

NATIONAL ASSEMBLY AND ITS CONTROVERSIAL PENSION: A CRITIQUE

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Abstract

The National Assembly is proposing life pensions for its principal officers. The decision of the National Assembly on the life pensions for the Senate President, his deputy, the House of Representatives Speaker and the Deputy Speaker has continued to generate controversy. Many Nigerians believe that the move smacked of egocentricity and insensitivity to the mood of the polity. And it has attracted so much condemnation. If the proposal becomes law, then, the principal officers will be entitled to a pension for life at a rate equivalent to the annual salary of the incumbent President and the Deputy President of Senate, the Speaker and the Deputy Speaker of House of Representatives. In the usual characteristic of the Nigerian political elite, the Nigerian Senate took an egocentric stand against the greater good of the Nigerian people, as the lawmakers overwhelmingly voted against local government autonomy but endorsed life pension for the Senate President and Speaker of the House of Representatives. What is clear from this self-serving action is that, our collective interest as a people is never paramount to these so-called representatives. Having conducted a public hearing in various constituencies across the land during which Nigerians overwhelmingly advocated total autonomy of the local government and expressed their views on other constitutional matters, one would have expected our senators to allow the wishes of the people to prevail. Rather, they chose to be on the inglorious part of history, dissipating their energies in promoting mundane desires instead of solving the peoples' ultimate desire – welfare. The paper examines the controversial proposal and its implications for the polity.

Keywords: Pension, The Constitution, Post-Colonial State, The Legislature, Constitution Reforms and Amendments and Political Corruption

Introduction

Political actors in Nigeria and controversy seem to be Siamese twins. Controversy is like second nature to politicians in this country, in fact they thrive on it, from the topmost political office holder to the lowest in the ladder, and they have remained controversial just as well as their policies and actions. This perhaps explains the controversial decisions the nation's lawmakers, especially at the National Assembly have been churning out. The latest of which was the recent overwhelming voting by the Senate in favour of the recommendation seeking

life pension for the principal officers of the National Assembly, in the ongoing tinkering with the 1999 Constitution of Nigeria (as amended).

The amendment, seeking to alter section 84, is contained in a new subsection 5a, clause 8 which reads: "Any person who has held office as President or Deputy President of the Senate, Speaker or Deputy Speaker of the House of Representatives, shall be entitled to pension for life at a rate equivalent to the annual salary of the incumbent President or Deputy President of the Senate, Speaker or Deputy Speaker of the House of Representatives." The Senate decided, inter alia to alter Section 84 of the Constitution (by inserting a new subsection 5a and subsection 8) to read that: "Any person who has held office as President or Deputy President of the Senate, Speaker or Deputy Speaker of the House of Representatives, shall be entitled to pension for life at a rate equivalent to the annual salary of the incumbent President or Deputy President of the Senate, Speaker or Deputy Speaker of the House of Representatives"(The Constitution, 1999) .

Let us quickly note that what the Senate did remains a mere proposal. For it to have effect, it must first be concurred to by two-thirds majority in the House of Representatives and afterwards by at least two-thirds of the state Houses of Assembly (24 out of 36). This proposed alteration follows the existing subsection 5 of Section 84 of the Constitution which provides for payment of pension for life to the President and Vice-President of the country at a rate which is the equivalent of what the sitting president and vice-president are paid. The present subsection 5 however has a proviso which states: "Provided that such a person was not removed from office by the process of impeachment or for breach of any provision of this Constitution" (The Constitution, 1999).

The Senate's proposed amendment coming after the present subsection 5 (and its proviso) and without any proviso thereto, suggests that if passed, the provision for life pension to former heads of the National Assembly would apply to every single one of them, whether or not the person served out a term or was removed from office. Even if the proviso to the present subsection 5 is to apply to the proposed new subsection 5a, there is still likely to be controversy of legal interpretation. The present proviso excludes persons who were removed from office "by the process of impeachment".

An impeachment process admits that there is a formal charge of wrongdoing against (usually the head of the executive or other holder of an executive position), a trial or hearing (leading to an establishment of guilt) and consequent decision taken to remove the person from office. That is the usual manner by which a president, vice-president, governor or deputy governor can be removed from office. And this is a rare occurrence. Hence there are very few former presidents, vice-presidents, governors or deputy governors who fit into this category. Heads of the legislature are usually removed from office by two-thirds of votes of the members, whether or not there has been any allegation of wrongdoing. To be sure, no leader of the Senate or House of Representatives of the present republic in Nigeria was ever removed from office by way of impeachment. In all the instances where the leaders of the two chambers of the National Assembly were removed, they were merely pressured to resign, and that includes, Salisu Buhari, who cheated his way to the speakership of the House of Representatives.

In fact, the closest thing to an indictment held against former senate presidents Evan(s) Enwerem and Chuba Okadigbo were later, by parliamentary resolutions, expunged and the officers exculpated from any wrongdoing on the occasion of the valedictory session of the legislative session and during the special session to mark Enwerem's funeral. It therefore means that all the former Presidents of the Senate and Speakers of the House of Representatives alive would be entitled to be paid pension for life, calculated at the salary of the incumbents. And if the legislature decides to change its leaders every year, we would suddenly find ourselves beholden to each of them in life pensions. And by the way, the list of former presiding officers of the Senate and House of Representatives prior to the emergence of

the incumbent officers shows five in eight years for the Senate and five in 12 years for the House of Representatives! This paper examines the controversial proposal and its implications for the polity.

Pensions

Pension has been defined as a periodic income or annuity payment made at or after retirement to employee who has become eligible for benefits through age, earnings and service. Oxford Advanced Learner's Dictionary defined pension as a sum of money paid regularly by a Government to people above a certain age and to widowed (Widow) or disabled people or by former employer or financial institution to retired people. Micro Word Encarta Dictionary has two definitions of pension:

Retirement pay: a fixed amount of money paid regularly to somebody during retirement by the government, a former employer or insurance company.

Regular sum of money paid regularly as compensation for an injury sustained on a job, or as a reward for service. For example, to an ex-worker. (Amujiri, 2009:139-140).

According to Ozor (2006), pension consists of lump sum payment paid to an employee upon his disengagement from active service. According to him payment are usually in monthly installments. He further stated that pension plans may be contributory or non contributory; fixed or variable benefits; group or individual; insured or trustee; private or public, and single or multi-employer. In many advanced countries of the world, income from pension to an individual may be supplemented by social security benefits, which apply to all citizens of a citizen in such country whether or not they belong to the working class. However, since most citizens in such countries might have at one time or another, been workers, it would appear that social security benefits are co-terminus with the working class. It is different from gratuity. According to Ugwu (2006), there are four main classifications of pensions in Nigeria. These are:

Retiring Pension: This type of pension is usually granted to a worker who is permitted to retire after completing a fixed period of qualifying service usually practiced in Nigeria between 30-35 years

Compensatory pension: This type of pension is granted to a worker whose permanent post is abolished and government is unable to provide him with suitable alternative employment.

Superannuating Pension: This type is given to worker who retires at the prescribed age limit of 60-65 respectively.

Compassionate Allowance: This occurs when pension is not admissible or allowed on account of a public servants removal from services for misconduct, insolvency or incompetence or inefficiency (Amujiri, 2009:140).

Gratuity is a once and for all lump of money paid to on employee on retirement, upon death or retirement or on total incapacitation while at work. According to Nwajiagu (2007), in some cases, workers are only entitled to gratuity upon withdrawal of service, in others; they may be entitled to both gratuity and pension. But in all cases, a worker who qualified to receive pension is usually also entitled to the payment of gratuity. Even if he is indebted to the organization at the time of retirement, he is still qualified unless he was specifically dismissed without benefits based on misconduct.

Pension and gratuity plan for public servants in Nigeria states that public officer on completion of 35 years of unbroken service or 60/65 years of age for public servants and professors respectively which ever comes first, shall receive the maximum pension and gratuity for their respective grades and ranks. The calculation of these terminal benefits is guided at any point in time by a legal framework or law.

Theoretical Framework: Post Colonial State Theory

The State in the post-colonial periphery is a capitalist type of state, even though to some extent it is different from the state in advanced capitalist formations. According to the Marxist

theory, the state is the product and a manifestation of the irreconcilability of class antagonisms (Lenin, 1984:10-11). This state, which arose from the conflict between and among classes, is as a rule, the state of the most powerful, economically dominant class, which by this means also becomes the politically dominant class and thus acquires new means of holding down and exploiting the oppressed (Jakubowski, 1973:41) Thus, according to Marx and Engels (1971:38) “the executive of the modern state is but a committee for managing the common affairs of the whole bourgeoisie”.

Therefore, contrary to the claim of Western liberal or bourgeois scholars, the state is not class neutral, rather, it is immersed in constant class struggle within and between the various institutional groups that make it a reality (Ezeani 2008).

The classical Marxist theory of the state has been further developed to take into consideration the peculiarities of the neo-colonial state (see Alavi, 1972, Saul, 1974 and Ekekwe, 1986).

The main attributes of a neo-colonial state as seen by the Marxist theory include:

- The state as an instrument of class domination.
- The centrality of the state and its apparatuses as the main instruments for primitive accumulation especially by the dominant class and their foreign collaborators.
- The renter or extractive nature of the state.
- The unifying function of the post-colonial state (Alavi, 1972, Saul, 1974, Collins, 1976 and Ezeani, 2008).

As Ekekwe (1986:12) rightly noted;

The difference between the two forms of capitalist state is thus: that whereas the state in the advanced capitalist formations functions to maintain the economic and social relations under which bourgeois accumulation takes place in the periphery of capitalism; factors which have to do with the level of development of the productive forces make the state, through its several institutions and apparatuses, a direct instrument for accumulation for the dominant class or its element.

This peculiar attribute of the neo-colonial state can be traced to the colonial epoch. The Colonial Governments in their bid to achieve their economic interests discouraged the emergence of a strong indigenous capitalist class. This they achieved by discriminating against African businessmen in the disbursement of bank loans, award of contracts and other business incentives. In the absence of indigenous capitalist class strong enough to establish hegemony over the state at independence, the neo-colonial state such as Nigeria became the main instrument of economic investment and economic development. Beside, the new indigenous bourgeoisie that inherited control over the neo-colonial state and its apparatuses had a very weak economic base, and hence relied on this control for its own capitalist accumulation (Ezeani 2008:4).

Critical to understanding this, is an appreciation of the nature and character of the Post-Colonial Nigeria. Many scholars such as Graf (1988), Diamond (1986) and Joseph (1996) have identified capitalist rent seeking, patrimonialism and prebendalism as the major characteristics of Post-Colonial Nigeria State. Some have even fancifully referred to the Nigerian State as a “rogue state” (Joseph, 1996). These characteristics have combined with one another, and with many others, in complex dynamics, to undermine the Nigerian State’s capacity to discharge those fundamental obligations of modern state to its citizens, such as socio-economic provisioning, guarantee of fundamental human rights and freedoms, ensuring law and order and facilitating peace and stability as pre conditions for growth and development (Jega, 2002:36).

The unique nature of the Neo-Colonial State such as Nigeria therefore, has primarily on the fact that it combines that function of serving as a major instrument of capital accumulation with that being a direct instrument of class formation and domination. As Milliband (1977:109) puts it, *“The state is here the source of economic power as well as an instrument of it; state is a major means of production”*.

The Marxist theory of state is very significant to understanding and explaining the anti-corruption crisis in Nigeria. Applying the theory, it is argued that those who have presided over the state have tended to personalize power and privatize collective national resources, while being excessively reckless in managing the affairs of the nation. Indeed, the state has become the prime mover of capitalist development and class formation, with all the associated contradictions that this is wont to spew up.

The post-colonial state has a number of structurally linked characteristics (Ibeanu, 1998). The states are too powerful and interventionist in virtually all aspects of life especially the economy. The national petit-bourgeoisie that took over power from the colonialists exploited the political positions to create an economic base to consolidate their power. Ake (1981:96) notes that “what they did was to extend the economic role of the state as widely and rapidly as possible”. This brought about the tendency to use political power as a vehicle of accumulation. The post-colonial state is particularly attracted to intervention in the economy because it has a weak capitalist class and that role became fashionable in order to build its economy on free markets. As a corollary, the state is described as a “Means of production” (Ekekwe, 1986) and a means of “primitive accumulation” of capital (Iyayi, 1986). It was observed that:

Even though a capitalist state, it bears a great affinity with the feudal state which constantly intervened directly to reconstruction production relations. The post-colonial state inherits its omnipotence, absolutism and totalitarianism from the colonial state, which was saddled with the all-encompassing role of establishing capitalism in the economy (Ibeanu, 1998:10).

In the post-colonial state, because the emphasis is laid more on accumulation of wealth through state power, the development of productive forces which enhance profit maximization and increased surplus are stunted, and “the potential of the state for making social-economic formation more coherent is limited” (Ake, 1981:129). The post-colonial state has not wholly changed from the arbitrariness it inherited from the colonial state. The colonial state forced the subjects to do its biddings without questioning. It made colonies to jettison the agricultural products for the ones preferred by the state. Lands were taken and allocated to whomever the state wants. The colonial state believes that it knew the best for the subjects and hence, their opinion was not sought in their civilization mission. Despite the anti-colonial struggles, independence was negotiated in most countries and this implies that the structures of the colonial state remained. Ibeanu (1998) also note that “it was just a change of personnel”

The continued arbitrariness in the post-colonial state inadvertently weakens institutions that are supposed to moderate the use of state power through insistence on rule-based engagement. The fierce and antagonistic competition for acquisition of political power became entrenched as the wielders of power exploit it to undermine level-playing field during campaigns for transfer of power. Consequently:

The perception in Africa that power through the ballot box is a zero-sum game, both the party in power and the opposition party put in all what they have, including electoral malpractices in order to be in political power (Echezona, 1998:156).

The friction witnessed in the post-colonial states is not only between the dominant and subordinate classes but also “in relations among the sections of the dominant classes, namely those in control of state power and those seeking for state power” (Ibeanu, 1998). Thus, the battle for the control of state power and consolidation of hegemony make the political competition very intense “since the state and governmental power have tended to become the means of production for the African bourgeoisie” (Ake, 1981:129). In this circumstance, those who lose elections hardly capitulate as they relentlessly strive to undermine the government through various subversive tactics which often “make it impossible for a temperative regime to become consolidated” (Ibeanu, 1998).

The post-colonial state is structured to service sectional interests instead of collective interests of the people. This is a colonial legacy. The divide and rule style of colonialists partitioned the colonies along ethnic lines and stifled the evolution of national solidarity. Rodney (1972:250) observes that:

The colonial powers sometimes saw the value of stimulating the internal ‘tribal’ jealousies so as to keep the colonized from dealing with their principal contradiction with the European overlords – i.e. the classic technique of divide and rule.

The emergence of ethnicity and tribalism in the political environment made the contest for power a do-or-die affair. Besides, the high premium placed on political power as observed by Ake (1981:129) makes “the tone of politics highly authoritarian and the hegemonic faction of the bourgeoisie adopt a siege mentality”. The result of this pattern of political behaviour is what is described as politics of ‘*prebend*’ in African politics (Joseph, 1987). Indeed, the all-powerful nature of the post-colonial state makes its politics a matter of life and death. Ibeanu (1988) observes that “whoever wins in politics wins everything and whoever loses, loses everything”. Unchecked power, according to Guest (2004:14) becomes a swift route to riches, especially in countries with abundant natural resources.

The direct consequence of the state’s arbitrariness is evidenced on how low level of legitimacy exhibited. The absence of confidence and lack of faith of the people on the institutions, and systemic apparatuses that ought to protect their collective interests tend to breed mutual suspicion, mistrust and bottled grievances. Rules are subverted with impunity since the moderating institutions are weak and consistently made to wobble. Ibeanu (1998) therefore, views this scenario as the reason for the incapability of the post-colonial state to transform dominance into hegemony and power into authority. In the end, the state fails to assert itself and stand on its own in order to accommodate the interests of all a sundry, without the controlling pressure from sectional manipulations and social antagonisms. Ake (1981:129) also notes “that the boundary between the state, government and the ruling class is very blurred”. He summarized it thus:

A government tangentially used by the hegemonic faction of the bourgeoisie to manipulate state power, a state with limited potential for mediating the class struggle, and endemic political stability arising from too high a political power (Ake, 1981:129).

Several studies have variously blamed factors such as the colonial foundations of the country and its attendant problems, institutional deficiencies in our federation, the much-maligned ‘bring down’ syndrome of the Nigerian press, fraudulent electoral processes, social and economic disparities, discrepancies inherent in the country’s constitutional arrangements, the military factor, etc. To begin with the argument can be generally summed up as Nwabueze

(1973) did, by saying that democracy failed in Nigeria because ‘of the utter failure of party politics’ on another plane, Ibrahim has attributed the failure of Nigeria to sustain democracy to three principal factors, namely, “The patrimonial and rentier nature of the Nigerian state, the militarization of society and the determination of the officer corps to remain in power”, (1997:157). Agbese, similarly, cites the ‘untamed’ Nigerian military as the major challenge, (1997). The most obvious affront on democratic principles and values, therefore, had remained the consistent refusal of the armed forces to relinquish power in spite of the several transition programs they prepare and executed. The high propensity to intervene in, and the disdain for disengaging from, the political affairs of the country stems largely from the access power bestowed on them to monopolize national resources, including political, economic and bureaucratic offices, as well as financial, to be dispensed only to the favoured few.

Joseph (1987), Onoge (1993), Nwankwo (1987) and others argue that democracy is threatened by leaders that perceive public office as avenue to self-enrichment and corruption, disguised under ethnic and other micro nationalistic covers. For Nwankwo, the elite class, comprising of the civilian and the military segments, acquire political power in order to corruptly enrich themselves and as an avenue for the neo-colonial elite to control key governmental apparatus and institutions, and to use them for group and personal gains. As a result, they constantly jockey engage each other in a fierce struggle for supremacy, always resulting in the triumph of the military because of its monopoly over the instruments of coercion. In the final analysis, the prospects for sustaining an enduring democracy become bleak.

Useful as they may be, the foregoing perspectives do not adequately address the more fundamental question of the exact condition or conditions under which each constitutes an obstacle to the sustenance and consolidation of democracy in the country’s earlier attempts, or better still, to suggest the processes that offered better prospects for extending the life expectancy of the democratic experiment beyond the few years of the military-civilian transition period. In this case, Ayodele (1999) has suggested that a number of conditions, such as those outlined under conventional notions of democracy, must obtain in order to advance and sustain democracy in Nigeria. What is consciously absent from the requirements what this study as regards as a new, well prepared legislature, an institution with a new outlook on how to promote and sustain democratic values through good governance, and also tackle the country’s myriad of socio-economic problems.

Life Pension for Lawmakers: A Critique

Since the Senate voted overwhelmingly in favour of the recommendation, Nigerians have been seething with anger. Speaking with *The Nation*, Lagos lawyer Chief Fred Agbaje chided the lawmakers for “awarding” life pension to their principals. He questioned the rationale and morality behind the decision. He wondered whether they appreciated the full implications of the decision for the economy and the social divide.

Anyway, don’t you know that our lawmakers love us so much? Have they not represented you well enough? You have constant light, good roads and the best security ever. What else do you want from them? Shouldn’t our lawmakers, who made these possible, be given life pension for such a good job? What else do you want?”, he queried.

Agbaje said the beneficiaries are comfortable Nigerians, adding that they do not deserve the benefits. According to him:

What type of life pension are you going to pay to the likes of Senator David Mark, who apart from collecting pension from the military as a retired General, a one-time state governor and a former minister, who also has a Golf Club? Is a Golf Club a poor man’s business?(Omojologboju, 2013:14).

A political scientist, Prof Kimse Okoko of the University of Port Harcourt, described the action as a demonstration of impunity. He said that it is immoral and unacceptable. For him,

The decision of the National Assembly is a demonstration of the culture of impunity that we have come to know in this dispensation. It shows a lack of sensitivity to the feelings of Nigerians. Approving life pension for the leadership of the National Assembly is condemnable, especially when the majority of Nigerians are struggling to get food to eat. It is immoral, especially when you consider the obscene salaries and allowances they had approved for themselves (Alawiye, 2013:8).

Veteran unionist Chief Frank Kokori, the former Secretary General of the National Union of Petroleum and Natural Gas (NUPENG) Workers, attributed the decision by the lawmakers to self-aggrandisement. He lamented that the Labour, Civil Society Organisations (CSOs) and other pro-democracy groups have failed to galvanise the people to resist the move. For Kokori, *"No sane person would support it, except, of course, the lawmakers themselves who are the same. In a situation where there is no cogent opposition to this type of development, they win easily. If it were to be our time, they dare not think of it, not to talk of endorsing it"* (Odunsi, 2013:7).

Prof Itse Sagay (SAN) shared Okoko's sentiment. He argued that the life pension for an elected individual, who holds an office for four or eight years is undesirable. He said the lawmakers were selfish. His words:

They are not there to look after the country and Nigerians, but themselves. You don't get a pension for being elected for few years as a political operator. Pension is meant for life service with an organization. "So, for them to add pension to the enormous salaries and other allowances, show how insensitive they are (Omojologoju, 2013:14).

Another Lagos lawyer, Bamidele Aturu, said that it is condemnable. He maintained that the next generation of lawmakers will likely do anything to become the principal officer of the National Assembly because of the anticipation of earning a life pension. According to him,

This is one clause that I think Nigerians should condemn in the strongest term possible. After serving for four years, with the emoluments and the benefits that are outrageous, all paid for by the taxpayers, why still subject the taxpayers to servicing you after you have left the office? With this type of clause, why won't people kill to get to the National Assembly? Why won't people do all kinds of despicable things to become one of the principal officers of the House or Senate? I think we should condemn it and call on them to rescind it. By the way, what exactly do they need it for? (Omojologoju, 2013:14).

Chief Ogbuehi Dike, the National Publicity Secretary of United Progressive Party, has advised the National Assembly (NASS) to drop the proposal for life pension for leaders of the National Assembly. Dike said in an interview with the News Agency of Nigeria (NAN) in Abuja recently said that most NASS leaders had worked and retired elsewhere and did not need to get another pension. He said that the NASS leaders had truly contributed to the development of the country and as such should look elsewhere for compensation.

Dike urged NASS members to have a rethink and drop the idea, especially now that the country was trying to revive its economy.

According to him, *"You cannot come and work for four years or eight years and you will be asking for life pension. It will not do a country like Nigeria any good because our economy is not strong enough for such venture"* (Omojologoju, 2013:14). He said the severance allowances paid to the legislators should be able to pay their bills after service. Dike said that life pension was counter-productive and would have a serious setback on the country's economy if not addressed immediately. He went on to ask about the rationale behind the NASS members asking for life pension. What will be the faith of a common man walking on the street? "They should remember that there is hunger in the land, people are living far below poverty line in this country" (Odunsi, 2013:7).

Dike urged the legislators to put the interest of the country above personal interest by making laws that would benefit the citizens.

A Muslim group, Muslim Rights Concern (MURIC) has rejected a proposal recently approved by the National Assembly to provide a life pension for President of the Senate and his deputy, the Speaker of the House of Representatives and his deputy as well as all past presidents. In a statement made available to *African Examiner*, the group described the idea as “horrendous, preposterous and gluttonous.” The statement reads in full:

We of the Muslim Rights Concern (MURIC) reject this proposal. It is horrendous, preposterous and gluttonous. Coming at a time when the Coordinating Minister of the Economy, Okonjo Iweala, is warning that the Federal Government may no longer be able to pay salaries as from October 2013, the approval by the honourable members in the Upper and Lower Houses is, to say the least, callous, self-serving and insensitive. Nigerian leaders tend to have a penchant for waste. With more than 80% of the Nigerian population living below poverty level, with the average Nigerian living on less than \$1 per day and Nigeria's per capita income less than \$300, how on earth can anyone justify the arrogation of such stupendous luxury to so few? The scenario in this country is getting inextricably deeper into the abyss of capitalist bourgeoisie mentality. This development in the National Assembly further cements the hypothesis that 1% of the Nigerian population is consuming 85% of the wealth of this nation leaving just 15% for the vast majority of 99% of the population. It is a clear demonstration of man's inhumanity to man. The rich are getting richer while the poor are getting poorer (Ibrahim,2013:2).

The group's statement adds: How can the National Assembly do this when it refuses to approve a token sum of N20,000.00 as monthly relief package for unemployed graduates? How can the NASS do this when N18,000.00 minimum wage has not been approved or paid to most workers in the country? The yearly budgetary allocation to education has always been between 3% and 13%, falling criminally short of the 20% recommended by the United Nations Educational Scientific and Cultural Organization (UNESCO). Consequently the quality of education continues on a downward slide. That is why lecturers are on strike yet the Federal Government is dillydallying on an agreement it freely entered into with ASUU four years back. How can we trust a government that reneges on its pledges, a government to whom 16 is higher than 19 and 5 superior to 22? Worst still, how can we now trust any pledge in the 2015-related manifesto? MURIC wants the Federal Government to react to rumours making the rounds about our earnings from oil. Is it true that Nigeria produces 2.4 million barrels of crude oil per day? Is it true that we make \$244 million daily after selling each barrel at \$93.61? Is it also true that Nigeria is expecting about \$81 billion as total earnings from oil alone this year 2013? How much is \$81 billion if we convert it to Nigeria's currency? If the answer is N12.8 trillion why do we still have problems in this country when the total budget for this year 2013 is just N4.9 trillion? Shouldn't we be having excess funds? Where is the rest? Government owes us an explanation. Why is Nigeria the 20th poorest country in spite of the abundance of natural resources? Why are we the 26th hungriest nation in the world? Why can't we enjoy constant power? Why are our hospitals at best glorified clinics and our roads playgrounds frequented only by suicide drivers? MURIC warns the NASS to be wary of popular anger. We charge the Nigerian Labour Congress (NLC) to mobilize the Nigerian work force for a total strike should NASS fail to drop this idea of life pension for public officers. The time has come for the jamaheer (the masses) to take their destiny in their hands.

It has been alleged that the clause seeking the amendment was smuggled into the items for consideration. A chieftain of the Peoples Democratic Party (PDP) from the Southsouth who spoke on condition of anonymity, told *The Nation* that life pension for lawmakers was not

debated at the public hearings. *“This is not fair. The senators have not been fair to Nigerians. They have the power to amend the constitution and they have abused it. No wonder, people say if men were God, they would do whatever they want. It is bad. It is unfair and wicked”*).

It beats political analysts how and when this clause was smuggled into the major areas begging for amendment in the country’s legal code. Rejecting important sections that almost every Nigerian hold dear, like the one seeking for financial autonomy for and direct payment to the local government councils from the Consolidated Revenue Fund among many others, the senators overwhelmingly voted in support of life pension for principal officers of the National Assembly. This was apart from the fact that some of the occupants of the offices, to wit: Senate President, Speaker of the House of Representatives, Deputy Senate President and Deputy Speaker of the House of Representatives, are already enjoying some pensions from their previous endeavours. Take the case of the Senate President, David Mark, for example, he is an Army pensioner, having retired from the Nigerian Army as a Brigadier-General. He is entitled to his pension for life from the Army, even while he continues to receive jumbo salary as a federal lawmaker. If this amendment scales through, it simply means he would be receiving pension from both the Army and the National Assembly for life! Since the overwhelming vote for this clause, analysts have continued to condemn it, describing it as wrong, indefensible and reprehensible.

Implication for the polity

Many Nigerians believe that the legislators are competing for the control of public funds with the executive. Currently, only the President and the Vice President are entitled to life pensions. There is also a limitation. Any President or Vice President impeached by the National Assembly is excluded from the benefit.

But in the present instance, no such limitation or check exists. The implication is that, if it becomes law today, all those who had held the positions from 1999 to date will automatically benefit from it. The amount to be paid to all the former Presidents of the Senate and Speakers of the House of Representatives and their deputies, that are still alive would be enormous. In a country where experts are calling for a reduction in the cost of governance, this clause, analysts say, is economically unwise.

Besides, nobody can say with precision the number of leaders that will preside over the affairs of the Senate and the House of Representatives within a four year term. The polity is susceptible to unpredictable change. The implication is that there could be as many Speakers of the House and Presidents of the Senate as possible within four years. Ambitious legislators may orchestrate a change in the leadership of the House or the Senate in a way that the provision would become an albatross for the nation. Will it scale through or not? If it does, how will it benefit Nigerians and what value will it add to the democratic practice in Nigeria?

Daily Trust Newspaper recently did analysis on these impacts on the masses. According to the paper a circular released by the National Salaries, Incomes and Wages Commission (NSIWC) for the implementation of the new national minimum wage shows that school leavers who enter the Service on Grade Level (GL) 04 Step (S) 1 will receive an annual salary of N242,994 while officers at the peak of the Public Service on GL 17 - S1 will receive N4,183,600 annually.

A 12-month breakdown of the above shows that the school leaver will receive N20,249 while the director will receive N348,633.

A diploma certificate holder who enters the Service on GL 07 - S 01 will receive an annual salary of N517,965 which translates to N43,163.75.

A graduate that enters the Service on GL 08 S 1 will receive an annual salary of N666,184 which translates to a monthly salary of N55,515.3 a month.

However the table which did not carry details of emoluments of permanent secretaries and heads of parastatals shows officers from GL 12 - 14 will terminate on Step 11 while those on GL 15 - 17 will terminate on Step 9.

A further breakdown of the table shows that the least paid cadre, GL 01 S 1 will receive an annual salary of N226,800 which translates to N18,900 monthly.

For the school leaver on GL 04 who manages to get to S 15, the annual salary will be N363,794 which translates monthly to N30,316,167 while the diploma certificate holder who is on GL 07 - S15 will receive an annual salary of N780,501 which translates to a monthly pay of N65,041.75.

A graduate on GL 08 - S15 will receive an annual salary of N978,663 which when divided by 12 gives N81,555.25 while a director on GL 17 - S9 will receive an annual pay of N5,452,136 which translates to a monthly income of N454,344.67.

A breakdown of the cadres in between the ones mentioned above shows that officers on GL02 - S1 will receive an annual salary of N230,128 and receive N311,935 at same GL on S15.

GL 03 - S1 officers will receive an annual salary of N232,970, to collect N333,522 on attaining S15 while officers on GL05 - S1 will receive an annual salary of N261,298 and on attaining S15 will receive N401,637.

Officers on GL06 - S1 will receive an annual salary of N316,229 and on attaining S15 will receive N487,295 while their counterparts on GL09 - S1 will receive N780,656 and on attaining S15 will receive N1,152,698.

Those on GL10 - S1 will receive an annual salary of N914,511 and on reaching S15 will receive N1,323,635 while those on GL 12 - S1 will receive N1,053,208 to receive N1,506,493 on terminating at S11 where they stop, unlike their subordinates who reach S15.

Officers on GL 13 - S1 will receive an annual salary of N1,174,233 to receive N1,653,453 on attaining S11 while GL14 - S1 officers will receive an annual salary of N1,295,818 and on attaining S11 will receive N1,811,724.

On their part, officers on GL 15 - S1 will receive an annual salary of N1,778,616 and on terminating at S9 will receive N2,363,140 while their colleagues on GL 16 - S1 will receive an annual salary of N2,197,677 and also on terminating at S9 will receive N5,452,136.

According to the Chairman of the NSIWC Chief Richard Egbule, the table which was approved by President Goodluck Jonathan, will come into effect from the date the President signed the new minimum wage of N18,000 last March.

Introducing the table, he said the "President of the Federal Republic has approved the adjustment of the Consolidated Public Service Salary Structure (CONPSS), with effect from 23rd March 2011." However, allowances were not captured in the table and also officers hardly get to Step 15 before they are promoted to the next GL (Okeke, 2011:1).

Another angle to the proposed amendment is the unnecessary and unduly increase in the cost of governance, which is already on the high side, as the governor of the Central Bank of Nigeria, CBN, Sanusi Lamido Sanusi, has alleged that the National Assembly, made up of just 469 members, consumes 25 per cent of the federal revenue. The proposed amendment, if approved and passed into law, would also create unhealthy rivalry and bitter political contests in both chambers of the National Assembly among the ranks of the lawmakers. This is because every lawmaker would aspire to become a principal officer of either of the chambers by all means, thus leading to unnecessary heating up of the polity, while in the meantime, the purpose for which the lawmakers are elected would now be relegated to the back burners.

Meanwhile, a member of the Kaduna State House of Assembly, Alhaji Muhammed Ali, has condemned the Senate's decision to provide for life pension for its principal officers, describing the decision as self-seeking. He said: "*I don't think they deserve it, judging from the kind of money they are earning at the expense of taxpayers. I think they are asking too much,*

Nigeria belongs to all of us. We are only opportune to be where we are. The action of the Senate is unacceptable (Omojologboju,2013:14)."

Human rights lawyer, Mr. Bamidele Aturu, lamented the wide gulf between the earnings of the citizens and their legislators, whom he described as "the idlest, yet earn the most in the world."

He said many states are yet to pay the N18,000 stipulated as the minimum wage in the National Minimum Wage Act, saying: "We are running a parody of democracy in this country. It is a democracy for the rich. The people are getting poorer for building a nation, while the politicians are getting richer for doing nothing.

Those who are not creating wealth in the country are sitting on the wealth of the people, and those who are creating the wealth, the workers, are being paid peanuts." The National Publicity Secretary of the United Progressive Party, UPP, Chief Ogbuehi Dike, asked the National Assembly to jettison the idea totally.

Since the overwhelming vote for this clause, analysts have continued to condemn it, describing it as wrong, indefensible and reprehensible. To a school of thought, the review exercise was supposed to have elevated the senators from the level of pedestal lawmaking to strengthening the nation's nascent democracy, but the Senate Committee on the Review of the Constitution, headed by Ike Ekweremadu came short of the expectations. This school of thought felt that instead of delving into issues of germane national importance, the lawmakers turned the exercise into self glorification. Political analysts believed that what the Senate did recently was to re-introduce through the back door what was thrown out when the upper legislative chamber attempted to increase the remuneration of former Presidents. A bill passed to this effect by the National Assembly in two previous sessions did not receive the required Presidential assent.

At the end of the Senate voting exercise last July, the Senate President, Mark, said that the voting was a historic exercise in the history of democracy in Nigeria. His words:

Today is a historic day in the history of democracy in this country. We have voted in what we believe and we voted for those issues that we think will ensure that democracy continues to mature and take a firm root in this country. Whatever emotions or sentiments people had to express we put them in practical terms (Omojologboju, 2013:14).

More worrisome is the fact that if this amendment sees the light of the day and becomes law, it will take retroactive effect, thus giving no fewer than 16 former principal officers of the National Assembly, dating back to the aborted Third Republic of the Ibrahim Babangida military era of 1992/1993 the life pension benefit. Already, there was a furore ongoing over the jumbo pay packet of the federal lawmakers, which had attracted outrage from concerned Nigerians.

A recent report by the London-based *Economist* magazine reportedly put the average earning of a Nigerian senator, excluding basic salaries, at N182 million while a member of the House of Representatives takes home N127 million per annum. The beneficiaries of the obnoxious amendment earn more, with the Senate President going home with N150 million every quarter or N1 billion annually. This excessive and unjustifiable earning is in a country where the per capital income is just \$2,700 or equivalent of N432,000. A breakdown of lawmaker earnings across the world revealed that Nigerian federal legislators with a basic salary of \$189,500 per annum (N30.6m) were the highest paid lawmakers in the world. The report also looked at the ratio of the salaries against the Gross Domestic Product, GDP, per person of each country.

The basic salary of a Nigerian lawmaker, excluding allowances is 116 times the GDP per person of \$1,600. Ironically, Kenya, which ranked second highest paid lawmakers in the world, earned only 48 per cent of what the Nigerian lawmaker earns. A breakdown of the details of the annual salaries of lawmakers in other countries are as follows: Ghana, \$46,500;

Indonesia, \$65,800; Thailand, \$43,800; India, \$11,200; Italy, \$182,000; Bangladesh, \$4,000; Israel, \$114,800; Hong Kong, \$130,000; Japan, \$149,700; and Singapore, \$154,000. While the Nigerian economy is not larger than \$300 billion, Nigerian federal lawmakers earn far more than their United States of America, USA, counterparts where the economy is in the region of \$15 trillion and per capita income of \$46,350 or equivalent of N7.4 million (See the Economist, 2013).

It is therefore, according to political observers, smacks of insensitivity of the highest order and selfishness on the part of ranking federal lawmakers, some of who has been in the corridors of powers for more than 15 years and have also been in the present dispensation since 1999, to position themselves to enjoy life pension, when over 70 per cent of the Nigerian population live below the poverty line. Perhaps, it is pertinent to compare the legislature pension system in America with what the federal lawmakers in Nigeria are proposing. In the US, lawmakers compulsorily must contribute a percentage of their earnings as pension when they are in the Congress and Senate.

Apart from this, before a lawmaker in the US could qualify for pension, he must have attained the age of 60 years or in the alternative must have put in 20 years in the Congress, if per adventure they retire at the age of 50 years.

Recommendations

The pertinent question the lawmakers need to provide answer to is: Why should lawmakers, including their principal officers, who do not contribute any percentage of their salaries to any pension scheme, expect to be paid from the treasury after retiring from an assignment, which at best should be a part-time job? The answer is that they should not be paid any pension except they are contributing and must have reached retirement age of a civil servant.

The proposal by the Senate was “undemocratic, and defeated the essence of representative democracy, and the paper advises that the Senate should redeem its image in the eyes of Nigerians by rescinding the decision.

For our lawmakers who are proposing life pension for their most senior officers, let them be guided by Socrates’ enduring aphorism that, “He who is not contented with what he has, would not be contented with what he would like to have.”

Our National Assembly members should, for a change, put country above their cravings for personal enrichment since it does no country any good. There was a time in this country when lawmakers were engaged on a part time basis with nothing more than sitting allowance as their due. Pundits have continued to canvass that as the way to go. This disposition is given vent to by the fact that most of our lawmakers have made themselves part time legislators. Hence the vacant sits we see during plenary and committees sections.

Non-the less, this shouldn’t just be just for the lawmakers, members of the executive arm should also take a cue from the worthy example of the Malawian President- Joyce Banda who gave up 30 per cent of her salary making her earn £26 000 instead of the £37 000 annual salary she was entitled to.

Conclusion

Some political party chieftains recently faulted the Senate's proposed alteration of Section 84 of the Nigerian constitution to provide life pension for past presiding officers of the National Assembly. The politicians told various media houses that since former lawmakers held elective positions to serve the country, they must have been generously remunerated and therefore, ineligible for pension.

It will be recalled that the Senate on July 16 held a voice vote to alter Section 84 of the Nigerian Constitution (as amended) by inserting a new sub-section 5(a) and sub-section 8(a).

The sub-sections sought to provide for remuneration for former senate president and his deputy, as well as the speaker of the house of representatives and his deputy. For instance, Alhaji Balarabe Musa, the National Chairman of the Conference of Nigeria Political Parties (CNPP) and former Kaduna State Governor, argued that proposing pension for past presiding officers was unjustified as they already received fat salary when they were in office. And therefore, for them to ask for pension, its insensitive; the implication of that is misuse of public funds and lack of national priority.

Will the National Assembly have its way and push through this unpopular proposed amendment? Or will Nigerians stand resolute and deny the lawmakers their self-serving proposal that would end up pauperising Nigerians more than they have been impoverished? This paper looks at the controversy trailing that decision. The paper examines this controversy, their implications and concludes by positing that since most NASS leaders had worked and retired elsewhere and do not need to get another pension. This is because you one cannot come and work for four years or eight years and will be asking for life pension. It will not do a country like Nigeria any good because our economy is not strong enough for such venture.

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