

LEGISLATURE AND DEMOCRATIC GOVERNANCE: AN ASSESSMENT OF THE 9th NATIONAL ASSEMBLY IN NIGERIA

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ABSTRACT

The 9th National Assembly in Nigeria was elected in 2015 and represents the most extensive democratic period of legislative governance in the country's history. This study examines the performance of the National Assembly as a mechanism of democratic governance in Nigeria. Specifically, we explore the legislative processes used by the Assembly, the extent of its accountability to the electorate, and the way it has impacted Nigerian democracy and development. Structural functionalism was adopted as the theoretical framework on the function of the Legislature, we employed qualitative methods to explain the Legislature and good governance, and evaluate the performance of the ninth assembly of the Nigerian State. The analysis of its roles in the creation of laws revealed a sizable disparity in terms of public involvement and consultation. Findings also revealed that the poor relationship between the executive and the legislative branch of government has slowed the development of democratic governance. It is recommended that Nigerian Legislators should prioritize legislative productivity and concentrate on passing legislation that will directly benefit society. In conclusion it was deduced that there is a substantial disparity between legislators and their constituents, according to the appraisal of legislators' performance in the Ninth Assembly in terms of representation as most law makers are perceived to be self-serving.

Keywords: Democracy, Governance, Legislature, Legislation and National Assembly.

1. INTRODUCTION

A challenge to the makeup or operation of the Legislature is perceived as a strike against democracy because it is one of the most important institutions in the democratic process. This is predicated on the idea that it represents democracy and gives the populace a chance to take part in governance. With the exception of the Legislature, all democratic institutions and qualities are present in other types of authoritarian regimes. Since it is the only institution of government that represents democracy, the Legislature is crucial and at the core of democracy. The Legislature is a key component of any democratic government, (Odo 2015). Perhaps this is why (Amucheazi 2013) asserted that the Legislature is a necessary institution that all democratic countries must establish and sustain. One cannot disagree more with this notion because democracy is

unthinkable without the Legislature. This is based on the fact that the Legislature exemplifies democracy's existence.

Due to the circumstances surrounding the 9th National Legislature's inauguration on June 11, 2019, with Senator Ahmed Lawan as Senate President and Femi Gbajabiamila as Speaker, Nigerians had a momentary hunch that the Legislature might not be as assertive as predicted. Nigerians consequently welcomed the 9th Assembly with tremendous anticipation, tempered by some skepticism. The skepticism originated from President Muhammadu Buhari's repeated statements that he would have preferred a less "confrontational" National Assembly to expedite the fulfilment of the promises he made to Nigerians. And, unlike the 8th Assembly, whose leadership was chosen independently by National Assembly members, the 9th Assembly's leadership was chosen with the heavy hand of the Executive, adding to Nigerians' skepticism (Cable news, 2023).

According to Ahmed Lawan, Senate President of the Ninth Assembly, "as of July 2022, a total of 874 bills were introduced in the Senate, of which 162 were passed." President Buhari signed 104 measures from the 9th Senate." He further stated that by the end of the 9th Senate, a total of 500 laws had been passed. The House of Representatives, on its part, reported in the 9th assembly, chaired by Speaker Femi Gbajabiamila, that "the House passed 510 bills and 2000 motions over the last four years." Both houses condemned the "rubber stamp" label given to the 9th National Assembly by many Nigerians, which they claimed was based on a misunderstanding of the Legislature's mandate and role in a democracy. While defending the Senate's stance, Lawan stated, "Our collective achievements also underscore and justify our decision to adopt a cordial but professional approach to Executive-Legislative relations focusing on constructive engagement, rather than unnecessary antagonism and conflict."

The National Assembly has the authority to oversee the Executive branch of government, according to the 1999 constitution (as modified); unfortunately, the constitution was silent on who oversees the Legislature. There is also no agreement on what metrics should be used to assess the performance of the parliament. This study is informed by all of these factors and many more. This paper's nature is mostly descriptive in the sense that it will define broad conceptual concerns about the role of the Legislature and good governance. It is also informative, since the article digs into the functions of the Legislature and its efficiency in ensuring and preserving good governance in the Nigerian democracy.

Objectives of the study

The primary goal of this study is to assess the responsibilities of legislators in democratic governance in Nigeria. The secondary goal is to discuss the challenges that confronted the ninth assembly and evaluate the performance of the ninth assembly in Nigeria between 2019 and 2023.

Conceptual Discourse

The concept of legislature

Legislature constitute the third arm of government in Nigeria, and it is charged with the job of making laws for the country. According to Awotokun (1998), as referenced in Boris (2021), the Legislature is an arm of government made up of elected representatives or constituted assembly, people whose role it is to enact laws, control the operations of the Executive, and protect the interests of the people. The Legislature regulates the nation's economic, social, and political activities through legislation. It also examines the Executive's policies and establishes the

framework under which the judiciary operates (Ihedioha, 2012). The major purpose of the Legislature is to make laws, but it also undertakes oversight functions to guarantee good governance, accountability, openness, and efficiency in governance. In a nutshell, the Legislature serves three functions: lawmaking, representation, and supervision. Thus, the Legislature makes laws for the good governance of the country, performs representative functions on behalf of the people who elected them, and supervises the Executive branch of government, which includes Ministries, Departments, and Agencies (MDAs), to ensure that government is held accountable to the people from whom it derives its sovereignty (Ihedioha, 2012; Dogara, 2016).

However, parliamentarians' role in nation building extends beyond enacting laws, as the Legislature performs a variety of vital duties in our polity with the goal of fostering good governance and development (ECA, 2012; Obasa, 2016). As a result, there are various viewpoints on the legislative arm of government's functions and responsibilities in ensuring good governance. However, the Legislature's primary legislative, representative, and oversight duties provide an important contribution to the overall quality of Nigerian democracy and governance (Dogara, 2016; Ogbonna, 2018). The National Assembly shall have power to establish laws for the peace, order, and good governance of the Federation or any part thereof, according to Section 4(2) of the constitution of the Federal Republic of Nigeria, 1999 (amended).

legislature is classified into two categories: unicameral and bicameral. A unicameral Legislature has only one chamber based on popular representation and is in charge of the full legislative functions. This type of legislature is ideal for smaller countries with a reasonably homogeneous ethnic population. Ghana, Turkey, Greece, Israel, Spain, Denmark, Sierra Leone, Romania, New Zealand, Sweden, and other countries have unicameral Legislatures, whereas bicameral Legislatures have two legislative bodies or houses. In other terms, a bicameral Legislature has two chambers, the Upper and Lower Houses. Members of both the Upper and Lower Houses are elected directly, as in Nigeria, South Africa, Canada, Argentina, the United States, Germany, Australia, Switzerland and some other nations. In the case of the United Kingdom, members of the House of Lords are nominated whereas, members of the House of Commons are elected. Nigeria has 109 senators, with three senators representing each of the country's thirty-six states and one senator representing Abuja, the Federal Capital Territory. The House of Representatives has 360 members that are elected from federal constituencies.

According to Gill (2009), governance is the dynamic interaction between people, structures, processes, and traditions that support the exercise of legitimate authority in providing sound leadership, direction, oversight, and control of an entity in order to ensure that its purpose is achieved and that proper accounting is kept for the conduct of its affairs, the use of its resources, and the outcomes of its activities. Gill went on to identify seven widely acknowledged, interconnected pillars of democratic governance, and hence "good" governance, as follows: legitimacy, participation (engagement), responsible stewardship, ethical conduct, transparency, predictability, and accountability.

According to Johnson (2016) the lawmakers in any thriving democracy are the actual representatives of the people. Members of parliament are elected representatives of the people because they are the conduits through which the people participate in governance. Section 4(1)

of Part II of the 1999 Constitution, in particular, states: "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."

Furthermore, Section 88(1) of the 1999 constitution enables the National Assembly to initiate an investigation into any topic over which it has legislative jurisdiction, as well as the conduct of individuals, authorities, or Ministries in relation to the implementation of such laws. The combined impact of the aforementioned parts and other incidental sections of the Constitution, Standing Orders of the National Assembly, existing enactments, and age-old parliamentary procedures and tradition form the foundation of legislative supervision by the National Assembly. (Okoro, 2017). As a result, legislation is one of the most important institutions of every democratic government. As a separate branch of government, it is critical to the establishment of good governance in the state. (Ifiemi, 2016).

It is commonly understood that a dynamic Legislature is required for excellent government to be attained. The Legislature is a deliberative body that debates and deliberates on all issues of national concern. It represents public opinion on a variety of issues through its deliberations. It serves as the most effective arena for public opinion articulation and expression. Legislators serve as a conduit between the general population and the government (Ifiemi, 2016).

The concept of Good Governance

Political science uses the term "governance" to refer to the process of political administration, which includes the normative basis of political authority, methods for handling political issues, and the administration of public funds. The exercise of administrative power within a specific sector and the function of political authority in preserving social order are given particular attention. The public administration procedure that optimizes the public interest is referred to as good governance. One of its key characteristics is that it is a new relationship between the political state and civil society, as well as the ideal state of the two, and involves the State and the citizens working together to administer public life. (Commission on Global Governance, 1995)

Good governance entails fairness, equity, the protection of life and property, increased involvement, the preservation of the rule of law, and an improvement in the populace's living standards. When these goals are not met, governance is deemed poor. Good governance is concerned with a government's performance capacity, as it pertains to leadership capability. Failure of governance may thus expressly imply failure of leadership (Obasa, 2016). Ordinarily, good governance brought about by representative democracy as exemplified by the Legislature should reflect the wishes and aspirations of the electorates. We can see that there are six components to good governance, which can be summed up as follows: legitimacy, transparency, accountability, the rule of law, responsiveness, and effectiveness which the legislature is committed to.

2. THEORETICAL REVIEW

The structural functional theory, also known as structural functionalism, serves as the foundation for the theoretical framework for this study. Sociologists employ this theory to make sense of the world. This theory's major tenet or core concept is that it views society as a system with interconnected elements made to cater for the requirements of the people who live in it. Structure is the patterning of roles, form of institutions, and overall articulation of institutions in a society. Structural functional theory is an orientation that seeks to explain these structures in terms of their functions, which are contributions to the stability and persistence of societies. The 1999 constitution of the Federal Republic of Nigeria (as modified) established a federal form of government with the Legislative, Executive, and Judicial branches serving as its three main arms or organs (Structures). The legislature in every democratic setting is the structure that is saddled with the responsibility of performing certain functions which include: law making, oversight functions as well as watch dog over the executive arm of government. Consequently, the circumstances surrounding the formation of the ninth assembly in Nigeria raised serious concern among Nigerians. With the emergence of Senator Ahmed Lawan serving as Senate President and Femi Gbajabiamila as Speaker on June 11, 2019. Owing to the manner in which they (Senator Ahmed Lawan and Femi Gbajabiamila) emerged as leaders of the national assembly, many Nigerians were skeptical on the ability of the ninth assembly to perform the supervisory functions over the executive which ensure accountability and sound governance.

Legislators have the legal support, power, and obligation to hold governments accountable for their actions, claims Frolick (2016). In order to promote good governance in the federal republic of Nigeria, this research evaluated the performance of the 9th parliament in carrying out its legislative duties and oversight responsibilities (Functions). This theory is pertinent since it explained the function of the National Legislature in the federal republic of Nigeria, namely the 9th Legislature, in terms of accountability and good governance.

3. METHODOLOGY

This study used the library sources approach as a qualitative study and specifically attempted to identify pertinent literature. information from a variety of books, journals, seminar papers, lectures, newspapers, and magazines, as well as analytical reasoning, including recent media coverage on the Nigerian legislative and good governance were used. This approach was chosen because it was thought to be the most efficient way to gather factual data regarding the function of the law in government and to assess the success of the 9th Legislature in Nigeria's fourth republic. It is also regarded as the finest way to comprehend the function of the Legislature in promoting good governance in Nigeria. All of these turned out to be really useful as informational resources.

The Responsibilities of the Legislature in Democratic Governance.

Some of the responsibilities of the legislature in democratic governance are discuss below:

- i. Law making: Lawmaking is an interesting process that entails converting motions into resolutions and bills into laws with the goal of contributing to national growth, and defending the country's sovereignty and strengthening democratic governance. Although the degree of legislative involvement in law-making varies from poor in parliamentary democracy to robust in presidential democracy, the Executive in both systems submits its

- proposal to the assembly for consideration (Kola, Gana & Olasumbo, 2017; Abegunde, 2016). Thus, the fundamental and most important role of the Legislature is to make laws. Government policies are established and implemented by laws. The Legislature creates new laws and may abolish outdated legal provisions in compliance with the rules of the constitution (Ifiemi, 2016).
- ii. Representative function: legislative institutions are vehicles by which the population, special interests and diverse territory are represented and guaranteed (Ewuim, Nnamani & Eberinwa, 2014), this function stems from the legislature's standing as a body made up of elected representatives of the people. Individual members of the legislature represent various constituencies as well as the interest and aspiration of the voters who voted them into office. They are supposed to visit their constituencies on a regular basis and engage their voters in order to feel their pulse and gauge public sentiments in order to better represent them in the legislative chambers. To ensure that the entire country is effectively represented in government, the country was divided into three hundred and sixty (360) constituencies. The House of Representatives has constituency representation, with one member representing each constituency (Abegunde, 2016).
 - iii. Oversight Functions: Legislative oversight is the supervisory responsibility that the Legislature has over the Executive and government ministries, departments, and agencies (MDAs) in order to ensure that they comply with legislative enactments and spend their budgets wisely in order to effectively meet their policy mandates (Momodu & Matudi, 2013). The Legislature is responsible for conducting inquiries into the activities of government ministries, departments, and agencies. The Legislature's oversight function is to verify that public office holders follow due process to the letter. This, however, entails scrutinizing and overseeing the activities of public servants in ministries, departments, government agencies, and parastatals. These responsibilities include investigating the acts of public office holders to ensure compliance with their rules of engagement (Abegunde, 2016). To make it more effective, other members frequently mandate a standing committee accountable for the appropriate government ministry to closely oversee, monitor, and, if necessary, evaluate the accounts and records of government agencies in regard to the enabling legislations.
 - iv. Confirmation of Nominations made by the Executive: As part of its oversight responsibility, the parliament also investigates people nominated by the Executive to represent the government's interests as Ministers, Ambassadors, Chairman of parastatals or boards, and Heads of security units, among other positions. This is to guarantee that appointments reflect the federal character as enshrined in the constitution, and that qualified and capable individuals are appointed into positions of responsibilities (Abegunde, 2016). According to the constitution, the Executive can only nominate people for significant government positions such as Ministers, Judges, and Ambassadors. Until these nominations are examined and confirmed by the Legislature, they will only serve as designates. Only after the approval of the Legislature, generally the Senate, Nigeria's upper chamber, can they be considered lawfully appointed. In the United States, for example, the President must submit the names of nominees, as well as the portfolios assigned to them, to Congress so that members can assess their appropriateness for the posts allotted to them. This is not the case in Nigeria, where the President is free to allocate or re-assign portfolios upon Senate confirmation.

- v. Approval of Annual Budgets: The Legislature is always known to have what is known as the power of the purse in most countries. This means that the Executive cannot legitimately spend money without the approval of the legislature. As a result, the law requires the Executive to lay before the Legislature, either jointly in the two chambers or independently in the two chambers, with the House of Representatives first, its annual spending proposals and sectorial breakdown for the assembly's consideration, vetting, and possible approval. Any lawful withdrawal from the Federation Account or the Consolidated Revenue Fund in Nigeria can be done only after permission.

The challenges that confronted the 9th Assembly

The first challenge was that the ninth National Assembly has been a tool for constricting civil space. There are several laws they have thought about that tend to violate human rights, limit the freedom of association and expression guaranteed by the constitution, for example the Hate Speech Bill, the NGO Regulation Bill, and the social media Bill. These are some pieces of legislation that tend to shrink the civic space.

The ninth National Assembly's apparent status as a rubber-stamp body that does not carefully examine executive decisions is another significant problem. All of these are in line with the pledge that the leadership of the House and Senate has made, stating that they were not chosen to oppose or challenge the government and that they would do everything it took to assist the Buhari administration. While backing the administration is not always a negative notion, it undermines the concepts of responsibility and checks and balances. The ninth Assembly's primary function, aside from providing representation, is to supervise or guarantee that the government uses its constitutional authority in accordance with the law. But when legislative oversight of executive acts is lacking, you have a lame-duck legislature that is unable to carry out its constitutionally mandated duties, which are particularly related to matters of accountability.

The third issue is that while there have been inquiries and investigations of bribery and corruption in public institutions, no matching actions have been taken. All of the problems were thoroughly investigated. The implementation of some of these reports, which we have not seen in some situations, calls into doubt the dedication of the 9th National Assembly to fighting corruption. Examine the NDDC probe. Despite the dynamism and intrigues that process offered, what has become of that.

The deliberate refusal of the 9th National Assembly's presiding officers to release information about its 2021 budget also presents a significant challenge for them because their actions amount to a complete disregard for and violation of the legislature's commitments to budget transparency and accountability, which are outlined in its Legislative Agenda. The legislative agenda commits to "conducting their financial affairs in such a transparent manner that leaves no room for the assumption or possibility of corruption by special interests". This is an obvious sign of the undemocratic culture of secrecy that permeates public institutions' financial and budgetary operations. (Nation 2021 December, 31)

An evaluation of the Performance of Nigerian’s 9th National Assembly.

The successes achieved

The Ninth assembly, was inaugurated in June 2019. It is made up of the Senate and the House of Representatives, who are jointly responsible for creating laws and overseeing the Executive branch's acts. The performance of the Ninth assembly has been analyzed and scrutinized below:

1. Legislative Output: The Ninth assembly's legislative output can be measured by the number and quality of critical legislations that were key to good governance and service delivery in the public sector passed and laws enacted. This contains both new legislation and changes to current legislation. The impact of these legislative measures on governance, the effectiveness of the laws in addressing social concerns, and their congruence with people's demands are all relevant considerations.

There is no denying that the 9th Senate has accomplished some significant things in this important area of its primary mandate. For example, it has adopted numerous Acts that, if properly executed, will have immediate and long-term effects on all elements of our national life, including the economy, security, and democratic institutions. As of today, the Red Chamber has passed a number of measures, all of which have been signed into law by President Buhari. Over 80 similar bills are reported to have been put into law for the good government of the country. The Petroleum Industry Act 2021, Electoral Act 2022, Proceeds of Crime (Recovery and Management) Act, 2022, Money Laundering (Prevention and Prohibition) Act, 2022, Terrorism (Prevention and Prohibition) Act, 2022, and Banks and Other Financial Institutions Act 2020 are some of the laws that were passed and eventually received presidential assent. Other significant legislations approved by the apex legislative Assembly include the Finance Act of 2020, the Companies and Allied Matters Act (CAMA) of 2020, the Police Act of 2020, and the Deep Offshore and Inland Basin Production Sharing Contract Act (Amendment) Act of 2019. About 742 Bills were introduced during the two sessions of the Assembly, out of which 58 were passed, 11 Bills referred by the House of Representatives for concurrence were also passed. The Bills cut across all sectors and touch most areas of needs in the lives of our citizens.

In one of his recent public speeches, Senate President Ahmad Lawan attributed the upper chamber's numerous achievements in the area of lawmaking to the harmonious relationship between the National Assembly and the Executive arm of Government, stating that previous assemblies could not do much in this regard due to constant frictions between the two arms. The impact of the passage of these landmark laws will be felt for generations to come, he stated. Indeed, the results documented by the 9th Assembly in enacting bills that have regularly failed to scale through since 1999 are a clear benefit of cordial Legislative-Executive ties

2. Budget Screening and regularization: another major significant achievement of the 9th assembly is the reinstatement of the national budget cycle to commence from January to December as against March to June of the new fiscal year. The 2020 Appropriation Bill was passed and signed into law by the President before the end of that year, Ahmad Lawan pledged immediately after becoming the 14th President of the Senate and Chairman of the Ninth National Assembly in 2019. As promised, this was eventually accomplished. For instance, the 2022 Finance Act, passed on the same day and just before the 2023 Appropriation Bill took effect, aimed to make it easier to amend certain fiscal laws, such as the Capital Gains Tax, Company Income Tax, Customs Excise Act, Federal Inland Revenue Service Act, Personnel Income Tax Act, and Stamp Duty Act. The Ninth Assembly established a custom of passing this piece of legislation together with the appropriations bill, and the subsequent Assemblies must uphold this

tradition. The National Assembly and the Executive branch of government worked together effectively and efficiently, according to the President of the Senate, to achieve all of these successes. (Cable news, 2023).

3. Oversight Function: Providing supervision of the Executive branch and maintaining accountability and openness in governance are key responsibilities of lawmakers. This include carrying out investigations, calling government representatives in for an interview, and checking how plans and initiatives are being carried out. These responsibilities were expeditiously carried out by the ninth assembly to the fullest. Hence the assembly was able to detect the corrupt practices in some MDAs.

The failure of the Nigeria Ninth Assembly

The Ninth assembly's performance should be evaluated, particularly in terms of holding the administration accountable and fostering good governance practices the ninth assembly has performed poorly in this area. There have been complaints that the Upper Chamber did not do a good job of overseeing the Ministries, Department and Agencies (MDAs), which has resulted in massive corruption being openly practiced in those institutions and the handling of government projects that follow—or, more often than not, the complete abandonment of government projects nationwide (Cable News, 2022).

Frankly speaking, the Ninth assembly failed to prevent the executive branch from taking on too much debt. The upper chamber virtually gave approval to every loan request that President Muhammadu Buhari submitted to the house. A trend that has left the nation with a high level of indebtedness. This is another reason why many Nigerians believe the 9th National Assembly was merely the President's rubber-stamp. Despite the frantic effort made by the senate president to convince Nigerians that the Assembly was not a rubber stamp, that perception has been entrenched and is difficult to change.

One of the areas the Ninth Senate is considered to have failed, particularly in the estimation of the political class is in the area of the Electoral Act 2022, which inadvertently excluded statutory delegates from voting during primary elections of political parties. Section 84 (8) of the Electoral Bill initially passed by the National Assembly and forwarded to President Buhari for assent, only allowed elected delegates of a party to participate in the conventions, congresses and meetings but excluded party Executives and elected political office holders (cable news,2023).

Similarly, the House of Representatives was unable to persuade the government to carry out any of its numerous resolutions, particularly those that dealt with the country's deteriorating security situation. The situation did not improve; it worsened. Every week, the House has passed resolutions urging the executive branch to take aggressive steps, such as announcing a national security state of emergency. While none of them have been carried out, the House was unable to persuade the government to take the necessary action. Several legislations established by both chambers of the National Assembly were likewise inattentive to in the Presidency, and certain ministers and government appointees shamelessly disregard House summonses to provide an account of how they manage the trust funds they are entrusted with.

4. CONCLUSION

Lawmakers play an important role in governance by enacting legislation, representing the interests of their constituents, and overseeing the Executive branch. Legislators contribute to the proper operation of democratic governance through their legislative output, oversight function,

representation, and collaboration. Legislators play a vital role in governance through enacting legislation, promoting their constituents' interests, and supervising the Executive branch. Legislators contribute to the smooth operation of democratic governance through legislative production, oversight, representation, and collaboration.

The evaluation of legislature's performance in the Ninth assembly in terms of representation reveals a significant difference between legislators and their constituents. Most politicians are also perceived to be self-serving. An examination of their responsibilities in lawmaking reveals a significant discrepancy in terms of public participation and consultation. The relationship between the government and the legislature is not only strained, but it has also hindered the progress of democratic governance.

One key responsibility of Parliament is to effectively supervise the actions of the government's Ministries, Departments, and Agencies (MDAs) to ensure that funds appropriated for capital projects are used wisely. Study reveal that the Senate has performed poorly in this area. According to criticisms leveled at the Upper Chamber, when it comes to oversight of MDAs, lawmakers are failing to live up to their responsibilities, resulting in obvious massive corruption in those institutions, with attendant unsatisfactory handling of government projects or, in most cases, abandonment of government projects across the country. Also, findings reveal that The Ninth Senate is widely regarded as have failed to prevent the President from engaging in excessive borrowing. This is also why many Nigerians believe that the Ninth National Assembly, are rubber stamps for the President.

RECOMMENDATIONS

Based on the findings, the following proposals were made to strengthen parliamentarians' roles in government.

Legislators in Nigeria should prioritize legislative productivity and focus on passing laws that directly benefit society. Second, legislators should strengthen their oversight procedures, improve communication with constituents, and effectively address their issues in order to establish confidence and promote good governance. Policy and project implementation can be improved by emphasizing collaboration and consensus-building among legislators. This study also suggests a Comparative study with prior assemblies or other nations can provide useful insights into best practices and areas for improvement in parliamentarians' roles in governance.

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