

Democracy, Legislature and Nation-Building in Nigeria' s Fourth Republic

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Abstract

The role of legislature in nation-building cannot be overemphasized globally. In Nigeria, the contributions of the legislative arm of government have been characterized with controversies since the country returned to democratic rule since 1999. Some argue that the contribution of the legislature has significantly improved the democratic process in Nigeria while some have contrary views on this assumption. It is against this background that this paper evaluates the activities of the legislative arm government in Nigeria. Relying on secondary data, theoretical model of analysis is adopted to argue that the Nigerian legislature has contributed immensely towards the promotion of socio, political and economic activities in the country based on some critical local variables. With those performances, the paper observed that many Nigerians were claimed to be ignorant of those performances due to some critical factors. Consequently, the paper concludes that as one of the sensitive arms of government, Nigerian Legislatures needs to be pro-active and more sensitive in the cause of performing their constitutional responsibilities in the parliament in order to be seen as a tool for nation-building in the country.

Keywords: Democracy, Legislature, Nation-Building, Fourth Republic.

Introduction

The legislative arm of government is a major institution of the state established towards the promotion of democratic governance across the globe. It is an institution where people directly involved in the democratic process through their elected representatives. The institution is significant to democratic sustainability and serves as a means of checkmating the excesses of other arms of the government. The institution also makes law and performs oversight functions. The institution is the most representative arm of government that represents the political arena in which society' s divergent interests and tendencies compete for expression, influence, and relevance. As observes by Animashaun (2014), the legislature is widely regarded as the voice of the people in all democratic settings. The legislative arm of the government has been recognized as the hearth of liberal democratic tradition and core ingredient underlining the representative character of democratic governance in the post-classical democracy.

In Nigeria, Fashagba (2009) argues that the constitutional responsibilities of the legislature cut across the federal, state, and local governments. The legislature performs major responsibilities of making law and approving financial requests of the executive. However, to limit the scope of this study, this paper dwells on the National Assembly as the only central legislative body constitutionally empowered to make law for Nigeria as a federal state with the bicameral legislature. However, since 1999 when Nigeria returned to democratic rules, the legislature is enduring un-interrupted legislative activities where the legislative powers, duties, and functions are well spelled out in section 4 of the 1999 constitution. This conferred on the National Assembly the provisions for the exercise of legislative powers in the federation to achieve good governance, democratic sustainability, and nation-building.

However, Jateline (2010) avers that controversy shrouds those constitutional responsibilities when some people believed that the nation' s parliament has impacted negatively on socio-economic development in Nigeria. But, some Nigerians were of the opinion that the institution has not been too much committed to the wellbeing of the people as a pillar for democratic progress in the country. It is in line with this thought that this paper utilized the data obtained from the secondary sources to examine the topic under review. It was analyzed by using a descriptive approach to appraise the role of the legislature towards nation-building in Nigeria' s fourth republic.

Review of Related Literature

Democracy

Democracy, which is derived from the Greek word *demos*, or people, as revealed in the literature is defined as a form of government in which the supreme power is vested in the people in the society. It consists of practices and procedures that have been model through a long, often tortuous history base on the institutionalization of freedom. Uday (2010) notes that democracy encourages society to see freedom as the ultimate guardians of their own lives which forge their path toward an ideal set forth in the society and it is a means through which the people exercise their constitutional rights to choose their leaders and hold them accountable for their behavioral conduct in the office. Democracy also allows the people to choose between competing parties in a regular, free, fair, and credible election. It is a way of protecting basic human rights such as freedom of speech, religion, the right to equal protection and the opportunity to organize and participate fully in the socio-political life of society. Resnick (2011) argues that democracy is more than just a set of specific government institutions, but it rests upon a well understood group of values, attitudes, and practices all of which take different forms and expressions among cultures and societies. It is a form of government in which power and civic responsibility are exercised by citizens through their freely elected representatives. Democracy rests upon the principles of majority rule and it is a form of government that embraced competitive election with the basic ideology that gives absolute rights to the people in the cause of choosing their representative in a competitive election. In a democratic state, every adult always has the opportunity to be elected to a governmental position and they also have the constitutional right to vote for their preferred candidates. In a nutshell, democracy means a form of rules exercise by the people for the benefit of the people and for the betterment of the state. It is a way through which people partakes in the decisions that affect the way their community is being administered the ruling actors.

Legislature

The legislature is an assembly of elected representatives of the people with constitutional power to make laws for the generality of the state. The legislature is an important aspect of government in the act of separation model of governance. According to Steven and Matthew (2009), the legislature is generally referred to as an official body of the state, chosen through the competitive election with the constitutional mandate to make law, carry out oversight functions, and possess the power to represent various constituent units. The legislature is a constitutionally recognized body of the people with formal authority to pass laws, which are implemented and interpreted by the executive and judiciary. It is a vibrant institution vested with the power of making law for the generality of the people through which the will of the state can be perfectly achieved and attained.

Loewenberg (1995) argues that the legislature is constitutionally empowered among various institutions of the state. The legislature observes and steers governing actions which usually have exclusive authority to make and amend the constitution and carry out an oversight responsibility on behalf of the people. The legislatures are very crucial in enforcing accountability and responsibility in any democratic setting with an oversight function that prominently appears to preoccupy modern legislatures. They are most popularly elected by the people to represent a constituent unit in the parliament. They engage in an oversight function by scrutinizing the finances of the government and ensuring that the national budget is properly implemented. The institution is also engaged in the lawmaking process that involves the passing of motions into resolutions and bills into laws that depending on certain circumstances that warrant such responsibilities.

Nation-Building

Nation-building is a process of enhancing the capacity of the governmental institution towards building a state. As argues by Paul (2006), nation-building concerns with the democratic capacity of the state and its people often overlooked in favour of reconstruction of the state concerned. It is a means through which nations come into being with aims of total unification of the people within the state so that it

remains politically stable and remain viable all the time. Nation-building is an effort to build institutions and practices that allow people to govern each other in a peaceful and in a prosperous way. It requires nurturing a sense of community where none previously existed or has been undermined by internal conflict that needs behavioral development of the people. As noted by Akoto (2015), nation-building is a deliberate, keenly directed and focused, and energetic projection of national culture and collective identity where its enhancement foundation comes from political participation as a pre-requisite for building a coherent society. This can be enhanced structurally by decentralization policy to widen access to the state and make it more responsive to local needs. Suri (2011) identified five principles that a nation can be built upon. It includes joint collaboration among various institutions of the state, accountability and transparency in the policy process-making, problem-solving approach, a valid structure to build a nation, and the existence of elected representatives at all levels of government.

From the above expression, it can be concluded that legislature can be regarded as a supreme nation-builder in the state because of their representative nature in a democratic government and therefore, the legislature as an institution of government that represents the people of various constituent units with the mandate to legislate on government initiatives in the bid to prepare the state for nation-building.

Theoretical Framework

Decision-Making Theory

This article adopts decision-making approach in its analysis. The theory is propounded by Synder (1955) and focuses on the sequences of activities of the government which involves different stages in the decision-making process such as problem recognition, the definition of alternatives solutions, and selection of best options out of different alternatives. It is a theory of how rational individuals should behave under risk and uncertainty. As postulated by Synder (1955), the decision-making theory enable the policymakers to use a set of axioms in their decision-making process on how to be more rational in the bid of taking a specific decision that involves the administration of the state. The central assumption of the theory is to understand how policymakers are making the decision and its processes. Therefore, the legislature as a major institution of the state possess the required mandate of giving legislative support to the executive decisions in the bid to promote the socio, political and economic agenda of the state. As the representatives of the people, legislatures have an abundant role to play in the process of making a sustainable state objective possible because a nation cannot be built solely from the top-down but requires the active participation of ordinary citizens in the shaping of a common political will. It is the citizens who must provide the necessary legitimacy to the new state through their elected representatives which legislative arm of government represents.

Therefore, the decision-making approach adopted for this study would assist in determining the level of commitment of the legislature to the common good of the people. This is so because any decision-taking by the executive arm of government requires proper legislation from the parliament before such a decision can become a legitimate policy of the state.

Historical View of Nigerian Legislature

The history of the Nigerian legislature can be traced to when the colonial government occupied Lagos territory in 1861. The British government through the colonial government then established a Legislative Council to oversee the affairs of the Colony. According to Tom and Attai (2014), the colonial governor then hand-picked members of the legislature for the legislative council with only two members who were Nigerians, the legislative council did not perform only law-making functions but served as an advisory body to the colonial governor. In 1900, the protectorates of Northern and Southern Nigeria were established by the British Government to replace the administration of the Royal Niger Company and the Niger Coast, protectorate over the North and South respectively. Six years later, the colony of Lagos was annexed to the Southern Protectorate.

Tom and Attai (2014) note that the two protectorates were amalgamated to form the Colony and Protectorate of Nigeria in 1914 and a new legislative body called the Nigerian Council comprising thirty-six members who were randomly selected and handpicked by the colonial government to represent, business and other interests were constituted. Six of the members were Nigerians. The Council just like the Lagos Council that preceded it had no legislative power and performed no legislative functions. However, major constitutional development that affected the development of the legislature occurred in 1922 when the Clifford Constitution made provisions for the election of four Nigerians out of a total Council of forty-six members. The remaining forty-two members were selected, nominated, or handpicked by the Colonial Governor to represent the private and business interests in the country.

According to Tom and Attai (2014), the introduction of this elective principle was carried over into 1946 Richard's and the 1951 Macpherson Constitutions as each subsequent constitution tried to increase the number of elective Nigerians into the Colonial Legislative Council. But in 1960 Nigeria became independent and adopted the Westminster Parliamentary system of government with a bicameral legislature. This comprises the Senate and the House of Representatives. For the Regions, the House of Chiefs and the House of Assembly were established while at the center, the Senate and the House of Representatives remained the legislative arm of the government in the federation respectively.

As argued by Adebo (1988), the House of Representatives were made up of 312 members elected nationwide to serve for five years and a Senate of 44 members elected from the various components of the federal system. Obiyan (2007) notes that in the second republic 1979-1983, Nigeria retained its bicameral model of the legislature at the center and was renamed as the National Assembly but the States parliament became unicameral when the House of Chiefs was abolished and the same arrangement was adopted during the aborted third republic up till this moment.

The basis of representation in the National Assembly as stated in the 1999 constitution (as amended) is a division of each state in the federation to three Senatorial districts irrespective of the population of the state and its landmass while for the House of Representatives, the nation was divided into federal constituencies with each legislature representing each constituent unit throughout the federation. The National Assembly is currently made up of 469 legislatures elected with 109 Senators and 360 members in the House of Representatives.

Roles of Nigerian Legislatures as Stated in the 1999 Constitution

The 1999 constitution as (amended), ascribed the following roles to the legislature in Nigeria:

- a. **Lawmaking:** According to Fashagba (2009), section 4 of the 1999 Constitution (as amended) vested on the National Assembly, the legislative powers of the Federation and under the above section 4. The legislature is empowered to make laws for the peace, order and good governance in Nigeria. The legislative powers are divided into the exclusive legislative, concurrent legislative and residual legislative list. The National Assembly is empowered to legislate on matters listed in the exclusive legislative list to the exclusion of the House of Assembly of States. It shared with the State Houses of Assembly the power to legislate on matters itemized on concurrent legislative list while the State legislatures are majorly to legislate on residual legislative matters.
- b. **Representation:** Obiyan (2007) notes that an effective legislative function connects people to their government by giving them a place where their needs can be properly articulated. In modern democracy (representative democracy) a small number of percentages of the people are elected by the people to represent their interest in government, therefore the constitution

empowered the legislature to discharge its lawmaking and over-sight functions through the people representation.

- c. **Oversight Functions:** The legislature is constitutionally mandated as the institution through which the government is held accountable. This is done by acting as watch-dog over the actions and policies of the other organs of government (executive and judiciary). According to Sagay (2010), the legislature has duty to watch and control the government to compel a full exposition and justification of all of their activities which people consider unquestionable. Sagay (2010) maintains that if this duty is effectively performed, the legislature's critical functions would produce an attitude of responsibility and restraint the executive to derail from the realization of the national goals.

Nexus between Democracy, Legislature, and Nation-Building

There is interconnectivity between the concept of democracy, legislature, and nation-building. As argued by Umar (2015), democracy is a concept that promotes people's participation in governance at all levels through their elected representatives. It provides appropriate framework for the emergence of the legislature through competition and make them become representatives of the people elected to make law for the good governance of the state. Legislature is also empowered to provide an appropriate platform towards meeting the yearnings, needs, and aspirations of the citizens. This expression shows how crucial is the legislative arm of government towards democratic sustainability in the state. Their level of contribution to the government's decision-making processes assists in the implementation of government policy on social, political and economic development in the country. This is a real factor towards building a prosperous nation in Nigeria.

Factors Aiding Legislative Activities for Nation-Building in Nigeria

- a. **Legislature and Policy Making:** The legislature essentially participates in the process of formulating and implementing public policy through instruments of motions and debates of various means in the parliament. A motion is a proposal initiated by a legislature or a group of legislatures that empowers the parliament to take certain actions or expressed itself in holding a certain view. A motion may be used simply to express the view of the legislature on any national issues. Umar (2015) avers that the motion may also be used either to get the legislature to take a particular action or to ensure that an action is taken by another arm of government or governmental agency in a certain direction.
- a. **Debates on Appropriation Bill:** As claimed by Obiyan (2007), the legislature also possesses the power of appropriating financial resources for the country by allocating the nation's resources to different heads for the purpose of public service delivery. By so doing, the legislature determines the priorities of the state and therefore sets the policy agenda for the government. The legislature as a checker on the excesses of the executive arm of government possesses one of the most potent power which serves as a nexus towards nation-building in Nigeria.
- b. **Scrutinization of Government Appointment:** In Nigeria, the constitution reserves the power to scrutinize and confirm major appointments of the government by the Senate of the Federal Republic of Nigeria. According to Sunday (2015), the document submitted to the Senate by the executive is, however, to be specific about the type of government appointment to be confirmed.
- c. **Public Hearing:** The public hearing is another way through which the Nigerian legislature contributes to nation-building. The legislature carryout investigation on any matter or issue that may be causing public disquiet and any person connected therewith, with respect to any matter

on which the parliament has constitutional powers. According to Umar (2015), the investigative powers of the legislature are broad; it encompasses powers to carry out inquiries concerning the administration of existing laws and also carry out a probe into the departments of the government towards exposing corruption, inefficiency, or waste. It also aimed at enforcing appropriate sanctions by the judiciary or other arm of government as may be necessary.

Impacts of Nigerian Legislature towards Nation-Building

- a. **Law Making Functions:** The Nigerian legislature has contributed immensely to nation-building through the enactment of different laws that aided national development project since the country returned to democratic. According to Obiyan (2007), an important factor that marks out a democratic government in Nigeria is the vibrancy of policymaking process as reflected in the quality of debate at the parliament, the extent of meaningful participation of the public in the policymaking process, and the quality of the policy outcome which was not much lacking in the law-making process since the beginning of Nigeria's fourth republic. The good example of legislative contributions towards nation-building in Nigeria is the series of bills passed into law by the National Assembly and assented to successive Presidents since 1999.
- b. **Representative Functions:** The Nigerian legislature represents and connects people to the government by giving them a place where their needs and aspirations can be articulated. According to Sunday (2015), Nigerian legislature since 1999 is the embodiment of the aspirations, ideals, and collective will of the people; they are the defender of the people's aspirations and constitute social contact between the citizens and the government. This serves as arbiter of the interest that builds a nation. An institution is a place where every interest is and shade of opinion has its cause to be presented.
- c. **Legislature as a Check on the Executive:** The functions and responsibility of the executive arm of government are too enormous and expensive because of the wide range of government activities. However, since 1999, the National Assembly has been exercising its right to check the abuse of power, wastage of national resources, or misapplication of the appropriated funds by the executive arm of government. As avers by Ugoh (2006), the legislature has been exercising this responsibility in order to ensure that the executive is more open and transparent in the management of the nation's resources.
- d. **General Administration Functions:** The parliament since 1999 has been acting as a means through which the diverse interest group, opinions, and associations are represented in government. According to Ihedioha (2012), legislature shares with the executive, the power to make and confirm top-level appointments in the country. The legislature also approves government nominees for ministerial, head of government agencies, and ambassadorial appointments. This is exclusively performed by the Senate but on some occasion, the concurrence of the House of Representatives is required for some appointment related to Niger Delta Development Commission (NDDC).
- e. **Oversight Functions:** The legislature, through its oversight activities has been able to hold the Ministries, Departments and Agencies (MDAs) of the government accountable to the public. Since the institution has the responsibility to appropriate and allocate funds to the various government institutions for their operations, Tom and Attai (2014) note that it is naturally using that advantage to oversee these institutions to ensure that citizens get value for their money and also ensure that these institutions are run in accordance with laws of the land and reposition the state towards nation-building.

Issues Hampering Performances of Nigerian Legislature

- a. **Corruption and Greed:** As observed by Obiyan (2007), there have been reported cases of large-scale corruption among Nigerian legislatures. This is to the extent that any minor disagreement between them and the executive over constitutional related issues is linked with bribery before such responsibility can be performed. It is generally believed that the legislature hardly does anything without seeking benefits for its members. There are many corruption allegations against the Nigerian legislature since 1999, starting with the allegation against the Former Deputy Senate President, Ibrahim Mantu in the early 2000s and till-now series of allegations have been leveled against the nation's lawmakers in the course of their investigative and oversight functions.
- b. **Ethnicity and Religion Sentiments:** As a pluralistic nation, the Nigerian legislature at the inception of the current republic always thinking of themselves and their ethnic and religious background in the course of their legislative assignments. This actually made them have less feeling for nation-building. According to Ugoh (2006), Nigerian legislatures are mere representatives of their ethnic nationalities and religious faiths. The political culture has remained captive of the primordial sentiments and base values. This, therefore, undermines the credibility, integrity, responsibility, and image of the institution charged with the responsibility of enacting laws in Nigeria.
- c. **Executive Interference:** As claimed by Ugoh (2007), in the course of their legislative duties, there has always been tension between the executive and legislative relationships in Nigeria. This is because of mutual suspicion of each other in the pursuit of the popular mandate. There are many occasions through which the executive tends to impose the head of the legislative arm on the legislature in order to get things done as expected by the executive. The executive-legislative impasse experienced in the 8th National Assembly when the legislatures under Dr. Bukola Saraki and Hon. Yakubu Dogara defied the executive and party directives to elect the anointed leadership of the National Assembly attested to Ugoh's assertion.
- d. **Truancy and Absence for Legislative Duty:** According to Sunday (2015), the rate at which the Nigerian legislature absence themselves from legislative duties is too rampant. In view of this act, public opinion is unfavorable to them and the effects of this absenteeism indicate that the legislatures have been score negatively and assumed that they are in the parliament for their selfish and personal interests. Their loyalty to the presiding officials of the two chambers is preventing them from being sanctions for this conduct.
- e. **Egocentric Nature of the Legislature:** With the present economic context which makes ordinary Nigerians struggling to survive for the basic needs, there is a need for a legislative framework to reposition the nation's economy to build Nigeria. However, Umar, (2015) argues that the egocentric nature of Nigerian parliamentarians did not think along with the people's plight. Instead, they always move around the government ministries, parastatals and agencies to chase contracts and other patronages to the detriment of their primary responsibility of law-making in the parliament.

Conclusion

This paper acknowledges the potential of the Nigerian legislature as a veritable instrument of nation-building. Using a decision-making approach in its analysis, the paper as propounded by Synder (1955), the paper focuses on the sequences of activities of the legislature which involves different stages of legislation towards assisting the executive arm of the government in the decision-making process such as problem recognition, the definition of alternatives solutions, and selection of best options out of different alternatives. The paper in its investigation observes that the Nigerian legislature occupies a

central role in the nation's democratic framework. The paper maintains that the fundamental purpose for which the legislature was established under section 4 (1) of the 1999 constitution of the Federal Republic of Nigeria as (amended) is to promote good governance, national growth, and development through legislative processes. The paper, however, notes that there some local variables like corruption, greed, ethnicity, and religious sentiments that are hampering smooth performances of the core mandate of the Nigerian legislatures in the bid of rebuilding Nigeria.

Recommendations

In the course of the analysis of this work, the paper acknowledged the contribution of the Nigerian legislatures to nation-building through their core legislative functions with some little shortcomings. For instance, the perception of corruption that Nigerians have against them needed to be corrected through transparency and accountability in their legislative conducts. The principal officers of the National Assembly also need to invoke the relevant rules of the National Assembly on any absentee legislatures in order to encourage their presence in the legislative duties. Also, the principle of constitutionalism which aimed at promoting strict adherence to separation of power needs to be well protected by the three arms of government. This if implemented will serves as a means of building a country where peace, unity and national integration would be center of governance in Nigeria.

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