



## Legislative Oversight, Good Governance and the Future of Nigeria's Democracy

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### **A b s t r a c t**

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In a democratic context, parliament has a crucial role to play in ensuring good governance in a democracy. Scholarly attention is being paid to legislative studies in developed and developing democracies because it is believed that the legislature is essential to democratic governance. The legislature constitutes the cardinal part of the pillar of the governance process in the democratic political systems of today's world, Nigeria inclusive. However, evidence has shown that legislature in developing democracies are weak and thus cannot effectively performed their functions of representation, law making and oversight. This study therefore examined the roles and responsibilities of the Legislative Arm of Government in ensuring good governance. Structural-functionalism will form the theoretical basis or frame work for this paper. It is a review with data drawn largely from secondary sources. The paper contends that there is a link between legislative oversight, good governance and democratic sustainability, and submit that one major impediment to good governance in Nigeria's democracy is the pursuit of private interest and massaging of personal ego of members of the two chambers. The paper however concludes that good governance and consolidating Nigeria's democratization process can be achieved through vibrant and selfless legislative process.

**Keywords:** *Legislature, Legislative Oversight, Good Governance and Democracy*

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### **Background to the Study**

In the 21st century there is ever growing attention to the issues related to democracy and good governance around the world. This results from the increasing acceptance of the fact that democracy and good governance are not luxury, but a fundamental requirement to sustainable development. Legislature as one of the key institutions in a democratic system has a critical role to play in promoting fair governance. As the democratically elected representatives of the people, parliamentarians have an important constitutional responsibility to ensure government is by the people and for the people. By performing the key functions of legislations, representation and oversight, the legislature should actually engage in the development and implementation of laws, policies and projects promoting democratic principles of governance (Obaro, 2015).

The Legislature, or parliament, plays an important role in the life of a nation. It thus performs three main functions; adopt new laws, amends the existing laws and oversees the activities of the executives to ensure the government is accountable to the people. Achieving good governance requires existence of an active, strong and efficient Legislature. The parliament plays a crucial role in gauging, collating and presenting the views and needs of the people, articulating their expectations and aspiration in determining the national development agenda. As an oversight body, the legislature helps to identify problems and policy challenges that requires attention and assists in overcoming bureaucratic inertia.

Political analyst and concerned Nigerians has x-rayed the performance of the second arm of government since Nigeria's return to democratic rule in 1999. However, only few people gave the legislature in Nigeria a pass mark so far. The reasons being that it was still very young and there would always be room for improvement and perfection of the system. On the other hand, some analysts are of the opinion that the lawmakers performed far below overage (Obaro, 2015). For the fact that the legislature is the arm of government existing only in a democratic setting, one will not expect the parliament to grow at the same pace as the other two "arms", the Executive and the Judiciary, which have been in place during the military regimes. Thus, the importance of the legislature in ensuring accountability and good governance cannot be overemphasized.

### **Statement of the Problem**

Over the years, the Nigerian parliament has been accused of failing to live up to the expectations and yearnings of Nigerians. (Obaro, 2015). The only time we hear rumbling between the executive and the legislature, both at the federal and state levels, is when the flow of cash between them is "slow". Particularly, the state lawmakers have been accused of virtually turning themselves into more rubbers stamps as the state governors rule their respective states as their personal estates or companies with little or no resistance from the Legislatures. Budgets are passed without proper rigorous scrutiny and defense. Bills are often passed on the same day without thorough debates or due consideration whether or not such bills really intend to add any value to the people's well being.

The National Assembly has a yearly ritual of accusing the federal government of failure to fully implement the budget of the preceding fiscal year. However, such accusations have been observed as amounting to the National Assembly indicting itself of weak and inability to oversight and hold the executive to account. Budget defense by Federal Ministries, Parastatals and agencies have been reduced to a yearly “parley” where various legislative committees and members of the executive negotiate sharing of the “national cake” with no interest to the Nigerian people. Their power of oversight has been slaughtered on the altar of corruption and weakened by their crave to mass wealth at the expense of the masses.

The agitation and clamor for a national conference convened by President Jonathan was ascribed to the fact that Nigerians lost confidence in the current legislature, both at the national, state and local levels. High level of corruption and indiscipline with impunity currently characterizing virtually all government establishments and institutions in Nigeria has persisted because the Legislature is irresponsible to the plight of the people. Over the last 17 years of uninterrupted democracy in Nigeria, our law makers have constantly denied to put heads together, pass laws that would make the government more accountable and focused on how to add value to Nigeria and Nigerians irrespective of their partisanship. They have rather preferred to identify with their respective political parties and cover up cases of high level of corruption and gross misconducts perpetrated by some members of the executive. Worst still, the recent time have seen the job of law makers virtually halted by the internal politics of the current members of the National Assembly. This is not acceptable for a country whose citizenry are in dire need of quality laws that would improve their livelihood.

### **Conceptual Clarification**

It is important to first explain some key concepts before delving into the crux of this paper. They include Legislature, good governance, legislative oversight, democracy etc.

### **The Legislature**

The legislature is the most notable symbol of democracy. It can be defined as the arm of government composed of elected representatives or constituent assembly of people whose role is to make, review and repeal laws for the good and well being of society as well as serve as a watch dog over the activities of government. The Legislature controls through Legislation all economic, social and political activities of a nation. Hence, the Legislature is seen as the watch dog over other arms of government. Good governance is dependent on the type of laws enacted by the Legislature. It can therefore be said that the power and efficacy of the Legislature in performing its constitutional roles by providing visionary leadership determines to a large extent the success of the entire system of government. Any impediment to the functions and powers of the Legislature directly affects good governance.

Section 4 of the Nigerian Constitution established the Legislature. “The Legislative Powers 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”. Similarly,

Section 4(6) provides that “The Legislative powers of a State of the federation shall be vested in the House of Assembly of the State”. The Legislature is referred to as parliament in Britain, congress in the United States and National Assembly in Nigeria. Whatever the nomenclature, it is safe to say that all functioning Legislatures in democratic nations have the roles of representation, Lawmaking and oversight.

### **Good Governance**

The terms good governance has very broad connotations. It is not necessarily defined in any written law. The closest description is as contained in chapter 2 of the constitution which provide for fundamental objectives and directive principles of state policy. This chapter layout the broad principles and objectives that the state should aspire to in order to attain good governance. In addition, and in particular, section 4(2) and 14(2) (b) of the constitution provides that: 'The National Assembly shall have power to make laws for the peace, order and good governance of the federation or any part thereof'...and section 14(2)(b) of the constitution proclaims that 'the security and welfare of the people shall be the primary purpose of government'.

Thus, good governance could generally be described as governance that meets or satisfy the yearnings or needs of the people interms of development and welfare. Good governance has also been defined as the process of allocating resources through the instrumentalities of the state, for the attainment of public good. Good governance therefore includes institutional and structural arrangements, decision making processes, policy formulation and implementation capacity, development of personnel, information flows and the nature and style of leadership within a political system. Hence governance is largely about problem identification and solving (Ilufoye, 2010).

Mamal on Fiscal Transparency, IMF 2007 also defines good governance as: “The process by which decisions are made and implemented” (or not implemented). Within government, governance is the process by which public institutions conduct public affairs and manage public resources. Good governance refers to the management of government in a manner that is essentially free of abuse and corruption, and with due regard to the rule of law. However, in a democratic regime as noted Dogara (2016) good governance has three principal characteristics: participation, transparency and accountability.

Participation essentially has to do with involvement and inclusiveness of the citizens in the affairs of government. The public plays a significant role in choosing their leaders and representations. In the Nigerian context, the legislature provides for public participation in the legislature activities and processes when it calls for memoranda from the public and when it conducts public hearings. This enhances citizens access to the legislature and contributes to good governance. In the House of Representatives, in particular, the mechanism of Public Petitions Committee, guarantees that citizen's grievances are presented and ventilated before the representatives of the people. All these speak to the constitutional prescription in section 14(2)(c) to wit: “the participation by the people in their governance shall be ensured in accordance with the provision of these constitutions of these constitution” (Dogara, 2016).

Transparency envisages that activities and decisions of government are open to public view and scrutiny. When committee and government meetings are open to the press and the public, when budget and expenditures are reviewed by citizens; when courts and legislative chambers admits the public; when laws, rules and decisions of government are open to discussion, they are seen as transparent and there is less opportunity for any authority to abuse the system. This position is further reinforced by the freedom of information Act, initiated and passed by the National Assembly to aid good governance and accountability. This law specifically makes public records and information more freely available to any citizen. Transparency, promotes efficiency and effectiveness in governance.

Another ingredient of good governance is accountability. Accountability denotes the degree to which government or any of its agencies are held responsible for its action. In the legislature, members of parliament give periodic account of their stewardship to their constituents during constituency briefings. The four years tenures also ensure that political office holders render accounts of their stewardship to the electorates especially before any possible renewal of mandate. Accountability also enhances democracy; promote efficiency and effectiveness in governance.

In the final analysis, Dogara (2016) enumerated what he termed as the key principles of good governance in the public sector, and argued that the function of good governance in the public sector is to ensure that entities act in the public interest at all times. This, among others include: Strong commitment to integrity ethical values and the rule of law; and openness and comprehensive stakeholders engagement. In addition to the requirements for acting in the public interest, good governance in the public sector also requires: Defining outcomes in terms of sustainable economic, social and environmental benefits; Determining the interventions necessary to optimize the achievement of intended outcomes; Developing the capacity of the entity, including the capacity of its leadership and the individuals within it; managing risks and performance through robust internal control and strong public financial management; and implementing good practices in transparency and reporting to deliver effective accountability.

### **Democracy**

Beyond Abraham Lincoln's definition of democracy as "government of the people by the people and for the people", Scholar has espoused various virtues of democracy in their definitions. These virtues include premium on the basic freedom and fundamental human right of the citizens, such as equality and right of opinion and expression, right to property, free flow of information and the right of choice among alternative political positions; the rule of law, limited government and sovereignty of the people (Alemika 2000:71, Yusuf, 2000:115). Nzogola-Ntalaja summarizes the above elements into what he called universal concept of democracy underlined by three basic ideas: Democracy as a moral imperative, Democracy as a social process and Democracy as a political practice. Democracy from these stand points is thus expected to lay foundation for a sustainable social, political and economic order. Equally, the above virtues raise democracy beyond

the mere rituals of voting and elections to one that ensures co-existence of a plurality of opinions guaranteed by freedom of expression under the rule of the majority (Kabong, 1986:35). Consequently, under a democratic government, various groups are expected to be able to articulated and press their demands thereby contributing meaningful into policy making process.

The presupposition from what have been said above is that democracy is a system, which not only accommodates varying reviews in the society but equally allows for their self-expression and participation in the whole societal process. This thus, brings it in congruence with federal practice. Federalism guarantees equal right of participation of all citizens and units in matters affecting them. Equally, federalism by its nature is a form of constitutional government which sets limits on government of various levels, in the state and as such, incompatible with autocracy or totalitarian rule (Jinadu, 1979:21). To this extent, it is in line with democratic practice.

### **Research Methodology**

The study is qualitative in nature. It is a review with data drawn largely from secondary sources. Relevant data were therefore gathered from published work of scholars in the field, documented facts, and related literatures from journals, articles, speeches of notable personalities in the field, newspapers as well as online information. For the analysis, explanatory method (contents analysis) was adopted.

### **Theoretical Framework**

The Structural-Functionalism shall form the theoretical background in explaining the role of the legislature in ensuring good governance and promoting democratic sustainability in Nigeria. Structural Functional Analysis as it otherwise called, is an offshoot of systems approach and can be placed in the same methodological category. It can therefore be placed within the category of macro as opposed to micro approaches to political injury. Its relevance to this work therefore is drawn from its ability to offer explanations on functions performed by political structures i.e. Legislature, Executive and Judiciary. The theory further suggests that certain functions must be performed in every society even though their manifestation may vary from place to place.

Structural-functionalism, a sociological concept with fountain head of Malinowsky, emerged from the effort of scholars like Talcott Parsons, David Easton Gabriel Almond, Bingham Powell, and James Coleman to develop a comprehensive framework within which political systems, past and present as well as western and non western could be analysed as a basis for scientific study of comparative politics.

The proponents of the structural-functional approach sought to develop a common scientific framework for the comparative analysis of all political systems.

This approach has four related analytical goals, with the acronyms CRIP:

- I. Comprehensiveness: The inclusion of western and non western cases.
- ii. Realism: The analysis of the actual behaviour, rather than formal rules.
- iii. Intellectual order: The creation of a unified theory of politics which
- iv. Will bring together the field of comparative government, political theory and international relation.
- v. Precision: The application of scientific and quantitative techniques in the study of political behaviour and phenomenon.

The core assumption of the structural-functional approach is that a universal set of political functions could be defined and associated with different structures in different political systems. In other words, all political systems perform the same core set of functions, although these functions may be performed by different structures from one society to another.

Political system here refers to a set of interactions, institutions and agencies concerned with formulating and implementing collective goals of a society by employment or threat of employment of more or less legitimate physical compulsion. It exists in both domestic and international environment, shaping these environments and being shaped by the environment. The literature on structural functional analysis has identified five types of political structures located within the modern political system: political party's interest groups, legislature, executive bureaucracies and the court. In existing Western systems, political parties are largely but by no means exclusively associated with interest aggregation; interest groups with interest articulation, legislature with rule making or policy formulation, executives and bureaucracies with rule application or policy implementation and courts with rule adjudication.

In spite of the utility of this theory or approach to the understanding of the problem under review in this paper, the theory, is not without some flaws or limitations. These shortcomings, among others, include observation made by some scholars that the structural functional approach is conservative in its methodology. This, according to them is because the approach focuses on describing a set of political institutions at a particular time and despite all pretentious and revision is less concerned about why political system functions the way it does and it might evolve change overtime. That notwithstanding however, the theory by virtue of its many other postulations as earlier stated, is a useful scientific tool for analyzing political problems or issues of this nature.

### **Legislative Oversight as a Critical Component of Good Governance**

In a federal structure like Nigeria, where a democratic system of government is in place, there are fundamental principles that enthrone good governance. The institutional arrangement is reflected in the distribution of governmental powers between the three arms of government, namely the executive, the legislature and the judiciary. The principle that guides operations of the three arms include autonomy, separation of powers and checks and balances. It is on the basis of the performance and interaction of these arms of government that good governance is assessed and determined (Dogara, 2016).

The use of the term 'oversight' is credited to Prof. Woodrow Wilson (congressional Oversight - Wikipedia), and he defined it as the duty of a representative body to look diligently into every affair of government and to talk much about what it sees. It is meant to be the eyes and the voice and to embody the will and wisdom of its constituents. It has also been as “the review monitoring and supervision of government and public agencies including the implementation of policy and legislation: legislative oversight involves keeping an eye on the activities of governmental agencies especially the executive branch on behalf of the people, in this case, Nigerian people. This process brings to the knowledge of the public what the executive branch is doing and affords the electorate the opportunity to determine whether public servants are really serving their collective interest or not.

Dogara (2016) further noted that oversight can be performed *ex ante* i.e. during the design and implementation of the programme or policy and also *ex post* after its implementation. This legislative function is often referred to as the watch dog role. One of the cardinal merit of investigative hearings or oversight is that it puts public officers on their toes, literally. Persons who deal directly with public funds and government policy are made aware that their conduct could be examined or called into question by an alert legislature desirous of public good. This acts as a restraining influence on governmental action.

In more recent time, the Nigeria's House of Representatives adopted a Legislative agenda to guide its activities for four years. The House made the following commitments with respect to Legislature oversight matters as noted.

(a) Legislature and executive programmes, policies and laws made by the National Assembly are often not efficiently or effectively implemented by the executive branch. Further Legislative intervention therefore becomes necessary in order to implement laws passed by the National Assembly and detect correct problems when they arise. Consequently, oversight of executive programmes and activities has become very critical to effective performance of the executive and good governance in Nigeria.

(b) The House oversight activities shall leverage on the constitutionally mandated power of investigation under section 88 and 89 of the constitution to expose corruption, efficiency and waste in the conduct of government business. Further powers as contained in the Legislative Houses (powers and privileges), Act will be effectively utilized.

© The 8th House has the necessary Political will and capacity to continue with rigorous oversight of the executive branch as this promotes accountability and reduces incompetence, misuse of government funds and abuse of power. Where necessary the House shall institute an appropriate system to involve CSOs, citizens monitoring groups and the media in oversight and monitoring and evaluation of projects.

(d) In carrying out its oversight and Legislative hearing activities, the House shall ensure that its powers are not misused or abused by either members or committees. To this end, the 8th House shall strengthen its processes, rules and internal structures to support



its oversight and investigative hearing activities and ensure full access to all government financial information. It shall also develop mechanisms to sanction those who do not cooperate with its oversight or investigative activities or who refuse to implement Legislative wishes or resolutions.

(e) Indeed, the House will ensure that full amplitude of its constitutional powers, financial, human and political resources are deployed to carry out its investigative or oversight activities (The Guardian Newspaper, May 2, 2016).

### **Development of Legislative Power of Oversight**

The source(s) where the legislature derived the power to oversee another arm of the government differs in different jurisdictions (Dogara, 2016). For example, in the United States, congress oversight is an implied rather than an enumerated power under the U.S. constitution. The U.S. constitution does not explicitly grant congress the authority to conduct inquiries or investigation of the executive branch, to have access to records or materials held by the executive, or to issue subpoenas for documents or testimony from the executive. However, congress oversight is derived from the many and various express powers of the congress in the constitution. It is implied in the legislative's authority, among other powers and duties, to appropriate funds, enact laws, raise and support armies, provide for a Navy, declare war, and impeach and remove from office the President, Vice President and other civil officers. Congress could not reasonably or responsibly exercise these powers without knowing what the executive was doing; how programmes were being administered, by whom and at what cost; and whether officials were obeying the law and complying with legislative intents.

Consequently, the Supreme court of the United States has confirmed the oversight powers of congress, subject to constitutional safeguard for civil liberties, on several occasions. In 1927, for instance, the High Court found that in investigating the administration of the justice department, congress was considering a subject "on which legislation could be had or would be materially aided by the information which the investigation was calculated to elicit" (Congressional Oversight, Wikipedia). It therefore, logically followed that congress and oversight in United States is a matter of practice and only consolidated over the years through judicial precedent and status law. In Nigeria however, the National Assembly derives its oversight power from various provision of the constitution directly and mainly from section 88 and 89 of 1999 constitution.

### **Purpose of Oversight**

It is to be noted that legislative oversight promotes checks and balances, it install fiscal discipline, good governance, accountability and transparency in public offices. It also serve a number of other objectives and purposes such as improve the efficiency, economy and effectiveness of governmental operations; evaluate programmes and performance; detect and prevent poor administration, waste, abuse, arbitrary and capricious behaviour of illegal and unconstitutional conduct; inform the general public and ensure that executive policies, reflect the public interest; gather information to develop new legislature proposals or to amend existing status; ensure administrative compliance with legislative authority and prerogatives.

### **Oversight Mechanisms**

Oversight mechanisms are the processes, tools, method and actions that the legislature deploys to carry out and to enforce their oversight functions. Such tools, include committee investigative hearings, public hearings, hearings in plenary sittings and public petitions. Legislature committees may also call for reports and explanations from government ministries, departments and agencies (MDAs), or any activity of government (Dogara, 2016). The Auditor General also sends annual reports to the Public Account Committees of both chambers of the National Assembly. In addition, committee engage with MDA's on appropriation bill, which entails a review of each MDA's annual budget estimates, defense of such budgets and recommendations to the Appropriate Committee. Quite frequently, the National Assembly conducts oversight inspection visits and confirmation/screening of nominees.

### **Nigeria's Democracy and its Future**

Democracy has been regarded as an ideal form of government in which people are governed by their own elected representatives. It is a government of the people, for the people and by the people. It is a people's government in which the voice of the people is supreme and where the laws are fashioned according to their wishes (The Nation, 2014). The question whether democracy has a future in Nigeria has arouse great concern among political analyst and educated elite. To some analyst, our democracy has a bleak future. It can have future only if our politicians cease to be power mongers (Lukman, 2014).

Another reason cited is that of over bearing centre with beggarly and weak federating units. This, it is argued, can never augur well for comprehensive and sustainable good governance and enduring democracy. However, the position of this paper is that despite the numerous challenges we face as a nation, the future of our democracy in Nigeria is not bleak. The political enlightenment arising from twelve years experience of continuous civilian government has helped in nurturing some democratic spirit in Nigerians. We can do better. The late sage and undisputed Nigerian thinker, Chief Obafemi Awolowo, recommended the right course long before his demise. His words:

Firstly, election rigging and other kinds of electoral malpractices must be totally out lamed in future elections. One of the major causes of the failure of our first experiment in democracy in the first republic was the blatant rigging of elections on two occasions. The first rigging created a tremor and alarm; the second generated a disastrous quake, eruption and violence, the scismic effect of which still linger with us (Awolowo, 1981 in Mimiko, 2011).

Progressive governance in some states has further deepened the democratic ethics and help to expose leaders of decidedly reactionary bent. Part of the agenda for people power should be to agitate for a completely overhauled electoral system that will respond to our democratic evolution as a country and whose results, will adequately mirror the preference of the voting public. this will entrench accountability; demolish the synagogue of corruption in which Nigerians had worshipped for so long and set the nation on the path to good governance which broadly equates genuine, popular democracy (Mimiko, 2011).

The Legislature had been bold in the past to checkmate the self-perpetuating antics of some former leaders. The galvanization of civil society into action to protest anti-people or retrogressive policies of government is also indicative of a virile people power that packs formidable moral authority. Our lawmakers must rise above party, religious and ethnic sentiments to ensure good governance.

### **Challenges of Legislative Oversight and Good Governance in Nigeria**

The oversight functions of the legislature in Nigeria faces enormous challenges that should be overcome for it to lead to good governance that we are talking about. Dogara (2016) has identified the following as some of these challenges:

1. Lack of co-operation by some Ministries, Departments and Agencies (MDAs) in the executive branch.
2. Public misconception on the mandate, role and activities of the legislature.
3. Inadequate funding of oversight activities such that in highly technical areas of oversight, there may not be enough resources to engage the kind of technical assistance required to conduct a proper oversight.
4. Few bad eggs that may not live up to their oath of office and legislative duties.

In addition, like in any human institution, private interest and personal ego among the legislators is a propensity for conflict, and by implication, an impediment to good governance. This standpoint has been echoed by Mba (2014) as thus: The leadership of the National Assembly often demonstrate propensity for conflict between and within the two legislative chambers. This has been ascribed to the role of the state in Nigeria which is becoming increasingly obvious as a means for the achievement of private interest and personal ego. The condition of the country's under development means that political or state power offers opportunities for public office holders to rise above the general poverty and squalor that pervades the entire Nigerian society. Perhaps political power has service the private interest of the members of the National Assembly and has been used to foster private interest for the benefit of their family, friends and praise singers. State power is probably the easiest means for which one enriches oneself for whoever has acquired it (Mba, 2014).

### **Conclusion**

Only through conscious effort to democratize access to the good things of life through a deliberate effort at restructuring the character of the Nigerian State and working on improving the material conditions of the people, can there be the kind of democracy that embodied good governance and that is not only restricted to political rights, but that also encompasses social and economic emancipation. Good governance, because it is based on the establishment of a representative and accountable form of government, the primacy of the rule of law, plurality of interest and degree of transparency, should ordinarily compliment the sustenance of democracy. However, without the driving force of the legislature, enduring good governance is at risk while sustainable democracy is a mirage.

## Recommendations

The legislature should always be as independent and objective as possible so that Nigerians can fully enjoy the benefits of democratic governance.

1. Over sighting the programmes and projects of the executive should be a Priority as it is the only way to hold the government accountable to the people.
2. The current National Assembly should commit itself to fighting corruption and abuse of power in its legislative agenda and support the executive in its effort to eradicate the menace of corruption in Nigeria.
3. The legislature should always rise above political party consideration to the overall benefit of the citizens.
4. Rather than going to the hallowed chambers to represent their “Pockets” and enrich themselves, the members of the National Assembly should selflessly serve their people through quality representation.
5. There should be improved communication between the legislature, legislators and their constituencies to ensure that interest underlying current or future conflict is prevented.
6. On a general note, leaders need to be more transparent and show a high degree of accountability in governance.

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