

Inter-Chamber Relations in the Fourth Republic of Nigeria National Assembly

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Abstract: Nigeria returned to democratic rule which is anchored on the presidential system in 1999. There are three institutions established to achieve smooth running of the presidential system namely: The Legislature, The Executive and The Judiciary. The study of government under democratic setting will be impossible without appreciating the role of the legislature. Under the third wave of democratization, legislative power and roles cannot be underrated. In many democracies both advanced and developing, legislative institution is becoming increasingly noticeable and self-confident in the political processes. The primary or core functions of the legislature include representation and law-making. It is worthy to note that the 1999 constitution establishes two chambers for the country. However, the nature and workability of inter-chamber relations has been given less attention. This study examines the reasons for the adoption of a bi-cameral legislature in Nigeria. What are the relationships between the two chambers (House of Senate and House of Representatives)? What is the position of the constitution on inter-chamber relations? These are some of the questions the study will seek to answer in the current Nigeria's Fourth Republic. The study makes use of secondary source and the author personal experiences in the political theater of Nigeria. The study argues that the superiority of the Senate over House of Representatives is historical. The study concludes that the existence of parallel roles of the two chambers must be religiously followed to avoid leadership clashes.

Key words: Democracy, legislature, chamber, fourth republic, house

INTRODUCTION

In all democracies, the arm of government that has the responsibility to exercise and express the power of the people is the legislature. The legislature in reality, symbolizes the people and it is saddled with the powers to make laws that guide and regulate how the state is run. While making laws, the legislature must be as representative as possible to reflect the various divides, groups, strata, states, population and so on in the state. A legislature that is not really representational may find it difficult to reflect all shades of interest and ideas in its debates, deliberations and operations (Bakare, 2009). The structure of a legislature could be unicameral, bicameral, tricameral or tetra cameral. The last two are historical and no longer exist anywhere. This study focuses on bicameral legislature. Bicameral legislature or parliament is a legislature which consists of two chambers or houses with one usually requiring the concurrence of the other to pass legislation. The constitution of the Federal Republic of Nigeria, 1999 vests legislative powers in a two-chamber National Assembly consisting of the Senate and the House of Representatives and this study reviews the role of legislature, the rationale behind its adoption and conflicts, hierarchy and effects of legislative bicameralism on democratic consolidation and sustainable development.

The ideas on which bicameralism are based can be traced back to theories developed in ancient Greece, ancient India and Rome (Loewenberg, 1995), recognizable bicameral institutions first arose in medieval Europe where they were associated with separate representation for different classes of people; one house would represent the aristocracy while the other would represent the commoners. Many other countries of the world now also operate different variants of bicameral legislatures along federal, aristocratic, unitary and Islamic systems. In fact, there is almost a split right down the middle between countries that practice bicameralism and uni-cameralism all over the world (Norton and Olson, 2008).

How many chambers a parliament should have is a controversial question in constitutional law. Having two legislative chambers grew out of the monarchy system in the UK and other European countries where there was a need to represent both the aristocracy and the common man and out of the federal system in the USA where individual states required representation. In recent years, unicameral systems or those with one legislative chamber, were associated with authoritarian states. Although that perception does not currently hold true because according to Patterson there appears to be a general trend toward two chambers in emerging democracies, particularly in larger countries like Nigeria. Given

historical, cultural and political factors, governments must decide whether one-chamber or two chambers better serve the needs of the country.

LEGISLATURE AND BICAMERALISM: THE CONCEPTUAL INSIGHTS

The basic requirement for analyzing any concept is to have an insight and understand most importantly, the actual concept in question (Chafe, 1994). Hence, it is important to understand and clarify some of the important concepts in this research namely; Legislature and Bicameralism and inter-chamber relations

LEGISLATURE

As noted earlier, legislature is an essential constituent of any democratic government and a major factor in its growth and sustenance. The legislature existed before the advent of modern democracy. The emergence of the legislature according to Loewenberg (1995) dates back to the twelve century and a product of medieval European civilization but transformed in the age of democracy to suit the needs of a great variety of contemporary political systems. Most established democracies have always had legislatures. Before and after the Second World War as colonialism failed and nations grew in number, constitutions incorporating a national legislature replaced extant governing institutions throughout the world (Odinga, 1994).

Legislature is a law-making assembly of elected members in a formally equal relationship to one another. Legislatures evolved from medieval bodies periodically assembled by kings in order to agree to levies of taxation to bodies which sat more or less continuously or at least claimed the right to do so (McLean and McMillan, 2009). The legislature is one of the three organs of government, the others being executive and the judiciary. The legislature is known by different names in different countries. Such names include Parliament, Assembly or Congress. In any political system, the functions include representation and law-making (Jewell, 1997), administration, supervision and control of finance, electoral issues and contribution to political decisions. Despite that legislature has been popular before now, it must note that the increase popularity of the legislature cannot be divorced from the tidal wave of democratic growth sweeping across continents. Legislature is the bulwark of democracy because it stipulates popular representations and suggests how a country should be governed via its primary function of law making. Indeed if democracy is a system anchored on the informed and

active participation of the people, the legislature is a vehicle for wider representation. In other-words, the existence of an independent legislative institution composed of representatives of the people is a distinguishing hallmark of democratic government from non-democratic ones.

BICAMERALISM

When we have a legislature that consists of two separate houses or chambers with members freely elected or nominated into these, researchers refer to it as Bicameral Legislature or Bicameralism. A bicameral legislature is composed of two-chambers or houses, usually termed the lower house and upper house. The lower house which is usually the first house with larger membership based proportionally on population with each member representing roughly the same number of citizens in each district, region or state. The upper house varies more broadly in the way in which members are selected; its membership could be through inheritance, appointment by various bodies and direct or indirect elections. Representation in the upper house can reflect political and class subdivisions as is the case for the United State Senate, German Bundesrat and Indian Rajya Sabha (Norton and Olson, 2008). Bicameral systems tend to occur in federal states because of that system's two-tiered power structure. Where subdivisions are drawn to coincide with other important societal units, the upper house can serve to represent ethnic, religious or tribal groupings as in India or Ethiopia.

There are different names for the chambers of the legislature. In British Parliament, the lower house is referred to as the House of Commons and the Upper House as the House of Lords. In the United States of America (USA), the Lower House is called the House of Representatives and the Upper House is named the Senate constitute in congress. The USA model is what Nigeria adopted since, 1979 and which is operational till date (Fashagba, 2010). In Nigeria, its legislature is known as the National Assembly.

THE JUSTIFICATION OF BICAMERALISM IN NIGERIA

Countries that operate bicameral legislatures do so for very varying rationale and reasons but the main reasons are usually to allow mass participation to give a voice to all and the need to have a second thought or view on legislation. Second chambers facilitate representation for groups or interests that otherwise might be ignored. They do so not only by making more

legislative seats available to legislators elected from different districts and possibly by different rules but more importantly by giving more legislators a voice in the legislative process. Traditional views of bicameralism hold that second chambers can matter because their members have the authority to veto or at least delay bills whether they do in fact affect legislative content depends on whether and to what extent majority preferences differ across chambers (Bakare, 2009).

The report of the committee on legislature and legislative lists in the 1994 constitutional conference, a conference that gave birth to the 1999 constitution gave the rationale for the establishment of a bicameral legislature for Nigeria. Issues such as ethnic suspicion, fear of political and economic domination at Federal and State levels, uneven access to wealth of the nation, unfair application of the resources of the nation, insensitivity to the plight of states that are not well endowed all informed the committee's decision. During its deliberations, strong arguments were made for the creation of a unicameral, bicameral or even a tricameral legislature. Those who wanted a third house clamoured for a house for traditional rulers, past Heads of State and past Chief Justices of the Federation. They argued that since these persons would have no political inclinations they would therefore view issues more as statesmen. Those clamouring for a unicameral legislature emphasized the need to save costs and reduce delay in law-making process. The group that argued in favour of a bicameral legislature opined that three houses was not only wasteful but would also institute an unelected legislative body in a democratic state. This is an act the advocate for bicameralism saw as contradictory and retrogressive (Alabi and Egbewole, 2010). Bicameralism advocates also argued against a unicameral legislature by saying that thoroughness should not be sacrificed on the altar of cutting cost. For them, a bicameral legislature offers an opportunity for the views of one house to be subjected to the scrutiny of the second house (Pelizo and Tapenhurst, 2004).

The committee settled for a bicameral legislature, comprising of a Senate and a House of Representatives because of its greater merits over the other forms. Of important note is the unanimous opinion of the committee that the Senate should reflect the equality of states while all states are not equal in the House of Representatives. Some states have more federal constituencies than others since it reflects the population of states. The bicameral system, therefore is a method of combining the principle of democratic equality with the principle of federalism all constituencies are equal in the House of Representatives while all States are equal in the Senate.

Nigeria's National Assembly may, therefore, be said to be created with the wisdom of the great compromise. A combined reading of section 48, 49 and 58 of the 1999 constitution demonstrates this compromise. Section 48 clearly establishes a Senate that represents equality of states, it says: The Senate shall consist of three senators from each state and one from the Federal Capital Territory, Abuja (1999 constitution of the Federal Republic of Nigeria).

The fixed number of seats per state in the Senate makes it an exact replica of the composition of the United States Senate. Section 49 of the 1999 constitution did not fix the number of seats per state in the House of Representatives thereby allowing for delineation of constituencies based on population growth or decline, it says; subject to the provisions of this constitution, 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. Additionally, section 58(1) of the constitution further reveals the intention of the drafters of the 1999 constitution to make one house act as a check on the other, it says in section 58(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 in sub-section (5) of this section, assented to by the President".

A major advantage accruing from this ingredient in the constitution is the additional impediment a house must prove against improper acts of legislation. No law can be passed without the concurrence of the majority of the people (The House of Representatives) and the majority of the states (The Senate). It must be acknowledged that this complicated check on legislation may in some instances be injurious as well as beneficial. For instance, the Governor of the Central Bank of Nigeria (CBN) made announcement on August 23, 2012 to comprehensively restructure Nigeria currency and introduce a five thousand Naira (₦5,000) note. This became a contentious issue as it was completely condemned by virtually all segments of the Nigerian society including the National Assembly. The Senate and The House of Representatives in separate unanimous motions asked the CBN to suspend its planned introduction of the 5000 naira note the conversion or restructuring of the entire currency (Hassan, 2012).

Nigeria had its first legislative house between 1960 and 1966 and a second one between 1979 and 1983. A third one had a very short life span as it went with the aborted Third Republic. The import of this is that the current legislature like other democratic institutions in the country emerged against the background of a prolonged

military rule. In other words, prolonged military rule in Nigeria created a learning vacuum in the art of law-making through democratic processes as those powers which ordinarily belonged to the legislature were usurped by the military. This learning vacuum during the military regime and after that led to the fourth republic that started in 1999. The legislature in Nigeria's Fourth Republic began on May 29, 1999 following the successful conduct of a general election in April of that year and swearing in of an elected civilian government headed by Chief Olusegun Obasanjo. Much of the politics and precursors to the Fourth Republic have been documented by scholars (Momoh and Thovoethin, 2001; Olurode, 2004; Saliu, 2004; Yaqub, 2004).

It is imperative at this point to note that Nigeria's current legislative house (National Assembly) followed the successful transition from military dictatorship to a civilian government and its formal inauguration on June 2, 1999. Like every other bicameral legislature, Nigeria National Assembly comprises both the upper house (Senate) made up of 109 elected members (3 representing each of the 36 states of the federation and one representing Abuja, Federal Capital Territory) and a House of Representatives (lower house) with 360 elected members. Like every other legislature as well its powers and duties are derived from the 1999 constitution which stated in section 4(1) that: the legislative powers of The Federal Republic of Nigeria shall be vested in a National Assembly for the Federation which shall consist of a senate and a House of Representatives. More so, the National Assembly shall have power to make laws for the peace order and good governance of the Federation or any part thereof with respect to any matter included in the exclusive legislative list 1999 constitution of Nigeria, section 4(2). Other powers of the legislature especially in relation to public fund and oversight functions are clearly spelt out in sections 80, 88 and 89 of the constitution. The essence of the above expositions is to give insight into the powers and fundamental duties of the Nigerian legislature. As shall be extensively discussed later are essential in engendering good governance and democratic growth.

THE ROLE OF LEGISLATURE IN NIGERIA

Modern study of government and politics in contemporary nation states is impossible without appreciating the role of the legislature (Fish and Kroenig, 2009). Although, Norton and Olson (2008) have argued that the development of the legislature is yet to witness the enviable status. This is acquired by the symbol of democracy in the industrialized countries of the west. But its existence alone in the new and emerging democracies

marked a clear departure from the politics of authoritarianism and impunity to that of government of accredited representative of the people under the rule of law (Alabi and Egbewole, 2010). Legislature as the bulwark of democracy performs some basic functions that distinguish legislatures from other branches of government. According to Jewell (1997), legislatures have formal authority to pass laws which are implemented and interpreted by the executive and judicial branches and their members normally are elected to represent various elements in the population. The legislature is generally and primarily known for law making in the state. The laws, most especially oversight function, made by the legislature are binding on all organs of government including the legislative itself. These laws are vital for the orderly conduct of government and administration. Existing laws can also be amended by the legislature in the process or as part of a new law. It may be changed or amended in the face of new developments and realities in accordance with constitutional provisions.

Beyond these, the legislature carries out many other important functions in the polity which are intended to promote good governance and development. One of the functions of the legislature is investigative roles. The legislature in a democracy has the constitutional power to conduct investigations into any agency of government. The aim of legislative investigation is to ensure that laws made are complied with and that finances in the appropriation Act are deployed in accordance with the Act's provision. This may be with a view of exposing corruption and correcting any lapses or lacuna in the conduct of public policy. This power is enjoyed under section 88(1) a and b of the 1999 constitution which states that: subject to the provisions of this constitution each house of the National Assembly shall have power by resolution published in its journal or in the Official Gazette of the Government of the Federation to direct or cause to be directed investigation into: any matter or thing with respect to which it has power to make laws and the conduct of affairs of any person, authority, ministry or government department charged or intended to be charged with the duty of or responsibility for:

- Executing or administering laws enacted by National Assembly
- Disbursing or administering moneys appropriated or to be appropriated by the National Assembly. In carrying out its investigative roles, the National Assembly can summon any person in Nigeria to give evidence at any place or produce any document or other thing in his possession or under his control and examine him as a witness subject to all just exceptions (Odinga, 1994; Bakare, 2009)

Another legislature function is Public petitions. The National Assembly, through its Committees on Public Petitions has the constitutional mandate to receive and enquire into public petitions and complaints brought to its attention. In the last 13 years of democratic experiment, many of such petitions and complaints have been received and conclusively addressed by both chambers of the National Assembly. This is one of the representative functions of the National Assembly.

Power of appropriation is another important financial function of the legislature. Under its lawmaking role, the National Assembly is saddled with the power of appropriation and the control of government revenue and expenditure (Ihedioha, 2012). The legislature is in a way a custodian of public fund and so, it oversees the raising and spending of public money. Perhaps, this is the single-most important function of the legislature under the constitution. The power of appropriation is conferred on the legislature by sections 81 and 82 of the 1999 Nigeria constitution as amended. Under this section, no money shall be withdrawn from the Consolidated Revenue Fund or other public funds of the Federation without the authorization of the National Assembly. Much of the influence which the legislature enjoys in the polity is derived essentially from its power of appropriation which it has effectively deployed with regard to the siting of government projects and infrastructure. However, no one is in doubt today why the budget was never funded in spite of the huge infrastructural deficits.

The legislature, through its oversight functions, holds the Ministries, Departments and Agencies accountable to the public. Since, it has the responsibility to appropriate funds to the various government institutions for their operations, it naturally follows that the legislature must oversee these institutions to ensure that the public get value for their money. It also ensures that these institutions are run in accordance with the laws of the land. With the cabinet or parliamentary system of government, members of the cabinet are all responsible collectively to the parliament. Members of cabinet are usually summoned to Parliament to defend their actions. Where it is convinced that the cabinet can no longer offer responsible leadership or positive governance, Parliament may pass a vote of no confidence on them leading to the resignation or fall of such a government (Egbewole, 2003). The legislature has the power to ratify certain appointments made by the executive. This is also known as power of confirmation. The legislature also has the sole power under the constitution to screen and confirm nominees for appointment into the Executive Council of the Federation (EXCOF) and other federal executive

bodies. The legislature approves government nominees for ambassadorial postings. This power is exclusively performed by the Senate.

There are however some exceptions in which the concurrence of the House of Representatives is required. For example the Niger Delta Development Commission (NDDC) Act, 2000 requires the Senate to consult with the House of Representatives in the confirmation of nominees into NDDC Governing Board. Section 2(2a) of the NDDC Act 2000 states that: the Chairman and other members of the Board shall be appointed by the President, Commander in Chief of the Armed Forces, subject to the confirmation of the Senate in consultation with the House of Representatives (NDDC Act 2000). Another example of the legislative power to ratify appointment is section 147(2) of the 1999 constitution that empowers the Senate to confirm any person nominated by the President for a ministerial appointment whilst section 154(1) makes it mandatory for the Senate to confirm all the chairmen and members of The Code of Conduct Bureau, The Federal Character Commission, The Federal Civil Service Commission, the Federal Judicial Service Commission, the Independent National Electoral Commission, The National Defense Council, the National Economic Council, The National Judicial Council, The National Population Commission, the National Security Council, The Nigeria Police Council, The Police Service Commission and The Revenue Mobilization Allocation and Fiscal Commission. The appointment to the office of Ambassador, High Commissioner or other Principal Representative of Nigeria shall not have effect, according to section 171(4), unless the appointment is confirmed by the Senate. And when (section 306(3)) the President resigns from the office of President, the notice of such resignation must be addressed to the President of the Senate. Outside the 1999 constitution, the Economic and Financial Crimes Commission (EFCC) Act 2004 makes it mandatory for the chairman and other members of the Commission appointed by the President of the Federal Republic of Nigeria to be confirmed by the Senate. Need we probe more into the intendment, the intelligence or correct understanding of the constitution and its draftsmen with regard to the status of the Nigerian Senate vis a vis the House of Representatives.

Conflict mediation and resolution is another function of the legislature. The legislature has the added responsibility of conflict mediation and resolution. In this area, the legislature has established an enviable record of performance. For instance, since 1999 the legislature has positively intervened and settled several government labour disputes be it over minimum wage, Academic Staff Union of Universities (ASUU) demands for better

conditions of service in the universities or most recently, the fuel subsidy crisis. The National Assembly (both the Senate and House of Representatives) have on several occasions move to mediate over ASUU strike. This is done to resolve the crisis and restore stability into the Nation's education system (Salem, 2009).

The legislature performs the functions of political/leadership recruitment and leadership development. The parliament has over time served as major channels of recruitment, providing a pool of talent from which leading decision makers emerge (Ihedioha, 2012). For example, this is evident in the number of legislators that have moved up the political ladder in the country today.

Protection of the interests of the people is one of the primary functions of the legislature. To protect and defend the interests and rights of the constituent units is a responsibility saddled with the legislature. Much more importantly as the representatives of the people, the legislatures also ensure that the dividends of democracy are attracted to the respective constituencies to serve the best interests of the people.

CONFLICT IN BICAMERAL LEGISLATURE IN NIGERIA

Until recently, not much attention was given to the issue of conflict and its management in the legislature. However, conflict is an issue that cannot be ignored in the study of law making. Conflict in the legislature reflects the nature and character of democracy (Ogundiyi *et al.*, 2009). In a democracy, conflict is inevitable. Conflict is one of the few concepts in the social and management sciences that have attracted the attention of many scholars. Because of its attraction to many scholars, conflict has been explained from different perspectives. Whatever perspective conflict is examined, the nature and goals are the same and that is the existence of incompatible interests which lead to conflict. Conflict is a process and a struggle over values and claims to scarce status, power and resources in which the aims of the opponents are to neutralize, injure or eliminate their rivals (Stratman and Baur, 2002). The function of conflict in the society is to strengthen the bond of unity in a relationship. The implication of this is that new changes would be accommodated in the relationship and these changes would automatically lead to the growth and development of that relationship. Be that as it may, it is necessary to examine the causes of conflict in the legislature.

It is not in doubt that conflicts exist in the legislature just like in all human organizations. Just as in any

gathering of people or groups with diverse interests and views, conflicts and is agreements between houses in a bicameral legislature are not uncommon. Such conflicts may be desirable or undesirable. It becomes undesirable only when it threatens comity and courtesy among members. Policy disagreement can cause the most possible friction but this does not create a problem unless the conflict spills over into personal attacks and lack of decorum. Inter chamber tensions has always been a problem in Nigeria and they arise for a number of reasons

Conflict over issues and proposals: This is when each chamber of the legislature holds strongly and tenaciously to its views on an issue or legislative proposal and is unwilling to compromise its position. For example in The Second Republic, The Senate and House of Representatives disagreed over the issue of states creation and the time-table for the movement of the seat of government from Lagos to the new Federal Capital Territory (FCT) Abuja (Habu, 2009). There was also conflict between both Houses during the current 4th republic when the House of Representatives refused to participate in a joint session to receive the then Canadian Prime Minister, Jean Chretien. The major crisis was who to preside over the joint session. The joint session planned to receive the President's 2010 budget presentation was put off over disagreement on which chamber to use. The views expressed and canvassed by members of different chambers over bills is also sometimes conflicting and consequently delays passage of such bills but the rules of both houses envisages this conflict and creates a conference session where both chambers reconcile both versions of the bill. Conflicts based on different positions on bills and policies are healthy and not undesirable unlike personality clashes and seniority/primacy issue.

Different parties in control of both chambers: Uncommon in Nigeria but tensions between chambers often arise when different parties are in the majority in both chambers. In this case, issues are usually seen from different views and neither party is willing to abandon its position. Conflicts based on different positions on bills and policies are healthy and not undesirable unlike personality clashes and seniority/primacy issue.

Primacy/seniority of chamber: The issue of equality of chamber and which chamber comes first has always arisen in Nigeria's National Assembly. One of such is the disagreement during the constitution review process where members of the House of Representatives strongly opposed the deputy speaker being referred to as the deputy chairman of the joint committee and who should

produce the chairman of The Joint Committee on the Review of the Constitution (JCRC), The Senate or the House of Representatives. Since, the war erupted, a sizeable crop of intellectual pundits including legal luminaries have commented on the status of each of the two houses of the nation's parliament. This form of conflict sometimes leads to personality clashes between the principal functionaries of both Houses over who is superior as was the case during the Second Republic. For example, the Senate and House of Representatives disagreed over the issue of states creation and on the time-table for the movement of the seat of government from Lagos to Abuja in the Second Republic (Habu, 2009). There was also conflict between both Houses during the current Fourth Republic when The House of Representatives refused to participate in a joint session to receive the then Canadian Prime Minister, Jean Chretien. The 2010 budget presentation by the President in a joint session was put off because of disagreement on which chamber to use (Bakare, 2009).

Superiority crisis and constitutional imperativeness: The issue of hierarchy in a bicameral legislature is one that has come to the fore at different times in Nigeria's democratic development. The earlier mentioned primacy crisis between both chambers of The National Assembly over the status of The Deputy Speaker and by extension, the House of Representatives in the constitution review committee is a case in point (Stratman and Baur, 2002; Bakare, 2009; Habu, 2009). The trigger for the brewing war of attrition between the two chambers of the National Assembly, The Senate and the House of Representatives can be linked to the unnecessary dispute over which of the two chambers is superior. Some political commentators like Nwabueze (2004) and Norton and Olson (2008) are of the view that both the Senate and the House of Representatives should operate on a plain of mutual equality. While the second school of thought believes that the two chambers are not mutually equal rather one is superior over the other. Before we look at the constitutional stand of Nigeria bicameralism, it would be necessary to examine the comparative analysis of USA and Nigeria constitution on which chamber is superior in the two countries (Nwabueze, 2004).

The Nigerian constitution may be similar to but certainly not identical with, the US constitution which equates the Senate with the House of Representatives in almost all respects, apart from article 1, section 3(6) thereof which makes an impeachment trial the preserve of the Senate. The US House of Representatives (435 members) is constitutionally the legislative equal of the US Senate (100 members). Article I, sections 1-10 of the

US constitution gives equal powers to the two chambers of the US congress, except the said section 3(6) of article I which vests in the Senate the sole power to try all cases of impeachment.

However in view of the short life of the house (representatives are elected for only two years and Senators for six) and the inferior quality of its debates, The House of Representatives is commonly regarded as a less powerful chamber than the Senate, hence the House is prefixed with the base adjective Lower while the Senate is dignified with being the Upper Chamber of the bicameral legislature (Akiri, 2009; Nwabueze, 2004). Thus, to be qualified for the US House of Representatives, a person has to attain the age of 25 years and for the Senate, 30 years. In Nigeria, it is 30 years and 35 years, respectively, (Section 65 of the Federal Republic of Nigeria Constitution 1999). It should also be noted that whereas members of the House of Representatives in the US elect one of their member as their Speaker, the Senate is presided over by the Vice-President of the nation. That in itself, confers constructive superiority on the Senate even in the US. The transcendence of the Nigerian Senate is exemplified in several provisions of the Constitution of the Federal Republic of Nigeria. To start with, according to section 53(2) of the Constitution, it provides that at any joint sitting of the Senate and (the) House of Representatives (a) the President of the Senate shall preside and in his absence The Speaker of the House of Representatives shall preside and (b) in the absence of the persons mentioned in paragraph (a) of this subsection, The Deputy President of the Senate shall preside and in his absence The Deputy Speaker of the House of Representatives shall preside. There is no suggestion of a co-chairman in these provisions.

According to Akande (1982), there is no doubt, therefore, that even though we no longer operate the Parliamentary System where the Senate is invariably known as the Upper House and therefore regarded as superior to the House of Representatives, the Presidential system also recognizes the precedence of (the) Senate over the House of Representatives. Whereas in section 59(2) of the onstitution there is a dispute between the chambers of the National Assembly in the passage of an Appropriation Bill or a Supplementary Appropriation Bill, it is the Senate which is empowered to arrange for and convene a meeting of the Joint Finance Committee to examine the Bill with a view to resolving any difference between the two Houses. Every Senator represents a third of the population of every State (about 33.3%) whilst every member of the House of Representatives represents about eight per cent of the population of every State (section 71a and b of the constitution).

Section 143 sub-sections (2)(a) and (b) of the constitution makes the President of the Senate the sole recipient of any notice of an intended removal from office of the President or Vice-President of Nigeria. Under section 144(4) of the constitution if the President or Vice-President is declared to be incapable of discharging the functions of his office, a medical panel is appointed by the President of the Senate, not it must be noted in conjunction with The Speaker of the House of Representatives. According to section 146(1)(2) of the constitution where the offices of the President and Vice-President are vacant the President of the Senate shall hold the office of President for a period of not more than three months. This makes the Senate President the third in Nigeria.

The superiority of the Senate over the House of Representatives is historical. In the days of Marcus Tullius Cicero (106-43 BC), the Roman Constitution created a Council called the Senate or *Senatus*. Among Roman citizens, there were three social and political categories: the Senatorial Order (*ordo senatorius*), the Equestrian Order (*ordo equestris*) and the people (*populus*) in the narrower sense. The first two of these ranks made up the Roman aristocracy. The Senate or *Senatus* was a Council of Elders, a noble and respectable institution (Akiri, 2009). That explains why today both the Nigerian and United States constitutions make eligibility for membership of the Senate among other things, upon the attainment of a higher age-bracket than is required for the House of Representatives.

It should be clear from the foregoing that there is a yawning gap in terms of constitutional powers between Nigerian Senate and House of Representatives which clearly tilt in favour of the Senate. Be that as it may, the jostle by members of the House of Representatives for equal status with the Senate is the height of inappropriateness on their part.

CONCLUSION

The Nigerian legislature is modeled after that of the United States. In appointment responsibilities, the upper house has the power of impeachment of judges and other high officials of the executive branch. The upper house also confirms the president's nomination and senior diplomats and even the independent federal commission. All national legislation must pass through both the upper and lower houses of the legislature. Both houses have equal power and jurisdiction. While it may be implied from the constitution and other laws that the Senate is superior to the House of Representatives, it is important to stress

here that both The Senate and House of Representatives rank equally for the purpose of the exercise of any power or function conferred on the National Assembly by the constitution whether the power is exercisable by means of legislation, resolution or otherwise. The superiority of a house over the other is not expressly stated in the 1999 Constitution of the Federal Republic of Nigeria. In fact neither is the office of the President expressly stated to be superior to that of The Senate President, Speaker of the House of Representatives or even the Chief Justice of the Federation.

Regardless of this implied superiority, a bill passed or a resolution on a matter by one house does not make it a decision of the National Assembly unless and until it is adopted by the other House and neither House can override the other with respect to the passing of a legislative proposal (Bakare, 2009). It follows that in a conflict in which each House is unwilling to yield ground to the other the bill or proposal is killed completely.

Finally, a bicameral legislature characterized by equality between its two houses does create a lot of room for rivalry. The two houses should be complementary and not competitive. Conflicts over legislative proposals should be based on genuine differences of opinion rather than jealousy. Yet with the house guarding its equality with the Senate, there is bound to be rivalry over the issue of primacy. Neither will like to concede primacy to the other. From all said and done, the legislature has developed tremendously from what it was in the early days of introduction of elective principle and representative democracy in Nigeria (Nwabueze, 2004).

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