

Legislative Hindrances to Infrastructural Development in Nigeria

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Abstract

The quest for the attainment of infrastructural development in Nigeria is known to be facing serious hindrances emanating from political manoeuvres in certain quarters such as the legislative. This study examined such hindrances and the extent to which they have slowed the realization of the lofty dream of infrastructural development. Data was obtained from secondary sources which include books, journals, magazine, periodicals, newspapers and the internet. The dynamic theory of public expenditure popularized by Baro (1979) was adopted as the theoretical framework of the study while data analysis was by content analysis. Result of the data analysis revealed that the political activities of legislators in the various houses – senate, house of representative and various houses of assembly at the state level have caused serious setbacks to citing and development of certain economic and social infrastructures which would have accelerated the overall progress of the nation. The study therefore, suggested that everything should be done by the federal authorities to reduce the bickering and haphazard influences of legislature over the citing and implementation of infrastructures meant for overall progress of the country.

Keywords: *Infrastructures, Legislatives, Development, Hindrance, Manoeuvres*

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Background to the Study

Governance may be described as “the ability to organise, synthesise and direct the various actions of the working parts of government machinery in order for such government to perform meaningfully, creditably and acceptably” (Ikpi, 1997:19). This implies that governance involves both the leaders and the followers and the process of governance must be democratic. Democracy connotes the full operation and activities of all tiers/arms of government such as the legislature, executive and the judiciary. In a federation, the central, the state and local governments are expected to be working harmoniously and with a good measure of understanding and corporations which ensures that work goes on.

The term infrastructure typically refers to the technical structures that support a society, such as roads, water supply, sewers, electrical national grids, telecommunications etc. It may be define as “the physical components of interrelated systems providing commodities and services essential to enable, sustain , or enhance societal living conditions” (Fulmer, 2009) from a functional perspective, infrastructure facilitates the production of goods and services and also the distribution of finished products to end users (markets) as well as basic social servicessuch as schools and hospitals; “for example, road enable the transport of raw materials to a factory ” (American heritage dictionary, 2009). In military parlance the term refers to “the buildings and permanent installations necessary for the support, redeployment and operations of military forces” (Department of defence's dictionary, 2005).

There are two types of infrastructure, “hard and soft” infrastructure. Hard refers to the large physical networks necessary for the functioning of a modern industrial nation whereas “soft” infrastructure refer to all the institutions which are required to maintain the economic, health and cultural and social standard of a country, such as the financial system, the education system, the health system, the governance system, and judiciary system, as well as security (Kuman, 2005).

The lack of basic infrastructure to fast track Nigeria sustainable development and trade both regionally and globally and to ensure competitiveness is already known by all. In particular, for the large number of local governments, especially the rural ones, the dwellers products have no access to markets. There are no storage facilities while the transport and energy sectors are weak.

Statement of the Research Problem

In the contemporary civilised world, there appear to be a consensus that democracy offers the best platform for good governance. This is due to the checks and balances inherent in the systems which comprise the executive, the legislative and the judiciary. While acknowledging that the beauty of the system lies in these checks and balances, it also has to be emphasized that such checks and balances is located the various forms of articles that which are capable of making it the worst system. Instance abound in emerging democracies where the legislative arm uses its instruments as threats to the executive thereby creating unnecessary bottlenecks and beauracracies which slow down or even grinds the system to a halt. It is also common to find the legislative, (Senate, House of Representatives and the State House of Assemblies) stall

project approval and implementation to the frustration of sections of the Nigeria community that should be benefiting from certain projects and infrastructures this obvious frustration created by these legislators against constitutional provisions is worrisome and constitutes the problem of this investigation. Hence, this study seeks to assess legislative hindrances to infrastructural development in Nigeria.

Objective of the Study

The broad objective of this study is to examine the hindrances to infrastructural development in Nigeria occasioned by legislative abuses. Specifically the study seeks to:

- a) Ascertain the legislative hindrances to the development of economics infrastructure such as roads.
- b) Outline the challenges to the development of social infrastructures emanating from the legislature in Nigeria.

Research Questions

The study will provide answers to two questions

- a) To what extent have legislative hindrances slowed road infrastructural development in Nigeria?
- b) How much have legislative bottlenecks slowed the development of health facilities in parts of the country?

Literature Review

Conceptual literature

Infrastructure: infrastructure is generally defined as the physical framework of facilities through which goods and services are provided to the general public. Its linkages to the economy are multiple and complex, because it affects production and consumption directly, creates positive and negative spill over effects and involves large inflow of expenditure. World development report (1994) divides infrastructure stock into economics or physical infrastructure and social infrastructure. The former includes services such as electricity, transport, road, water system, communications, irrigation etc while the latter includes education and health facilities other forms of infrastructure maybe identified as institutional infrastructure as banking and civil administration.

“For decades in many countries such as bernacy, infrastructure has been considered a public good and thus financed by taxes and provided by the public sector” (Von Hirshhausen, 2004). In contrast in other countries such as Britain or the US, network utilities were often built by private entrepreneurs” (Hewbery, 2000). It is important to stress that publicly owned infrastructure is not a public good. Public goods are defined as goods where any additional user does not impose additional cost and cannot be excluded from the use of this good.

Aschauer (1989), reputed as one of the first researchers to analyze the influence of public investment on productivity growth, assumes that, “the public infrastructure of roads, highways, mass transit airports, ports facilities and the like is argued to have positive direct and indirect effects on private sector output and productivity growth”.

Henckel and Mckibbin (2010) summarized different types of infrastructure and name internet, telephone (fixed line and mobile), rail, air, sea and road transportation, energy and water. They recognise network externalities and the fact that infrastructure is not a pure public but a collective Good (Henckel, Mckibbin, 2010). Finally, Fay, et.al (2011), opines that, “infrastructure services are mostly provided through networks, a fact that implies a non-linear relation with output”.

Legislative: the word “legislative” and “parliament” are often used interchangeably. The distinction between them, however, can be used to structure the analysis of legislative context. Legislatures legislate; they pass laws. The notion of a “legislature” is thus located firmly in the classical view of a separation of powers between legislature, executive and judiciary. A “parliament”, on the other hand, does legislate but in contemporary politics is also something much more than a legislature.

A legislature is a deliberate assembly with the authority to make laws for a political entity such as a country or city. Legislatures form important parts of most governments.

Table 1: Empirical literature: past and current works on the subject matter. This is present in a tabular form as below

Surname of researcher(s) title/ year of study, time of study	Geographical content and scope covered	Data source and analytical tools	Results/findings/conclusion
Edet & Amadu (2014) the legislature and National Development: The Nigerian experience	Nigeria: the Nigerian legislature and National Development were the variatles covered.	Secondary data. It employed the methodology of descriptive diachromic was used for analysis, i.e. comprehending and interpreting the role of the legislature in national development,	The legislature is a variable instrument and institution for national development whose effectiveness is determined by some local variables.
Orimpgunje (2015) Legislative constituency projects in Nigeria: A matter of constitutional or political expediency?	Nigeria: constituency projects, dividends of democracy, constitutionality, constitutionalism.	Secondary data e.g. books, journals, periodicals, the internet etc.	The author came to the conclusion that as landable as the allowed goal of the concept is the path to reboust constitutionalism in a developing democracy in Northern Nigeria.

Theoretical framework: the dynamic theory of public spending, taxation and debt (Barro, 1979)

This study adopts the study of public expenditure popularised by Barro (1979) as its theoretical framework. This is a theory which builds on the well-known tax smoothing approach to fiscal policy pioneered by Barro. It is an approach which predicts that, “government will use budget surplus and deficits as a buffer to prevent tax rates from changing

too sharply” (Battaglini and Coate, 2008). Thus, government will run deficits in times of high government spending needs and surpluses when needs are low. Underlying the approach are the assumptions that government are benevolent, “that government, spending needs fluctuate overtime, and that the dead weight costs of income taxes are a convex functions of the tax rate” (Bassutto and Sergent, 2006). The economic environment underlying this theory is similar to that in the tax smoothing literature. However, the key departure is that policy decisions are made by a legislators rather than benevolent planner. Moreover, “this theory introduces the friction that legislators can distribute revenues to their districts via pork-barrel spending” (Bohn, 1998). The theory considers a political jurisdiction in which policy choices are made by a legislature compromised of representatives elected by single member, geographically defined districts.

The legislature can raise revenues in two ways: via a proportional tax on labor income and by borrowing in the capital market. Borrowing takes the form of issuing one period bonds and use the interest earning to help finance future public spending if it so chooses. The level of public debt acts as a state variable, creating a dynamic linkage across policy-making periods.

Research Methodology: This is a qualitative study in which data was obtained from secondary materials, discussed and evaluated using content analysis. The analysis ran in the following order:

Research Question One (1): To what extent have legislative hindrances slowed road infrastructural development in Nigeria?

The Nigeria legislature belongs to the class of legislative assemblies vested with preponderance of power over fiscal matters. Apart from law-making the oversight function is also a very important role of the modern legislature. Verney (1969), is of the opinion that, “the watch dog function is perhaps more important for a legislative assembly than that of law-making. However, in spite of the powers, functions and privileges provided for the legislature in most Nigeria constitutions, after independence, comment and observations have shown that this organ has not lived up to expectation. It is more revealing to take a view of the report of political Bureau (1987:94) which states:”

It is well-known fact that up till 1979, legislatures were the weakest link in the making of public policies in Nigeria. Between the establishment of the Nigerian council by Lugard soon after the amalgamation of the Northern and Southern protectorates of Nigeria in 1914, and the end of the first thirteen years of military rule, public policy making was dominated by the executive. Indeed, a national daily newspaper in 1963 referred to the federal legislature as an “expensive and irrelevant talking shop.

Graf (1988) observed that, “the national assembly in the second republic, consistently spoke of pandemonium typically of the proceedings of discouraging absenteeism and chronic lateness on the part of members.” It was found that a widespread lack of understanding of the issues on ground and even of the rules manifested. There is the impression that members did not know how to vote or were directed on how to vote on issues on the floor of the house.

Whichever way one may see it, the conclusion maybe drawn that the vote did not depend on the debate of over issues nor conviction about them.

The National Assembly's reluctance to pass the first budget for almost four months, the Assembly's apparent obsession with its own emoluments and welfare as well as its role in elite formation, spoke volumes about its failure in contributing to national development. Shortly after election, it proceeded to vote itself a pay package that made Nigerian law-makers among the world most highly paid (1988).

In his contribution, Stultz (1968), identified a number of characteristics common to the legislature in the Third World which apply to the legislature in Nigeria. These includes the popular election of legislators, constitutional supremacy, the absence of lobbying by private interests, uninformed debates which often focus on parochial concerns of the legislators, executive dominance and a functional ambiguity proceeding from a limited decision making role. These features as Egwn (2005) observed, "Are obviously shared in several respect by the legislature in Nigeria". To some extent, the features impede functionality of the legislature and its contribution to national development it is also known that frequent changes in the membership of the assembly introduces delays and inexperienced new members which affects legislative outcomes. There is also the issue of leadership tussles which takes several months to resolve. "It may also be recalled that the first four years were spent resolving its internal squabbles and changing leadership" (Eme, 2011) passage of bills through the houses is hectic and burdensome. It takes years for bills to move through the houses before they are passed and this trend is largely responsible for the frightening number of bills that are still pending before the two houses of National Assembly. The financial recklessness of the houses and the near lack of decorum in which the activities are conducted have also smeared the image of the legislature such one begins to wonder whether or not its role is supportive of good governance leaders of both houses have been impeached at one time or the order over one offence or the other including embezzlement and high handedness. Members have exchanged blows over trivial issues even in recent times.

Hence Obasanjo (2012) claimed that, "the Nigeria legislature is turned into a preserves for crooks, medrocre, not trafis and self centred people. More than a decade of legislation in Nigeria, beginning from the senate down to the councillorship has been without any productive effect." Soon after election, an average Nigerian legislator goes on to merry a new wife, buy a new flashy car, acquire new houses etc. Many of them throughout their service tenure, never for once, oppose or move a motion. Given a situation where such people dominate the Assembly, the legislature cannot contribute to national development (infrastructure or any other form).

One time governor of the Central Bank of Nigeria, Sanusi (2009) observed that, "twenty five percent of the overhead expenditure goes to the members of the National Assembly". Thus, the high cost of maintaining legislators have contributed in making Nigeria one of the poorest countries in the world even with all the nations' potentials and resource endowment. It therefore, easy to understand why infrastructural development in this country is at its lowest

ehb. Hence, the study by Edet, Amadu and Attai(2014), on the legislature and national development in Nigeria, observes that the legislature in Nigeria has not made any significant contribution to national development.

Research Question Two (2): how much has legislature bottleneck slowed the development of health facilities?

The extent to which legislative practices have slowed down the development of health infrastructure is manifested in the fact that it took the parl legislature over, “10 years to pass the national health bill which came into law on the 31st of October, 2014” (Obi, 2014). It was first proposed in 2004. Thus, the bill came into existence 50 years after the nations became independent. The development means that Nigeria now has “a National Health Act 2014 (NHA) which provides a legal framework for the regulation, development and management of a National Health system and substandard for rendering health services in Nigeria and for related matters” (National Health Act, 2014). “Health care in Nigeria is financed by a combination of tax revenue, out of pocket payments, donor funding and health insurance (social and community)” (WHO, 2009). A landable initiative to enhance health facilities in the country is the launching of the consumer protection council (CPC), in conjunction with the Federal Ministry of Health. The initiative has the prospect of enhancing valve in the health sector remains one of the most critical for the country economics and social development despite being one of the most neglected mismanaged and abused.

From a legal perspective, the PBOR, is not an entirely novel intervention as the rights of patients in Nigeria are exhaustively covered within the provisions of the prevailing statues including the 1999 constitution of the Federal Republic of Nigeria, the National Health Act, 2012 and various codes of ethics for health practioners which makes copions provisions on the rights available to users of healthcare services.

This paper argues that these laudable initiatives would have been instituted much earlier if the legislative arm of government was alive to its responsibilities. By so doing, the health sector would have attained greater infrastructural development than is the case today. Therefore, the legislature in Nigeria has actually slowed the pace of infrastructural development in the country.

Findings

Against the background of the analysis in this study the following findings have been made:

1. The Nigerian legislature belongs to the class of legislative assemblies vested with preponderance of power over fiscal matters. The implication is that it influences the provision of infrastructural facilities through legislators and passage of appropriation bills and oversight functions.
2. In spite of the power, and functions and privileges provided for the legislature in most Nigerian constitutions after independence, comments and observations shows that this organ of government has not lived up to expectations
3. It is a well known fact that up till 1979, legislatures were the weakest links in the making of public policies in Nigeria.

4. Often times, pandemonium and tracas rock the national assembly's as members resort to physical combat on the floor of the house
5. Absenteeism, chronic lateness, ignorance of the proceedings and rules governing the organ impede the effective functionality of the assembly.
6. The conduct of some members portray them s being directed on how to vote by forces outside the assembly and not guided by debates on the floor of the house
7. Selfish interests of members undispine their mode of voting to the extent that they often discipate much energy on fixing salaries for themselves.
8. The National Assembly in Nigeria is run at very high costs as it has been observed that 25% of overhead expenditure goes to the Assembly. This contributes to the National development efforts.
9. Leadership tussles in the Assembly often take years to settle thus further jeopardizing the overall development effort.

Conclusion

This study is of the opinion that the Nigerian National Assembly has been a constitutional responsibility. Such failure has had its adverse toll on the overall developmental efforts particularly in the area of road and health infrastructures. This paper argues that a situation in which members of the National Assembly engage in physical combats, wallow in ignorance of the knowledge of the issues on the floor of the house, are often absent from deliberations, are engaged on their personal aggrandisement, etc allows them little or no time to focus on issues of national interest. This situation has led to loss of focus and failure to pass the right bills at the right time thereby exacerbating the already existing infrastructural poverty which the nation fins itself.

Suggestions

The following may therefore be suggested:

1. The constitutional provisions as enshrined in the 1999 constitutions in respect of powers of the National Assembly to legislate and appropriate bills for passage into law should be sustained.
2. The electoral process should be strengthened to ensure that only knowledge's and credible candidates emerge as legislators in Nigeria.
3. The constitution must incorporate sanctions to be meted to erring members to ensure discipline and order in the Assembly.
4. There should be provisions for a minimum number of bills which a house must pass over specific periods
5. Provision must be made which ensures that unproductive members do not return for another tenure.
6. Salaries and allowances of members should be reviewed downwards to make the assembly less attractive for the greedy.
7. The provision of infrastructures must be imposed as the primary concern of legislators.

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