



***LAW REFORM:***  
**TECHNIQUES**  
**AND TOOLS**

## CHAPTER SIX

### PARLIAMENTARY TOOLS AND TECHNIQUES FOR LAW REFORM IN NIGERIA

*BY*

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### PARLIAMENTARY TOOLS & TECHNIQUES

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4. Tools and technique off floor of parliament
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## 1. INTRODUCTION

The parliament, or to use the more common term in Nigeria, the legislature, is one of the tripod for a democratic government. It is the institution through which government is held accountable to the electorate. It comprises elected representatives of the people.

- The best known function of Parliament is the making of laws for good governance.
- Not so well known is its oversight function. In historical terms, this was the earliest function of parliament: parliament was a council summoned to discuss some important matter. The word itself is derived from the French *parliament*, the action of parler (to speak); a *parliament* is a discussion. The term came to mean a meeting at which such a discussion took place. It acquired its modern meaning as it came to be used for a body of people (in an institutional sense) who would meet to discuss matters of state.

It is as a relic of this old function that parliament till today has the added function of debating and questioning and criticizing government, an act normally referred to as oversight function.

- Parliament has ways and means, mostly procedural, of discharging its legislative functions. Equally, it has a wide range of tools and technique with which it carries out its oversight functions.

## 2. THE TERMS (KEYWORDS)

- “Tools”, colloquially, is a procedure for a specific

purpose. As a noun, a tool is what aids the achievement of a purpose.

- A “technique” is a procedure used to accomplish a specific task or purpose. In this sense therefore the combination of “tool and technique” as done in this title is just a way of speaking, perhaps for emphasis.
- The meaning of “reform” in the conjunctive term “law reform” is fairly simple: to change for the better; to improve. “Law reform” as a phrase is the process of examining existing laws, and advocating and implementing changes in the law, usually with the aim of enhancing justice or efficiency.
- The four main methods of reforming law are: repeal (get rid of a law), creation of a new law, consolidation (change existing law), and codification.
- What then is law? This question was posed by two Athenians over two thousand seven hundred years ago:
  - “Tell me, Pericles”, Alcibiades said, “could you explain to me what a law is?”
  - “why, of course”, said Pericles.
  - “Then for Heaven's sake explain it”, said Alcibiades, “because when I hear people praised for being law abiding I have the idea that a man can't rightly be accorded his praise if he doesn't know what law is”.

“Well”, said Pericles.

“There is nothing problematical about satisfying your desire to know what a law is. Why, law is what the people in assembly approve and enact, and they set for the people what is or is not to be done”.

From this old Athenian angle therefore, and for our present purpose, law is what parliament lays down, and it is that which is sought to be reformed.

### **3. TOOLS AND TECHNIQUE ON FLOOR OF PARLIAMENT**

#### **A. Decorum in debate**

- Confirming remarks to the merits of the pending question. Discussion should not wander off the specific topic that is being addressed in the motion.
- Refraining from attacking a member's motives
- Addressing all remarks through the chair. The advantage of this rule is that there are no side conversations or debates between members. The chair is expected to control the meeting and this rule helps to do that.
- Avoiding the use of members' names.
- Refraining from speaking against one's own motion.
- Refraining from disturbing the assembly
- Reading from reports, quotations, etc, only without objection or with permission.

## **B. Processing a motion**

- A sponsor moves
- Another member seconds the motion
- If there is no seconder, the presiding officer tells the assembly that the motion dies for lack of a seconder.
- The chair states the motion, therefore formally placing it before the assembly.  
This step is crucial because at the completion of this step ownership of the motion is transferred from the individual who made the motion to the members present. The motion thus belongs to the body.
- The members debate the motion.
- The chair puts the question to a vote.
- The chair announces the results of the vote.

## **C. Debate**

- Is a formal method of interactive and representational argument.
- Is a broader form of argument than logical argument, which only examines what is or is not the case, or rhetoric which is a techniques of persuasion.
- Deliberative bodies such as parliaments, legislative assemblies, engage in debates.
- The outcome of debate may be decided by audience vote.

#### 4. TOOLS AND TECHNIQUE OFF FLOOR OR PARLIAMENT.

##### OVERSIGHT:

- Legislative oversight is the obvious follow-on activity linked to lawmaking. After participating in lawmaking, the legislature's main role is to see whether laws are effectively implemented and whether, in fact, they address and correct the problems as intended by their drafters.
- This definition captures the role that parliaments play in overseeing government policies and activities after they have been enacted, but it over-looks that parliaments may be engaged in oversight activities well before a policy is enacted.
- Legislative oversight requires as well that parliament oversees the executive with regard to the preparation of policies. For this reason, legislative oversight has been succinctly defined as “the behaviour of legislators and their staff which affects executive behaviour”.
- In overseeing the executive, Parliaments have several different oversight tools at their disposal.
  - Most common oversight tools:
    - Committee hearings
    - Hearing in plenary sessions of parliament
    - Creation of commissions of inquiry
    - Questions
    - Questions time

- The ombudsman
- Auditors general
- Public accounts committees.
- Oversight is for public good, and strengthens legislative capacity in Legislative Executive relations.

## 5. LAW-MAKING PROCESS

- Making law or reforming an existing law begins as a “bill”, goes through several stages to become law.
- First reading: bill is considered read for first time and printed. No debate.
- Second reading: members debate the principle of the bill. Is it sound? Meets people's needs? etc. If it passes 2<sup>nd</sup> reading, goes to a committee of the House.
- Committee studies carefully. Hold hearings to gather information. Invite government officials and experts. May propose amendments to the bill.
- Committee reports bill back to the House. Entire House then debates it; may suggest other amendments.
- Bill is called for third reading debate.
- Members who voted for the bill at second reading may sometimes change their minds at the third reading after seeing what amendments have or have not been made to the bill.
- After third reading it goes through similar process



in senate and then given Presidential Assent.

Bill becomes law. Same applies in State Assemblies except that it is Governor who asserts.

**Diagrammatically:**

**First reading**

Bills is considered read for first time

**Second reading**

Members debate the bill's principle

**Committee Stage**

Committee members study the bill  
clause by clause

**Report stage**

Member can make amendments

**Third reading**

Members debate and vote on the bill

**Senate**

Bill follows similar process

**President's Assent**

Bill receives President's Assent  
After passage by both Houses