journals.unizik.edu.ng/index-php/jcpl
ISSN: 2736-0342
NNAMDI AZIKIWE UNIVERSITY, AWKA
JOURNAL OF COMMERCIAL AND PROPERTY LAW

A Comparative Analysis of the Committee System in the Nigeria National Assembly and other Assemblies around the World

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Abstract
The legislative arm of government is the arm that represents the people, makes laws for the country, and conducts oversight functions on the executive. Its functions are numerous and tasking. Therefore, they create committees to reduce their workload and perform their task more efficiently. This paper examined the roles of committees in several legislatures of the world in order to shed light on the importance of committee system in a legislature or parliament. Through this paper, it was discovered that although there are differences in every legislative committee as they have their unique systems and styles, nevertheless, they have general similarities in their mode of determining membership of the committees, functions of the committees, powers of the committees, and so on. This paper adopted the doctrinal research methodology and relied on primary and secondary sources. Through this paper, it was understood that the role of committees in every legislature is of paramount importance. They cannot be done without as that would lead to inefficiency in the legislature. The paper recommended that members of committees and the legislature at large should conduct training regularly to improve their abilities so as to better improve themselves and the whole legislature. Also, members of the media department in the legislature should be diligent and participate in publicizing the activities of the committees so as to carry the citizens along; finally, committees should be staffed adequately so as to ensure efficiency in their activities.

Keywords: Legislature, Government, Committees, National Assembly, Parliament.

1. Introduction

Legislative assemblies all around the world have a tradition of dividing the whole house into smaller units, each unit performing a certain activity. The objective of dividing the whole house into smaller units is to promote efficiency in the performance of the legislature. The need for efficiency in the legislative assembly perhaps is the reason for the committee system existing in most democratic systems in the world[1].The demands on a modern parliament are numerous and it is not possible for the whole house to consider all the details necessary for performing the proper functions of a legislature[2], this has led to the rise of a trend to move towards more reliance on committees to conduct the work of legislatures and parliaments so as to create efficiency.

This paper starts with an introduction to the committee system and why they are considered important. Thereafter, we dive into the types of committees in the National Assembly of Nigeria, their functions, and powers. Also, we conduct a comparison among various legislative committees in the world, how they operate, their membership, their functions, and so on. Finally, we give a conclusive statement on the importance of committees in all legislatures of the world.

2. Types, Functions and Powers of Committees in the National Assembly

In the exercise of their functions, the National Assembly often work in smaller units known as committees. A committee is a group of persons appointed by a primary body to perform specified functions on behalf of the primary body. According to the Merriam-Webster dictionary, a committee is a body of persons delegated to consider, investigate, act on, or report on some matter[3]. One central theme is that committees are created for the purpose of satisfying the need for specialization and division of labor in law-making. As such, most committees in the National Assembly are created in line with the existing mandate of ministries, departments, and agencies in government.

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[1]J Y Fashagba, 'The Roles of the Committee System in Enhancing Legislative Efficiency in Nigeria: The case of Kwara State House of Assembly' *Journal of Sustainable Development in Africa* [2009] (10)(4).

[2]National Democratic Institute for International Affairs, 'Committees in Legislatures: A Division of Labor' *Legislative Research Series*<https://www.ndi.org/sites/default/files/030_ww_committees.pdf> accessed 17 June 2022.

[3]*Merriam-Webster Dictionary*<http://www.merriam-webster.com> accessed 17July 2022.

Committees are provided for in the Nigerian Constitution. It gives the National Assembly the prerogative to create committees as needed. This is provided for in Section 62(1) and (2) of the Constitution of the Federal Republic of Nigeria 1999 which states as follows:

> *62 (1) The Senate or the House of Representatives may appoint a committee of itsmembers for such special or general purpose as in its opinion would be better regulated and managed by means of such a committee, and may by resolution, regulation or otherwise, as it thinks fit, delegate any functions exercisable by it to any such committee.*
>
> *(2) The number of members of a committee appointed under this section, their terms of office, and quorum shall be fixed by the House appointing it.*

2.1 Types of Committees in the National Assembly

In the National Assembly, there are four (4) main types of committees which include the

Standing Committees, Special Committees, Ad-Hoc Committees, and Joint Committees.

Standing Committees: These are permanent committees established by the Standing Orders of the Senate and House of Representatives that aid the National Assembly in their day-to-day functions. They are established at the commencement of the life of the legislature and are set up along policy lines to deal with subject matters or specific areas of work of the legislature[4]. The practice in Nigeria shows that Standing Committees take their title after ministries or departments set up by the Executive branch of government. The size and ratios of each Standing Committee is determined by the rules of the Senate or House and correspond with the party ratio in the full chamber[5].

The primary functions of the Standing Committees are to oversee the activities of the executive's various ministries, departments, and agencies. One common function that all Standing Committees perform is to examine details of the annual budget proposals presented by the executive in respect of ministries, departments, or agencies of government under their charge[6]. It is of importance to state that in accordance with the provision of section 62(4) of the 1999 Constitution of the Federal Republic of Nigeria, no Standing Committee or any Committee at all can kill or frustrate a Bill. As such, the highest they can do is to give recommendations to the House of Representatives or Senate.

Special Committees: These are permanent committees established by the Rules of the Legislature with clear terms of reference to perform specialized functions beyond that of the Standing committees. They operate for the life of the Assembly which appointed them and they assist in the smooth conduct and operation of the Assembly[7]. Order 96 of the Senate Standing Orders and Order 18 of the House of Representative standing orders provides for Special Committees. Standing committees in the House of Representatives include: Committee on Selection, Committee on Rules and Business, Committee on House Services, Committee on Public Petitions, Committee on Ethics and Privileges, Committee on Media and Public Affairs, and others.

Ad-hoc Committees: These Committees are created by the Senate or House of Representatives for the purpose of resolving or dealing with pressing or specific issues. An example is the Ad-hoc committee on the review of the Constitution[8]. Ad-hoc committees are created for a particular purpose and their term of

[4]National Institute for Legislative and Democratic Studies and the National Secretariat of Nigerian Legislatures National Assembly, A Handbook on Legislative Practice and Procedure of the National Assembly (4th edn, National Institute for Legislative and Democratic Studies Publication 2019).

[5]M.A. Nwosu, Committee System in the Nigerian Legislature (1st edn, National Library of Nigeria Publication 2014).

[6]Ibid.

[7]National Institute for Legislative and Democratic Studies and the National Secretariat of Nigerian Legislatures National Assembly, (n4), 173.

[8]Ibid.

reference are normally spelled out and limited to the purposes of their creation[9]. Members of the committee are nominated by party caucuses, also members' expertise and parties' representation are considered[10]. The committee is dissolved after it has submitted its report to the Chamber[11].

Joint Committees: These committees are combinations of committees from the two houses in a bi-cameral legislature in which the Nigeria National Assembly is operating or a combination of two or more committees from the same House. The Constitution of the Federal Republic of Nigeria 1999 in section 62(3) provides for a mandatory joint committee on Finance. It provides as follows:

> 62(3) *The Senate and the House of Representatives shall appoint a joint committee on finance consisting of an equal number of persons appointed by each House and may appoint any other joint committee under the provisions of this section*.

Joint Committees are created through concurrent resolution or a legislative act of both Houses and they derive their names from the nature of their membership since they are composed of members from both Houses[12]. Originally, the main tasks of Joint Committees were administrative, investigative, and financial functions. However, in recent times, they tend to perform multitudes of functions, even those performed by Standing Committees. Joint Committees enjoy a high degree of coordination and integration which is essential in bicameral legislatures and they constitute veritable instruments for strengthening the authority of the legislature[13]. Apart from these usual types of committees, there are other types of committees in the National Assembly which include:

Conference Committees: They are committees consisting of members of both Houses of the National Assembly. They converge to harmonize differences on a bill that has been passed by both Houses. If a bill is passed to be forwarded for assent by the President, it has to be passed in identical form by both Houses[14]. Whenever different versions of a bill are passed and neither of the Houses is ready to yield to the other's version, a Conference Committee is set up to reconcile the differences between the two versions of the bill and harmonize the bill a so that members of the conference committees can be seen as reconciliation committees[15]. Membership of the committee is on an equal number basis. Conference Committees adjourn *sine dine* at the end of their assignment[16].

Committee of the Whole: This is the membership of the whole House. It is presided by a chairman nominated by the Presiding Officer. The purpose of the Committee of the Whole is to deliberate on issues, not enquire or investigate issues. Reports of other committees like the Standing and Special Committees are debated in the Committee of the Whole[17].

Whenever the house decides to resolve into a Committee of the Whole, the Presiding Officer leaves the Chair and occupies the Clerk's seat at the table and the Mace is lowered and placed on the rack under the table[18], this enables the members to debate more informally and freely as the presiding officer is not in Chair. Although the rules of debate are less strict and more relaxed, the quorum is the same as that of the

[9]M.A. Nwosu, (n5).
[10]Ibid.
[11]Ibid.
[12]National Institute for Legislative and Democratic Studies and the National Secretariat of Nigerian Legislatures National Assembly (n4) 179.
[13]M.A. Nwosu, (n5) 24.
[14]Ibid.
[15]Ibid.
[16]Ibid.
[17]M.A. Nwosu, (n5) 26.
[18]National Institute for Legislative and Democratic Studies and the National Secretariat of Nigerian Legislatures National Assembly (n4) 183.

House[19]. Standing Order 85 and Order XII, Rule 9 of the Senate and House respectively provide for the procedure on bills in the Committee of the Whole.

2.2 Importance of Committees in the National Assembly

As stated in the previous section, legislative committees are units of organization within a legislative chamber that allows a group of legislators to review policy matters or proposed bills more easily than would be possible by the entire chamber[20]. In many countries of the world, referral to the committee is a formal step in the process of adopting a bill. The roles of committees vary from country to country, depending on the governing system, strength, and organization of political parties, available resources, and other political factors[21].

The Committee system plays a major role in shaping legislative outcomes. It helps to develop a degree of expertise in a given policy area often through continuing involvement and stable memberships[22]. Due to the less formal rules of procedure governing committee proceedings unlike the National Assembly as a whole, committee members are able to discuss issues informally and develop relationships with committee colleagues which in turn, create an environment in which compromises on small matters and technical improvements in legislation can be agreed upon expeditiously[23].

Committees conduct public hearings, as such, they create opportunities for the general public, academic, business, and non-governmental experts to present their views. Also, when they hold public committee meetings, it educates the public, on important policy issues and therefore allows committees to gain public understanding and build support for the legislature's subsequent decisions[24].

When committees function effectively, they become the powerhouse of the legislature, citizens would be excited to get involved in public hearings as they trust the committees to consider their opinions and the committee members become authorities on matters within their jurisdiction.

2.3 Functions of the Committees in the National Assembly

Committees perform various functions depending on the type of committee. However, committees in the National Assembly perform the following general duties:

(a) Conduct oversight on executive agencies under their jurisdiction;[25]
(b) Scrutinize measures and bills assigned to them by their parent bodies in a detailed manner[26];
(c) Conduct hearings on bills and other matters assigned[27];
(d) Adjudicates and resolves disputes amongst government agencies and citizens or interest groups;
(e) Reviewing and approving government budget and expenditure[28];
(f) Conduct research for legislative action[29];
(g) Screen and recommend executive nominees for appointment[30]; and
(h) Dealing with resolutions of the House and making recommendations[31].

[19]M. A Nwosu, (n5) 26.
[20]L L Davidson and R H Davidson, *The New Roles of Parliamentary Committees* (Davidson, R.H., & Longley, L.D. 1998)
[21]Ibid.
[22]Ibid.
[23]National Democratic Institute for International Affairs (n2)3.
[24]Ibid.
[25]National Institute for Legislative and Democratic Studies and the National Secretariat of Nigerian Legislatures National Assembly (n4)189.
[26]Ibid.
[27]Ibid.
[28]L.L. Davidson and R. H. Davidson (n20)
[29]Ibid.
[30]Ibid.
[31]Ibid.

2.4 Powers of Committees in the National Assembly

Committees in the National Assembly, especially Standing Committees have extensive powers, some of which are granted by their Orders of Reference[32]. Some of these powers include;

(a) Power of Oversight;
(b) Conducting Investigations and Inspections;
(c) Power to delegate its duties to sub-committees;
(d) Power to hire staff including consultants; and
(e) Power to conduct public hearings.

Also, section 89 of the 1999 Constitution of the Federal Republic of Nigeria empowers committees to:

(a) Procure evidence and examine witnesses;
(b) Require such evidence to be given on Oath;
(c) Summon any person in Nigeria to give evidence or produce a document;
(d) Issue a warrant to compel the attendance of any person who fails or refuses to appear; or
(e) Order payment of costs incurred in compelling such attendance and also imposes a fine in consequence.

3. Comparisons among Various Committee Systems in the World

Most legislatures of the world today irrespective of the kind of system they operate have committees to conduct their business. However, committees in each legislature have varied roles depending on the importance of committees in that legislature and the importance of political parties in that particular legislature[33]. The stronger and more disciplined the political party in a legislature is, the less powerful the roles of committees. Legislatures that play a central role in the lawmaking process tend to have more developed and active committees while legislatures that defer to the chief executive, whether a prime minister or president, tend to have weaker committees[34]. In the presidential system for example, where the executive operates separately from the legislature, it is the legislature themselves that participate in the lawmaking process, thereby needing to divide into smaller units (committees) to efficiently perform their work. However, in the parliamentary system where the executive and legislature are intertwined, the executive branch ministries are responsible for drafting most of all the legislation. It has been found, however, that a general function of committees in almost all legislatures is the committee stage in the process of passing a bill[35]. The comparison focuses on the committee's functions in various legislatures, their compositions, mode of Operandi, committee staff, and so much more.

3.1 Review of Legislation

As has been noted previously, committees in most legislatures perform legislation review in the bill process stage. In the U.S. Congress, the standing committees determine the decisions that shape a draft bill before it is considered by the full chamber[36]. The committees have broad authority to adopt amendments and redraft bills, and it is the committees' version of a bill that is considered by the full chamber[37]. After considering, amending, and voting to approve a bill, the committee issues a report that explains its views on and amendments to, the bill[38]. These reports also include a section stating the views of the committees' dissenting members[39]. The committee chair and the minority party's most senior

[32] B J Gaines, M Goodwin & G Sin, 'The Study of Legislative Committees' [2019] *The Journal of Legislative Studies*(25) (3) 334.
[33] Ibid.
[34] Ibid.
[35] Ibid.
[36] Congressional Research Service Report, 'The Committee System in the U.S. Congress'<https://crsreports.congress.gov/product/pdf/RS/RS20794/6> accessed 15 August 2024.
[37] Ibid.
[38] Ibid.
[39] Ibid.

committee member (known as the Ranking Minority Member) usually lead the floor debate on a committee-reported bill and often take opposing views on specific issues within the bill or on the bill as a whole[40].

On the other hand, the British Parliament relies on ad-hoc committees to review draft bills[41]. In this system, there is a 'second reading' of the bill in a plenary session where members debate the general principles of the bill. If the bill survives the second reading, it is sent to an ad-hoc committee for consideration and review. The committee cannot make changes that run counter to the principle of the bill; instead, the committees tend to adopt amendments that are introduced by the government's ministers[42].

The German Committees perform a more active role in the legislature than their British Counterparts. In the German Bundestag (Federal Diet), committees cannot bury bills and are not known to make aggressive use of their investigatory and information-gathering powers, however, they carry the chief burden of parliamentary work, exercise their power to amend legislation, and function as a responsible critic of the government[43].

Lastly, in Nigeria National Assembly, the committees play an important role in the legislative process. Just like in the British Parliament, after the second reading stage, if the bill survives that stage, the bill is referred to the relevant standing committee(s) for consideration and review. After deliberations are finalized, a report is made and debated on the floor of the House by the Chairperson of the relevant committee(s). Where there is more than one committee that has an interest in the subject matter of the bill, the main committee is made as the head committee and other committees are created as sub-committees. The reports of the sub-committees are delivered to the main committee which is then compiled and read as a whole by the Chairperson on the floor of the House. Furthermore, just like the German Bundestag, the committees of the National Assembly cannot kill or frustrate bills, all they can do is make recommendations to the full chamber.Also, the report to be submitted by the chairperson on the floor of the house is the report agreed by the majority of the members of the committee. The decisions of the minority are not stated; however, the committee permits indication of dissent in a separate report supported with recommendations or comments within the report. Furthermore, there is a time limitation to the meetings of committees. Order 17 Rule 3 of the House of Representatives Standing Order provides that any matter referred to a committee shall be treated within 30 days else, the committee shall be discharged after 60 days and the matter will be committed to the Committee of the Whole for consideration.

3.2 Committee Meetings

The frequency of committee meetings and the time at which they are convened varies from system to system[44]. In some legislatures, committees are able to meet only on days or at times when no plenary debate is scheduled. This is the general practice in the Argentine Senate, the Bulgarian National Assembly, the Indian Council of States, the Japanese House of Councilors, the Romanian House of Deputies, The Thai Senate, and so much more[45]. This schedule ensures that committee meetings are not interrupted by plenary votes[46].

In other countries, committees meet regardless of whether a plenary session is sitting. This is applicable to the British House of Lords, the Canadian House of Commons, The French Senate, the Irish Senate, the Namibian National Assembly, the Portuguese National Assembly, the Romanian Senate, the U.S. House

[40]Ibid.
[41]D M Olson, *Democratic Institutions: A Comparative View* (M.E. Sharpe, Armonk, New York, London, England, 1994).
[42]Ibid.
[43]Ibid.
[44]D M Olson (n41).
[45]Ibid.
[46]Ibid.

and Senate, and many others[47]. In these legislatures, committees take short recesses to accommodate floor votes that occur during committee meetings. In Nigeria, committee meetings can only commence after 3 pm every legislative day, except as may be authorized by the House or presiding officer[48].

3.3 Committee Membership

Membership in committees usually depends on the system being in operation in a particular legislature. In legislatures like the German Bundestag, committee membership parallels as possible the strength of political parties in the legislature. It is the majority party that controls all Bundestag Committees[49]. These rule that the composition of parliamentary committees should correspond to the level of each party's electoral support also governs legislatures in Bulgaria, Canada, France, Germany, Hungary, Nigeria, the United States, and the United Kingdom[50]. In Nigeria, members of committees are nominated by various political parties in accordance with their numerical strength in the House[51].

3.4 Committee Staff

Arrangements for committee staff also called advisors or experts, vary greatly from one legislature to another[52]. Some legislatures have no professional committee staff while others have large, qualified staff who are accorded substantial responsibility[53]. The quantity and quality of committee staff tend to reflect the relative importance of the committee system to the legislative institution[54].

In the U.S. House of Representatives, each of the 19 standing committees is authorized by law to hire 18 professional staff assistants and 12 clerical aides[55]. The U.S. congress committees are abundantly staffed with expert personnel who generally possess broad responsibilities and significant influence[56].Conversely, the committee staff in Canada is much smaller and the scope of its work is limited. The Canadian House of Commons provides one clerk for each committee, whose duties are restricted to organizing meetings, calling witnesses, making travel arrangements, and processing necessary paperwork[57]. Unlike their U.S counterparts, they do not actively participate in investigations, evaluate evidence, or draft committee reports. However, committees are permitted to hire temporary professional assistants to handle specific issues. In Nigeria, the number of staff a committee can have is dependent on the Clerk of the House. Also, committees are empowered to retain the services of experts, professionals, and consultants as is deemed necessary. Committees of the National Assembly need to be adequately staffed so as not to lead to burnout and to enable the activities of the committees to be performed effectively, efficiently, and on time.

4. Constraints to the Effectiveness of Committees

This paper has reiterated the importance of committees in the legislature and how they facilitate the work of the legislature. Unfortunately, even with the numerous functions of committees and how indispensable they are to legislatures, there are still constraints hindering the effectiveness of committees.

Committees do not have regulations of their own. They are regulated by the framework regulating the whole House, in the case of the Nigerian National Assembly, it is the Standing Orders which regulate the Assemblies that also regulate the Committees. Therefore, the committees are subject to the will of the

[47]Ibid.
[48]Order 17 Rule 6(5) of the Standing Orders of the House of Representative 2016.
[49]National Democratic Institute for International Affairs, (n2) p 14.
[50]Ibid.
[51]F A Aremu & A R Bakare, *Two Decades of Legislative Politics and Governance in Nigeria's National Assembly* (Palgrave Macmillan, Singapore, 2021).
[52]Ibid.
[53]Ibid.
[54]Ibid.
[55]S S Smith and C J Deering, *Committees in Congress* (Washington: Congressional Quarterly Press, 1990).
[56]Ibid
[57]C.E.S. Franks, *The Parliament of Canada* (University of Toronto Press, 1987).

House. When the House makes changes to the Standing Order, such changes in the law will automatically affect the committees whether favorable or not.

Also, in Nigeria's legislature as well as some other legislatures of the world, members of the legislature are elected by the people of the State. In Nigeria, legislators who are elected for a term usually do not get re-elected for a further term, as such, the expertise they have gained while being on committees, especially standing committees that are permanent, is lost[58]. New members of the legislature placed in committees have to start from scratch to acquire knowledge on the subject matter for which the committee is responsible, it will also take a while to create rapport with existing members of the committees[59].

Furthermore, committees suffer from a lack of media attention[60]. There is usually inadequate coverage or public discussion of the activities of most committees in many legislatures[61]. This lack of interest from the media in the activities of most committees is a contributing factor to the low level of public awareness of the activities of committees and citizens' engagement with the legislature[62].

5. Conclusion

This paper has demonstrated that just as legislatures vary, committees in the said legislatures also vary. However, they perform some general functions which include oversight function, consideration of bills in the bill process, conducting of public hearings, and so on. These various functions of committees enable their parent body to function effectively and perform their primary functions of lawmaking, representation, and oversight. Some of the constraints hindering the effectiveness of committees have been identified and recommendations have been made to improve on the existing committee system in Nigeria in order to enable members of committees in the National Assembly effectively and efficiently perform their functions to the legislature.

6. Recommendations

Improving the Nigerian National Assemblies Committee system can enhance legislative efficiency, transparency, and accountability. It is in line with this that the following recommendations are made:

(i) Both Houses should conduct regular training sessions for committee members on legislative processes and best practices as done in the European Parliament. Also, orientation programs should be conducted for new legislators so as to ensure that the incoming legislators are capable of performing the duties left by their predecessors.
(ii) Also, there should be adequate committee staff and research staff in each Chamber to enable ease of work. It has been noted that where there is capable committee staff, they assist the legislature in competing with the expertise of the executive branch of government.
(iii) Periodic reviews of committee effectiveness and their impact on the legislature should be conducted in order to know the gap that needs to be filled and how to fill the gap.
(iv) The Assembly should establish feedback systems from both members and the public to continuously improve the committee system.
(v) The National Assembly should engage in partnerships with other national assemblies to share best practices and experiences. It should also facilitate exchange programs for committee members to learn from the operations of other legislatures.
(vi) Lastly, the media department in the legislature should be steadfast and diligent in carrying out its activities. They should be aware of every committee meeting and should provide adequate coverage so as to synthesize the public on the activities of the committees.

[58]L Hamalai, *Committees in the Nigerian National Assembly: A study of the Performance of Legislative Functions* (Publication of Policy Analysis and Research Project, National Assembly, 2010)
[59]Ibid
[60]Ibid
[61]Ibid
[62]Ibid.