



## EFFECT OF LEGISLATIVE OVERSIGHT FUNCTION ON THE PERFORMANCE OF THE NIGERIAN COMMUNICATION COMMISSION (NCC)

Ademeso Tosin Success (Ph.D.)

Department of Public Administration, University of Abuja.

Email: [ademesosuccesst@gmail.com](mailto:ademesosuccesst@gmail.com); Tel.: 08137822330

### Cite this article:

Ademeso Tosin Success (2025), Effect of Legislative Oversight Function on the Performance of the Nigerian Communication Commission (NCC). African Journal of Social Sciences and Humanities Research 8(1), 1-23. DOI: 10.52589/AJSSHR-CDIYLFQQ

### Manuscript History

Received: 19 Aug 2024

Accepted: 25 Oct 2024

Published: 9 Jan 2025

### Copyright © 2025 The Author(s).

This is an Open Access article distributed under the terms of Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International (CC BY-NC-ND 4.0), which permits anyone to share, use, reproduce and redistribute in any medium, provided the original author and source are credited.

**ABSTRACT:** *This research work was designed to examine the effect of legislative oversight function on the performance of the Nigerian Communication Commission (NCC). The major objectives of the study include to examine the effect of legislative oversight function on NCC in promoting the implementation of national communications in Nigeria; to determine the effect of legislative oversight function in ensuring NCC promotes reliable and accessible communication services in Nigeria; to understand how legislative oversight function assists NCC in protecting the rights and interest of service providers and consumers within Nigeria; and to investigate the influence of legislative oversight function in creating an effective, impartial and independent regulatory authority. A survey design method was used for this study. A sample of 221 staff were drawn from Legislative Aides, Staff of NCC and staff of telecommunication companies. Relevant data for this research work was collected from both primary and secondary sources of data. The study adopted principal agent theory as a theoretical framework. Based on these broad objectives, the legislative oversight function on NCC has a positive effect in promoting the implementation of the national communications in Nigeria. Furthermore, it was revealed that the oversight functions of the legislature on NCC has a positive effect on the promotion of reliable and accessible communication services in Nigeria, and also, it was revealed that legislative oversight function has influenced the creation of an effective, impartial and independent regulatory authority. The research therefore concluded and recommended among others that the committee on communication should be careful not to erode the autonomy enjoyed by NCC as this could bring about hitches in service delivery. Secondly, NCC must at all times seek to improve their performance to ensure that national communication systems are reliable and accessible to the people. Finally, the committee on communication should ensure continuous protection of the rights and interest of service providers and consumers within Nigeria.*

**KEYWORDS:** Legislative Oversight, Performance, NCC.



## INTRODUCTION

In almost all known forms of government in the world, especially under the presidential system, the legislature is an indispensable arm of government because of its centrality as a symbol of popular representation and watchdog role on both the executive and the judiciary.

The legislature performs three core functions in any democracy, especially in the presidential system (Hamalai, 2015). These roles are law making, oversight and representation. In Nigeria, these core functions are expressly captured in Section 4 of the Constitution of the Federal Republic of Nigeria 1999 (as amended). Apart from these core functions, there are other subsidiary functions that are performed by the legislature, such as political education, socialization, constitutional development, and leadership training, among others. The task before any legislature is enormous as citizens' expectations are on the rise for the legislature to deliver on good governance. For the legislature to achieve its constitutional mandate of effective representation, it requires effective oversight on the executives.

The essence of this oversight is to make sure the government delivers expected services to the people as required. These services need to be delivered efficiently and effectively for the satisfaction of the people. There is a need to mention here that the legislature serves as a check on the executives, and this oversight function of the legislature is one of the major avenues of exercising their own role on the executives. This is the major reason the legislature (National Assembly) has different standing committees on every aspect.

There is a committee on communication which performs oversight functions on the Nigerian Communication Commission (NCC). This committee is to ensure the Nigerian Communication Commission (NCC) improves service delivery, thereby bridging access gaps in the country in terms of information.

Moreover, legislative oversight function on NCC is expected to promote the implementation of the national communications in Nigeria, ensure NCC promotes reliable and accessible communication services in Nigeria, assist NCC in protecting the rights and interest of service providers and consumers within Nigeria, and also to influence NCC in creating an effective, impartial and independent regulatory authority.

There seems to be a lacuna between the constitutional objective on oversight and public perception of what is being done in reality by the legislators, and this obviously constitutes a problem. There is a growing discontent in the Nigerian public that the legislature has derailed in its responsibilities to Nigerians and, instead, has championed a course of elite parochialism and insensitivity to the plight of the average Nigerian citizen.

To be sure, it appears legislators over the years have taken a detour from their primary constitutional functions and instead have concentrated more on individual pursuit of wealth, privileges, patronage and enrichment by any means possible. The resultant effect of which has fanned the embers of corruption and decay in the system. This has constituted the major challenge and is at the kernel of legislative irresponsibility, a great departure from the task upon which legislators were elected by constituents.

In view of the above, the question that comes to mind is: what is the effect of legislative oversight function on the performance of Nigerian Communication Commission (NCC)?



## Objectives of the Study

The broad objective of the study is to examine the effect of legislative oversight on the performance of Nigerian Communication Commission (NCC).

The following are the specific objectives of this study:

- a. To examine the effect of legislative oversight on NCC in promoting the implementation of national communications in Nigeria.
- b. To determine the effect of legislative oversight in ensuring NCC promotes reliable and accessible communication services in Nigeria.
- c. To understand how legislative oversight assists NCC in protecting the rights and interests of service providers and consumers within Nigeria.
- d. To investigate the influence of legislative oversight in creating an effective, impartial and independent regulatory authority.

## Research Propositions

The following propositions provided a guide to this research:

**Proposition 1:** Legislative oversight has an effect on NCC in promoting the implementation of national communications in Nigeria.

**Proposition 2:** Legislative oversight is effective in ensuring NCC promotes reliable and accessible communication services in Nigeria.

**Proposition 3:** Legislative oversight has assisted NCC in protecting the rights and interest of service providers and consumers within Nigeria.

**Proposition 4:** Legislative oversight has an influence in creating an effective, impartial and independent regulatory authority.

## LITERATURE REVIEW AND THEORETICAL FRAMEWORK

### Legislative Oversight

Oversight simply means the act or job of directing work that is being done or regulating and supervising state expenditure towards transparency and accountability of public resources. Oversight revolves around the act of checking, verifying, examining, criticising, censuring, challenging, questioning and calling for account. This is achieved through varied oversight tools such as committees' activities, e.g., site visit or project visitation, parliamentary questions, correspondence with MDAs, etc. The ability of a legislature to robustly monitor the executive is an indicator of good governance.

According to Oyewo (2007), parliamentary oversight is carried out in order to:

- a. Ensure transparency and openness of executive activities,



- b. Hold the executive branch accountable,
- c. Provide financial accountability, and
- d. Uphold the rule of law.

Pelizzo et al. (2006) in WBI publication on ‘Parliamentary Oversight for Government Accountability’ explain legislative oversight as the legislative supervision of the policies and the programs enacted by the government. Pelizzo et al. also explain that oversight is the supervision of what the executive branch of government has done as well as policies and legislative proposals.

These definitions either look at legislative oversight as a series of events that happen before and after (ex-post and ex-ante) policies and legislations are promulgated. Both systems of parliamentary practice (presidential or parliamentary), though at varying degrees of effectiveness, have legal frameworks for legislative oversight of executive actions.

### **Legality and Authority of Oversight**

The principle of legislative oversight was developed in the United States of America.

The first congressional investigation was a House inquiry into an army disaster in India in 1792. The hearing revealed a major new area of activity that was to become one of the most controversial and highly publicised powers of Congress.

In Nigeria, the authority to conduct oversight is conferred by the constitution, statutes and standing rules of the National Assembly. The authority given to statutory bodies to conduct or respond to oversight functions requires that reports are submitted to the National Assembly through the relevant committees.

These authorities include the following:

### **Constitutional Authority**

The constitutional authority to conduct oversight falls under three groups: Appropriation Authority, Investigative Authority and Routine Authority.

**1. Appropriation Authority:** This is the authority which the National Assembly has to, through an appropriation or supplementary appropriation bill, approve, vary or question budgets (annual or supplementary) submitted to it by the executive and authorize a withdrawal by the executive of money so appropriated.

This authority is conferred on the National Assembly by Sections 59 and 80 of the CFRN 1999 as amended. The relevant provisions are:

59. (1) The provisions of this section shall apply to:

- (a) an appropriation bill or supplementary appropriation bill, including any other bill for the payment, issue or withdrawal from the consolidated revenue fund or any other public fund of the Federation of any money charged thereon or any alteration in the amount of such a payment, issue or withdrawal, and



(b) a bill for the imposition of or increase in any tax, duty or fee or any reduction, withdrawal or cancellation thereof.

80. (1) All revenues or other moneys raised or received by the Federation (not being revenues or other moneys payable under this Constitution or any Act of the National Assembly into any other public fund of the Federation established for a specific purpose) shall be paid into and form one consolidated revenue fund of the Federation.

(2) No moneys shall be withdrawn from the consolidated revenue fund of the Federation except to meet an expenditure that is charged upon the fund by this Constitution or where the issue of those moneys has been authorised by an Appropriation Act, Supplementary Appropriation Act or an Act passed in pursuance of Section 81 of this Constitution.

(3) No moneys shall be withdrawn from any public fund of the Federation, other than the consolidated revenue fund of the Federation, unless the issue of those moneys has been authorised by an Act of the National Assembly.

(4) No moneys shall be withdrawn from the consolidated revenue fund or any other public fund of the Federation, except in the manner prescribed by the

National Assembly.

2. **Investigative Authority:** The National and State assemblies are empowered to investigate the conduct of any person and MDAs on matters in which the legislature has competence.

This power is provided for by the Constitution in Sections 4 and 88–89 for the National Assembly (and replicated for the State Houses of Assembly in Sections 128–129). They provide thus:

88. (1) 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:

(a) any matter or thing with respect to which it has power to make laws, and (b) 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:

(i) executing or administering laws enacted by the National Assembly, and (ii) disbursing or administering moneys appropriated or to be appropriated by the National Assembly.

(2) The powers conferred on the National Assembly under the provisions of this section are exercisable only for the purpose of enabling it to:

(a) make laws with respect to any matter within its legislative competence, and correct any defects in existing laws, and

(b) expose corruption, inefficiency or waste in the execution or administration of laws within its legislative competence and in the disbursement or administration of funds appropriated by it.



Section 4 of the CFRN provides for the legislative powers of the National and State assemblies and accordingly, the matters over which they can conduct investigations.

**3. National Assembly Legislative Authority:**

- (1) 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.
- (2) The National Assembly shall have the power to make laws for the peace, order and good government of the Federation or any part thereof with respect to any matter included in the Exclusive Legislative List set out in Part 1 of the Second Schedule to this Constitution.
- (3) The power of the National Assembly to make laws for the peace, order and good government of the Federation with respect to any matter included in the Exclusive Legislative List shall, save as otherwise provided in this Constitution, be to the exclusion of the of the Houses of Assembly of States.
- (4) In addition and without prejudice to the powers conferred by Subsection (2) of this section, the National Assembly shall have power to make laws with respect to the following matters, that is to say:
  - (a) Any matter in the Concurrent Legislative List set out in the first column of Part II of the Second Schedule to this Constitution to the extent prescribed in the second column opposite thereto, and
  - (b) Any other matter with respect to which it is empowered to make laws in accordance with the provisions of this Constitution.
- (5) If any Law enacted by the House of Assembly of a State is inconsistent with any law validly made by the National Assembly, the law made by the National Assembly shall prevail, and that other law shall, to the extent of its inconsistency, be void.

**4. Committee Authority:** The authority conferred by the CFRN is exercisable by either the whole house, joint committees or special committees. Some of the authority of these committees are defined by the CFRN (by designation of their jurisdictions), while others are defined in the relevant legislatures' rules. Specifically, Sections 62 (1) (3), and 85 (5) confer the power to create these committees and to define their jurisdiction in the relevant rules.

**(a) Special or General Committee**

Section 62 (1). The Senate or the House of Representatives may appoint a committee of its members for such special or general purpose, as in its opinion would be better regulated and managed by means of such a committee, and may by resolution, regulation or otherwise, as it thinks fit, delegate any functions exercisable by it to any such committee.

**(b) Joint Finance Committee**

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





It should be noted that by Subsection 4 (4) the various committees are only authorised to make recommendations to the House on matters within their

jurisdiction.

(c) Public Accounts Committee

CFRN, Section 85 (5). The Auditor-General shall, within ninety days of receipt of the Accountant-General's financial statement, submit his reports under this section to each House of the National Assembly and each House shall cause the reports to be considered by a committee of the House of the National Assembly responsible for public accounts.

5. **Routine Oversight Authority:** This is the authority over public accounts conferred on the legislature to oversee the financial activities of the executive and all MDAs. This authority is derivable from the CFRN Section 85 (2) for the Federal Government and Federal agencies, and Section 125 (5) for State government and agencies, and it is properly defined in the establishment statutes of each agency, ministry and department. To avoid unnecessary repetition, examples of such authority are as outlined under statutory oversight authority below:

Specifically, Section 85 (2) (5) provides as follows:

(2) The public accounts of the Federation and of all offices and courts of the Federation shall be audited and reported on to the Auditor-General who shall submit his reports to the National Assembly, and for that purpose, the Auditor-General or any person authorised by him in that behalf shall have access to all the books, records, returns and other documents relating to those accounts.

(5) The Auditor-General shall, within ninety days of the receipt of the Accountant-General's financial statement, submit his reports under this section to each House of the National Assembly, and each House shall cause the reports to be considered by a committee of the House of the National Assembly responsible for public accounts.

**Statutory Authority:** The National Assembly through statutes confers some oversight duties to certain bodies and agencies. These bodies are then by law required to report to the National Assembly, which may also conduct oversight functions over the individual agencies. The National Assembly has the power to continue to expand their authority and or create new agencies subject to their legislative competence.

Accordingly, a few examples of such agencies are discussed below:

**1. Fiscal Responsibility Act 2007 (Fiscal Responsibility Commission)**

This Act confers some statutory power of oversight to a commission which reports to the National Assembly. This is in consonance with the legislative competence of the relevant legislature and the constitutional provision as per Section 88 (1): "to direct or cause to be directed investigation." The FRA Commission is an example of a body that may be directed to conduct an investigation. This Act does so in Section 2.



**a. Duties and Power of the Commission:**

2. (1) For the purpose of performing its functions under this Act, the Commission shall have power to:

- (a) Compel any person or government institution to disclose information relating to public revenues and expenditure, and
- (b) Cause an investigation into whether any person has violated any provisions of this Act.

(2) If the Commission is satisfied that such a person has committed any punishable offence under this Act or violated any provisions of this Act, the Commission shall forward a report of the investigation to the Attorney-General of the Federation for possible prosecution.

3. (1) The Commission shall:

- (a) Monitor and enforce the provisions of this Act and by so doing promote the economic objectives contained in Section 16 of the Constitution;
  - (b) Disseminate such standard practices including international good practice that will result in greater efficiency in the allocation and management of public expenditure, revenue collection, debt control and transparency in fiscal matters;
  - (c) Undertake fiscal and financial studies, analysis and diagnosis and disseminate the result to the general public;
  - (d) Make rules for carrying out its functions under this Act; and
  - (e) Perform any other function consistent with the promotion of the objectives of this Act.
- (2) The Commission shall be independent in performance of its functions.
- (3) The provision of Public Officers Protection Act shall apply to the members of the Commission in the discharge of their functions under this Act.

**2. The Corrupt Practices and Other Related Offences Act 2000 (ICPC Act):**

This statute creates a commission and charges it with some oversight functions and responsibilities in relation to corruption. These are clearly stated in Section 6 of the Act which identifies the powers of the commission.

**a. Duties and Power of the Commission:**

According to Section 6 (a–f) of the ICPC Act 2000, it shall be the duty of the Commission to:

- (a) Where reasonable grounds exists for suspecting that any person has conspired to commit or has attempted to commit or has committed an offence under this Act or any other law prohibiting corruption, to receive and investigate any report of the conspiracy to commit, attempt to commit or in fact commit such offence and, in appropriate cases, to prosecute the offenders;





- (b) To examine the practices, systems and procedures of public bodies and where, in the opinion of the Commission, such practices, systems or procedures aid or facilitate fraud or corruption, to direct and supervise a review of them;
- (c) To instruct and advise any officer, agency or parastatal on ways by which fraud or corruption may be eliminated or minimised by such officer, agency or parastatal;
- (d) To advise heads of public bodies of any changes in practices, systems or procedures compatible with the effective discharge of the duties of the public bodies as the Commission thinks fit, to reduce the likelihood or incidence of bribery, corruption, and related offences;
- (e) To educate the public on and against bribery, corruption and related offences; and
- (f) To enlist and foster public support in combating corruption.

### **3. Economic and Financial Crimes Commission Establishment Act 2004 (EFCC Act).**

The statute creates a commission and charges it with some oversight functions and responsibilities in relation to financial crimes and the enforcement of other financial crime related laws. These are clearly stated in Section 6 of the EFCC Act which identifies the powers of the commission below:

#### **a. Duties and Power of the Commission:**

Section 6 (1). The Commission has power to

- (a) cause investigations to be conducted as to whether any person has committed an offence under this Act; and
- (b) with a view to ascertaining whether any person has been in offences under this Act or in the proceeds of any such offences, cause investigations to be conducted into the properties of any person if it appears to the Commission that the person's lifestyle and extent of the properties are not justified by his source of income.
- (c) (2) The Commission is charged with the responsibility of enforcing the provisions of
- (d) The Money Laundering Act 1995;
- (e) The Advance Free Fraud and Other Fraud Related Offences Act 1995;
- (f) The Failed Banks (Recovery of Debts) and Financial Malpractices in Banks Act 1994, as amended;
- (g) The Banks and Other Financial Institutions Act 1991, as amended, and
- (h) Miscellaneous Offences Act, and
- (i) Any other law or regulations relating to economic and financial crimes.



**Legislative Rules:** The CFRN 1999 Section 62 (2) empowers the National Assembly to establish committees. These they do in accordance with the provisions of their individual rules.

### **1. The House of Representatives' Standing Orders**

The House of Representatives' Standing Orders pursuant to Section 62 (1) of the

CFRN establishes several committees with specific and general jurisdictions upon which they are empowered to conduct oversight. These committees fall within any of special, standing or ad hoc committees. For ad hoc committees, their jurisdiction will be determined upon establishment and they cease to exist upon completion of their specific purpose.

The House of Representatives' Standing Orders 2014, Orders xviii rules 117 to 124 establish 7 special committees while Orders xviii rules 126 to 209 establish 84 standing committees and define their respective jurisdictions. In addition, the

Speaker in consultation with the Senate President and in consonance with Section 62 (3) CFRN appoints members of the Joint Finance Committee.

### **2. Senate Rules**

The Senate Standing Orders pursuant to Section 62 (1) of the CFRN establish several committees with specific and general jurisdictions upon which they are empowered to conduct oversight. These committees may fall within any special, standing or ad hoc committees. Where they are ad hoc committees, their jurisdiction will determine whether they have investigatory power or not and also state the specific matter for which they are established.

With regards to the Senate, the Senate Standing Orders 2011 as amended, Order xiii 95–97 and Order 98 establish 6 special committees and 52 standing committees and define their jurisdictions.

These are in addition to the Joint Finance established by the constitution.

The Public Accounts Committee, although implied by the constitution in Section 85 (5), must also be established by the Senate.

These committees and their jurisdictions are subject to change by the resolution of the Senate.

a. Power to Conduct Investigations: Senate Standing Order 103 gives all these committees where necessary the power to conduct investigations pursuant to Section 88 and 89 of the CFRN 1999 as amended.

The Senate Standing Orders provides under chapter XIV, Rule 2, the authority, procedure and rules of evidence for calling witnesses.

### **Objectives of Legislative Oversight**

Legislative Oversight is an important tool in promoting transparency and accountability in governance. It is an effective instrument deployed by legislators, as representatives of the citizenry, to hold the government accountable.



Specifically, oversight of the executive is designed to achieve the following objectives among others:

1. Ensure executive compliance with legislative intent;
2. Improve the efficiency, effectiveness, and economy of governmental operations;
3. Evaluate program performance;
4. Prevent executive encroachment on legislative powers and prerogatives;
5. Investigate alleged instances of poor administration, arbitrary and capricious behaviour, abuse, waste, fraud, and dishonesty;
6. Assess agency or officials' ability to manage and carry out program objectives;
7. Assess the need for new federal legislation;
8. Review and determine federal financial priorities;
9. Protect individual rights and liberties; and
10. Inform the public about how its government is performing its public duties.

### **Outcomes of Oversight**

#### **a. Amendment of Existing Legislation**

One of the expected outcomes of legislative oversight is amendment of existing legislation. This happens when the legislation committee finds out that a particular legislation is inadequate for particular purposes. In this case, it is necessary to consider how the legislation stood when the legislative oversight was conducted, what the mischief was for which the old legislation did not provide, and the remedy recommended as a result of legislative oversight.

#### **b. New Legislation**

Legislative oversight unveils gaps in our laws. Sometimes it is discovered that legislation is needed to take care of issues for which no legislation exists at the moment. On this note, a new legislation emerges for the purpose of filling the gap(s) discovered. Similarly, it may also be discovered that the existing legislation on a particular issue is no longer in tune with current realities. This can lead to outright repeat of an existing legislation and enactment of a new one. These can easily be discovered through legislative oversight.

#### **c. Policy Intervention**

Apart from the amendment of legislation, legislative oversight can also lead to policy intervention. This is by way of introduction of new governmental policies that would fill in some gaps in the running of government. In the process of legislative oversight, the legislature can discover that the government is losing revenue, that some workers are underproductive or unproductive, that contractors are executing government projects contrary to specifications or that there is poor motivation to work, amongst others. In this situation, the outcome of such



legislative oversight may lead to the introduction of new policies that would enhance efficiency for the benefit of the government and the citizens generally.

#### **d. Exposing and Curtailing Corruption**

In compliance with Section 88 (2) (b) of the 1999 Constitution, the legislature is expected to expose corruption, waste and inefficiency in management of public resources. This oversight responsibility is expected to reduce or eliminate corrupt practices with a view to enhancing transparency and good governance. However, mere exposure may not be able to curb corruption without prosecution and appropriate enforcement of sanctions by the executive. Furthermore, independent anti-corruption agencies should be vigorously pursued and the agencies be made to report to the legislature rather than the executive.

#### **Factors Impeding Effective Oversight Performance**

According to a survey conducted on the National Assembly by the National Institute for Legislative Studies (NILS), it was found that the problem of effective legislative oversight is two-pronged: the lack of capacity by oversight committees and political considerations which often trumps economic rationality, at least, in Nigeria.

Funding or the lack of it is a major impediment to the effectiveness of oversight committees. Budgetary allocations for committees have not been sufficient to carry out the nature of their assignments, and this is responsible for the inability of committees to take necessary action on the executive. In a lot of instances, in the past, agencies have been responsible for taking care of the financial resources needed for the performance of oversight work. How then is such a committee or legislator able to do their work thoroughly, one may ask.

Another problem is the inadequacy of facilities; these include vehicles, office space, meeting rooms, research tools, professional staff, consultants, etc. All these factors deal a major blow to the oversight efforts of the National Assembly. Nevertheless, we must commend the progress it has recorded from previous assemblies. However, more is expected – investment in the right human and material resources to ensure proper conduct of oversight function is very crucial.

Lack of cooperation on the part of the executive is partly to blame for the failure of oversight. You will recall, particularly under the Goodluck Jonathan regime, that there was a lot of insubordination by cabinet ministers, heads of agencies and parastatals who practically would call the bluff of the National Assembly when invited to give testimony on sensitive national issues. Also, MDAs are known for trying to conceal or withhold evidence when committees call for reports.

Other problems include:

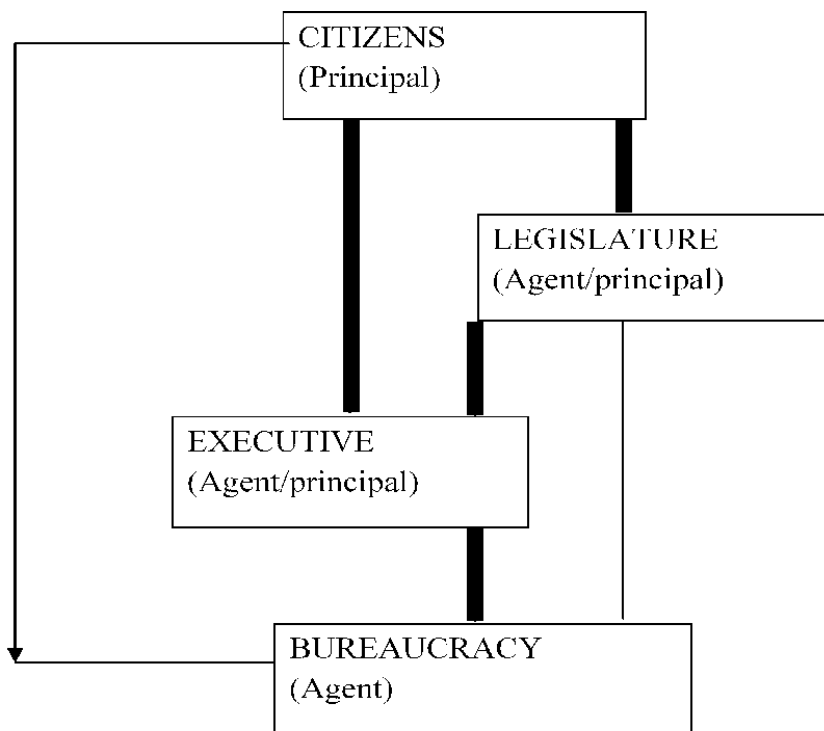
1. Late budget submission.
2. Absence of constitutional provisions to enforce resolutions.
3. Lack of political will or incentives for legislators to follow through all their powers of oversight.
4. Inadequate resources (money, men, material) and the overbearing influence of the executive arm and political parties.

5. Perversion of oversight work due to political corruption of the broader political system (Hamalai, 2015).

## THEORETICAL FRAMEWORK

### Principal-Agent Theory (Pelizzo & Stapenhurst, 2004)

The principal-agent theory emphasizes the institutional mechanisms whereby principals can monitor and enforce compliance on their agents. This theory is particularly appropriate for explaining the accountability relationship between citizens (as principals) and the executive and legislature (acting as principal on behalf of citizens), and both the executive and the bureaucracy on the other hand. The diagram below (Fig. 1) applies the principal agent theory to legislative oversight. The ultimate principals are citizens while the ultimate agents are civil servants (bureaucracy). The executive and the legislature are both principals and agents. The executive as an agent is accountable directly to citizens through the electoral process, and to the legislature which acts on behalf of the citizens and exercises an oversight function over the executive.



**Fig. 1:** Accountability Relations as Agency

In explaining public behaviour, Fukuyama (2004:190–191) pointed out that above all actors, the public (citizens) represents the ultimate principals. In a democracy, their first level agents are their elected representatives; the legislators act as principals with regard to executive branch agents delegated to carry out the policies that they have legislated. Problems occur when individual agents – government officials – put their own pecuniary interests ahead of their principals. To counteract such behaviour, and to better align the principal-agent model interests,



greater transparency in the activity of agents is required, coupled with the holding of agents accountable for their actions through a variety of rewards and punishments.

### **Application**

The principal-agent theory adopted for this research cannot be more fitting in the sense that this study focuses on the effect of legislative oversight function on the performance of the Nigerian Communication Commission (NCC). In doing so, we must look at this function within the context of the legislature's systemic characteristics as a component part of a tripartite socio-economic and political arrangement. The legislature is a critical component of the three arms of government which form the structure of the Nigerian political system. Within this structure, the legislature performs functions which contribute to the effectiveness of the system to provide the dividends of democracy to the Nigerian people. Oversight performance is one of those critical legislative functions and its positive or negative conduct affects the output of the political system. The principal-agent model further explains the nature and trajectory of governance in an ideal arrangement where roles are performed within the framework of extant provisions. This leaves the legislature in a quandary in the performance of its role as a representative body. In this regard, this study promises to be insightful, probing and interesting while humble recommendations will be provided to halt this ideological and cultural haemorrhage.

### **METHODOLOGY**

The research design adopted by this study is a mixed research method which involves a field work of primary data collection from the targeted population analysis of collected data through statistical instruments and interpretation of the data. The population of this study consists of all the Legislative Aides, staff of NCC, and staff of MTN, GLO, 9mobile, and Airtel. These telecommunication companies were ones invited and responded to the invitation appropriately. Finally, the final consumers of these services are also included in this research.

A total of 221 respondents out of the total population were sampled using systematic random sampling.

Here, the tabular formats were used in sorting and organization of data to make the analysis more effective and efficient.

### **Data Presentation**

#### **Legislative oversight has an effect on NCC in promoting the implementation of national communications in Nigeria.**

**Table 6.1: Respondents' opinion on whether though the NCC is an independent body under the executive arm of government, oversight functions are carried out on them by the (National Assembly) to ensure that their services are properly regulated.**

<b>Opinion</b>	<b>Number of Respondents</b>	<b>Percentage (%)</b>
Strongly agreed	90	50.0





Agreed	60	33.3
Undecided	5	2.8
Disagreed	15	8.3
Strongly disagreed	10	5.6
Total	180	100

**Source:** *Field Survey, 2024.*

The table above shows respondents' opinion on whether though the NCC is an independent body under the executive arm of government, oversight functions are carried out by them (National Assembly) to ensure that their services are properly regulated. To this effect, 90 respondents (representing 50.0%) strongly agreed, 60 respondents (representing 33.3%) agreed, 5 respondents (representing 2.8%) were undecided, 15 respondents (representing 8.3%) disagreed while 10 respondents (representing 5.6%) strongly disagreed with the assertion. The wide difference between the agreed and disagreed category (150 and 25 respectively) shows that though NCC is an independent body under the executive arm of government, oversight functions are carried out on them by the National Assembly to ensure that their services are properly regulated.

**Table 6.2: Respondents' opinion on whether the legislative oversight function on NCC has had a positive effect in promoting the implementation of the national communications in Nigeria.**

Opinion	Number of Respondents	Percentage (%)
Strongly agreed	80	44.4
Agreed	60	33.3
Undecided	5	2.8
Disagreed	15	8.3
Strongly disagreed	20	11.1
Total	180	100

**Source:** *Field Survey, 2024.*

The above table shows respondents' opinion on whether the Nigeria Communications Commission is the body that regulates communication service in Nigeria. To this effect, 80 respondents (representing 44.4%) strongly agreed, 60 respondents (representing 33.3%) agreed, 5 respondents (representing 2.8%) were undecided, 15 respondents (representing 8.3%) disagreed while 20 respondents (representing 11.1%) strongly disagreed with the assertion. The wide difference between the agreed and the disagreed category (140 and 35) shows that the legislative oversight function on NCC has had a positive effect in promoting the implementation of the national communications in Nigeria.



### **Legislative oversight is effective in ensuring NCC promotes reliable and accessible communication services in Nigeria.**

**Table 6.3: Respondents' opinion on whether the oversight functions by the legislature on NCC is to ensure that communication services provided to the people are efficient, effective, durable and satisfactory.**

<b>Opinion</b>	<b>Number of Respondents</b>	<b>Percentage (%)</b>
Strongly agreed	90	50.0
Agreed	60	33.3
Undecided	5	2.8
Disagreed	15	8.3
Strongly disagreed	10	5.6
Total	180	100

**Source:** *Field Survey, 2024.*

The table above shows respondents' opinion on whether the oversight functions by the legislature on NCC is to ensure that communication services provided to the people are efficient, effective, durable and satisfactory. To this effect, 90 respondents (representing 50.0%) strongly agreed, 60 respondents (representing 33.3%) agreed, 5 respondents (representing 2.8%) were undecided, 15 respondents (representing 8.3%) disagreed while 10 respondents (representing 5.6%) strongly disagreed with the assertion. The wide difference between the agreed and disagreed categories (150 and 25 respectively) shows that the oversight functions by the legislature on NCC is to ensure that communication services provided to the people are efficient, effective, durable and satisfactory.

**Table 6.4: Respondents' opinion on whether the oversight functions of the legislature on NCC has had a positive effect on the promotion of reliable and accessible communication services in Nigeria.**

<b>Opinion</b>	<b>Number of Respondents</b>	<b>Percentage (%)</b>
Strongly agreed	70	38.9
Agreed	70	38.9
Undecided	10	5.6
Disagreed	20	11.1
Strongly disagreed	10	5.6
Total	99	100

**Source:** *Field Survey, 2024.*



The table above shows respondents' opinion on whether the oversight functions of the legislature (National Assembly) on NCC has had a positive effect on the promotion of reliable and accessible communication services in Nigeria. In this regard, 70 respondents (representing 38.9%) strongly agreed, 70 respondents (representing 38.9%) agreed, 10 respondents (representing 5.6%) were undecided, 20 respondents (representing 11.1%) disagreed while 10 respondents (representing 5.6%) strongly disagreed with the assertion. The wide difference between the agreed and disagreed categories (140 and 30 respectively) shows that the oversight functions of the legislature (National Assembly) on NCC has had a positive effect on the promotion of reliable and accessible communication services in Nigeria.

**Legislative oversight has an influence in creating an effective, impartial and independent regulatory authority.**

**Table 6.5: Respondents' opinion on whether corrupt practices have been greatly reduced in NCC because of the creation of an effective, impartial and independent regulatory authority in NCC by the legislature.**

Opinion	Number of Respondents	Percentage (%)
Strongly agreed	40	22.2
Agreed	40	22.2
Undecided	20	11.1
Disagreed	40	22.2
Strongly disagreed	40	22.2
Total	180	100

**Source:** *Field Survey, 2024.*

The table above shows respondents' opinion on whether corrupt practices has been greatly reduced in NCC, because of the creation of an effective, impartial and independent regulatory authority in the NCC by the legislature. In this regard, 40 respondents (representing 22.2%) strongly agreed, 40 respondents (representing 22.2%) agreed, 20 respondents (representing 11.1%) were undecided, 40 respondents (representing 22.2%) disagreed while 40 respondents (representing 22.2%) strongly disagreed with the assertion. There is no difference between the agreed and disagreed categories (80 and 80 respectively). This makes it impossible to ascertain whether or not corrupt practices have been greatly reduced in the NCC, because of the creation of an effective, impartial and independent regulatory authority in the NCC by the legislature.



**Table 6.6: Respondents' opinion on whether the legislative oversight functions have greatly limited the autonomy enjoyed by NCC.**

Opinion	Number of Respondents	Percentage (%)
Strongly agreed	40	22.2
Agreed	40	22.2
Undecided	20	11.1
Disagreed	40	22.2
Strongly disagreed	40	22.2
Total	180	100

**Source:** *Field Survey, 2024.*

The table above shows respondents' opinion on whether the legislative oversight functions have greatly limited the autonomy enjoyed by NCC. In this regard, 40 respondents (representing 22.2%) strongly agreed, 40 respondents (representing 22.2%) agreed, 20 respondents (representing 11.1%) were undecided, 40 respondents (representing 22.2%) disagreed while 40 respondents (representing 22.2%) strongly disagreed with the assertion. There is no difference between the agreed and disagreed categories (80 and 80 respectively). This makes it impossible to ascertain whether or not the legislative oversight functions have greatly limited the autonomy enjoyed by NCC.

**Legislative oversight has assisted NCC in protecting the rights and interest of service providers and consumers within Nigeria.**

**Table 6.7: Respondents' opinion on whether the autonomy of the NCC is still intact since the legislature is carrying out only mere oversight functions.**

Opinion	Number of Respondents	Percentage (%)
Strongly agreed	80	44.4
Agreed	60	33.3
Undecided	5	2.8
Disagreed	15	8.3
Strongly disagreed	20	11.1
Total	180	100

**Source:** *Field Survey, 2024.*

The table above shows respondents' opinion on whether the autonomy of the NCC is still intact since the legislature is carrying out only mere oversight functions. To this effect, 80 respondents (representing 44.4%) strongly agreed, 60 respondents (representing 33.3%) agreed, 5 respondents (representing 2.8%) were undecided, 15 respondents (representing 8.3%) disagreed



while 20 respondents (representing 11.1%) strongly disagreed with the assertion. The wide difference between the agreed and the disagreed category (140 and 35) shows that the autonomy of NCC is still intact since the legislature is carrying out only mere oversight functions.

**Table 6.8: Respondents' opinion on whether the legislative oversight functions have had a massive effect on the overall performance of the Nigerian Communications Commission.**

Opinion	Number of Respondents	Percentage (%)
Strongly agreed	75	41.7
Agreed	65	36.1
Undecided	10	5.6
Disagreed	20	11.1
Strongly disagreed	10	5.6
Total	180	100

**Source:** *Field Survey, 2024.*

The table above shows respondents' opinion on whether the legislative oversight functions has had a massive effect on the overall performance of the Nigerian Communications Commission. In this regard, 75 respondents (representing 41.7%) strongly agreed, 65 respondents (representing 36.1%) agreed, 10 respondents (representing 5.6%) were undecided, 20 respondents (representing 11.1%) disagreed while 10 respondents (representing 5.6%) strongly disagreed with the assertion. The wide difference between the agreed and disagreed categories (140 and 30 respectively) shows that the legislative oversight functions have had a massive effect on the overall performance of the Nigerian Communications Commission.

## DISCUSSION OF FINDINGS

Generally, the study has found that the effect of legislative committee function on the performance of the Nigerian Communication Commission (NCC) has been largely positive.

Specifically, a few other findings have been in respect to the objectives of the study. First of all, it was found from Table 4.8 that the legislative oversight function of NCC has a positive effect in promoting the implementation of the national communications in Nigeria. The finding is in line with the core objective of the committee which is to ensure that the Nigerian Communications Commission (NCC) improves service delivery and bridging access gaps in the country.

Secondly, it was found that the oversight functions of the legislature on NCC has a positive effect on the promotion of reliable and accessible communication services in Nigeria. Table 4.9 (150 and 25) and Table 4.10 (140 and 30) are the bases of the finding where the agreed category is way higher than the disagreed category. In an interview with legislative aids, it was made clear that "the major reason for the legislative oversight is to ensure that the duties of NCC are carried out as at when due and also that services carried out are of high quality."



Thirdly, it was found from Table 4.11 that through effective and efficient law making, legislative oversight has an effect on NCC in protecting the rights and interest of service providers and consumers in Nigeria. Responding to a question in line with the finding, some legislative aids to the committee members are of the opinion that “the foremost reason why laws are made is to ensure that the people are protected. Thus, laws are made to assist NCC in protecting service providers and consumers in Nigeria. For instance, it is the law that was made that regulates network charges/tariffs in Nigeria in such a way that anyone in the country can have access to means of communication irrespective of their social status.”

Lastly, it was found that legislative oversight function has influenced the creation of an effective, impartial and independent regulatory authority. Corrupt practices have been greatly reduced in NCC because of the creation of an effective, impartial and independent regulatory authority in the NCC by the legislature. Due to the influence of the legislative oversight, lots of practices have been set right in the NCC as the oversight by the committee has kept them on their toes and prevented corrupt practices such as bribery, favoritism, nepotism and misappropriation of funds.

## CONCLUSION AND RECOMMENDATIONS

The developing pattern in advanced majority rule governments is the utilization of the committee framework with an undeniable point of interest that it licenses a parliament to send its assets proficiently and successfully, both regarding individuals and time, to inspect mind boggling and far reaching issues more completely than when they are talked about on the floor of the House. First, the entire House does not have the advantage of time to consider matters in every single specific subtle element; henceforth, advisory group frameworks are unavoidable in the administrative and oversight business of the legislature and the committees play a strategic role in this regard.

A Communication Committee is empowered by law to carry out oversight functions on the Nigerian Communication Commission thereon and other detailed matters. The Act stipulates that the committee be made up of a chairman and seven other persons all of whom shall be chosen on the basis of their proven integrity, experience and expertise.

Based on this study, the activities of the legislative committee on communication has an effect on the performance of the commission (NCC). Specifically, the legislative oversight function on NCC has a positive effect in promoting the implementation of the national communications in Nigeria. Also, oversight functions of the legislature on NCC have a positive effect on the promotion of reliable and accessible communication services in Nigeria. Likewise, through effective and efficient law making, legislative oversight has an effect on NCC in protecting the rights and interest of service providers and consumers in Nigeria. Finally, legislative oversight function has influenced the creation of an effective, impartial and independent regulatory authority.

The following are the recommendations of the study in line with the findings:

- a. Though the legislative oversight function on the NCC has a positive effect on the overall performance of the commission, there is a need for standard service delivery to be maintained. The committee can do this by ensuring consistency in mode of operation.





- b. In carrying out the oversight functions on NCC, the legislative oversight committee on communication should be careful not to erode the autonomy enjoyed by NCC as this could bring about hitches in service delivery.
- c. NCC must at all times seek to improve their performance to ensure that national communication systems are reliable and accessible to the people.
- d. The committee on communication should ensure continuous protection of the rights and interest of service providers and consumers within Nigeria.

## REFERENCES

### Books

- Anyaegbunam, E. O. (2010). *The Legislator's Companion: A Handbook for the National Assembly, State Houses of Assembly and Local Government Legislative Councils*. Ibadan: BookBuilders Editions Africa and Parliamentary Publishers Limited, Lagos. *Assembly*. Abuja: A publication of the National Institute for Legislative Studies, National Assembly.
- Blackman, C, and Srivastava, L, (eds) *Telecommunications Regulation Handbook* (Washington D.C: The World Bank and ITU, 2011).
- Bruce, R R, *et al*, *Dispute Resolution in the Telecommunications Sector: Current Practices and Future Directions* (Geneva: ITU and World Bank, 2004).
- Ezejiofor, G, *The Law of Arbitration in Nigeria* (Lagos, Nigeria: Longman Publishers, 1997).
- Federal Republic of Nigeria (1999). *Constitution of the Federal Republic of Nigeria*. Lagos: Federal Government Press.
- Federal Republic of Nigeria (2014). *Standing Orders of the House of Representatives*. Abuja: National Assembly Press. (Eighth Edition)
- Frost & Sullivan, *Lawful Interception: A Mounting Challenge for Service Providers and Governments* (London: Frost & Sullivan, 2011).
- Hamalai, L. (2015). *Legislative Oversight: A Study of Performance in Nigeria National Assembly*. Abuja: A publication of the National Institute for Legislative Studies, National Assembly.
- Hasbani, G, *et al*, *Telecom Infrastructure Sharing: Regulatory Enablers and Economic Benefits* (USA: Booz & Co, 2007).
- InfoDev and ITU, *Legal and Institutional Framework: Module 6- ICT Regulation Toolkit* (Geneva: InfoDev and ITU, 2012).
- InfoDev, *New Technologies and Impacts on Regulation: Module 7- ICT Regulation Toolkit* (Washington DC, InfoDev and World Bank, 2012).
- NILS (2015). *Legislative Oversight Manual*. Abuja: A publication of the National Institute for Legislative Studies, National Assembly.
- Nwakoby, G, C, *The Law and Practice of Commercial Arbitration in Nigeria* (2<sup>nd</sup> edn, Enugu: Snap Press, 2014).
- Oko, O. (2014). *Legislators in changing and challenging times: An analysis of the Nigerian National Assembly*. New Jersey: Goldline and Jacobs Publishing, Glassboro, New Jersey, USA.
- Pelizzo, R. & Stapenhurst, F. (2011). *Parliamentary Oversight Tools: A Comparative Analysis (Routledge Research in Comparative Politics)*. London: Routledge. *Performance of*



*Legislative Functions, 2003-2013*. Abuja: A publication of the National Institute for Legislative Studies, National Assembly, Abuja. (Second Edition)  
 Stapenhurst, R. (2008). *Legislative Oversight and Budgeting: A World Perspective*. Washington DC, USA: World Bank Institute (IBRD).  
 West Publishing Co, 2009).

### Journal Articles

- Adolp N, and Kelly, T, „Technical Aspects of Lawful Interception“, (May, 2008) *ITU-T Technology Watch Report*, 1-4.
- Ani, L, „Rethinking Competition Law and Policy: Building a Framework for Implementation in Nigeria“, (2012) *NIALS Journal of Business Law*, 1-19.
- Geradin D, and Karf, M, „Controlling Market Power in Telecommunications: Anti Trust Vs: Sector Specific Regulation: An Assessment of the United States, New Zealand and Australia Experiences“, (1999) 14 (3) *Berkeley Technology Law Journal*, 919-1026.
- Hassan, H T, „Information Technology Policy in Nigeria: An Implementation Assessment“, (September 2012) 4 *Journal of Social Science and Policy Review*, 50.
- Akomolede, I. & Bosede, A. (2012). Legislation as a tool for good governance in Nigeria: Legal Matters Arising. *European Journal of Business and Social Sciences*, 1(6), 61-68.
- Bourdeaux, C. & Chikoto, G. (2008). Legislative Influences on Performance Management Reform. *Public Administration Review*, 68(2), 253-265.
- Bourdeaux, C. (2008). Integrating Performance Information into Legislative Budget Processes. *Public Performance & Management Review*, 31(4), 547-569.
- Bueno de Mesquita, E. & Stephenson, M. C. (2007). Regulatory Quality under Imperfect Oversight. *The American Political Science Review*, 101(3), 605-620.
- Epstein, D. & O'Halloran, S. (1995). A Theory of Strategic Oversight: Congress, Lobbyists, and the Bureaucracy. *Journal of Law, Economics, and Organisation*, 11(2), 227-255.
- Jewell, M. E. (1978). Legislative Studies in Western Democracies: A Comparative Perspective. *Legislative Studies Quarterly*, 3(4), 537-554.
- McCubbins, M. D. & Schwartz, T. (1984). Congressional Oversight Overlooked: Police Patrols versus Fire Alarms. *American Journal of Political Science*, 28(1), 165-179.
- Nwagwu, E. J. (2014). Legislative Oversight in Nigeria: A Watch Dog or a Hunting Dog? *Journal of Law, Policy and Globalisation*, 22, 1-9.
- Rockman, B. A. (1984). Legislative-Executive Relations and Legislative Oversight. *Legislative Studies Quarterly*, 9(3), 387-440.
- Rosenthal, A. (1981). Legislative Behaviour and Legislative Oversight. *Legislative Studies Quarterly*, 6(1), 115-131. *Journal of Interamerican Studies and World Affairs*. 42(1), 71-98.
- Woods, N. D. & Baranowski, M. (2006). Legislative Professionalism and Influence on State Agencies: The Effects of Resources and Careerism. *Legislative Studies Quarterly*, 31(4), 585-609.

### Seminar Papers and Reports

- Abiola, A. G. (2012). Delays in Enactment of Appropriation Bill in Nigeria: Implications for Capital Budgets Implementation. *Discussion Paper Series No. 1*, A Publication of the National Institute for Legislative Studies, Abuja.
- Ndoma-Egba, V. (2012). Legislative Oversight and Public Accountability. *A paper presented at the Annual Public Lecture of the Faculty of Social Sciences*, University of NigeriaNsukka, October, 19.



---

Oyewo, O. (2007). Constitutionalism and the Oversight Function of the Legislature in Nigeria. *Draft paper presented at African Network of Constitutional Law Conference on Fostering Constitutionalism in Africa*, Nairobi, Kenya, April, 18-21.

**Newspapers**

Ihedioha, E. (2012). The Legislature: Roles, Misconceptions and Experience in Democratic Nigeria (1). *Vanguard Newspaper*, July 1.

Aliyu, A. (2015). 7<sup>th</sup> National Assembly's Scorecard. *Leadership Newspaper*, January 8.

**Internet Sources**

Olufemi, J., Akinwunmi, R. & Ugonna, C. (2015). Top 10 Corruption Scandals Unresolved. Retrieved from <http://www.premiumtimesng.com/news/182111-top-10-corruption-scandals-nigerias-national-assembly-hasnt-resolved.html> accessed 15/11/2015

Saraki, A. B. (2015). Seventh Assembly Valedictory Speech. Retrieved from <http://www.abubakarbukolasaraki.com/> accessed 29/11/2015