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BEST PRACTICES IN LAWMAKING

OUTLINE

- Best practices and lawmaking procedure
- Processes/procedures for making federal laws in nigeria
- Procedures for law making in state assemblies
- Problems of lawmaking in nigeria
- Conclusion

BEST PRACTICES AND LAWMAKING PROCEDURE

- The primary responsibility of any parliament or legislative assembly is to make laws, with a view to ensuring peace, orderliness and good government of the society.
- Best practices in lawmaking are best and enduring international standards in the procedure of enacting legislations and they are represented in the following basic features:
 - The procedure of lawmaking is kick-started with the instrumentality of a bill (i.E. Legislative proposal). See section 5(1) and 100(1) of the constitution).
 - Every bill must be published in the official gazette or journal of for the awareness members of parliament/legislature and the public.

BEST PRACTICES AND LAWMAKING PROCEDURE

- Published bills must be distributed to hon. Members of parliament to enable them read and actively participate in the debate and consideration of the bills
- Every bill must undergo three stages of reading on the floor of the parliament before it becomes a law – first reading, second reading and third reading.
- The general principles and basic provisions of every bill are freely debated on the floor of the parliament.
- Committees with relevant jurisdiction are given opportunity for close scrutiny of bills with a view to filing report or recommendation to the plenary house on them.

BEST PRACTICES AND LAWMAKING PROCEDURE

- Public hearings may be organized on bills to enable stakeholders, subject experts and interested members of the public express their views on them.
- After final vote and passage of a bill, the head of executive branch of government is given the opportunity to express his/her view on the document by either assenting to it (before it becomes law) or withholding his assent.

PROCESSES/PROCEDURES FOR MAKING FEDERAL LAWS IN NIGERIA

- The constitution of the federal republic of Nigeria, 1999 (as amended) vests the legislative powers of the federal republic in NASS (consisting of the senate and the house of representatives); see section 4 (1) and (2).
- The following are important stages of making law in Nigeria at the federal level (and it assumes that a bill originates from the house of representatives):
- **Step 1:** A bill is first introduced to the presiding officer who endorses it to rules and business committee for publication.
- **Step 2:** the bill is published in the official gazette or assembly journal, and thereafter circulated to all hon. Members accompanied with a compendium of the bill's background information and financial implication.

Procedures for making federal laws in Nigeria cont'd.....

- **Step 3:** the bill is formally presented on the floor of the house by the clerk, who will read the short title of the bill aloud (**first reading**).
- **Step 4:** the general principles of the bill are subjected to debate on the floor of the house (**second reading**), following which the bill is referred to relevant committee for further legislative inputs, unless the house on a motion made, commits it to the committee of the whole for consideration.
- **Step 5:** committee (or sub-committee) meets and may hold public hearings to obtain information from stakeholders in support of and opposition to the bill.
- **Step 6:** committee (or sub – committee) goes into ‘mark up’ to make changes and amendments to the bill.

Procedures for making federal laws in Nigeria cont'd.....

- **Step 7:** the full committee considers the bill clause by clause and makes its recommendation(s) on it. It also prepares a report for the house.
- **Step 8:** the report is presented and laid on the table in the house with the amendment bill without any debate on the day of presentation.
- **Step 9:** on another allotted **date**, the bill is slated for clause by clause consideration by the committee of the whole house.
- **Step 10:** the house adopt the report of the committee of whole in a plenary.
- **Step 11:** a clean report bill is prepared by the office of the clerk.
- **Step 12:** on another date, the long title of the bill is read on the floor of the house by the clerk (**third reading**). The bill is then considered to have been passed.

Procedures for making federal laws in Nigeria cont'd.....

- **Step 13:** the report is sent to the senate for concurrence if the senate had not passed its own version of the bill. (Note that the senate will also follow the same procedure as above).
- **Step 14:** if the senate had passed its own version of the bill, the two chambers go into conference which comprises of equal number senators and members of house of representatives, to reconcile their differences on the bill
- **Step 15:** once the conference committee has agreed on a comprise, a conference report is sent back to each chamber for final approval.
- **Step 16:** if both sides approve the final version of the bill, it is sent to the president by the clerk to the national assembly for assent. The president is required to signify within 30days that he will assent or withhold his assent. If the president withholds his assent and the bill is again passed by two-third majority of each house, the bill shall become law and the assent of the president shall not be required (see section 58(4)-(5))

PROCEDURES FOR LAWMAKING IN STATE ASSEMBLIES

- The legislative powers of the 36 states are equally vested in the houses of assembly of the respective states; see section 4(6) and (7)
- The procedure of passing bills in state house of assembly are more or less similar to the above illustration, but the major difference is the unicameral nature of the assemblies, which, essentially makes the process less cumbersome than the process at the federal level.

PROBLEMS OF LAWMAKING IN NIGERIA

A number of problems have been identified over the years in the practice of lawmaking at the federal and state levels, among which are

1. Inadequate familiarity with the constitution, standing orders and legislative processes, including committee procedures, conference committee procedures, floor actions, amendment process, etc.
2. Lack of access to good information, modern libraries, it facilities, etc
3. Ambiguity of standing orders.
4. Lack of adequate training and retraining opportunities for members, staff and legislative aides.

Problems of lawmaking in Nigeria Cont'd.....

4. Absenteeism and lack of commitment on the part of members, especially during committee procedures, including considerations by committee of the whole.
5. Poor planning and organization of public hearings on bills.
6. Politicization of procedures and frequent disregard and suspension of rules/standing orders.

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THANK YOU