

## **National Assembly and Democratic Consolidation in Nigeria's Fourth Republic: Functions and Operations (1999-2015)**

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### **Abstract:**

*This research explores the role of the National Assembly in the process of democratic consolidation in Nigeria's Fourth Republic. Since the re-emergence of representative government in 1999, the National Assembly in Nigeria has undertaken various measures in national issues, to redefine and reform some of the acts, especially those related to election, governance, and development. These measures theoretically have an impact on the continuity and relative stability of the current Fourth Republic. The paper engages in the semi-structured face-to-face in-depth interviews with relevant informants. What follows, ultimately, is to show the factors that are responsible for the legislature backlash in performing their functions in the present Fourth Republic. In so doing, the study suggested that the improving executive-legislature relationship, transparency, and capacity building of the legislature, through training and re-training, perhaps are only ways of improving Nigerian democracy in the National Assembly.*

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**Key words:** Legislature, Democratic Consolidation, Fourth Republic, Functions, Operation.

## 1. INTRODUCTION

The legislature is one of the arms of government which came about as a result of the democratic project, not only in Nigeria but around the globe in all other countries practicing democracy. Europe has already advanced, Western African countries have undergone transitions, and several countries in the sub-region are rapidly in democratization, establishing democratic institutions, electoral institutions, political parties and governments with three arms; executive, legislature, and judiciary. There is no doubt in saying that each one of the three arms of government is expected to make its enormous contributions to the development of the democratic project of any country.

Since last two decades when the transition to democracy began in central and Eastern Europe, Asia and Latin America, scholars in political science have increasingly focused their attention to those institutions which could likely help in the consolidation of democracy in countries in transition (Stepan & Skach, 1994). Therefore, attention is needed to study the roles of these institutions of government in consolidating its democratic system, but it will be more important to look at the arm of government which has more democratic activities unfolding within it than others. Mahajan (2012) argues that the most significant of all organs of government is the legislature, significance in the sense that, it is the laws made by the legislature that are enforced and interpreted by the executive and judicial organs respectively. It has been also argued that the legislature is an institution that is highly expected to ensure democracy (Izah, 2013). Most especially through its oversight function, the legislature is representing the people; it

holds the government to account on behalf of electorates, these functions if effectively carried out will serve as strong tools in checking the tendency of the executive towards dictatorship.

In general, focusing on the role of the National Assembly must remain basic and pivotal if not a central theme in studying not only the progress of democratic consolidation in question but also the quality of the democratic project, most especially in Nigeria. This is because politically the National Assembly can be considered as a device which makes governance, responsible and responsive to electorates, more specifically, the hallmark of democracy. It has been posited by various Scholars that, robust democracy relies on the strong legislature as their functions are essential features of strong democracy. And yet, the deficient function leads to the inefficient legislature that cannot consolidate democracy (Ahmed, 2011). This may tend to make ineffective legislation, representation, and oversight. The legislature is also unarguably considered as a credible third branch of government (Barkan, 2009). In like manner, the weak house of assembly will inevitably expose democracy to political instability and erosion (Fish, 2006).

Previous research on democracy in most of the African countries focus on the role of the executives and the judiciary in advancing the democratic project (Sender, 2014). With the emergence of military dictatorship in most of the countries, academic interest has drastically reduced in the legislature in Africa. However, the wave of democratization has activated the renewal of academic interest in the study of the legislature, albeit, few empirical studies have been conducted on the role of the legislature in the democratic effort and engineering (Bolarinwa, 2015).

The theoretical link between elections and democratic consolidation has been exhaustively researched in the extant literature with an inconclusive outcome. However, the

relationship of the legislature and democratic consolidation has been sparsely investigated, essentially, this paper aims at filling that void. In Nigeria, the premature collapse of First, Second and aborted Third republics produced extensive scholarly views about the demise of those democratic experiments. The Fourth Republic is one of the democratic experiment since late 90's with relative longevity. In view of this progress, this paper sets out to study the role played by the legislature in democratic consolidation in the Fourth Republic 1999-2015.

## **2. LITERATURE REVIEW**

### **2.1 Legislature and Democratic Consolidation**

The legislature as a constitutional institution of democracy have roles to play in the consolidation of democracy, however, its role is debatable and contested. There exists a significant scholarly debate on the role of the legislature in consolidating democracy. It was argued that the role of this institution is significant in making democracy virile and strong, some believes that its roles in a democracy are superfluous, while others consider it relatively insignificant in the path of democracy (Liebert, 1990).

In a study of parliament and democratic consolidating of Senegal, Thomas and Sissokho (2005) have identified the role of parliament through its functions and operations such as representation, constituency services legislation oversight and appropriation. The paper reveals that like other African countries, the Senegal National Assembly has not played a significant role in legislation, oversight, and appropriation., but they have a strong role in the constituency services. These were achieved through lobbying the executive branch to finance projects in the legislator's constituencies. This clearly demonstrated that Bangladesh parliament is weak in oversight,

appropriation, and legislation functions. It was generally being observed, most especially in American literature that, the legislators drive much electoral reward in servicing their constituency than other functions (Balla & Deering, 2013).

Ahmed (2011) asserted in his study of the role of parliament in democratic consolidation in Bangladesh, that the institution in Bangladesh is making a progress in the path of democratic consolidation by taking some measures, it undertook several steps to redefine its relationship with other actors like an executive and concomitantly reformed its procedures. The reform has some important contributions in strengthening the system of democracy in the country. In the paper, the author identifies properly the drawback of the said reform and how it will affect democratic consolidation and its positive potential in the institutionalization of parliament.

In Nigeria, it was observed that the legislature in the beginning of the Fourth Republic was largely premature institution and inexperienced, this was because it has been the victim of military incursion in the political history of Nigeria and this has so much contributed in overdeveloped executive and the government that is executive centered in term of responsibilities and functions. Furthermore, there is an unprecedented friction between the legislature and the executive which has a devastating effect on democratic consolidation. For instance, during Obasanjo regime who came from a military background, the impeachment of public officers has become a frequent political phenomenon. Existing literature observed that, from 1999 to date, in Nigeria, about 25 speakers, 10 deputy speakers, two Senate presidents, five governors and 10 deputy governors were impeached, while president Obasanjo and his deputy Atiku Abubakar have survived various impeachment attempts (Oni, 2014).

Nijzink, Mozaffar & Azevedo (2006) in their investigation of 16 African countries on whether parliaments

have an institutional capacity to improve democracy, similarly, what are the perceptions of the African citizens on their representatives? The study pointed out that the relative capacity of African parliaments to promote the quality of democracy, perhaps, is because of lack of autonomy and relative institutional capacity. Moreover, the perception of the overall electorates in African state is not greatly dissatisfied with their representatives, but there are prospects in several ways if the parliaments improved their contact with the public, and the ability of institutions to assert themselves.

Okeke (2015) observed with the coming of Buhari as president, such executive attitudes towards the legislative is no longer presentable as the characteristic of Nigerian democracy. In fact, even during Aminu Waziri Tambuwal the former Speaker of the house, Okeke (2015) asserted that there is progress in the activities of the legislature in terms of independence and principle of separation of powers.

Contrary to the general perception of African legislature, that the institutions are weak and powerless, in Nigeria, there is a great sign of progress in in the activities. Indeed, Lewis (2009) asserted that the Nigerian legislature has exhibited unprecedented autonomy and increasing prospects, and broader reach, as an institution of lawmaking and as an instrument of policy reform.

### **3. METHODOLOGY**

This paper employed qualitative methods of data collection and analysis. In-depth face to face interview was conducted. Braun and Clarke (2013) asserted that interview can be used for exploring understanding and perception. Accordingly, purposive sampling strategy was employed on the basis that the informants can be able to provides rich information (Braun & Clarke, 2013; Creswell, 2012). Therefore, Using the maximum

variation sample from purposive sampling technique, 11 informants were recruited for a face-to-face semi-structured interview. Equally, relevant informants were recruited from the legislature and different organisations that are closely working with National Assembly. The informant consists three from National Assembly (NASS), two from National institute of Legislative Studies (NILS) which are experts in legislative studies. Similarly, two informants from Civil Society Organizations (CSOs), two from Media and two staff Ministries, Department and Agencies (MDAs). The data were analyzed after transcription, coding, thematic organization and representation. The paper is interpretative in its approach.

**Table 1: The codes and the category of Informants**

Code	Interpretation	Frequency
A	Members of National Assembly (NASS)	3
B	Researchers from NILS	2
C	Staff from MDAs	2
D	Members of CSOs	2
E	Media	2
Total		11

**Table 2: Showing Numbering of Informants**

Code	Informant Designation	No. of Frequency
A	Senator	1
	House of Representative	2
	House of Representative	3
B	Research Fellow	1
	Research Fellow	2
C	Director PRS	1
	Administrative Officer	2
D	Executive Director Officer CISLAC	1
	Executive Director PLAC	2
E	Journalist	1
	journalist	2
Total		11

## **4. FINDINGS AND DISCUSSIONS**

This section focused on the analysis and discussion of the findings of the research. The legislative activities that have improved democracy from 1999-2015 were analysed in thematic form. Several issues were discussed in the section. The challenges that are militating against the conduct of the NASS activities were dispassionately analysed and discussed.

### **4.1. Legislative Activities and Democratic Consolidation**

There has, however, an improvement in the conduct of the National Assembly in the Nigerian Fourth Republic 1999-2016 (Hamalai, 2015). The legislature in the current republic enjoyed more constitutional powers than their predecessors. They have also stayed longer and appeared to be more assertive and vibrant than those in the previous republics (Tom & Attai, 2014). The sessions of NASS in the present democratic experiment and engineering differed with those in the previous truncated republics in many respects. In terms of influencing the decision and the capacity to control executive. The legislature in the current dispensation has made several laws that touch the lives of Nigerian. "They have contributed in strengthening democracy on several positive roles, such as the introduction of electoral reforms in 2006 and 2010 respectively" (informant B1). These have accounted for the emergence of a new party (APC) as a ruling party, after 16 years of Peoples Democratic Party (PDP) ruling.

The electoral reforms taking place in a piecemeal in National Assembly has impact in the country democracy, most especially in the general election that took place in 2015, the Independent National Electoral Commission (INEC) under Professor Attahiru Jega has really performed well in the conduct of recently concluded elections (Oji, 2015; Araba & Braimah, 2015; Abah & Nwoku, 2017).



Furthermore, in the findings the informants A1, A3 B1, C2 and D1 expressed that the legislature has played a pivotal role in enacting bodies that are fighting corruption, like, Economic, Financial Crime Commission (EFCC), and Independent Corrupt and other Related Practice Commission (ICPC), and the laws that established many agencies, this has collaboration with the existing studies like, Tom & Attai (2014) and Ewuim, Nnamani & Eberinwa (2014). Besides, there are provisions of many acts which stabilized the conduct of public service and the polity in general, like Money Laundering Provisions Act (MLP), Fiscal Responsibility Act (FRA), despite the existence of the Mid Term Expenditure Framework (MTEF), this was supplemented by the previous study by Sam-Tsokwa, A. T., & Ngara, C. O. (2016).

Similarly, according to the findings from the interview generated, the legislature has no doubt responded to the issue of national unity. Indeed, during numerous challenge of Niger-Delta crisis, NASS has been in the forefront in stabilizing the country' polity by accomplishing certain acts. Probably, the two legislative responses are the most useful and more active in promoting peace, namely, the Niger-Delta Development Commission act, 2000 act and the Revenue Allocation (Abolition of Onshore-Offshore Dichotomy) Act, 2004. Moreover, to bridge the inequalities in term of education and access to any socio-economic opportunities, the legislature enacted an education act, 2004 for compulsory free education (Ewuim, Nnamani & Eberinwa 2014). The act encourages an intergovernmental relation, where the Federal Government intervened in basic education.

Accordingly, the informants have discussed that the National Assembly is assertive and proactive in curtailing the excess and dictatorship of the executive, for instance the attempt by the president Obasanjo change constitution which

among other thing elongation of tenure is inclusive. During the interview an informant affirmed that:

“The National Assembly in the present republic has come to asserts itself, in controlling and oversight of executive, most especially during the time that everybody will tell that Nigeria need intervention, for instance in 2006, the attempt by President Obasanjo to elongate his tenure using Constitutional reform. If not because of the National Assembly, we would have something not democracy” (Informant B1)

In collaborating the above submission, the informants A3, D2, E1 and E2, concurred that in 2006, during the Obasanjo's regime and his project of tenure elongation or more specifically third term agenda, it was the National Assembly that ended the agenda in the fiasco. If not because of their timely intervention, we would have something else, not a democracy. In a similar line, informant E1 expressed that when President Umaru Musa went outside for a medical trip without power transition to his deputy, it was NASS that invokes the doctrine of necessity which leads to the emergence of Good Luck as Acting President. This has helped stabilize the Nigerian democracy. According to Omotola (2006) and USAID (2006) the third term agenda of Obasanjo had symbolized undemocratic practice in Nigeria. Accordingly, the rejection of the constitutional reform motion in 16<sup>th</sup> May 2006 by the Senate Chamber of Nigeria has been celebrated by many as great victory to the democracy (Omotola, 2006; Egwu, 2014). However, some of the informants presented contrary views that the issue of third term reversal and the invoking of the doctrine of necessity are not pursued by the legislature for the interest of the country. It was accidental, they did so because of their political career.

With regards to the above improvements in the Nigeria Democracy and the roles played by the National Assembly,

most of the informants expressed the same views and opinions, that there is this development. Contrary to the above, there is a divergence of views, that the legislature is self-serving centered politicians. Most of their legislative activities are riddled with corruption and lack of transparency. Sagay (2010) argues in that respect, that the legislature is just serving their personal interest, most especially regarding their take-home pay.

Going by the above submissions and analysis, one can deduce certain elements of improvement in the conduct, operations and activities of National Assembly compared with previous ones, and this has contributed in the relative stability of the Fourth Republic.

#### **4.2. Challenges**

There are several challenges that impedes the functions and operations of the National Assembly in Nigeria, the informants have lamented that there are lack funds and financial autonomy. The work of NASS requires a huge amount of money, like organizing investigative public hearing, visits, and inspections among others. The degree of Separation of Powers is often low, there is an interference from the executive most especially between 1999 to 2007.

Moreover, the corruption in the NASS is really affecting their performance and the citizen perceptions. Similarly, there is an issue of non-compliance from the ministries in performing a legislative oversight function. Some individual legislators have low levels of education, there is needs for training and re-training to improve the quality of legislation. Similarly, the research staff of NASS is not motivated, and this also affects the performance of NASS in improving the quality of governance.

In similar vein, there a set of issues raised by the informants, such as paucity of facilities like research facilities, vehicles, office space. Others includes late budget submission

by the executive among others. In collaboration with these challenges Hamalai (2014) has mention similar challenges.

## **CONCLUSION**

Probably, for the NASS members to perform their function effectively, the level of Separation of power should reduce executive interference, also the relationship between the executive and the legislature should not be that of conflict. There is a need to foster harmonious relationship as prescribed by the law of land. Similarly, the legislature must be accountable and transparent to the people, the level of the corruption in NASS is alarming, the institutional framework should be able to tackle corruption internally. For the legislature to improve democracy and good governance, training is to be given a priority.

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