration of result in favour of preferred candidate for areas or centres where election(s) did not take place; announcing of pre-doctored results; as well as the multiple challenge which confronts various electoral tribunals, due largely to unhealthy/defective electoral system. Hence, individuals rig their way through, buy their way through, or shot their way through to desired political position through the assistance of their hired thugs and other political agents. In corroborating this, Obi (2016:14) observed that “all our elections end up inconclusive and in litigation because there is no truth in them. Elections are marred by violence because someone wants to bend the truth with force” It is therefore not surprising that these set of legislators in these hallowed chambers quickly forget the tenets of Section 66(2b) and 107(2b) which holds that, any person who has been declared to be of unsound mind is not qualified to be a legislator either at the Federal or at the State level, as such finds it not difficult to abuse themselves, or throw punches and wrestle each other at different times at both the federal and states assemblies in a manner more proficient than professional wrestlers and boxers in the Madison square-garden (Ethelbert 2016:34) or better still throw caution and dignity to the winds as

they climbed and jumped over the Federal Assembly complex locked gate as was the case in 2014.

Simply put that the legislature in Nigeria is being turned into a mercantile, thus some of those whom have been entrusted with securing the general good have dubiously turned it into their private pockets or those of their cronies (Ekeh, 1975; Osoba, 1996; Fayose, 2005 ; Ethelbert, 2016). Otherwise, what is the justification for attempting to procure and allocate N35million worth of vehicle for each member of the upper hallowed chamber which Nigerians carried out against in 2016; what is the moral justification for the huge amount of money these law makers take home as remuneration monthly, an action which the then Central Bank governor Mallam Sanusi Lamido now Emir of kano, reverberated to Nigerians that so much money go into settling of overhead cost of these law makers, which they attacked with all the venom they could muster at the time. To be specific, Odama (2013/2014:68) observed that N138.02 billion was sunk into servicing personnel and overheads cost of 469 National assembly members in 2010. This expectedly increased as the years go by. To be clear on this issue Uwalak (2013:22) observed that “the executive arm is bloated, the legislative arm bloated and criminally ineffective. The emoluments of those in government are heavy load to the resources of the country.” In summarizing the wealth acquisitive crave of the political elite, Achebe (1984:22), notes that, when it comes to grabbing of material wealth, the Nigeria elite hardly ever consider their numerical insignificance in caparison with amount of national wealth which they have looted or lay claim to.

The fact is that larger percentage of Nigerians are unaware of the amount of monies these legislators rake into their bank accounts on monthly bases while salaries of workers across the country are unpaid; when the approved minimum wage for workers cannot feed their families for one week; while the rate of unemployment is increasing uncontrollably; and inflation rate of between 13 to16 percent is driving the mass of Nigerian population to their untimely and early graves; while bank lending interest is nothing less than 14 percent and mostly available to the elite class; an appalling growth rate revolving around 1 percent. Ironically only a handful of individuals who constitute less than one percent of the country’s population create avenues for carting away the nation’s wealth, live in affluence with all the good trappings and luxuries of life, while the majority constitute what Fanon (1961) referred to as the “wretched of the earth” or what Madunagu (in Agidah, 1993:69) referred to as the popular mass, who are down trodden, oppressed, subjugated, exploited, and denied the right for a better tomorrow by those they have elected into office to safeguard and secure a future for them through meaningful legislation but were rather betrayed due to the denial of, or not understanding the importance of the social contract between them. According to Suleiman in Osah et al (2014:3),”serious allegations of financial misconduct abound in the chambers of the National Assembly which has become cash counters for sharing bribe money”.

## **VI. INCIDENCES OF CORRUPTION IN THE NIGERIAN LEGISLATURE**

The legislature in Nigeria is bedevilled with multiplicity of corruption scandals and allegation from the inception of self-rule

(from independence to the present). The incidences of corruption somehow manifests in each democratic government from the first Republic to the present. For example, during the fourth Republic, two speakers of the House of Representatives (Salisu Buhari; Patricia Etteh and her deputy Babangida Nguroje - though not indicted officially hence no criminal procedure instituted) were removed or forced to resigned on ground of various forms of corruption bordering on Toronto Certificate scandal in the year 2000; and misappropriation of funds as relates to the renovation of official residence and purchase of official cars for the House of Representative to the sum of about N628 million in 2007 respectively. A number of Senate Presidents (from the South-East) were removed due to various unhealthy issues (borne out of power tussle conditioned by corruption). Various corruption scandals involving various legislative committees like the 3 million dollars bribery scandal involving Farouk Lawan the chairman Oil Subsidy Investigative Committee in 2012 of which about 620,000 dollars was alleged to have been collected by him (Farouk), (Onyejena, 2012:18; Yusuf, 2012:6); the 10 billion naira scandal involving Dimeji Bankole – former Speaker, House of Representatives in 2011, (which he was later cleared of) (Yusuf, 2011:1&2); the 44 million naira bribery allegation which led to the disbandment of the Herman Hambe led Capital Market Investigative Committee in 2012, (Yusuf, 2012:1); the 6.2 billion naira bribery scandal on the Elumelu-led House Committee on power reform in 2008 (Zero Tolerance, 2009b:41); the allegation made by Chief Esai Dangabar during his trial for N32.8billion fraud from the Police Pension fund that some Senators collected N8billion bribe from him (Ugah, 2012:17); the incidence of 108 Land Cruiser Sports Utility Vehicles (SUV) said to be ordered for members of the Senate at the cost of about N3.8 billion at N35million each against the original value of N17 million (Mudashiru, 2016); allegation of altering of the Senate's standing rule levelled against the Senate President, Bukola Saraki and his Deputy, Ike Ekweremadu which was said to have contributed to their being able to acquire the said position in 2015. An action considered as criminal and as such prompted court litigation constituted against them by the Minister of Justice and Attorney General of the Federation (Abubakar Malami) in 2016; the incidence of approving the 2016 budget said to have lapses. A report by The Nigerian Tribune of March 25, 2016 stated that “where they decide to look the other way and let a budget that is not fully corrected to be passed we are all in a state of quagmire“ commenting further on the attitude of the legislators, the report said that “when they came out blazing and telling us how the budget had been padded and how so many things were wrong, I honestly thought that we finally had a Senate that is not an extension of the Executive”. Other incidences include the allegation of between N285billion and N400billion 2016 budget padding made by Abdulmumin Jibrin, former Chairman of the House committee on Appropriation against principal officers of the House of Representative which includes the Speaker, Mr Yakubu Dogara; the Deputy speaker, Yussuf Lasun; the Chief Whip, Alhassan Ado Doguwa; as well as the Minority leader, Mr. Leo Ogor. The trouble stated on 21<sup>st</sup> July, 2016 due to the removal of (he) Jibrin from his position as Chairman of the Appropriation Committee in the House of Representatives ostensibly it was suggested that he may have lost his hunk (chunk) of the deal which is believed to be N4billion in

the said padded budget hence an about-turn to become a whistle blower to prevent others from enjoying their largesse (Akinnaso, 2016:48; Ameh, 2016:7). Afterwards, a connived suspension of Jubrin by solidarity muffler wearing members of the lower chamber especially the ethics committee for attempting to expose the ills of corruption in the legislature. A simple scientific observation reveals that the allegations or incidences of corruption on members of the legislature is located within the context of Sections 98, 98A, and 98B of the Criminal Code, hence, the persistent accusation of corruption on members of some of its investigative committees as well as regards appropriation as observed above.

It is equally important to mention the unhealthy prevalence of double pension for legislators, who were sometimes the governors of their states, this is simply a classical example of outright banditry in an economy like Nigeria. This has no other definition other than corruption.

Furthermore, Code of Conduct Bureau with its obviously clear constitutional functions is expected:

- a. To receive declaration of assets of public officers, made pursuant to the code of conduct;
- b. To retain custody of such declarations and make them available for inspection by any citizen of Nigeria on such terms and conditions as the National Assembly may prescribe;
- c. To examine the declaration and ensure that they comply with the requirement of the code of conduct and of any law for the time being in force (Agedah, 1993:16).

It is appalling that despite the significant role the legislature is expected to play with regards to public officers' declaration of assets, Obi (2016:14) observed that, with the exception of Senator Shehu Sani, “not a single member of (the national assembly) declared his or her assets publicly” as regards the 8<sup>th</sup> Assembly in line with the CCB tenets. When compared with what obtains elsewhere, one may be tempted to say Nigeria's democracy has a long way to go. For example While in Mongolia public officials are expected to declare their incomes and assets as well as those of their families not more than 30 days of assumption of office and afterwards, mandatory submission of their annual income declarations between 1-15 February of each year. Failure as regards these declarations by any official irrespective of position occupied attracts fine of between 5,000 and 25,000 Tugriks (US\$5.90 to US\$29.40). Furthermore, failure to effectively monitor these declarations by the regulatory officials attracts fines of between 20,000 and 30,000 Tugriks (US\$23.50 to US\$35.30). Heavy sanction awaits officials who fail to declare gifts or details of their foreign bank accounts. These set of officials risk between 30,000 and 40,000 Tugriks (US\$35.30 to US\$47.05) as fines. Very important is the fact that, officials found guilty of corruption will be discharged according to the procedure provided in their law. In the Philippines, immunity from Prosecution is provided for those willing to testify against public officials or any citizen of the country indicted of corruption (Alfiler in Quah, 1999:77).

The above are the reflection of corruption in the legislature in Nigeria. It is therefore not surprising that the Transparency International Report Index in 2004; 2005; and 2006, corruption within the legislature for these periods at 4.2; 4.1; and 4.1



respectively out of 5 points, regrettably, in 2013 the prevalence of corruption in the Nigerian legislature was nothing different but remained constant at 4.2 out of 5 points. This situation is worrisome especially to those who have the interest and progress of the country at heart. The prevalence of corruption in the legislature has direct correlation with the political process which brought these legislators to power, as revealed by that same report which placed the rate of corruption within political parties in Nigeria in 2004; 2005 and 2006 at 4.5 consistently out of 5 points for the period, while as at 2013, it was scored 4.7 out of 5 points, an indication of increase on the rate of corruption within political parties in Nigeria.

Having considered the incidences of corruption within the corridors of the law making institution in Nigerian; it was not surprising when the then British Prime Minister, David Cameron in May of 2016 described Nigeria as *fantastically corrupt* (Ehikioya, 2016:1 & 6; Waive, 2016:16), a statement that correlates with Nigeria's consistent ranking by the Transparency International (TI) Corruption Perception Index (CPI), as one of the most corrupt nations in the world over the years. The foregoing vindicates (Achebe, 1984:9) assertion that, not only that Nigeria is not great at least for now in other aspects of human endeavour like science and technology, it is however one of the most disorderly and corrupt nation under the sun, coupled with the fact that, it is highly insensitive, inefficient, as well as one of the most difficult places to live on earth. Views like the foregoing ones would not have been attributed to Nigeria given its peculiarity in term of geography and geological deposits, but due to inadequacies brought about by dysfunctional and retrogressive legislations that the country is exposed to, as well as the unwillingness of Nigerians to walk along the right path in every aspect of their dealings.

The denial of the above manifestation of corruption realities in the legislative organ of government in Nigeria may not be made. However, some significant efforts have also been made by it in stemming the tide. For example, The Senate Public Accounts Committee disclosed in June of 2002 that of the N40.7 billion recovered from the Abacha loot, N11.7 billion was missing (Ubabukoh, 2015:18); the Senate turned down President Obasanjo's request for the dismissal of Alhaji Hamman Tukur, Chairman of the Revenue Mobilisation Allocation and Fiscal Commission (RMAFC) on account of a face-off arising from the executive unauthorised withdrawal of over N1trillion (Ogundele, 2007); the Senate in 2009 ordered the recovery of N53billion failed banks loans. These were monies collected without collateral from the affected banks by some influential 64 Nigerians by virtue of their positions through various accounts (Ehikioya, 2009:1&2); in 2011, the Senate Joint Committee exposed the oil cartel which had held the nation at ransom for a long time (2006-2012) under the dubious oil subsidy regime which saw an increase on the number of companies involved in fuel importation into the country from 5 and the Nigerian National Petroleum Corporation (NNPC) in 2006, to 140 and the NNPC in 2011, a situation that accounted for the nation losing about N2.6trillion for the period investigated. Funny enough some of these were construction companies that had nothing to do with the oil industry (Adesammi, 2011:4; Leadership, 2012 June, 15:1&3); in February of 2012, the Senate traced N21billion of police pension fund to a commercial bank (Ojiabor and

Onogu, 2012:5); according to (Ugah, 2012:17), "the Elumelu-led House Committee on Power bungled its probe into former President Olusegun Obasanjo's \$13 billion Independent Power Project." Before the N5.2 billion bribery scandal which ended the committee's effort; the Senate Committee on Ethics, Privileges and Public Petition also held its ground against the wish of some members of the general House who wanted to play politics with the Petition of a whistle blower, Mr. Uboh in investigating the N1trillion allegation against the then Chairman of the EFCC, Ibrahim Lamorde in August of 2015 which eventually led to the dismissal of Lamorde (Koyi, 2015:5). The Senate in November of 2016 rejected the executive's request to borrow about \$30 billion from the World Bank for improper articulation of what the monies would be used for just to mention but a few.

These plausible achievements by the Nigerian legislature did not come about by the cooperation of all its members. However, what needed to be done was certainly done. That should be the guiding motive. Regrettably, the ugly incidences of corruption in the system is grossly beclouding these laudable strides, which is why the legislature as the lamp of the society must do all within its powers to identify the black sheep in their fold and let the law run its full course on them. This is premised on the fact that these unwholesome practices (corruption) do not only tarnish its image but has consequences for its effectiveness and efficiency in carrying out its constitutionally assigned responsibilities to the nation at large.

## VII. CONSEQUENCES OF CORRUPTION WITHIN THE LEGISLATURE ON NIGERIA

Scholars in hold that corruption has severe negative consequences on not just the particular nation state, but on globe the in general and it is agreed that some of the identified consequences of corruption as a phenomenon on any society include: economic backwardness resulting to *unemployment and poverty*; political instability; social insecurity; infrastructural decay; unaccountability; negation of the principle of law; etc. (Ibrahim, in Odekunle and Lame, 2000; Ikoiwak, 1986; Ejionye and Emereuwaonu, 1986; Fayose, 2005:4; Anyaoku, 2009:19; Wokekoro, 2012:2; Zi, 2013:152; Wika, Dalyop, & Abdullahi, 2015: 80-81; Ethelbert, 2016b:27-29; Waive, 2016:16). However, our focus here is on the consequences of corruption embarked upon by the Nigerian legislature on Nigeria.

The outfall of corruption in the legislature in Nigeria cannot be underestimated. It is important to note that due to this immoral action of corruption, which seems to desecrate the nation's hallowed chambers, bills that are not entirely beneficial to Nigerians (except the very few elite) have been passed into law in order to please the executive (at both the federal and state levels of government). For example, the law prohibiting street trading in different states at various times in Plateau state, Lagos state in 2016, as well as Delta state also in 2016 just to mention but a few a cases.

It is undeniable that some legislators in Nigeria are bent on tarnishing the image of the legislature and the noble efforts those with integrity are making towards making Nigeria great. This is anchored on the fact that these political merchants have overtime proven that they are chefs for brewing corruption in Nigeria. Consequently, political patronage, partisanship, as well as

primordial sentiments are introduced into legislative activities. For example, it is becoming increasingly difficult for the legislature to effectively screen and disqualify individuals whose names the executive arm sends to them for endorsement for appointments into various positions (ministerial, ambassadorial, etc). Is there a better explanation as to why individuals whose records have been dented, or questionable, or better still those who have issues which borders on corrupt misappropriation of funds either in the Ministries or States they had overseen in time past? Other than the fact that these political merchants as loyalists and party faithful, who are in the legislature in their number, would be the ones that will shout the most thunderous *yeah!* in assenting to upholding the appointments of these individuals not minding whether or not they have the requisite capacity for appointment (is the reason for their appointments revolving around rewarding political patronage by the executive), or if they had unresolved issue of corruption or other issues to clear. On the contrary, what prevails is the principle of *take a bow* or unhindered clearance of these set of individuals while their accusers are still protesting that such persons are corrupt and sometimes claim they had petitioned the anti-graft agencies concerning the issue. It is also disheartening that the political merchants and the power elites in the various hallowed chambers in Nigeria due to their involvement in one corrupt practice or the other as well as political patronage so as not sanctioned negatively, may not see anything wrong, or the gravity of not being able to correctly recite the National Pledge, or the National Anthem by Ministerial, or Ambassadorial nominees. Nigerians are not unmindful of the fact that an Ambassador is nothing but the *personification* of the country, as such, legislators must always have at back of their minds that the issue raised above may not take a bow in the countries these individuals are to personify Nigeria (even though they have successfully taken a bow in the presence of the legislators in these hallowed chambers when they should not). The import of this argument is that this group of legislators need to resign or mandated by their various chambers to go and clear their names to enable those legislators without question mark(s) on their integrity and honesty carry on these onerous task of law making with minimum and reasonable challenge. The foregoing is in tandem with Sections 57 and 99 of the 1999 Constitution which makes it an offense for “any person who sits or votes in the Senate or the House of Representatives as well as in State House of Assembly, knowing or having reasonable grounds for knowing that he is not entitled to do so *on ground of being corrupt or any other criminal involvement* commits an offence and is liable on conviction to such punishment as prescribed by an Act of the National Assembly or Law of the House of Assembly.”

A glaring consequence of corruption in the corridor of the legislature in Nigeria is the fact that it negates the principle of check and balance as required by the constitutional enshrined separation of powers between the Executive, Legislature, and Judiciary as evident in Sections 4, 5, and 6 of the 1999 Nigerian Constitution. Hence whether at the State or Federal level the needed impetus for adequately checking the other arm of government is lacking. Thus, it becomes easy for the executives to sometimes overstep their bound with the assurance that the coast is clear premised on the fact that *money talks* whether as appropriation for constituency project allocation or otherwise, as

such he who pays, or agrees to pay the piper, dictates the tune (Ethelbert, 2016b:34). The argument here is that, any form of Executive indiscretion is a function of legislators’ desecration of the hallowed chambers brought about by corruption, hence unwholesome compromise and not perfect understanding which exists between them for the progress of the nation. Due to his understanding of how important the separation of power is as well as its correlating check and balance in governance, the French Jurist Montesquieu (in Yakubu, 2004/2005:70 & 71) notes that:

Political liberty is to be found only when there is no abuse of power. But constant experience shows us that everyman invested with power is liable to abuse it, and to carry his authority as far as it will go... To prevent this abuse, it is necessary from the nature of things that one power should be a check on another...when the legislative and executive powers are united in the same person or body...there can be no liberty if the judicial power is not separated from the legislative and executive... There would be an end to everything if the same person or body, whether of nobles or of the people, were to exercise all these power.

Akinnaso (2016:48), lamented that “Nigeria cannot boast of any arm of government that is corruption-free...is it the judiciary or the legislature or the executive? Sadly...that brings us to the dilemma of the Nigerian nation. It brings us to why we are stagnant. Who is going to check who? Who is going to investigate who? Where are the checks and balances?”. Obi (2016:14), aptly captures the best solution to the perennial Nigerian challenge of corruption when he stated that “...democracy can only survive on truth and honesty.” The issues discussed has brought a reduction in the effectiveness and efficiency of the developmental programmes and policies which have been formulated by all regimes in Nigeria (Ikoiwak, 1986:83; Ibrahim in Odekunle and Lame, 2000:17) .

## VIII. CONCLUSION

It has been argued that the legislature in Nigeria is the lamp of the nation just as the judiciary is the hope of the masses and the media which is conceived as the fourth estate of the realm is believed to be the watch dog of the society, it is therefore not arguable that the legislature has enormous as well as tasking responsibility of enunciating human face policies and not monstrous ones. This way Nigeria and Nigerians would not have reasons to doubt the progress and development of the country. The foregoing brings to mind what Williams Shakespeare said in his work, *Julius Caesar* that “I have come to bury Caesar not to praise him, the evil that men do lives after them” but we rather say in our quest to have a viable legislature that *we have not come to bury Caesar nor to praise him but let him live and function effectively*. Isaac Newton in his first law of motion holds that *everything is in a constant condition of rest until they are compelled to change* (Cutnell & Johnson, 2006). In the same manner, this article is not aimed at mocking or destroying (burying) the legislature in Nigeria given the fact that it has achieved much in its efforts at deepening the country’s democracy as well as giant strides and efforts made by some honesty and integrity non compromising legislators in the fold; but to cry out (mourn) against the ills of corruption which has

gradually turned into a monster destroying all the efforts made and positive results achieved over the years by the legislature in Nigeria. Therefore, those *hell bent* on tarnishing the image of the legislature should resign honourably, or forced to cease to be part of these hollowed chambers, or better still, change for the better so that this menace no longer be mentioned in the legislature in Nigeria..

## IX. SOLUTION

In a Presidential system of government, the three organs of administering the state i.e. the executive, legislature, and judiciary work hand in hand even though there exists separation of powers (functions) which by and large promotes checks and balances in the system. Therefore, it is important to note that any form of executive indiscretion correlates with legislative corruption just as judicial inconsistencies has direct link with the way and manner both the executive and legislature manages state affairs through effective legislation and their implementation. Consequently, if the legislature fails or found wanting in its responsibilities, the society indeed is bound to face numerous challenges including uncertainty for the future. As such, the legislature is therefore expected to be constituted by individuals without questionable character. Simply put that, corrupt individuals (real or imagined) should not be part of the legislature, only those with proven integrity should. The above should be enshrined in the constitution of the Federal Republic of Nigeria. This way, effective laws that would meet the yearnings of the people will be passed.

Any legislator alleged of corruption should honourable resign to pave way for unhindered investigation of the allegation. If found innocent, he/she if so willing be restored to the legislature. If this is achieved, probity, accountability, and transparency would be re-established in the legislature. The foregoing would raise Nigerians confidence on the legislature as truly representing those that voted them into office.

The emolument of political office holders at all tiers of government should be published (made public). This way the public and indeed the regulatory agencies like the EFCC, ICPC, and CCB would not be in doubt concerning those living above their means. This we believe will bring about public trust on the legislature, guarantee self confidence of the legislators as well as make the operations of these regulatory agencies smooth due to availability of empirical evidence with regards to the amount of monies at one's disposal and the likely properties it may acquire. More so, there is urgent need to cut down on the personnel and overhead cost of the legislature in Nigeria giving the present economic realities on ground.

Sections 56 and 98 of the Constitution must be adhered to as regards voting methods in the legislative assemblies. This way it would be difficult for unpopular opinions as well as subjective interest(s) of presiding officers being accepted as representing those of the majority. This alone is a major step towards curbing tendencies of corruption as regards decision making in legislature.

It is germane to note that effective laws which would ultimately check the excesses of legislators and indeed other political office-holders in Nigeria be put in place as a matter of urgency as the lack of it, or its inadequacy is a major factor to the

incidences of corruption at all levels of governance in the country. If achieved, this would shield Nigeria from the clutches of political mercantilists, prebendals and Machiavellians who conceive public office as the quick means of accumulating wealth as well as becoming influential. Therefore, all existing laws of the land which in one way or the other encourage impunity in the system should be abrogated.

Due to the fact that some individuals in the legislature are not attuned with how weighty the responsibilities of that organ of government is as well as how peculiar they are to the society in general, it is needful that a benchmark with regards to academic qualification for candidature into these hallowed chambers be reviewed in order to match the pace of Nigeria's political progression as well as prevailing realities. The outfall of this would be that the era of doing whatever it takes to secure entry into the legislature (due largely to material benefits) by all comers (intellectual bankrupt and legislative unfit individuals ) would be gone for good, this way, the country would boast of a vibrant and progressive legislature constituted by well qualified intellectuals and think tanks.

The Nigerian federation need to be restructured in order to give all the federating units some sense of belonging by allowing them control their resources and remit agreed sum to the federal government on agreed intervals. By so doing, the psychology of national cake sharing which ultimately breeds corruption in governance (legislature inclusive) would be addressed once and for all in Nigeria. Closely related to this is the fact that for Nigeria to have and maintain a balanced federation, all the component units should have equal representation in the legislature, since no component unit has more or less right than others.

Haven identified that most of the incidences of corruption occurs within its various Investigative Committees, as well as mode of financial appropriation, it is therefore important that individuals appointed into these committees hold forth honesty and integrity in the discharge of their constitutional responsibilities without fear or favour of anybody no matter how highly placed. They must resist any form of inducement from those (power elites) their committees have been mandated to investigate the issues or their agents. Furthermore, the legislature must not allow itself to be comprised by any arm of government through financial appropriation, or misappropriation (whether it is for constituency project or any other project for that matter). If this is achieved, the legislature would stand upright at all times and in all instances to make laws that would bring about peace, security as well as development of Nigeria, and not just a handful of the elite.

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#### AUTHORS

**First Author** – Ethelbert Okey Lawrence  
Department of Sociology, University of Jos, PMB 2084  
JosNigeria. ethelbertl@unijos.edu.ng +2348036556269