

## **Legislative Effectiveness of State Legislatures in Nigeria: A Case Study of Bayelsa and Cross River State Houses of Assembly**

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**Abstract:** *Most legislative studies in Nigeria have been devoted to the National Assembly, and when studies cover state legislatures, they have predominantly examined legislative executive relations, with little reference to member effectiveness in lawmaking. Yet, public opinions on the state legislatures show lack of trust on the capacity of legislators. This study presents empirical data on the legislative effectiveness of state lawmakers using the Bayelsa State House of Assembly and the Cross River State House of Assembly as case studies. The study presents legislative effectiveness scores for members of the Bayelsa State House of Assembly and Cross River State House of Assembly based on the number of bills they sponsored and moved through executive approval, and members' ability to adequately review and scrutinize executive bills independently. The study revised the Legislative Effectiveness Score formular with regards to the Nigerian context for the calculations. Additionally, the study conducted interviews and triangulated data from the interviews and the Revised Legislative Effectiveness Scores analysis. While the findings showed that members of state legislatures are not effective, those belonging to the majority party have more chances to become effective members. The findings also show that party competition and executive control affect legislative effectiveness. To strengthen legislative effectiveness, the study recommends a genuine electoral reform that empowers members to win free and fair elections.*

**Keywords:** legislative effectiveness, political parties, lawmaking

### **INTRODUCTION**

Many Nigerians have expressed dissatisfaction with the performance of state legislators, describing them as rubber stamp, ineffective, self-serving, corrupt and too weak to deliver development. They query that legislators confirm executive appointments without due diligence, approve budget estimates without proper scrutiny, rely on executives' directives to pass legislation and lacks effective representation of the people (Afuba, 2025; Akor, 2021; Bello, 2024). In the US, a study found that voters demonstrate little knowledge of their elected officials' lawmaking effectiveness but shows greater approval for effective legislators when presented with their legislator's effectiveness scores (Butler, Hughes, Volden and Wiseman, 2023). This study aims to establish effectiveness of lawmakers to improve understanding of constituents on members who represented them in the legislature.

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The legislature in Nigeria has a three tier. The National Assembly comprising of the Senate and House of Representatives, the Houses of Assembly in all 36 states and the Local Government Legislative Councils in each of the 774 local government areas. The National Assembly exercise federal legislative powers provided in an exclusive and concurrent legislative list of the constitution while the states and the LGA legislative chambers exercise state and LGA legislative powers provided in the concurrent list. However, it is required in the constitution for the National Assembly to commence the process and get concurrence from at least two thirds of the state legislature on constitutional matters. The State Houses of Assembly have powers to make laws (section 90), veto assent of the executive (Section 100 (5), regulate its own procedure (Section 101), invite governor and its cabinet members to appear before the House (Section 108), appropriate public funds (section 120), review auditor general's reports (section 125 (25), remove the governor and the auditor general from office (section 127) and investigate matters with respect to which it has powers to make laws (section 128). The Bayelsa and Cross River States Houses of Assembly were established by the Constitution of Nigeria as a unicameral legislature of the states. The first session of the Bayelsa State House of Assembly was on 6th February 1999 after return to democracy. The Assembly is made up of 24 single member districts in the state. While the Cross River State House of Assembly was first inaugurated on 1st January 1981 and has 25 members. This study presents legislative effectiveness scores and stakeholder narratives on the effectiveness of state legislatures in Nigeria with a focus on Bayelsa and Cross River State Houses of Assembly.

### **Conceptual Review of Literature**

The concept of the legislature is rooted in human history and has been practiced across different regions and ages. For example, the Council of Elders in some African societies such as the Igbo and Izon cultures symbolizes a representative government where the elders are either representative of families, accomplished individuals or those that have attained certain age criteria to serve in the Council, but collectively agreed by the community (Ezenagu, 2017). These ancient Councils were responsible for lawmaking, resolving disputes and conflicts, preserving the culture and traditions, overseeing management of the community resources and serving as a forum for discussions and decision making (American Historical Association, 2024). However, the evolution of modern legislature is traceable to the influence of Ecclesia in Athens, the Roman Republic; the Witan and the Moots among others that were generally responsible for advising the monarchs. Furthermore, the first modern legislature (the House of Commons) began as a group of individuals identified to consult and advise the king in his Great Council as provided in the Magna Carta agreement of 1215 (Parliamentary Education Office, 2019). However, the modern legislature has significantly evolved. Lui (2012) asserts that due to the role of the modern legislature, it is important that representatives in the legislature are elected openly, freely and regularly.

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Across all regimes, legislatures perform three basic functions. These are lawmaking, representation and oversight (Benjamin, 2014). According to Deveaux and Rodrigues (2017), lawmaking is the process where the legislature considers and approves draft legislations. Deveaux and Rodrigues advise that legislatures engage in participatory lawmaking which refers to a process where the legislature engages the public in the consideration and review of draft laws. Lawmaking requires that the legislature makes a new law, delete an existing law, amend or change a law or delegate the powers to make subsidiary laws to the executive and the judiciary in certain areas for purposes of administrative efficiency. Therefore, strong and effective legislatures make laws to bring about good governance, peace and orderliness in society (Odalonu, 2020; Caspersen & Sindre, 2020). However, effective legislatures do not only make laws but also supervise the executive and serve as a link between government and the people.

According to the National Democratic Institute (2013), effective legislatures should reflect the views of the electorate as represented by the legislator and the political parties to which they belong. In discharge of their representative functions, legislatures conduct public hearings, carryout development projects and hold outreaches. Public hearings are important tools for legislative effectiveness because they allow participation and bring more expertise to reduce public criticism on government policies as these policies are well articulated during public hearing sessions. Therefore, effective legislators can sufficiently present the issues of their districts and share timely information through town hall meetings and other constituency programmes.

The IPU (2023) believes that the extent to which legislatures discharge key roles of lawmaking, oversight and representation reflects on its effectiveness. Therefore, effective legislators would effectively conceive legislative ideas, present and advocate for bills to be passed and contribute to other bills on the floor, as well as other aspects of lawmaking. Lawmaking requires amendments, alterations, creation of new laws, and deletion of obsolete laws among others. To ensure checks and balances and proper oversight, legislatures are required to conduct committee hearings, inquiries, questions, summoning of ministers, access to information from government and the ability to discipline the executive. The IPU identifies the following 11 indicators for effective parliaments: parliamentary autonomy, members of parliament, parliamentary procedures, parliamentary organization, administrative capacity and independence, lawmaking, oversight, budget, representative role of members of parliament, relations with other branches of government and key parliamentary powers. However, this study focuses on measuring effectiveness on lawmaking.

The Centre for Effective Lawmaking provides five habits of highly effective lawmakers which includes (1) developing a legislative agenda which is rooted in personal background, previous experience and policy expertise (2) a legislative agenda focused on district needs (3) be entrepreneurial with positions of institutional power which refers to the use of positions such as being a committee chair or a principal officer in the chamber to advance policy making agendas (4) open to compromise and (5) cultivating a broad set of allies even beyond the legislature (Volden & Wiseman, 2024). Similarly, the US National Conference for State Legislatures recommends four ways for legislators to become effective in the year 2024. These areas include: (1) acknowledging legislative norms (2) learning from other chambers (3)

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consideration of multiple perspectives and (4) looking beyond the chamber. These guides demonstrate that legislator's input is important for legislative outcomes (Henderson, 2024).

In a study, Gruenbaum (2015) identified three main factors for legislative effectiveness. That majority party status influences legislator's effectiveness and running for reelection positively affects legislative effectiveness for senators in minority parties in the US. However, the study shows that when proposal ideology was controlled, majority party status influence did not impact on legislative effectiveness. A study by Ekor, Katz and Iweala (2014) also found that longer serving Nigerian legislators are more effective and members of the dominant party tend to be more successful than members of minority or opposition parties. Ekor, Katz and Iweala (2014) proposed that legislator's effectiveness can be measured by ability to move motions, contribution to debates, performance in committees and oversight functions. Contrastingly, Juárez and Kerevel, (2022) findings from the Mexico chamber of deputies show that legislators from governing parties are generally less effective when it comes to their own legislative initiatives. Volden and Wiseman (2009) categorized individual legislators' effectiveness into three broad categories including members' innate abilities, cultivated skills, and institutional positioning. In their paper on Legislative Effectiveness in Congress, they summarized factors responsible for legislators' effectiveness in lawmaking. These factors include seniority considerations, previous legislative experience, party influence, legislative leadership, committee influence, race, gender and ethnicity considerations, as well as electoral security and national coalition partnership as source of legislative effectiveness.

Other factors that influence legislative effectiveness include legislative experience, majority party status, institutional leadership positions, social connectedness, and membership to party factions as strong predictors for legislative effectiveness (Rey, 2021). Rey suggests that legislative effectiveness rests on a combination of policy and political information. The researcher defines policy information as information about various issues and their potential real-world consequences, while political information as information on the legislative process. The researcher argues that lawmakers with access to both kinds of information are more equipped and that legislative member organisations and political parties provide this information resource. Similarly, Anderson (2003) identifies bill sponsorship, floor speaking, legislating in a timely manner and scope of legislation as attributes to legislative success but cautioned that legislative success is elusive and demanding of thoughtful legislative choices; that legislators who sponsor bills, but not too many or who speak on the floor, but not always, find more success than others. The decisions legislators make are often influenced severally by constituents needs, party agenda, populists or progressive activists and lobbyists (Seth, 2018), and so, affects members' ability to make laws. Literature also show that legislators are effective when they are bipartisan in the floor such as co-sponsoring bills with members of opposing political parties. A study by Harabridge-Yong, Volden and Wisman (2023) show that individual legislators who attract a larger portion of their bill cosponsors from the opposing party are much more successful at lawmaking. Another research shows that belonging to an ideological caucus in the legislature also enhances effectiveness where the legislator is a minority member (Clarke, Volden & Wiseman, 2024).

## RESULTS

The results show that legislators are underperforming at the state houses of assemblies. The RLE scores show that significant number of state legislators (79% in Bayelsa and 20% in Cross Rivers) do not sponsor bills throughout the four-year legislative session. The interviews reveal that members do not also scrutinize bills and largely fail to supervise the executive. Respondents explained that legislative rigors of bill scrutiny, public hearings, cost-benefit analysis and robust debates were absent in legislative proceedings in both states. They also highlighted how members spend their entire career in a four-year tenure without making significant contributions to legislative debates, sponsoring bills or raising motions. According to a respondent, “most at times they just come to complete the number for quorum, at the end of the day they sign the register as though they attended sitting. No impact, no contribution”. Another respondent also remarked, “you don’t have a motion when you have never one day introduced yourselves but when there is a call for any seconder that is when you see all hands raised up to second one person’s motion”.

The results show that being a member of the ruling party increases chances for a legislator to sponsor and follow through a bill or effectively scrutinize a legislative proposal in the Assembly. The analysis show that members of the CRSHA mostly sponsored bills that were passed while most of the laws in the BSHA were sponsored by the executive. In the BSHA, only five (21%) out of the 24-member legislature sponsored bills with an average score of 0.17 and combined score of 1.04 RLES points, while RLE score for the executive is 2.32. However, in CRSHA, 20 (80%) out of the 25-member legislature sponsored bills with an average score of 0.12 and combined score of 2.49 RLES points, while RLE score for the executive is 1.40. The analysis also shows that the BSHA had 9 private member bills and 30 executive bills, while the CRSHA had 48 private member bills and 10 executive bills with 4 unknown sponsors. The interviews reveal that political party composition in the state legislatures matters in strengthening legislative robustness. When the party composition of both legislatures was analysed, it was found that the CRSHA had a fairly equal number of members between the All Progressives Congress (APC) and the People’s Democratic Party (PDP), while the BSHA was dominantly PDP which was the party of the executive governor of the state, demonstrating that independence of members of the legislature may be reduced when a single party produce the governor and almost all the members of the legislature. See tables 1 and 2 for details of RLES for the BSHA and the CRSHA.

In this study, a significant number of legislators who performed better in the RLE scores were principal officers, ranking members or committee chairs. The analysis shows that all the five bill sponsors in the BSHA were principal officers or committee chairs, while three out of the five were returning members. Tonye Isenah was Speaker of the Assembly before he resigned, while Monday Obolo and Tare Porri were leader and spokesperson of the Assembly respectively and chairmen of two or more committees. The two others were also committee chairmen. While in CRSHA, 70 percent of the effective members who scored at least a point in the RLES calculation switched parties with the governor and were mostly committee chairs. This show that leadership positions enable legislative effectiveness in the states.

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The results show that executive governors are interfering with legislating processes and thereby reducing the effectiveness of legislators. The study shows that members seat at the request of the governor many times, and therefore have a limited role in reviewing budgets and executive bills. As a result, public hearings are either not done or not carefully done to produce results. The governors dictate the business of the House from seating periods, what bills to be presented, legislative timelines to leadership selection in the House. Some respondents remarked that “to the best of my knowledge once you are elected governor, you are the husband of the party. Unlike the western world where the party calls you to order if you are deviating, over here, it does not happen that way.” “The owner of the party is the governor, whatever he presents must be accepted”. Another respondent explains that “Every bill that is always coming from the governor, there is always this give it a go. There is no bill from the executive that has been turned down”. Beyond governor’s direct interference, the study shows that elected members in the state legislatures are not independent and not adequately fit for the role of legislators. Respondents explain that flawed elections enable the emergence of self centred and uncapable legislators whose allegiance is to political godfathers and the governors who helped to rig elections for them. A respondent summarized it this way most times, “legislators are not given the free hand to handle most of their things and don't forget, if you don't also obey the party guidelines, you might be denied ticket to come back to the house whether you are loved by your people or not. Another also remarked “In the absence of financial autonomy, legislators will always be dependent on the executive. He who pays the piper dictates the tune”.

**Table 1.** Bills processes and RLES calculations for the BSHA.

| Members                  | Bills sponsored | Bills Passed | Bills Assented | RLE Scores |
|--------------------------|-----------------|--------------|----------------|------------|
| Leader (Executive bills) | 30              | 30           | 22             | 2.32       |
| Ebiuwou K. Obiyai        | 2               | 2            | 1              | 0.31       |
| Tonye Isenah             | 3               | 3            | 3              | 0.26       |
| Oyinke Godbless          | 1               | 1            | 0              | 0.13       |
| Monday Bubou Obolo       | 1               | 1            | 0              | 0.05       |
| Tare Porri               | 1               | 1            | 1              | 0.20       |
| Total                    | 39              | 39           | 35             |            |
| Total for members        | 1.8             | 1.8          | 1.2            | 1.04       |
| Average for members      |                 |              |                | 0.17       |

**Table 2.** Bills processes and RLES calculations for the CRSHA.

| Members                | Bills sponsored | Bills Passed | Bills Assented | RLE Scores |
|------------------------|-----------------|--------------|----------------|------------|
| Leader                 | 10              | 9            | 8              | 1.40       |
| Abang Itam             | 4               | 1            | 1              | 0.21       |
| Charles Ekpe           | 2               | 1            | 0              | 0.07       |
| Chris-Nja Mbu Ogar     | 3               | 1            | 1              | 0.20       |
| Cynthia Nkasi          | 2               | 0            | 0              | 0.03       |
| Davis Etta-Abi         | 2               | 0            | 0              | 0.03       |
| Edward Ajang Bekwara   | 3               | 3            | 2              | 0.39       |
| Ekpo Ekpo Bassey       | 1               | 1            | 0              | 0.05       |
| Elvert Ayambem         | 1               | 1            | 1              | 0.17       |
| Francis Ovat           | 2               | 1            | 0              | 0.07       |
| Fred Osim              | 2               | 0            | 0              | 0.03       |
| Friday okpeche         | 3               | 0            | 0              | 0.05       |
| Hilary E Bissong       | 11              | 3            | 2              | 0.52       |
| Joseph Bassey          | 1               | 0            | 0              | 0.02       |
| Maria Akwaji           | 1               | 1            | 0              | 0.05       |
| Matther Olory          | 2               | 0            | 0              | 0.03       |
| Nelson Ofem            | 3               | 1            | 1              | 0.20       |
| Okon ephriam           | 2               | 1            | 1              | 0.18       |
| Regina Anyogo          | 2               | 2            | 0              | 0.11       |
| S. Achunekang Obaniaku | 1               | 0            | 0              | 0.02       |
| Unknown                | 4               | 0            | 0              | 0.06       |
| Total                  | 62              | 26           | 9              |            |
| Total members          |                 |              |                | 2.49       |
| Average members        |                 |              |                | 0.12       |

## DISCUSSION

Previous research by Ekor, Katz and Iweala (2014) on legislative effectiveness of the Senate found that longer serving legislators and members of the dominant party are more effective than newcomers and members of the opposition parties. This is consisted with the findings from this research showing that belonging to ruling party and holding positions in the legislature increases chances for a legislator to sponsor and follow through bills or effectively scrutinize a legislative proposal before the legislature. The majority party in the legislature most times is the same party producing the governor in Nigeria except for very few examples in history. The measurement for effectiveness in this study is private bill sponsorship and

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ability to review legislative proposals from other members, especially executive bills. The value of private member bill is enormous: Private member sponsorship of bills is vital in the legislature as it gives more opportunity to citizens, civil society organizations and other organizations to participate more actively in the law-making process (Antiedu & Appiah, 2021). Therefore, the lack of private member bills indicates inability to bring the voice of their constituents to the House (Pathani & Pathani, 2017). With the influence of the executive in the legislature, legislators in the majority party get elected to principal offices such as speaker, deputy speaker, leader as well as committee chairmanship positions. Principal officers and committee chairs have access to executive leadership to negotiate their legislative proposals ahead of presentation in the chambers. This makes the principal officers and committee chairs to be ahead of others who are non-committee members, holding no principal positions and belonging to the opposition. However, an assessment of legislative effectiveness in the US Congress shows a contrasting result as the study shows that committee chairs effectiveness has continue to decline in newer assessments (Volden and Wiseman, 2021). This suggests that

Extant literature shows that polarized legislatures into different political parties and ideologies are mostly effective following the competition among political parties to advance their ideologies and manifestoes to satisfy the electorate as elections (Cheung, 2016). Off course, multiparty systems are more competitive and therefore promotes effectiveness. In the two case studies, a more harmonious relationship detrimental to the people was observed in the BSHA between the legislature and the executive and among members due to limited opposition voices. In CRSHA, the results show a significant level of competition with both members of the ruling party and opposition sponsored bills. Explaining this concept further, Malachova (2012) noted that political parties represent the diversified interests of the constituencies and therefore a broader representation of political parties would lead to greater citizen input and a more democratic government. In such scenario, members of the opposition become more effective in holding the majority party, and the government becomes more effective. However, one key factor that resulted to the competition in the CRSHA was the defection of the governor from the majority to an opposition party and the subsequent defection of significant number of the ruling party also defecting. This resulted to the formation of a new opposition in the legislature with the former opposition working hard to compete. The results clearly show that democracy thrives more in the CRSHA than in the BSHA. Therefore, this research has shown the different levels democracy in the states as remarked by Behrend and Whitehead (2016), that though democratic transitions happen in many countries, the spread of democracy within nation-states remains uneven. Notably, the two case studies in this research are significantly different in size of local governments and age of the states. The Cross River State was created in May 27, 1966 and currently has 18 local government areas with 25 members at the House, while the Bayelsa State was created on the 1<sup>st</sup> of October 1996, with eight local government areas and 24 members in the House. The Bayelsa State House of Assembly was only established and promulgated on return of Nigeria to democracy in 1999. This means that the executive has more experience than the legislature in Bayelsa State. The Assembly under study in Bayelsa State is the 6<sup>th</sup> Assembly, with a first term governor; whereas, the Assembly under study in Cross River State is the 9<sup>th</sup> Assembly with a returning governor who switched

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Publication of the European Centre for Research Training and Development -UK parties during the session. It is the best interest of the citizens for different political parties to be influential within the legislature to promote robust debate and effective legislature.

Some underlining challenges with opposition ability to sponsor bills is the fact that the executive and its house leadership have procedures for informal prescreening of bills based on budget and political considerations, largely. In other words, the executive does not wait for bills to be presented for assent to decline signing but blocks at the beginning through the speaker. The speaker and the majority leader are the key interests of the executive, and they always ensure the political interests of the executive are always protected. The support of members to a bill and public interest only becomes a factor in the progression of the bill if it has a significant negative impact on the public. As Sesan (2017) said, governors are not only state executives but kings in Nigeria. The Guardian also reported that governors refused to obey constitutional provisions of financial autonomy of the SHOA, which to many is a plan to ensure legislators' independence is checked by the executive (Jimoh, 2019). The findings suggest that the executive governors only need the state legislatures to legitimize their programmes. Even in the CRSHA where opposition members sponsored bills, less of the opposition bills were assented. It means that policies approved by the legislature at the state level most times do not meet popular support and/or the people's needs. As recommended by Onu (2022), legislators need to thoroughly scrutinize bills using knowledgeable multidisciplinary committees to ensure that proper oversight is done. However, this is not happening in the two cases studies discussed. The findings are consistent with public opinions that state legislatures are rubber stamp to the executive (Bello, 2024; Fadeyi, 2020). The public have complained about quick passage of appropriation bills in questionable manner by SHOAs without proper scrutiny (Olumide & Afolabi, 2024); that is, for non-scrutiny of executive bills (Sesan, 2017), for removal of presiding officers without due process (Business Day, 2015). Furthermore, capacity gaps that exist in the legislature speaks to the nature of politics in Nigeria. Politics is understood as do or die and therefore it is difficult for qualified individuals who are not within the ranks of godfathers to scale through and win elections as elections are mostly won on the platform of voter inducement and rigging. A successful reform of the political system therefore will be the platform for reformation in the policy making process in Nigeria.

## **CONCLUSION**

The results further show that belonging to majority political party gives advantage to legislators for effectiveness. Being a member of the majority party offers opportunities for leadership position in the House and networking with the executive to sponsor and pass bills. However, this advantage reduces the legislator's ability to thoroughly scrutinize bills on the floor. The study recommended political party reform, legislative autonomy and increased election credibility as the major pathways to enhancing legislative effectiveness at the SHOAs. The results also show dominance of the executive over the legislature. This is challenging because the constitution of Nigeria provides for separation of power and checks and balances by empowering the legislature with the power of the purse and entrusting on the legislature the role of oversight, lawmaking and representation to ensure that the executive is guided by the legislature in development and implementation of policies. However, the executive contrarily to these constitutional provisions guides the legislature on their duties

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Publication of the European Centre for Research Training and Development -UK and hijacks the lawmaking functions of the legislature. The executive is weakening the legislature by so doing. To ensure this, new legislations should enhance transparency and accountability of the Independent National Electoral Commission (INEC) and ensure its leadership reports directly to the citizens. Electoral reform should ensure that the President who is an interested party does not have the privilege of nominating appointments to the board of INEC. Electoral reforms should also ensure that the National Orientation Agency (NOA) is properly equipped and well-funded to carry out continuous voter and citizen education to enable citizens to make informed choices during elections. Furthermore, the SHOAs should institutionalize member training programs which could include exchange programs within the country and outside, and seeking services of the National Institute of the Legislative Studies of establishing similar institutions at the state level to oversee legislator training programs.

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