



AN ASSESSMENT OF THE ROLE OF NIGERIAN LEGISLATURE IN DEMOCRATIC CONSOLIDATION

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Abstract

This study examined the role of Nigerian legislature in democratic consolidation. The objective of the paper is to appraise the Nigeria national assembly and the role played to ensure Nigeria democratic consolidation process. However, it determines the roles played by the legislature in performing its oversight functions in Nigeria's Fourth Republic, from 1999 to 2023. Secondly, also demonstrates how this function and its legislative processes has helped in democratic consolidation. The paper also adopted the qualitative method of data collection. The data were collected from existing literature and thematically, analyzed in themes. The study established a direct and positive relationship between the role of Nigerian legislature in a democratic consolidation and stabilization in Nigeria. The role of Nigerian legislature in democratic consolidation cannot be overemphasized, because National Assembly revealed some salient issues which include the quality of the bills being passed, the enduring nature of democratic institutions built, and questions on good governance. Others are containing executive excesses, and the need for the stakeholders to also check on the legislature as they carry out their law-making duty at the National Assembly. However, ineffective pursuit of institutional building and the enhancement of democratic structures have negatively affected efforts at democratic stabilization within the ambit of the National Assembly. Some challenges militating against legislative stabilization on national development within the National Assembly were also identified and recorded in the main narrative. The study recommended that national assembly should pursue institutional building and enhancement of the existing ones as well as the sanctity/independence of the National Assembly in order to achieve a robust public policy for the Nigerian State and also the legislature should be financially autonomous and otherwise. Moreover, the degree of separation of powers should be improved and both the legislature and its staff should be trained frequently. Similarly, the paper concludes that there is need for the research improvement in the Nigerian National Assembly.

Keywords: Democratic Consolidation, Fourth Republic, Legislature, National Assembly, Democracy

1. Introduction

The Legislature is a pillar of democracy in advanced and transitional democracies, and this is because of their role in making law through popular mandate, control of public funds and its oversight of other levels of government to promote accountability and transparency. Hence, as representatives of the people, they hold a sacred position as voice of several constituencies. Moreover, the legislature exercise powers on the sovereignty of the people.

Similarly, it has been debated that if effectively carried out, the oversight responsibility of the legislature can consolidate democracy. This is because the legislature is one of the arms of government which is highly hoped to strengthen democracy (Izah, 2019). Consolidation involves both the eradication of the remnants of the dictatorial regime that is unsuitable for the working of the democratic system and the establishment of protocols and practices that will ensure transparency and accountability in the political system. In Nigeria, few scholarly studies have been conducted on legislative oversight, most especially in ensuring

democracy (Izah, 2019; Yusuf, 2020). Study suggests that whole oversight is the symbol of how well the democratic system is working as it proves how government responds to failures and gaps in policy-decision and implementation (Griner, 2018).

It is pertinent to note that there are good number of studies on the oversight function in Nigeria which includes among others; oversight in curbing corruption (Alabi & Fashagba, 2019), the study of legislative oversight under presidential system (Jacobs & Olaore, 2016).

Fourth Republic is a period of democratic rule from 1999 to date and probably beyond. It is the period of peaceful transition from military regime to democratic government, and also it is the longest democratic regime in the political history of Nigeria.

The selection of the period between 1999 and 2023 is justified on the ground that it represents five tenures of administration in the Fourth Republic which is enough for the assessment of oversight and democratic consolidation.

2. Literature Review

2.1 Conceptual Issues

Democracy: the concept of democracy has no single definition, but one of the most popular definitions is that of Abraham Lincoln (1809-1865), where he defined it as “*government of the people, for the people and by the people.*” Appadorai (2005, p.137), sees it as “*a system of government under which the people exercise the government power either directly or through representatives periodically elected by themselves.*” Robert Dahl (cited in Ogbu & Ladan, 2015, p.2), pointed out that “*democracy requires not only extensive political competition and participation, but also substantial levels of civil liberties and pluralism that enable people to form and express their political preferences in a meaningful way.*”

Nigerian Legislature: The Nigerian legislature is the law-making arm of government at both federal and state

levels. At the federal level, it is known as the National Assembly, comprising:

- i. The Senate
- ii. The House of Representatives

Its powers are derived from the 1999 Constitution of the Federal Republic of Nigeria. The legislature enacts laws that regulate governance, elections, and public administration. In Nigeria, laws such as electoral reforms and anti-corruption statutes have helped strengthen democratic institutions and processes.

Democratic Consolidation: Democratic consolidation involves strengthening democratic institutions, ensuring rule of law, promoting accountability, and preventing authoritarian regression. A consolidated democracy is one in which democratic norms and practices become deeply rooted. According to O’Donnell and Schmitter put it, the “procedural minimum” of democracies, namely, Secret balloting, universal adult suffrage, regular elections, partisan competition, associational recognition and access, and executive accountability.

Governance: United Nations Commission on human rights sees governance as the process whereby public institutions conduct public affairs, manage public resource and guarantee the realization of human rights. Governance accomplishes this in a manner essentially free of abuse and corruption, and with due respect and regards for the rule of law. The true test of good governance is the degree to which it delivers on the promise of human rights. The key question is the institutions of governance effectively guaranteeing the right to health, adequate housing, sufficient food, quality education, fair justice, and personal security (HRD 2003:1). In the same manner, UNDP (1999) holds that governance is all about effective and transparent leadership that produces results which together transform the socio-economic conditions of a nation. The objective of good governance is human development with equity and social justice, development of capacities that gives priority to the poor, advances women, sustains the environment and

creates needed opportunities for employment and other livelihoods.

2.2 Theoretical Framework

Institutional agency theory propounded by Barry Mitnick is adopted in this paper as a framework of analysis. Mitnick as a political scientist has focused on the insight of the institution as an agency and he responded to the issue of its imperfection. Mitnick (2019) observed that society holds the responsibility of institutional creation and the imperfection exhibited by the institution and therefore it is its responsibility to manage all imperfections. The theory provides an understanding of the role of supervision, controlling and overseeing in the system of democracy and its design from the angle of the principal-agent relationship.

Accordingly, a democratic regime in Nigeria under the presidential system is characterized by the relationship between electorates (principal) and legislature as an agent and the relation between the legislature and the executive as agents.

There is a comprehensive separation of powers in the presidential system among organs of government, as it is in the organizational ownership between the owners and managers. The assumption of the theory is that opportunistic managers may not report exactly the performance of the firms, and this may result in the ineffectiveness of the organization, just because of the information asymmetry between the owners of the firm and the managers (Sulaiman & Khair, 2015). This also can be applied to the relation of electorates and executive in democracy.

The emphasis of the theory is on how to prevent self-interest managers or more appropriately the executive and other government departments from deviating from the rule of law and due processes. Any legislative that refuse to comply with the rules and regulations or policy provisions of the system should be forced to comply.

Therefore, to avoid the occurrence of this imperfection, the owners or electorates must appoint or elect their

representatives to act on their behalf. More so, it is the social responsibility to manage the imperfection in the relationship.

The role of agency paradigm in the democracy is to understand the role of supervision, controlling, and monitoring of the executive branch by the legislature. The logic of the theory is that legislative oversight must be developed to control the system. The sovereignty belongs to the principals (electorates), who elect the legislature as their agent and representative to oversee the activities of government. And for the legislature to perform its responsibilities, it must develop an oversight tool, such as site visits, investigation, Question Time (QT), committees of oversight inter alia. Oversight, as used in the context of legislative work, refers to some form of legislative supervision, monitoring and watchfulness of authority delegated to executive entities. It encapsulates parliamentary review, supervision and monitoring of governmental agencies activities, programs and policy implementation. Moreover, oversight occurs in wide variety of activities including hearing and legislative investigation by standing committees, and appropriation. It is their function to make sure that existing programs are implemented and administered effectively and efficiently.

3. The Impact of Nigerian Legislature in Democratic Consolidation

Democracy in Nigeria was first operated in the first republic (1960-1966), under a parliamentary system of government (Godwin, 2003). The collapse of civil democratic rule after independence in January 1966 was followed by 13 years of military rule. Civil rule resumed for four years (1979-1983) after hand-over in 1979, only to prove another brief civil interregnum, to be followed by 16 straight years of harsh military rule.

According to (Okongwu, 2019:87), that period, the second bout of military rule (1983-1999) was home to the most traumatic period of our country, since the tragic civil war. It witnessed three military coups (1983, 1985, 1993), three attempted coups (1985, 1990, 1997),

an annulled presidential election (1993) and the death in office of a sitting military head of state (1998). After all these tumultuous events, the Nigerian military had sapped itself and burnt its goodwill over a costly political adventure. Accordingly, there was again another civil rule that came up, following political elections conducted in 1999 by Gen. Abdulsalami Abubakar's Government, in which Olusegun Obasanjo was elected the president.

Also, the Legislature has an important responsibility in the creation of people-oriented public policy, and in the monitoring of the implementation of such by the Executive, because it is only when it works in unison, devoid of rancour, that it can actualize the greatest possible good for the greatest number of people, within the shortest period of time.

The immediate responsibility of the Legislature, if it is to play its expected role in consolidation of democracy, is to strengthen and build its own internal capacity in several domains. These include building its capacity especially the key legislative committees to effectively engage in policy analysis, budget analysis and monitoring, and in the oversight functions of the Executive, etc. Further, legislators are constitutionally charged with the responsibility of appraising themselves in the area of law-making, representation and oversight functions, aimed at ensuring a virile democracy on ground. More essentially, the Legislature plays the role of deepening democracy by ensuring that citizens and the civil society are brought into the mainstream of public policy and are given the fair hands to execute such policies (as and when due). Consolidation of democracy requires the strengthening of democratic infrastructure, subordination of the polity to the rule of law, strengthening of party politics and political education, supporting electoral institutions, encouraging debate and dialogue in the resolution of disputes, Provision of some social services and liberalized economy. However, in Nigeria, as democratic forms of politics were re-introduced on the back of the collapse of military and single party rule in 1999, greater political premium was placed on the National Assembly placing tremendous consent on its

role, in the building and consolidation of democracy in the country's politics and governance.

The National Assembly should be willing to make sacrifices at any point in time and not just allocating a huge percentage of the nation's overhead cost to themselves. Government should address key reform issues in order to advance infrastructure development and broaden the economic base through enhanced private sector participation. Members of the National Assembly should make the right policies that will enhance the welfare of the electorate. Legislative engagement and partnerships with the civil society provide the keys to ensuring that citizens become part of the process of change that is envisaged for them, they can be initiators and executioners of the development in which they are the principal beneficiaries.

Democratic gains and consolidation will then be the overall outcome. What would guarantee democratic consolidation in Nigeria will be a confluence of three things; first is re-examining the idea of a true federation, as presently practiced in Nigeria, in terms of political and administrative management, Nigeria currently tends towards a unitary state. The federal idea should be reclaimed with considerable degree of political and economic decentralization to sub-national units. The second dimension is to begin to rebuild institutions and strengthen them. The two foregoing issues will have to be accomplished through a process of constitutionalism. The third dimension of democratic consolidation has to do with the economic bases of society.

The triple cord of economic growth, distribution and social welfare must go hand in hand. Extreme and pervasive poverty constitutes a threat to democracy. It is when this socio-economic context is re-engineered, can the politics of constitutional democracy begin to germinate and take firm root in Nigeria. Members of the National Assembly seem to have forgotten or deliberately refused to admit that we have so many problems that need their attention as lawmakers. For instance, we have an educational system essentially elitist but advertised as popular and mass oriented,

which guarantees that most Nigerian young people cannot practically hope to have more education that is required for them to join labour reserve in the rural and urban countries. We must be able to ask our elected representatives the kind of policies they are formulating for us in terms of education, health care and infrastructural development as well as the integrity of elections and legitimacy of authority in all the three tiers of governance.

4. Challenges of Democratic Consolidation in Nigeria

i. Corruption

Corruption constitutes one of the greatest challenges and threats to the democrat consolidation in Nigeria. Democratic governance in the Nigeria at the moment to a large extent has failed to guarantee minimum conditions of governance, deliver democratic dividends and development (Omodia & Aliu, 2013).

The failure of democratic governance is evident in the persistent problems of food shortages, unemployment, insecurity, lack of potable water, inaccessible health care, bad roads, lack of qualitative education that plague most Nigerians.

Political corruption has assumed an unprecedented dimension in the polity since the return to democratic governance in 1999. The weak and defective nature of institutions of accountability and transparency partly explains the widespread nature of corruption in the polity (Aliu, 2013). Given the revelation by the Economic and Financial Crimes Commission (EFCC) that billions of dollars of public funds have been stolen by politicians and government officials since the return of democratic governance, it is safe to argue that corruption, to a large extent is supervised mostly by people entrusted with public office and institutions in Nigeria. For example, some former State Governors in persons of Chief Lucky Igbinedion, an ex-governor of Edo State was convicted in 2008 for stealing more than \$25 million of public fund (Human Right Watch, 2011), while James Ibori, a former governor of Delta State was convicted in Britain in 2012 for defrauding the state of

nearly £50 million (BBC, April, 2012), Senator, Orji Uzor Kalu is convicted for 12 years for corruption (Premium Times, March,(2020), Senator Josuha Dariye is convicted for corruption and serving 10 year jail term(Premium Times, March, 2018) and many more just to mention but a few.

ii. Long History of Authoritarian Rule

The challenges of democratic consolidation in Nigeria cannot be dissociated from the country's long history of authoritarian rule. This entrenched a political culture and molded a political class that has succeeded in outliving that era. Long years of military rule after 1966 civil war evolved under a political leadership which neither shared a common vision nor was able to articulate a substantive political agenda for its development. This allowed the individual interests and aspirations of the ruling class to define the political game, while corruption opportunism and materialism flourished. The character of the ruling elites are core to the failure of democratic governance of Nigeria to produce great dividends of democracy to the majority of Nigerians. Nigerian by virtue of its historical, socio-economic and political conditions is fashioned to perpetuate elite exploitation of the socio-economic and political space and resources, protect foreign interests, promote ethno-regional and religious antagonism and undermine popular participation in the development and governance processes' (Aliu, 2014: 7).

iii. Lack of Free and Fair Election

One of the tenets of democracy is orderly change of government through credible, free, fair and periodic elections. Since restoration of democratic rule in the country, change of government has been orderly while elections have been periodic. Between 1999 and 2019 three different civilian administrations have emerged and there have been three successive transitions from civilian government to another (Obasanjo Administration, 1999-2007, Yar'adua/Jonathan Administration, 2007-2011; Jonathan Administration, 2011 to President Muhammadu Buhari, the current President). This also applicable to the legislature, since

1999 the country has successfully passed through three Legislative Houses both at the centre and the component units (states). However elections in the Nigeria have been characterized by monumental irregularities and malpractices which magnitude increases with every election. Institutions of state such as the police, the military and the electoral body are alleged to collude to manipulate the electoral process in favour of certain candidates. Apart of election being one of the cardinal principles of democracy or democratic process, free, fair and credible elections are central to the consolidation of democracy because it defines the degree of freedom exercised by the people in selecting who represent them in government. But this has not been the case in Nigeria as the system is manipulated in favour of certain individuals and political parties (Ogbonnaya, Omoju & Udefuna, 2012).

The reality is that everywhere in politics sitting governments or ruling parties do not lose elections easily (Amuwo, 2009) by reason of the level of manipulation of the Government in power. For the politicians, leaving office by losing election is like a death sentence or losing a means of livelihood and so misgivings abound in the political atmosphere. When the contexts of the misgivings are detached and the national interest placed above primordial, personal and party interests in a democratic setting it leads to the smoothening of the process of Democratic consolidation. The history of Nigerian elections has been a history of electoral fiasco in which the outcome of such elections are usually subject to disputations and litigations. Disputations and litigations are even the minimal ways of describing the hostilities that characterize the outcome of Nigerian elections. However, a new leaf was turned with the outcome of the 2015 presidential election in Nigeria when the immediate acceptance of the outcome by the then sitting President, President Goodluck Ebele Jonathan who was defeated in the election and some credibility and positive dimension was added to the culture of elections in Nigeria.

5. Conclusion and Recommendations

The legislative effort at democratic consolidation for an enhanced national development in Nigeria revealed some salient issues which include the quality of the bills being passed, the enduring nature of democratic institutions built, and questions on good governance. Others are containing executive excesses, and the need for the stakeholders to also check on the legislature as they carry out their law-making duty at the National Assembly.

The Nigerian legislature plays a crucial role in democratic consolidation through its law-making, oversight, and representative functions. While it has contributed significantly to sustaining democracy since 1999, its full potential is hindered by challenges such as corruption, executive interference, and weak institutional capacity. Strengthening legislative independence, improving transparency, and enhancing accountability mechanisms are essential for deepening democratic consolidation in Nigeria.

The study further revealed some of the effects of legislative stabilization on national development using the National Assembly. Accordingly, the effects centers around wastage of manpower and resources of the Nigerian nation resulting from either the inability of members to initiate quality bills or contribute with constructive ideas in turning the submissions from others into a better bill. However, ineffective pursuit of institutional building and the enhancement of democratic structures have negatively affected efforts at democratic consolidation within the ambit of the National Assembly.

The paper therefore recommends that the National Assembly in particular and the legislatures in general should:

- i. Pursue institutional building and enhancement of the existing ones as well as the sanctity/independence of the National Assembly.

- ii. Strengthen legislative independence from the executive, Improve transparency and accountability within the legislature, and Promote active constituency engagement
- iii. Create additional platforms for educating and providing support for the newbie's in the National Assembly for optimum performance and also enhance capacity building for lawmakers
- iv. Create channels through which all relevant stakeholders could be reached, consulted, and have them suggest grass root concerns that could be tabled at the floor of the National Assembly.
- v. Create a platform through both experienced and inexperienced law makers could constantly interface. This will enhance hasty learning for the less experienced ones.

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