

## **Performance Evaluation of the National Assembly Input in Nigeria's Democracy 2007 – 2011.**

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**Abstract:** *The backbone of any democratic government of any nation is the National Assembly which its vital responsibility is to make law. The performance of this organ of government is to make or mar democracy of the nation. This study attempts to appraise the performance of Nigeria National Assembly between 2007 and 2011 in order to showcase their activities and impact on Nigeria's growing democracy. The study concluded that act of legislation is a skill which requires learning and development. As one of the highest paid legislature in Africa, they have not excellently done well in enhancing the growth of Nigeria nascent democracy. The National Assembly needs to buckle up and have remarkable input.*

**Keywords:** *Democracy, Legislative input, National Assembly, Bills, Legislative Performance*

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### **1. INTRODUCTION**

The legislature is the most important and critical organ out of the three organs of government in the development of democratic society. This is as a result of the fact that the legislature plays a prominent role of aggregating people's interest and invigorating them through law to protect the people's aspiration. The process and act of making law is then become necessary for the development of the society particularly democratic setting. The legislature therefore is the single organ of government with the largest number of elected officials in Nigeria. The judiciary which is the third organ of government does not have elected officials but its officials are usually appointed by the executive.

The National Assembly of any country is the binding force that transforms the politics and governance of the country into a situation that highly addresses the yearnings and aspirations of helpless citizen. The National Assembly states the operations of democracy instead of democracy dictating the operations of National Assembly. Hence, for the legislature to be effective, it must appreciate the enormity of its tasks, absorb a culture of service to the public and assess governance process regularly within the underline set of ideas of expected democratic criteria.

However, this study evaluates national assembly inputs in Nigeria democracy; the it equally discusses the history of Nigeria democracy and legislative activities in Nigeria between 2007 to 2011 and democratic stability in Nigeria. This study collected data mainly from secondary sources while the research design was based on ex-post facto analysis.

### **2. THE HISTORY OF NIGERIA DEMOCRACY**

Nigeria gained her full independence on 1<sup>st</sup> October 1960 as a federation under a constitution that provided for a parliamentary form of government. Each of the former three regions (Northern, Western and Eastern) retained a substantial measure of self-government. The federal government was given exclusive powers in defense, foreign relations, commercial and fiscal policies. In October 1963, Nigeria altered its relationship with Britain by proclaiming itself federal republic and promulgated a new constitution (Adeleye, 2000). Also in the same year, Midwestern region was established.

### **3. THE FIRST REPUBLIC**

The First Republic which took place between 1960 and 1966 was based on the British parliamentary system, while the second republic, 1979 and 1983, was characterized by United States' Presidential System of government with executive presidency. The lives of the then democratic experiments were short-lived by military rule which was characterized by autocracy, non-accountability, stealing, violence, brutality, looting and violation of fundamental rights in contrary to the expectation of the populace whose demand was democracy (Africa Report Nov/Dec 1989).

On 15<sup>th</sup> January 1966, some group of soldiers from the Eastern part of Nigeria overthrew the government and assassinated the Federal Prime Minister and the Premiers of the Northern and Western regions thereby changing the dynamics of politics in Nigeria. Osagie (2006) opines that the Federal Military Governments that assumed power were unable to reduce ethnic tensions in the country. In fact, its efforts to abolish the existing federal structure greatly raised tensions and led to another coup in July, 1966. According to him, the coup led to the massacre of thousands of Igbo in the North which prompted hundreds of thousands of them to return to the Southeast, where increasingly strong Igbo secessionist sentiment emerged. The second democratic exercise was aborted by 1983 military coup.

#### **4. THE SECOND REPUBLIC**

A constituent assembly was elected in 1977 to draft a new constitution which was published on 21<sup>st</sup> September 1978 when the ban on political activity was lifted. According to Okongwu (1999), political parties were formed and candidates were nominated for President, Vice President, and the two houses of the National Assembly so also, the governorship and state houses of assembly. In 1979, five Political Parties competed in a series of elections in which a northerner and the flag-bearer of National Party of Nigeria [NPN, Alhaji Shehu Shagari emerged as the President. All the five Political Parties won representations in the National Assembly. In 1983, President Sheu Shagari and his party were returned to power in a landslide victory with a majority seats in the National Assembly and control of 12 state governments. Hence, the elections were marred with violence and allegations of widespread vote rigging and electoral misconduct, these allegations were later resolved in a controversial manner by the Supreme Court, the highest court in the country.

The second republic came to an end on the 31<sup>st</sup> December 1983. Major General Mohammed Buhari emerged as both the Head of State and the leader of the Supreme Military Council [SMC], the country's new ruling body. He charged some of the overthrown civilian governments with economic mismanagement, widespread corruption and election fraud. The Buhari government was overthrown by Chief of Army Staff, Major General Ibrahim Babangida in August 1985 (Ajayi, 1999).

Babangida cited misuse of power, violations of fundamental human rights by key officers of the Supreme Military Council and the government failure to deal with country's deeming economic crisis as justifications for the takeover. Ogunkoya (2008) maintained that President Babangida demonstrated his intent to encourage public participation in government and decision making by opening a national debate on proposed economic reform and recovery measures. The public response conveyed Babangida of intense opposition to an economic recovery package dependent on an International Monetary Fund [IMF] loan (Nwanolu and Ojukwu Uche, 2012).

#### **5. THE ABORTED THIRD REPUBLIC**

The presidential election of June 12, 1993 acclaimed as Nigeria's freest and fairest was widely believed to have been won by Chief M.K.O. Abiola. However, on June 23, Babangida using several pending lawsuit as a pretense, annulled the election, throwing Nigeria into turmoil. Ogundele (2006) emphasizes that more than 100 persons were killed in riots before Babangida agreed to hand over power to an "Interim Government" on August 27, 1993. Later, he was forced to handover to earnest Shonekan who is a non-partisan businessman, Shonekan was to rule until after the conduct of new elections and headed Babangida;s Transitional Council, but he was unable to resolve Nigeria's unabated political tension. Based on the lingering crisis in the country, the Defence Minister, General Sani Abacha quickly assumed power marking the end of the Sonekan's Transitional Council on November 17, 1993. Abacha dissolved all democratic political

institutions and replaced elected governors with military officers. He promised to return the government to civilian rule but refused to announce a timetable until his October 1, 1995 independence day address. Abacha's Government was initially welcomed by many Nigerians which later led to disenchantment as a result of his dictatorial style of leadership. A number of oppressed educated elites later unite to form a new organization called the National Democratic Coalition (NADECO), which campaign for immediate return to civil rule. The government arrested NADECO members who attempted to reconvene the senate and other disbanded democratic institutions. On 11<sup>th</sup> June 1994, the groundwork laid by NADECO was utilized and Chief M.K.O. Abiola declared himself president and went into hiding. He re-emerged and was promptly arrested on June 23. With Abiola in prison and tempers rising, Abacha convoked a Constitutional Conference but it almost immediately went into recess and did not reconvene until July 11, 1994 (Borisade, 2000). Human Rights problems, suffered as the government continued to interfere with organized labor by restricting the fundamental rights of association and the independence of the labor movement.

Abubakar later came to power in June 1998 and took several important steps toward restoring workers' rights and Freedom of Association for Trade Unions, which had deteriorated seriously between 1993 and June 1998 under the Abacha regime (Ogbonna, 2005). Provisional Ruling Council (PRC) was the major organ of Nigeria's decision making and the country was governed by decrees. Odukoya (2008) postulates that pending the promulgation of the Constitution written by the constitutional conference in 1995, the government observed some provisions of the 1979 and 1989. The judiciary's authority and independence was significantly impeded during the Abacha regime by arrogation of judicial power and prohibition of court reviews of its actions. In August 1998, Abubakar's government appointed the Independent National Electoral Commission (INEC) to conduct elections for Local Government Councils, State Assemblies, Governors, the National Assembly and Presidents. These elections were held successfully. The PRC promulgated a new Constitution based largely on the suspended 1979 constitution, before May 29, 1999 inauguration of the new civilian president. The constitution includes provision for a bicameral legislature at the Federal Level, consisting of a 360 member House of Representatives and a 109 members of Senate (Nwanohu et.al *op. cit.*).

## **6. THE FOURTH REPUBLIC (1999 TO DATE)**

After the demise of General Sani Abacha in 1998, his successor General Abdulsalami Abubakar initiated the transition to civil rule which ushered Nigeria's return to democratic rule in 1999. Usman (2010) explained that the ban on political activities was lifted and political detain were released from detention. Political parties were formed (Peoples Democratic Party (PDP), All Nigeria Peoples Party (ANPP) and Alliance for Democracy (AD) and elections were set for April 1999. After the election, Chief Olusegun Obasanjo was elected on the platform of PDP and sworn in as President and Commander-in-Chief of the Federal Republic of Nigeria on 29<sup>th</sup> May 1999. On 21<sup>st</sup> April 2007, Umaru Yar'Adua was elected president. After the death of Umaru Yar'Adua on 5<sup>th</sup> May 2010, Goodluck Jonathan became the third president of the Nigeria and was eventually re-elected as president in general election held in April 2011.

## **7. THEORETICAL EXPLANATION**

There are numerous theoretical contributions in the analysis of the input and the performance of the legislature. In an attempt to understand different theoretical perspectives to legislature assessment, there are some pertinent questions to be answered. These questions include: what are the various activities for legislature in a democracy? What are the impediments for efficient legislative performance? e.t.c. These are the issues that constitute some of the major concerns raised and addressed by some theoretical discourse on legislative input. Some views are majorly concerned with individual members of the legislature while another view focuses on the legislative institution itself.

Popular among the studies that provided theoretical explanation on legislative input is the one propounded by Mezey. Mezey's analysis of legislative input across legislatures of the world is said to be the landmark comparative study on legislatures (Baba, 2009). Legislatures are classified into minimal, marginal, active, reactive and vulnerable. This classification was basically conceived on contribution of various legislative institutions in democratic settings. Some of the

yardstick for evaluating the input of legislature which constitutes benchmark for the classification above include: which of the actors (legislative or executive) initiate bills that later become laws, the level of support for legislatures by the political elites, the public and the policy-making power of the legislatures.

Another means of comprehending legislative input and performance is the legislator – constituent relations. In this regard, the development of constituency development fund gives another theoretical viewpoint to the comprehending of legislature input. There are studies that tried a very wide based analysis of legislators’ effort in respect of constituency services. In the literature of scholars like Levitt and Synder 1977, Kings 1997, constituency services are more often linked to incumbency services that are constituency services are used by incumbent legislators to mobilize votes (*ibid*). However, constituency services enhance the efficacy of legislature as a representative institution. Local needs are linked to government and people through constituency services of legislators. This works in a way that it underlines the centrality of legislature in democratic governance. In Nigeria, constituency services are given precedence to as part of the duties of legislature. The provision for constituency offices and constituency allowances for legislators confirm this fact (Baba, 2009).

Therefore, a theoretical discussion on legislative inputs varies and could be visualized from diverse view. Despite the diversity of approaches to the study of legislature input, it can be explored that input assessment of political institutions and particularly legislature can be done using diverse yardstick. The motive behind this is to determine the strength and weakness with an attempt to promote democratic culture in Nigeria. Hence, the next section provides the analysis of the legislative input in Nigeria’s sixth National Assembly.

## 8. LEGISLATIVE INPUTS.

### 8.1 Law Making

Primarily, the responsibility of the legislature is to make law. Every other roles the legislator performs is originated from this principal role and become more pertinent when the law making role is performed. However, the legislature is majorly the principal mechanism by which states make laws, regulations and values that form the benchmark on which states are governed (Akanle, 2009). It is important to state here that, there may be situation where delegated legislation occurs where legislature allows specialized agencies to make law on its behalf, such laws must be authorized and subjected to legislative procedures as treasured in the constitution.

The range of this study fall within fourth republic. This republic was affixed on the 1999 constitution whose features are not too far from the 1979 constitution. It makes available for a bi-cameralism, which is two chambers of legislature – Senate and Federal House of Representatives. The former is composed of 109 members, three each, from the thirty six states in the country while the latter is composed three hundred and sixty (360) members representing Federal constituencies on a similar equal population basis. Following the return of democratic rule in 1999, the assembly has been said to be on “learning process” that has viewed the election and the removal of several Presidents of Senate, allegations of corruption, slow passage of private member’s bill and the inauguration of ineffective committees to gratify many interest (Nwanolue et. al., 2012).

However, between 2007 and 2011, several bills have been passed into law by the assembly but without any pervasive method to rescue the economic yearning and the ambition of the down trodden. Akindele was of the opinion that all the bills passed were the ones that will enrich the pockets of the legislators and insensitive in moving the socio-economic and political base of the country to the expected level. Unemployment has been on the increase as hunger, horrible poverty and high level crimes have taken the stage (Akindele, 2011).

The statistical table below shows the legislative activities of the senate between 2007 and 2010

TITLE	2007 - 2008	2008- 2009	2009 - 2010	TOTAL
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## Performance Evaluation of the National Assembly Input in Nigeria's Democracy 2007 – 2011

Bills Scheduled	72	72	83	227
Bills Presented	65	67	54	186
Bills read the first time	34	45	33	112
Bills read the second time and referred to committees	5	8	12	25
Bills Passed	44	36	13	93
Bills considered	70	130	15	215
Bills Neglected	-	4	2	6
Bills Withdrawn	3	2	1	6
Executive Bills Passed	7	4	3	14
Members Bills Passed	23	12	6	41
Reports Presented	16	23	18	57
Reports Laid	8	10	11	29
Reports Considered	9	8	12	29
Motions Presented	10	25	31	66
Motions Referred to Committees	2	4	3	9
Motions Considered	25	31	32	88

### Some Bills passed by Senate in 2011

SB 464 a bill for an act to alter the provisions of the constitution of the Federal Republic of Nigeria, 1999 and related matters.

SB\_335 a bill for an act to make provisions for and about offences relating to conduct carried out or purposes connected with terrorism.

SB\_463 a bill for an act to amend the Industrial Training Fund act, cap.19 laws of the federation of nigeria,2004;and for related matters.

SB. 08 a bill for an act to establish the Chartered Institute of Entrepreneurs of Nigeria charged with the responsibility of advancing the study, training and practice of entrepreneurship and determining the standards of knowledge and skill to be attained by persons seeking to become registered members of the institute and for other matters connected therewith.

SB. 11 a bill for an act to establish the Chartered Institute of Management Accountants to provide for the control of its membership and to promote and foster the practice of the arts and science of management accountancy in the federation and for other purposes connected therewith.

SB.12 a bill for an act to establish a national order of precedence of public officers and other persons in the Federal Republic of Nigeria.

SB. 14 a bill for an act to make provisions for regulations and fiscal incentives in connection with petroleum operations carried out by indigenous oil companies.

SB.26 a bill for an act to amend the transfer of convicted offenders (enactment and enforcement) act cap. t16, lfn 2004 and for other related matters.

SB.01 a bill for an act to establish the national projects monitoring agency and for other matters connected therewith.

SB. 02 a bill for an act to establish the Institute of Safety Professionals of Nigeria (ISPON)

SB.03 a bill for an act to amend the copyright act cap.c28 of 2004 for the purposes of making provisions for technological measures in protecting copyright and for other related matters

SB. 15 a bill for an act to establish an independent national assembly budget and research office, which will provide the national assembly with objective, timely and non-partisan analysis needed for economic and budget decisions and with the information and estimates required for use in the budget process; and other related matters

SB.29 a bill for an act to establish the chartered institute of cost and management accountants of Nigeria and for matters connected therewith

SB. 30 a bill for an act establishing universities veterinary teaching hospitals (constitution of boards, etc.)

SB.05 a bill for an act to prohibit marriage between persons of same gender, solemnization of same and for other matters related therewith

SB.06 a bill for an act to repeal the chartered institute of stock brokers act, cap. c9 lfn 2004 and provide for the establishment of the chartered institute of security and investment to regulate and control the practice of security dealings and investment profession and for related matters

SB. 09 a bill for an act to provide for legal recognition of electronic messages in commercial transactions, the use of the electronic messages to fulfill legal requirements and to enable and facilitate commercial transactions through the use of electronic means and other matters connected therewith

SB. 10 a bill for an act to provide for the establishment of the Nigerian merchant navy security and safety corps with responsibility for the security and safety of Nigerian merchant navy and other matters connected therewith

SB. 27 a bill for an act to establish the federal capital territory college of education, and other matters connected therewith

SB. 31 a bill for an act to establish the maritime security agency to promote maritime security and for other related purposes

SB.32 a bill for an act to amend the court of appeal act 2005 to increase the number of justices of the court of appeal from 70 to 90 and for related matters

*(Source: Statistical Bulletin on Nigeria Democracy 2011.)*

There have been some positive sides to legislature inputs and outputs over the afore- stated period. Even though, these are very microscopic, they are creditable of reference. Such outputs include the evocation of the doctrine of necessity during the health problem of the country's late President, Umar Musa Yar'Adua which obviously resolved the problem of succession which could have tear apart the oneness of the Nigeria nation at that time. Other outputs include the passage of the Freedom of Information Bill (FOI Bill) and Electoral Act of 2011.

## **9. OVERSIGHT FUNCTIONS**

This particular input of the legislature is to curb and minimize reckless organs of government. To certain extent, this has been accomplished. Officials of government are now conscious that they might be invited to give account of their office. Inputs of the legislature can be viewed over sagas like corruption scandals like in power sector probes and that of Petroleum Development Fund (PTDF).

It could be stated here that awareness of the legislature oversight functions now make Ministries and Parastatals to give important concentration to their corrupt tendencies through repayment of "unspent funds", a new concept in Nigerian government dictionary. Political office holders are now kept on their toes before the threat of impeachment and demand for sack as efficient legislative control. This is why Ajunwa (2009) postulated that over six hundred billion of 'unspent funds' had been recovered in the Federal government treasury from 1999-2008 (Ajunwa in This Day Newspaper, January 5). It could be recalled also that two billion naira plus (N2.1billion) was returned by the then Speaker of the House of Representative, Honourable Dimeji Bankole.

The above could be linked to rising legislature duties awareness and improved budgetary capabilities of the lawmakers have taken important strides towards improving quality of the oversight functions of public funds. The function equally brought about the legislature hijacking the role of Auditor's General office. It is also the reason for the invocation of the section 80 – 83 of 1999 Constitution which authorize the legislature to control public fund and advise the Revenue Mobilization, Allocation and Fiscal Commission. The case cancellation of certificate of occupancy of 19 out of 45 plots of land in the Federal Capital Territory belonging to the former minister of FCT by the Senate is a testimony of this.

## 10. CONSTITUENCY PROJECT

This constituted an input where citizens are expected to have the rapport with their representative. Legislators have been failing in respect of this as most law makers do not go to their respective constituency. Most legislators eventually operate their constituency offices through an intermediary who are called Personal Assistant (PA). A major excuse for this is that legislative obligations are highly demanding and constituents usually besiege honourables for personal demands whenever they are around. From the observation, it could be deduced that most of the legislators did not have operational and functional constituency office.

The question therefore is that how would the legislators know the needs of the constituents? This is why it was submitted by Akande that when legislators do not regularly consult and rub mind with their people, constituent needs could not be made known. He equally asserted that:

Definitely, the needs reported by a few political loyalist may not really represent the actual position of things. Yet lots of legislators depend on loyalist reports. Loyalist that will never give uncomplimentary and objective report of emergencies at the constituencies even when they are the truth (Akande, *op. cit*).

The above reveals the enormous disconnect among the citizens, the law and the legislators. Contemporary legislators lack full administration of what is entails to make any legislators have full result as scrutinized by the law giver leading to a disaster of separating legislative programmes from the social fact of the society in which they are expected to operate. It is important to enunciate that law makers are not expected constitutionally to construct roads or put basic infrastructures in place for the citizens. Hence, they are expected to visit their constituencies to consult the people to identify appropriate motions to move in the House, but one could observed that most of our legislators fail to do this, rather, they stays in Abuja legislating on law which most often do not affect people at their respective constituencies.

From the foregoing, it is possible to generally submit that the input of Nigerian legislature has been low in the range of the studied period. Although, legislature may be considered relatively encouraging in respect of their oversight functions but it falls low in law making which affect general populace which is its principal function as well as constituency functions. Therefore, there is need for legislative resurgence in Nigeria.

## 11. IMPEDIMENTS

Monetary interest constitute major factor affecting input of legislature. Most legislators spent huge amount of money prior to their election and they are in different assembly for personal gain. This constitutes reasons for allegation of corruption and scandals against legislators. There was an analysis entitled "National Assembly and History of Scandals" on Guardian Newspaper of May 21, 2011. This partly, account for why they regularly increase their salary and allowances without difficulty while legislators find it extremely difficult to do the same for law making and constituency project.

The level of political illiteracy often exhibited by constituents in relation to legislators' role as a result of misinformation by the law makers is very high. Most law makers during the course of electioneering campaign promise what they could not give in order to win the election. Instead of emphasizing on their eventual legislative roles, they, from the beginning promise execution of tangible projects to exploit constituents' needs in the face of abject poverty and government irresponsibility.

The nature of legislative role is complex, weighty and technical, thus some legislators lack required abilities to function as law makers. Legislative activities harmonize various aspects of professional activities which are not factored into election of officials. So significantly, educational, professional background and experiences are enormously needed. The specified constitutional minimum educational qualification does not prioritize positive inputs of the legislature. Other impediments may include the case of governmental influence, internal frictions among legislators and host of others.

## 12. CONCLUSION

The return of democracy to Nigeria in 1999 brings about the establishment of crucial an institution of democracy among which legislature is the prominent one. This particular institution was one of the victims of decay under military rule as self-appointed military personnel and others assumed the position of law makers through enactment of decrees.

From the foregoing, one can assert that the legislature has not done exceedingly well in enhancing the growth of democracy in Nigeria. Hence, there are prospect for strengthening and institutionalizing the Nigerian legislature for better input and proficient output. The present wave of legislative investigation in the various sector of the economy and society [like power, finance, oil subsidy] with revealing truth on fraud is indicative of the fact that legislature is becoming conscious of their input towards the growth of democratic culture in Nigeria.

Legislature is an act and then a science that must be learnt. It thus a technical enterprise and should not be an avenue to satisfy godfathers or political mentors. The legislative arm of government must therefore brace up and improve themselves to cope with legislative challenges. Law makers must equally exercise their principles of separation of power and check and balances in order to make meaningful input and to be relevant.

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