

The Legislature and Democracy in Nigeria, (1960-2003): History, Constitutional Role and Prospects

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Abstract

In Nigeria the constitutional role of the Legislature is yet to receive adequate scholarly attention. The main area of focus in most literature has been the executive arm of government and its other related activities. This paper examined the evolution of legislative functions in Nigeria with a view to justifying its contributions to democracy especially in the first, second and fourth republics (1960-2003) respectively. Related concepts of legislature and democracy were clearly explained with concrete supportive scholarly literature. The historical evolution of legislative function in Nigeria was also explored to demonstrate the common but often neglected place of the legislature in democratic governance. Based on this, premise, proper constitutional roles of the legislature in the promotion of democracy in Nigeria were analysed to show clearly that democratic culture cannot be sustained without harmonious executive and legislature partnership. The prospects of this partnership were outlined with far reaching recommendations on how to promote healthy executive and legislature working relationship in present democratic dispensation in Nigeria.

Keywords: Legislature, democracy, constitution, history and role.

1. Introduction

The hallmark of legislative role in any democratic society is representation. In Nigeria, this constitutional role is currently affirmed by the 1999 constitution (Amended, 2011) which outlines specific functions for the legislature and other arms of government. Basically the functions of government as an institutional framework of control and governance revolves around three major activities namely “making laws, implementing laws and adjudicating disputes and interpretation of laws” (Onyisi 2012: p 231). These functions are performed by distinct governmental arms or organs commonly referred to as legislature, executive and judiciary. The legislature make, the law, the executive implements them while the judiciary interprets them (Mahajan, 2012). These roles though structurally separate are all the same functionally and mutually interdependent (Federal Republic of Nigeria; 1999).

The main idea behind legislative functions within any democratic polity is to ensure quality policy-making process, accountability and good governance through effective checks on executive “absolutism” in the exercise of governmental tasks. This is basically what Montesquieu, a French political thinker and jurist strongly advocated in his famous work titled “*Esprit des Lois*” or the spirit of the laws published in 1748 where it was succinctly argued that the three organs of government must be separated and run by different people, for liberty and freedom to be guaranteed in the process of governance (Appadorai: 1975). He further argued, that in order to keep the three arms of government separate and distinct in structure and functions, each organ must be given a number of “checks” by which the other branches or organs can be kept in proper “balance” (Oyediran, 1998: p 30). Thus, the theory of separation of powers in its broadest sense implies that the political system shall consist not only of government but also of elected representative whose duty is to “watchover” the government (Verny 1979: p 107). Mahajan (2012) argues that the legislature is the most important of all the three organs of government because it is the laws made by the legislature that are interpreted and enforced by the judicial and executive arms respectively. Basically, its main function is to make laws for the peace, order and good governance of the society. Indeed, it cannot only make laws, it can also amend and even repeal them where necessary (Akintayo, 1999).

The legislative role in terms of law making is fundamental because, the will of the people is expressed through the laws of the country. This is so because the life of the people is bound to be affected reasonably by the nature and quality of the laws passed by the legislature (Nwaubani, 2000). Similarly, people perceive legislative functions very necessary because the legislature help to watch the process of administration in order to safeguard the liberties of citizens based on constitutional provisions of the land (Nwabueze, 2002). The legislature among other arms or organs of government best reflects the concept of representative democracy. This is so because beside its law making functions, it protects the democratic ideals and collective aspirations of citizens by overseeing other governmental arms or institutions to “ensure law order and constitutionalism” in politics and national life (Obianyo, 2011: p 278).

In Nigeria, the legislature is known to have played enviable roles during periods of political crisis and uncertainty. For instance, the legislature averted possible power vacuum and anarchy in 2010 by invoking the “doctrine of necessity” which paved the way for the then vice president Goodluck Jonathan to assume the

positions of acting president and subsequently president and commander-in-chief of the Armed forces of Nigeria due to the protracted illness and eventual death of president Yar'adua in office. The import of this role cannot be totally ignored considering the rising political tension, bickering and possible power vacuum it was able to avert (Adeniyi, 2011). Another related incident is the role played by the legislature in averting the political tension created by the third term or tenure elongation ambition of former president Olusegun Obasanjo in 2007 through political astuteness.

However, despite the constitutional provisions for legislative role under democratic settings in Nigeria not much scholarly attention seem to have been given to it compared with the executive and judicial counterparts (Nwabueze, 1994). This position could be attributed to the fact that the legislative functions are most of the time, not as politically glamorous as those of the executive and even the judicial arms which have direct impact on the lives of ordinary Nigerian citizens. Some of the executive functions include budgetary allocation and expenditure, provision of infrastructure and related facilities, declaration of state of emergency and war etc. (Federal Republic of Nigeria 1999). Although, the legislature is constitutionally empowered to give necessary support to some of these executive functions it is the executive arm that takes the reward of their desired positive impact on the public domain. Similarly, the Nigerian electorate at the moment are not sophisticated and literate enough to discern and appreciate the distinct but mutual relationship existing between the three arms of government namely executive, legislature and judiciary (Mahajan, 2012). By implication majority of the voters seem to attach undue importance to presidential and governorship elections than those of the legislative houses (Nwabueze 2002). These issues taken together seem to have put the executive arm of government more than the legislature in the front political burner with respect to extant scholarly literature and political publicity.

Indeed for democracy to thrive as an attitude, way of life or intellectual ideal or culture, it requires the active participation of citizens through representation, especially legislative representation. Incidentally, in Nigeria, many years of military rule and some years of civil mal-administration seem to have combined to cause not only minimal citizenship participation in the process of governance but more fundamentally, accounted for the perceived poor public knowledge of legislative functions in democratic dispensations (Eke, 1996; pp 33-65; Nwabueze, 1994; pp 169-177). Currently, the clamour for sustainable democracy in Nigeria through the evolution of proper political culture has conferred additional responsibility on the legislature. This is not necessarily in terms of executive and legislature face-off but on the basis of partnership, collaboration, mutual understanding and consensus on issues bothering on democracy and good governance. However, these envisaged roles can only be properly understood and perhaps immensely appreciated if the constitutional functions of the legislature in Nigeria especially with reference to the development of democratic culture are properly and contextually examined.

This paper therefore examined the evolution of legislative functions in Nigeria largely to ascertain the extent to which the institution contributed to the development of democracy in the first, second and fourth republics respectively- that is 1960-1966, 1979-1983 and 1999-2003. These periods were not arbitrarily chosen. They were chosen because of their landmark political nature and significance. In 1960, Nigeria became independent and thus started the first republic which ended abruptly in 1966 with the overthrow of elected democratic government of Prime Minister Tafewa Balewa. The second republic was ushered in 1979 with the election of executive president Alhaji Shehu Shagari whose government was also overthrown by the military in December 1983. In 1999, the fourth republic commenced and eventually saw Nigeria returning to democratic path after almost 20years of military interregnum.

Specifically, the following issues are addressed within the context of this paper.

- Concepts and Theoretical perspectives on Democracy and legislature.
- The Historical evolution of legislative functions in Nigerian constitutions.
- The legislature and the development of democracy in Nigeria.
- Recommendations prospects and conclusion.

2. Concepts and Theoretical of Perspective on Democracy and Legislature

The concept, democracy has a Greek origin. It is derived from the Greek words-demo which means people and kratos which means rule. Thus, it connotes rule by the people. It is as originally perceived by Abraham Lincoln in 1863, "the government of the people by the people and for the people". That is, it is the effective control of power by the vast majority in the society. The practice of democracy differs from place to place and it tends to emphasize active participation in governance by the people either directly or indirectly.

Democracy could be defined as "a system of government under which the people exercise the governing power either directly or through representatives, who are periodically elected. It involves the conception of the majority rule and the acquiescence of the minority in the decision of the majority" (Oyediran, 1998). Direct democracy implies that all eligible citizens meet periodically to vote, discuss state matters, make laws and formulate policies. This is however, possible only in close knit societies. In larger, more diverse, and sophisticated societies, indirect or representative democracy is usually practiced. Here, the people through wider consultations and choices elect

those to represent them.

Eme Awa (1997), accordingly, classified democracy into Electoral democracy-dominated by electoral procedures and found mainly in developing nations: Pseudo-democracy dominant in one party system or electoral dictatorship and Liberal democracy-advanced form of democracy usually practiced in advanced countries like USA, Britain, France, Germany, etc. The basic elements of democracy, according to Lyman Sargent (1987) are involvement in political decision making, principles of equality, liberty, representation, rule of law, electoral system, majority rule and education. It can, therefore, be inferred that democracy is that which gives recognition to the essence of the concept of “rule of the people” (Owolabi, 1999; p 6). The principle of participation is therefore the basic attribute of democracy. However, it is necessary to add that participation in democracy has never been entirely absolute. According to Owolabi (1999) participation could be perceived in three or four related senses:-

- (i) Ideal sense.
- (ii) Sense of direct participation.
- (iii) Sense of representative participation or indirect participation.
- (iv) Sense of accountability (p6).

Democracy though highly desirable is a very complex form of government to practice because of its inherent rights, duties and procedures. In some cases, the very philosophy of democracy-free choice, majority rule and participation may turn out to become mere political illusion than reality (Nnoli, 2011). He argues that the concept of the people on which democracy hinges is a “myth” which needs to be clearly examined and contextualized if democracy is to be understood. For instance, in some cases, the so-called rule by the majority (people) could turn out to be the rule of a “tiny privileged minority” (Appadorai, 1975). In most cases, under democratic settings, it is not the choice of the majority that is manifested, but the opinions of the leaders of the majority. This explains why the practice of democracy especially in developing countries where there are some electoral malpractices and violations could be called the “tyranny of the ideal wealthy, privileged and powerful minority over the underprivileged and voiceless majority” (Nwaubani, 2000; p 89).

Generally speaking, the legislature is responsible for law making. It is therefore described as the body “empowered to make, amend or repeal laws for a nation” (Oyediran, 1988; p 30). It is usually made up of people elected by popular suffrage. Legislature could be unicameral or bicameral depending on the democratic needs and historical peculiarities of a society. Unicameral legislature refers to only one legislative arm (one house or chamber of parliament) while bi-cameral legislature refers to two houses of the legislature-(House of Representatives and the senate in Nigeria, House of commons and Lords in Britain and House of Representatives and Senate (Congress) in the United States of America). (Onyisi, 2012).

In Nigeria, during the second republic (1979-83) fourth republic (1999-2003) and present dispensation, the legislature (comprising of House of Representatives and the senate) were and are still called the National assembly. In the second republic (1979-83) the specific functions of the legislature in Nigeria included to make laws for the state, amendment of the constitution, check and balance the powers of the executive and its polices (through impeachment and approval of appointment of public officers like ministers, ambassadors and judges of the supreme court etc). Currently, the 1999 constitution (sect. 4(1) p. 27) provides that “the legislative power of the Federal Republic of Nigeria shall be vested in a National Assembly for the federation which shall consist of a senate and a House of Representatives”.

2.1 Theoretical Perspectives

The legislature is widely assumed in extant literature to be a form of representative democracy. This is largely because of the perceived relationship between democracy and representation which correspondingly promotes participation (Obianyo, 2011). The concept representation which is vividly captured in legislative role under any democracy is an elusive issue to define due to varied attributes of representation. Accordingly Pitkin (2006) in Obianyo (2011) identified four variants of the concept of representation namely formalistic, substantive, descriptive and symbolic representation.

Formalistic representation connotes representation backed by institutional authority with corresponding accountability. Substantive representation refers to activities of the representatives or actions taken on their behalf of their interest (the represented) by representative agents-either standing for or acting for the represented. Descriptive representation is akin to justifying whether the representatives actually represented shared interests while symbolic implies the way or how the representative stand for the represented. Thus, for the analysis so far, there seem to be a synergy between political representation and democracy both of which encourage legislative role or participation.

Heywood (2002) cited in Dovi (2006) outlined four models of representation namely trusteeship, delegation, mandate and the resemblance models, respectively. Trusteeship depicts independence of representatives while delegate is when some one is chosen to act or on behalf based on others on the basis of clear focus or guidance. Mandate connotes the popular mandate ascribed to representatives to act on behalf of others legitimately. Resemblance is similar to descriptive representation which focus on whether the representatives in any way look

like or resemble the group they represent.

However, the question is, has electoral representation any elective affinity with deliberative polities. The emergent claim therefore is to what extent did the activities of the legislature in Nigeria between 1960 and 1966, 1979 and 1983 and 1999 and 2003 violate the reviewed models (formalistic, substantive, descriptive and symbolic), authorization and accountability respectively? In other words, did the legislature measure up to universal standard expected of conventional legislative roles? Did it meet up with core values of representation, honesty, transparency and intellectualism (Idumanye, 2011).

Indeed, the specific roles of the legislature are stipulated in various Nigerian constitutions. However, how the above questions interrogate the historical manner these legislative roles evolved especially within Nigerian democratic experience and development desire closer attention and exploration.

3. The Historical Evolution of Legislative Functions in Nigerian Constitutions

Three main types of legislature according to Oyediran (1990) seem to have evolved in Nigeria's political history. First, is the legislature that can neither modify nor reject executive proposals or legislatures with little or no policy making powers. These were in vogue between 1914-22, when the Nigerian council had no legislative authority. Second, the legislatures that have power to modify executive proposals, but could not reject such proposals. This role was significantly played by most of the second chambers in Nigeria (between 1954-66) especially with respect to legislations on appropriations. For instance, the House of chiefs in the Northern region had no power to originate, amend, delay or reject money bill. However, other bills had to have the "approval of the House of Assembly and the House of Chiefs (Oyediran, 1990; p 11). Third, is the strong, active legislature with strong policy making power. This type according to Oyediran (1990), enjoyed the power to reject as well as modify executive proposals and could even on its own propose legislative bills. This trend started with the 1979 constitution and has lasted till the present democratic era.

Impliedly, legislative evolution in Nigeria was gradual-from "minimal to marginal and finally to the active legislature. By and large, the evolution of legislative function in Nigeria is intricately interwoven with the advent and consolidation of British colonial administration. Indeed, as rightly observed by Omolewa (1986) between 1900 and 1946, British control over Nigeria was through the Governor who was appointed by the Crown (Queen of England) and was responsible to it. However, the exercise of power by the governor differed from "place to place considering not only, the territorial vastness but the cultural, historical, religious and linguistics antecedents of some Nigerian groups" (Eke 1996: p 33). He was the sole authority in Southern Nigeria from 1900 to 1906 and Northern Nigeria from 1900-1914. Basically, he governed without the assistance of an executive or a legislative council to advise him. He merely governed with the assistance of British officials whom he appointed and who were responsible to him (Omolewa, 1986). However, between 1862-22, a legislative council was established for Lagos to advise and assist the governor in the political affairs of Lagos and later southern Nigeria from 1906. This legislative council remained largely ineffective and advisory (Gambari 1985).

The amalgamation of Northern and Southern protectorates into the protectorate and colony of Nigeria encouraged Lord Lugard, the first Governor-General of Nigeria to create the Nigerian Council in 1914. This council had jurisdiction over the entire country except Lagos colony where the Lagos legislative council still existed. However, the Nigerian council was a failure right from its inception because though it was large by virtue of its composition and representation of the entire country, yet it had no powers whatsoever over legislation and finance. It was merely seen as a debating society which confined itself to the discussion of the annual address of the Governor General (Crowther, 1980).

In 1922, a legislative council for the entire country was established for the first time. It consisted of 46 members of which 27 were officials of Government and 19 unofficial. In addition, the council had majority of officials who were non- Africans. For instance, 10 of the unofficial minority were Africans only 4 whom were elected — 3 from Lagos and 1 from Calabar. This election was facilitated by the elective principle of the Clifford constitution of 1922. However, in reality, this council had jurisdiction over Southern province including Lagos colony. The governor as it were legislated for the Northern provinces especially through proclamations but unlike in the Nigerian council he ceased to be sole legislator. In effect, the council, rather than the governor became the "law-making authority" (Oyediran, 1998: P 83)

The constituted legislature of 1946, 1951-1954, 54-59 provided opportunities for gradual socialization of a Nigerian national political elite into the British parliamentary government before independence in 1960. For instance, the Richard's constitution of 1947 provided for a central legislature council and regional council with two of the three regions (Northern and Western regions) having house of chiefs in addition to the regional House of Assembly. Arguably, the council was pan-Nigerian because it did not only increase the membership, but also adjusted the proportion of officials to unofficial members in favour of the latter.

The 1951 McPherson's constitution retained the Unicameral legislature at the center and bicameral for the Northern and Western regions. However, Eastern region maintained a unicameral legislature like the Central

government. The 1954 Lyttleton's constitution also provided for a single chamber of House of Representatives of 184 members together with a speaker, 3 ex-officio members and 6 nominated members. In addition, the Eastern region now had two regional houses - House of chiefs and Assembly, like the North and East. This legislative arrangement existed till 1960. The independence and Republican constitutions of 1960 and 1963 provided for two houses at the center, namely the House of representatives and the senate. The House of representatives consisted of 312 members elected from the single member constituency. The senate comprised nominated members from the 4 regions- East, West, North and mid west (created after independence). Each of the 4 regions had 12 members, while 4 came from the federal territory and 4 others were appointed by the president on the advice of the prime-Minister (Asobie, 1998). Under this dispensation, the national parliament (House of Representatives and senate) had the exclusive preserve of making laws for the whole country. Any bill except money bill could originate from any of the two Houses. As a matter of fact, only the House of Representatives could originate money bill but the senate had the power to delay it for one month only (Nwaubueze, 2002).

Similarly, each of the regions had a legislature consisting of a House of Assembly and a House of chiefs. What indeed applied to the National Assembly in terms of functions also applied to the regions. Thus, the legislative powers of the federation were shared between the federal and regional Assemblies. For this purpose, there were three legislative lists namely exclusive, concurrent and residual respectively. The federal legislature took care of matters in the exclusive list like defence, external affairs, currency, immigration, post and telegraphs, passport and visa, etc while other matters in concurrent list—police, education, industrial development and agriculture etc were shared by both the federal and regional houses. Residual matters were handled locally by regional Houses. However, where a law validly enacted by a regional Assembly was inconsistent with a law validly made by the parliament, the law enacted by the Federal parliament prevailed and the regional law became void to the extent of its inconsistency (Fed. Rep. of Nig. 1963 Sect. 64 (4)). In view of the above, it could be said that the indigenization of the legislature which started in 1954 became totally accomplished between 1960-66.

However, throughout the earlier period, the executive was undoubtedly the stronger political institution. The legislature was very ineffective because it was unable to perform one of the fundamental functions of a legislature — criticism through policies and finance (Oyediran: 1998). The Legislature which emerged in the second Republic (1979- 83) and the one in place between 1999-2003 seemed much more active, stronger and vibrant compared to previous ones. Perhaps, this could be attributed to the presidential system of government adopted by Nigeria between 1979 and 1999, which emphasized the constitutional role of the legislature.

4. Constitutional Role of the Legislature and the Development of Democracy in Nigeria

In Nigeria, the extent to which the legislature has creditably performed its constitutional responsibility is a matter of opinion. In the first republic, 1960-66, the legislature was perceptively an appendage of the executive arm of government and this no doubt affected seriously the independence of the legislature. By virtue of the parliamentary system which Nigeria practised at that time, the cabinet ministers (executive) also sat in the parliament. The parliament (legislature) more or less did the bidding of executive interest without considering national interest. This was clearly demonstrated in the direct manner the federal government intervened in Western Region crisis of 1964 without proper consultation with the legislature. Consequently, the federal government dissolved the regional House of Assembly, suspended the governor and declared a state of emergency in the region (Asobie, 1998).

Similarly, in 1963 the Federal government created a fourth region through constitutional manipulation without proper input from the federal legislature. In fact, the motion for the creation of the mid-west region was initiated when the Western region was being administered by an administrator. This was basically done to deny the western House of Assembly the constitutional right of determining whether or not its jurisdiction should be split into two. The motion was subsequently passed by the federal legislature and followed by the legislatures of the East and the North but not by the western legislature which had been put out of existence by an act of the federal government (Dudley 1966).

In the second republic, between 1979-83 the constitutional role of the legislature was strengthened. This could be attributed to the provisions of the 1979 constitution which was essentially presidential. Again, deriving from its new constitutional status, there was high public respect for the legislature since members were now directly elected (Dudley: 1982). Therefore, it was not surprising that the National Assembly took very seriously its legislative and non-legislative roles especially screening of government nominees and proper scrutiny of appropriation bills. At the state level, the legislature was relatively inactive perhaps because of the overbearing attitude and influence of state governors.

Again, the legislature in the 1979-83 era did not necessarily allow party affiliation to undermine its constitutional role it could be said that most of the members of the legislature were politically matured. The senate was headed by Dr. Joseph wayas and the speaker of the House of representatives was Chief Edwin Umeozoke both of whom were experienced and matured politicians. This accounted for the stability enjoyed by the National Assembly

during this period. Even when and where disagreements occurred either on inter or intra-party issues such as the NPN-NPP accord, it was not allowed to scuttle legislative independence (Joseph Richard 1991). Indeed, in a multi-party democracy as was the case between 1979 — 83 in Nigeria, it was not always easy for a party to have an overwhelming majority in the National Assembly. In 1979, the National party of Nigeria (NPN) did not secure an absolute majority in the National Assembly (House of Representatives and senate) but it still managed to survive through consensus and consultation-attitudes seriously lacking in the present political dispensation where the “Peoples Democratic” Party (PDP) is virtually dominant, overbearing and perhaps absolute and out rightly autocratic” (Onome Osifo — Whiskey 2002: p 23). The NPN secured 168 out of 450 seats in the House of representatives and 36 out of 95 seats in the senate. In the state Assembly elections, the NPN secured 487 seats in 8 states representing a total of 36.1 percent (Iroanusi, 2000: Joseph 1991). To ensure proper working of democracy especially in terms of easy passage of bills, the party, entered into an accord with the Nigerian peoples party (NPP). Even at that, the accord never translated into easy passages of federal executive bills and policies without some concessions to the opposition through lobbying which implied expending large sums of money (Iroanusi, 2000).

However, there were some instances the legislature showed immense weaknesses during this era. For instance, in 1981, an NPN dominated Kaduna State House of Assembly impeached the Governor of the state, Aihaji Balarebe Musa of the peoples Redemption Part (PRP) primarily because of the minority status of his party in the State Assembly. This action, no doubt constituted an abuse of legislative power and process which of course heightened political tension and seriously damaged the public image and reputation of NPN as a party and the legislature as the bastion of democracy in Nigeria (Asobie, 1998). Similarly, the ease with which president Shehu Shagari deported Abduirahaman Shugaba, a member of an opposition party, Great Nigerian Peoples Party (GNPP) from Borno State to Tchad republic without any legislative control showed how weak the legislature was at that time. There is also no doubt that the legislature was tainted by corruption. However, if it existed (and I am sure it did) it certainly was not at the same alarming scale as that of the executive arm of government, a trend described by Joseph Richard (1991: p 1) “as prebendalism — a situation of intensive and persistent struggle to control and exploit the offices of the state.”

In the fourth republic, the legislature became much more prominent with wider powers. During that current dispensation, activities of the legislature provided great deal of news and their proceedings provoked much public interest. Ordinarily, the legislature cannot be described as inefficient. Its role certainly transcended law-making. It managed through many steering committees in both the House of representatives and senate to conduct investigations into matters of national and public interest, such as the invasion of Odi in Rivers State and Zaki.- Biam in Benue State by federal troops; the Kwande political crisis of April-June 2004, the Ikeja military cantonment bomb explosion and flood disaster in many parts of the country to mention just a few instances.

The senate showed tremendous courage and perhaps strengthened democratic ideals in Nigeria when it overruled an ordinance on pension for all past heads of state in Nigeria which was included in the 1999 constitution by the military. The senate, by virtue of this action excluded all former military heads of state from receiving pensions spelt out in the 1999 constitution for past presidents and vice-president (Federal Republic of Nigeria 1999, sect. 84).

However, if the fourth Republic witnessed a dynamic legislature, it also saw a legislature which for a greater period of its tenure was either involved in corruption scandal or one face — off or the other with the executive. These problems no doubt hindered efficiency within the legislature. Consequently, the public image of the legislature became very poor since the general idea was that it pursued personal rather than collective national interest (Aboyade, 2002). This was aptly demonstrated in the prolonged fight with the executive over outrageous salaries and allowances (especially the scandalous ₦3.5 and later ₦5m furniture allowance) for its members. Indeed, the public opinion was that the legislative was not necessarily doing what it was elected to do. As a matter of fact, to say that these allowances were outrageously high is to state the obvious. Perhaps, what was even more despicable was that these emoluments were collected by legislators regardless of public attitude and opinions against it (Ohwahwa 2000). This no doubt showed how insensitive they were to public feelings and opinions.

By and large, accusations of corrupt practices and financial recklessness trailed the legislature throughout the period 1999—2003. Some of these allegations bothered on contracts awarded by the leadership of both senate and House of Representatives which obviously were not in line with the financial regulations of the National Assembly (Abati 2000). These no doubt eroded public confidence in the leadership of legislature and accounted for the eventual removal of senate president late Dr. Chuba Okadigbo on the basis of the findings of senator kuta committee reports which was set up to investigate the financial dealings of the upper house. However, House of Representatives speaker, Ghali Umar Na’Abba was not only fortunate to escape probe but even had the temerity to question the right of Nigerians to know how funds were being handled by the law-makers (Akinyede 2000). Naturally, it will be difficult for the legislature to investigate the executive if it was also involved in dubious contract awards. Worst still, efforts to investigate alleged corrupt practices against the leadership of the National

Assembly by the Independent Corrupt practices and other related offences commission (ICPC) was stoutly resisted. In a dramatic but resolute move, the National Assembly not only proposed a repeal of the anti-corruption law but finally granted some far reaching changes which more or less amounted to an outright abrogation of the ICPC (Osadolor 2003).

If indeed the central legislature was enmeshed in profligacy, the states were nonetheless involved in obvious brigandry and perfidy. Public indignation towards reckless government spending in the state legislature were rife in Ekiti, Ondo, Rivers and other States of the federation. By May 2001, the Rivers State House of Assembly had practically “relocated to the United States “purportedly for the purpose of engaging on working tours that would assist members to learn the tenets of democracy” (Ejiogu, 2002). Similarly, in some states like Lagos, Abia, Kebbi, Oyo etc it was very disturbing to witness legislators engage in physical combats and disorderly conducts to settle sensitive issues (Adebayo 2002).

The legislators no doubt thought very highly of themselves and pursued vigorously their own interest even at the expense of national or public interest. It was therefore not surprising that legislators as representatives lived too high above those they were representing and even awarded themselves salaries and other emoluments far above those officially recommended by the National Revenue mobilization, allocation and fiscal commission. Thus, against a recommended monthly pay of ₦141, 847.97 each senator took home a whopping ₦503 ,226.06 while each member of the House of Representatives earned ₦526,820 against the recommended Salary of ₦138,964.84 (Tukur 2002) What this implied is that the legislature generally paid themselves huge additions to their salaries. Indeed, to all intents and purposes, politics was no longer seen as means of rendering service to society but as means of providing for oneself. The legislators did not only pay themselves above official rates, but even took the president to court for withholding their salaries for two months because of some executive — legislative misunderstanding. Meanwhile, poor pensioners were being frustrated by government inability to pay their meager pensions regularly and the legislators who were elected to represent them did virtually little or nothing to alleviate their frustrations.

The National Assembly also had some characters whose intellectual credentials and democratic antecedents were highly questionable. This no doubt worked against the public image of the legislature as a democratic institution. For instance, it was alleged that Senator Joseph Kennedy Waku from Benue state openly called for a coup d’etat against an elected government of which he was a part. This outburst revealed the quality of representation Nigerians were getting from some of the elected legislators. Similarly, controversial Chief Arthur Nzeribe, who played active role in the scuttling of the June 12, 1993 presidential election through the infamous Association for Better Nigeria (ABN) was an elected member of the Nigerian Senate. He was also reported to have given strong support to late General Sani Abacha’s self succession project, which was nationally and internationally condemned as anti—democratic. He also was the first legislator to call for the impeachment of president Obasanjo on the 25th of April 2000. Indeed, that such a person was elected into the senate is itself a very sad commentary on the kind of politics and democracy that exists in Nigeria. However, if by April 2000, he wanted president Obasanjo impeached, by March 2001, (the following year) he had become one of the foremost campaigners for the president’s sole candidature in the 2003 presidential election (Tribune, 2000). It is significant to note that Senator Nzeribe at this time was not even a member of the ruling partly PDP and Obasanjo was not even half way through his tenure as a president.

Related to this, was also the abuse of impeachment as both legislative and executive weapons of check. It would be recalled that before the visit of the former United States President, Bill Clinton to Nigeria in 2000, the House of Representatives had moved a motion of vote of no confidence on president Obasanjo. It could therefore be rightly argued that the greatest threat to Nigeria’s fledging democracy is not the military, but the internal bickering within the legislature, and between the legislature and the executive arm of government (Tell magazine, 2000). This situation was also responsible for the refusal of the then speaker of the House of Representatives, Na’Abba to allow Evans Enwerem (a former senate president) to preside over a joint sitting of the National Assembly in honour of a visiting Canadian prime minister Jean Chretien. This action was not only embarrassing to the nation but also a gross violation of the constitution because senator Enwerem had not been removed from office at that time. The impeachment issue reached its peak on August 2002, when the House of Representatives asked the president to resign from office within two weeks or risk being impeached. Public opinion was neither in favour of the president nor the propriety of the allegations against him. The legislature was also guilty of the allegations they leveled against the president (Adebayo 2002). Indeed, if the president had committed an impeachment offence, it was the 2001 doctored electoral Act of which the speaker of-the house of representatives and senate president were accomplices (Omale 2002). As a matter of fact, it was not only improper but also hypocritical for the legislature especially the lower House to accuse the president of financial impropriety when its members had previously refused to subject themselves to any financial audit (Bature 2002). However, it must also be admitted that the president contributed to the crisis. His overbearing attitude coupled with his belief that he could do without the legislature especially on important issues like Appropriation Act, sensitized the legislature against him. Again, by virtue of his style of leadership he had created many enemies

some of whom were legislators from even his own party, PDP. It took the intervention of the PDP leadership and some elder statesmen especially former heads of state like General Yakubu Gowon and Shehu Shagari to completely discourage the legislature from impeaching the president.

Impeachment was not only restricted to the centre. In some states especially Abia, Enugu, Kano, Oyo, Benue, Borno, Kogi, Plateau, Bayelsa and Cross-River, speakers of state legislatures were unceremoniously removed from office through impeachment. In some of these states, the impeachment process was violent, lawless and chaotic. However, these episodes were merely taken as learning process considering the fact that Nigeria had been under military rule for a long time (Onuoha, 2002).

5. Implications, Prospects and Recommendations and Conclusion

Admittedly, whatever it was that gave the legislature negative image between 1979-83 and 1999-2003 had to do with the external environment of the legislature (Oyediran 1990). Indeed, the last democratically elected legislature in Nigeria before 1999 met last in 1983 — 16 years earlier. Of course, the elected legislature of 1993 under the military regime of Ibrahim Babangida was deliberately excluded from our discourse because apart from being inaugurated by a military president, it never really sat in the real sense. It passed no single bill into law. Dr. Iyorchia Ayu, the then Senate President had virtually no business to conduct in the Senate during this period. Therefore to judge the legislature fairly, it never enjoyed continuity like the executive arm of government which somehow continued to function even during periods of military interregnum.

The legislature was therefore worse hit at the event of military rule since its functions were virtually suspended or performed by military legislative bodies like the supreme military council, and the Armed forces ruling council etc. Thus, if an institution is expected to be efficient, effective and responsive to societal needs, its continuity over time and space must be guaranteed. Expectedly, when an important democratic institution like the legislature is kept in political abeyance or outright oblivion for 16 years It can only start with a new learning process when it is eventually revived.

Related to the above is the fact that majority of those who were elected into the legislature in 1999 had no experience of legislative behaviour. This could be largely attributed to the short transition programme of General Abdusalam Abubakar and the skeptical attitude of Nigerians towards it. As a matter of fact, because of the prolonged transition of Ibrahim Babangida coupled with the frustrations of the annulment of June 12 presidential election and the psychological trauma of Abacha's self succession bid, Nigerians were virtually prepared to support any arrangement that could replace military rule (Onuoha 2002). It is therefore very likely that best candidates in terms of quality of character, experience and other related credentials did not run for election into the legislature in 1999.

The performance of the legislature can in part be attributed to the nature of Nigerian politics. Generally, the motivation for political participation in Nigeria is not service but acquisition of material and financial resources through the exploitation of state offices (Joseph Richards 1991) Naturally, politicians who support the political party in office are usually rewarded with contracts for official projects or lucrative government appointments. These enabled them to sustain their supporters and loyalists. People were therefore encouraged to believe that those in power (holding political positions) were at the fountainhead of wealth (Alan Cowel 1982). This no doubt encouraged official corruption since those elected to serve either in the executive or legislative arms of government belonged to the larger Nigerian society who perceived politics primarily as the struggle to control and exploit official political positions (Iroanusi, 2000).

The executive arm of government also contributed in no small way to the problem of the legislature. It is perhaps pertinent to reiterate that the presidency more than any other factor threatened the constitutional role of the legislature between 1999-2003. By and large, Obasanjo's strong military background and overbearing attitude coupled with lack of legislative experience by majority of the legislators contributed to the problem. For instance, Obasanjo left government on September. 30th 1979, as a Military Head of State, about 20 years prior to his inauguration on May 29th 1999 as civilian president. At the time he was a military head of state, he combined executive and legislative powers and was not checked by a National Assembly or a political party. Thus, his inability to adjust to his new constitutional roles in a democratic dispensation was one of the main causes of poor executive — legislature relations between 1999-2003.

5.1 Recommendations

1. Efforts should be made by appropriate authorities in Nigeria to enhance the quality and calibre of legislators through free and fair election.
2. Constitutional amendment is needed to make membership of the legislature part-time. This will encourage those with vision and worthwhile contribution to come on board and make sacrifices for the nation.
3. Executive and legislative harmony should be strengthened in order to deepen democracy without necessarily sacrificing checks and balance.
4. Removal of legislative immunity to allow corrupt legitimates to go on trial as a deterrent for others.
5. Ensuring that legislative mandate is legislative by making the process of authorization (which is election

and the electoral process) credible.

6. Legislative should in while those they represent on key issues or deliberation through reference, consultation and briefing etc.

5.2 Conclusion

In a democracy, the role of the legislature as a policy-making body and constitutional “watchdog” cannot be over emphasized. However, the extent to which the legislature in Nigeria performed its function within democratic contexts has been the subject matter of this work. To articulate legislative roles contextually, the paper examined the historical evolution of the legislature in Nigerian constitution. This analysis highlighted the problems the institution faced at different stages of its evolution and significant the contributions (if any), it made to the development of democracy in Nigeria. Thus, whatever may be the problems or public perception of the legislature today, it must be accepted that the institution deserves a place in Nigeria’s democratic experience. This is so because the legislature is now rested with both policy-making and ordinary task of governance, an assignment which brings it into conflict with the executive arm of government. It is therefore safe to conclude based on the foregoing that despite the numerous problems of the legislature in Nigeria especially between 1999-2003 it still has good prospect as an efficient and prestigens democratic institution.

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