

The Role of the Legislature in Democratic Development in Nigeria's Fourth Republic

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Abstract

Globally, the legislature is seen as an essential institution in any democracy saddled with the twin responsibilities of law making and regulation of the conduct of government through the doctrine of separation of powers. In Nigeria's fourth republic experience, the Legislature has been playing vital roles to enhance democratic development and guide against abuse of powers and violations of human rights by providing the pedestal upon which government derives its law and powers. Therefore, the focus of this study is to examine the role of the Legislature in Democratic Development in Nigeria's Fourth Republic. This paper posits that Law making is entirely the responsibility of the legislature and this helps the government to maintain its responsibility of protecting her citizens and providing welfare for the citizens in a democratic dispensation. The paper relies on the General Theory of Political Representation as the theoretical framework while adopting the technique of qualitative analysis in its methodology. Relevant data was sourced from secondary materials including relevant books, journals, periodicals, magazines, newspapers, and the internet. The study concludes that the Legislature has facilitated democratic development through effective legislation in Nigeria's fourth republic. It also observed that the Legislature in Nigeria is still confronted with Executive arm manipulation and overbearing influence. It is therefore recommended among other things that the legislature should be insulated from the influence of the executive organ of government in Nigeria.

Keywords: Constitution, Democracy, Law Making, Legislature, Oversight Functions

Introduction

Democratic governance as a system of government is said to have gained popularity worldwide. This is not unconnected with the principles and doctrines of the system of government in addressing the issue of abuse of power and dictatorship tendencies. The doctrine of separation of power as popularized by an 18th century's French Philosopher Baron De Montesquieu who argued that the most effective means of promoting liberty and curbing the despotic tendencies of human being is to divide the legislative, executive and judicial powers into different arms so that each arm can work separately and act independently (Anyaele, 2003). The institutional compartmentalization of these powers is what is known today as separation of powers which is one of the fundamental doctrines of democracy. By implication, in a democratic system, the three separate organs exercise different functions. The legislature makes the law, the executive implements while the judiciary is saddled with the responsibility of interpreting the laws. The centre of constitutional democracy is the need to restrict the powers of each organ to avoid abuse of power through separation of powers (Omotoso & Oladeji 2015). In order to ensure that the government is effective, division of powers is designed in such a way that each arm of government performs specific but interrelated functions (Edosa & Azelama 1995).

The three organs operate checks and balances mechanisms. In as much as the judicial arm can declare laws that emanate from the legislature unconstitutional, null and void, the legislature can exercise an oversight power over the executive. There are numerous functions

performed by the legislature that ensure democratic development of a country. Omotoso and Oladeji (2019) noted that the legislative arm of government is the most essential arm in promoting democracy and also ensure sustainability of democratic tenets. It is the view of some authors that the existence of legislative arm predates the practice of modern democratic government when Loewenberg (1995, p. 736) noted that, “The emergence of the legislature dates back to the twelfth century and a product of medieval European civilization transformed in the age of democracy to suit the needs of contemporary political systems”. His opinion was further corroborated by other scholars who observed that the role of legislature in democratic growth cannot be ruled out because it ensures active participation of people which is a fundamental element of democratic government because it gives room for wider representation of the people (Yaqub, 2004; Jooji, 2019).

It can be said that the legislative arm of government gives the citizens the needed representation as symbol of a democratic government. It is not out of place to state that the composition and relationship between legislative arm and executive can be differentiated depending on the political arrangement of the country. Omotoso and Oladeji (2019) made an attempt to draw out the difference by stating that fusion of power is obtainable between the legislature and the executive arm of government in a parliamentary system while the power is clearly separated between the legislative arm and the executive arm in a presidential arrangement. Having acknowledged that there are differences in the manner the arms are composed and the sharing of power, the fundamental things they have in common irrespective of the political arrangement is that they both represents the citizens for better governance and they also make laws for social, political and economic development of the country. Owing to the fact that the legislative arm of government represents the citizens, that gives the arm the power to serve as a watchdog on the executive and judicial arms of governments. The major function of the legislature that gives the organ the opportunity to act as watchdog is the oversight function. Usman (2015) is of the view that the legislative oversight and representational responsibilities are important to ensure sustainability of development and also ensure that the legislature is accountable to the people in performing their functions.

Odalonu (2020) is of the view that effective legislature is not only important in strengthening democracy but it also serves as a fundamental instrument that promotes rule of law, protection of human rights and promotion of both economic and social development of a country. Beyond the law making, the legislature carries out other various important functions that help in promoting good governance and development (Obasa, 2016). Though, there are essentially different functions to be performed by the legislative arm, the core functions which include legislative, representative and oversight functions are very essential in contributing to the quality of Nigeria’s democracy and governance in its entirety (Dogara, 2016; Ogbonna, 2018). The pertinent question therefore is to what extent has the legislative arm of government, especially the National Assembly ensured democratic development in Nigeria?

The success of democratic government depends on the ability of the legislative arm to ensure that they make good laws for the sole interest of the people they represent. More often than not, the legislative arm does this through an oversight function. In a presidential

arrangement, the legislature ensures accountability and transparency by inviting members of cabinet and also invite policy implementation agencies for questioning where there is abuse of power by the executive, this serves as a fundamental weapon in the hands of the legislature to strengthen democracy. Therefore, the legislative organ ensures sustainability of democracy, good governance and development. So, if the oversight function of the legislature is well applied, it can curtail executive excesses, instill fiscal discipline, good governance, encourage checks and balances and promote accountability and transparency in public offices.

The focus of this paper is to examine the role of the legislature in the development of democracy in Nigeria. The nature of the paper is descriptive as it relies on conceptual issues in analyzing the role of the legislature in promoting democracy and ensuring good governance. The paper also looked at the functions of the legislature and its effectiveness in ensuring and sustaining good governance in Nigeria.

Conceptual Clarifications

Legislature

The legislature entails the constitutional institution which has the powers to legislate and exercise oversight function in a democratic government. In other words, it is an assembly with the authority to make laws for a political entity such as a country. The concept of the legislature is derived from the need to operate a body of persons independent of other organs that would be charged with the responsibilities of making laws and policing the activities of other organs as defined by the laws of such an entity. The legislative arm as it is called makes law which state the rights and duties of the citizens and also state how actions that have direct bearing on the people should be conducted. Odalonu (2020) sees legislature as a body of people who are elected in order to make laws for the benefits of the general public. This opinion also conforms to that of Okoosi-Simbine (2010) who defines legislature as a body or institution established with the purpose of law making in a nation to express and articulate the collective will of the people in a democratic arrangement. The legislature as an organ of government constitutes an elected representative with the duty of making laws and having the activities of the executive under control for the interest of the people (Awotokun, 1998). The legislature ensures that the excesses of the executive arm of government are put under check while making sure that the judiciary is given an avenue to operate without any form of control by ensuring that economic, social and political activities of the nation are achieved (Ihedioha, 2012). Odalonu (2020, p.59) attempted to expand the previous definition of legislature beyond law making when he noted that:

The primary function of the legislature is lawmaking but in order to ensure good governance, accountability, transparency and efficiency in governance, the legislative arms performs oversight functions. In simple terms, the legislature performs three basic roles namely: lawmaking, representation and oversight.

Legislature makes laws for the good of the people, represent the interest of the people by carrying out representative functions and also perform oversight function on the executive organs of government such as the Ministries, Departments and Agencies (MDAs) to ensure accountability of government to the people (Ihedioha, 2012; Dogara, 2016). In this regard,



Lafenwa (2009) noted that the legislature is chosen by the people through election to represent their constituency. The legislature makes law and influences policy in a democratic arrangement where they exercise the will of the people they represent (Okoosi-Simbine, 2010). The legislature is seen as the strongest pillar for the survival of every democratic development in a country (Okoosi-Simbine, 2010). The central legislature in Nigeria is called the National Assembly. The legislature in Nigeria is bi-cameral because it consists of two chambers of house of representatives known as the lower chamber and the senate known as the upper chamber. The section 4(2) of the 1999 constitution of the Federal Republic of Nigeria, 1999 established that "The National Assembly shall have power to make laws for the peace of the country and also entrench good governance. In the USA, the legislative body is known as the Congress and is also divided into senate and house of representative while in Britain, it is known as Parliament with two chambers of House of Lords and House of Commons (Odalonu, 2020; Abonyi, 2006). Unicameral legislative arrangement operates in smaller countries with common ties such as Greece, Israel, Spain, Ghana, Turkey, New Zealand, Denmark, Sierra Leone, Romania, and Sweden amongst others.

Democracy

Democracy is derived from Greek word "demos" or "people", this simply means the government in which the supreme power is in the hands of the people. In some forms, democracy may be expressed by the people but in larger societies, it is usually expressed through the elected representative. Collier and Levitsky, (1997), is of the view that the most widely employed definitions of democracy lays emphasis on the procedures of governance. Dahl (1971), stated that there are basic principles of democracy and they include the right to be elected, right to vote, the right of politicians to canvass for votes, free, fair elections, freedom of association, freedom of expression, alternative sources of information, and institutions that depend on votes and other expressions of preference. The important element of democracy is that the people have the chance to choose who governs them. Democrats ensure that citizens enjoy certain rights that enable them to hold their leaders accountable. One of these instruments is the fact that citizens can change bad leaders who do not represent their interest after a certain period of time, say four (4) years. Democracy gives room for constitutional order, establishment of political parties that give citizens some choice, existence of an Electoral commission that conducts periodic elections (Ibiam, 2016). This means that in a good democracy, those factors are supposed to exist in order not to undermine the democratic practices. For example, the constitution provides for periodic election for four years for President, National Assembly members and state governors. Section 153(1) (f) creates the Independence National Electoral Commission while 158(1) of the constitution ensured the independence of the national election body to enable the body to conduct free, fair and credible elections.

Abraham Lincoln gave a classic definition of democracy when he defined it as the government of the people, by the people and for the people. This definition is centered on the fact that democracy gives power to the people that the leaders represent. Therefore, the definition is the most preferable definition of democracy for this paper. This is not unconnected to the fact that democracy as a kind of government gives power to the people to decide how they want to be represented through their elected representatives.





This is to show that in a democratic government, power belongs to the people, as the citizens have the right to choose their government and decide how they want to be represented. By implication, where those elected go against the will of the people, the people have a right to vote them out or even impeach the president through their elected representatives. In a situation where a legislator is found wanting in his or her representative role, the constitution empowers the people to recall such individuals from the National Assembly. It is clear evidence that the advantage of democracy has made it gain attention globally and with globalization it will continue to gain popularity. This also suggests that effective legislature contributes to good governance by performing legislative oversight over the finances of government, which serves as a catalyst for the sustainability of a democratic governance.

Theoretical Framework- Principal-Agent Theory

The paper adopted General Theory of Political Representation as the framework of analysis. This theory is based on the ideas of some classical political philosophers; such as Thomas Hobbes, John Locke and J.J. Rousseau as well as modernized political thinkers like Robert Dahl (cited in Rehfeld, 2005). According to this theory, political representation is based on the principles of authorization and accountability as norms of democratic system (Rehfeld, 2005). Both the two principles are products of free and fair elections. Periodic free and fair election represents an important pillar of democratic governance because it opens rooms for accountability of the representative by the electorate. However, despite the presumed shortcoming of this theory in differentiating democratic representatives from non-democratic one, it is still relevant as a framework of analysis of the role of the legislature in democratic development in Nigeria's Fourth Republic. To enhance democratic development, the Legislature ensures quality law making and carries out the oversight functions of watchdog of public finance, investigative functions, and approval of appointments, budget scrutiny and even constituency responsibilities amongst others.

Apart from being the integral component of democracy, legislature is the most prominent physical feature of democratic governance owing to the fact that all members of the legislative arm are elected through popular and periodic elections (Ajayi, 2012). The legislative institution is expected to give the best representational roles of the representative democratic system. It is the law-making engine of the representative democratic system. Bamidele and Alaba (2014) noted that the legislature therefore is the single organ of government with the largest number of elected officials in Nigeria.

Moreover, legislative institutions are a vital organ of representative democracy due to its assumed extended opportunity for participation by citizens through election. Legislature is also described in terms of function and responsibility accorded to it by law. It is on the basis of this that some theorists attempt to classify legislative institutions in terms of minimal, marginal, active, reactive and vulnerable functions performed in democratic systems (Bamidele, and Alaba, 2014). However, owing to its representational capabilities, legislature is classified into promissory representation, anticipatory representation, gyroscopic representation and surrogative representation (Bamidele, & Alaba, (2014). Legislature is also seen as a body of elected representatives entrusted with the responsibility "... of making, revising, amending and repealing laws for the advancement and wellbeing of the citizenry that it represents" (Oni, 2013: p.22).





In Nigerian state for instance, the 1999 Constitution has clearly explained the legislative powers of the Federal Republic as vested in the National Assembly. According to section 4 (1) of the constitution, “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” (FGN, 2010). Therefore, the constitution summarized the functions of the NASS to be (1) law-making for the peace, order and good governance of the federation; (2) appropriation of budget for the country; and (3) checkmating other institutions of government through oversight functions (FGN, 2010). With this therefore, Oni (2013: p.29) opines that “Performing these functions contributes to good government by increasing its capacity to monitor and respond to public sentiments/dissatisfactions, by playing a part in passing legislation capable of withstanding critical scrutiny, and serving as a vehicle for improving the degree of probity, efficiency, and responsiveness in the administration of laws”. Performing these functions diligently will also vindicate the legislature as the most important representative institution of representative democracy.

Historical Development of Legislature and its Oversight Roles in Nigeria

Nigeria is usually known as the British making. The Berlin conference of 1884/1885 set the pace for the partitioning of Africa among the European. The geographic territory now known as Nigeria fell under the British. Prior to the amalgamation of 1914, the south and the Northern protectorates were administered separately. The 1914 amalgamation brought Nigeria under the control of the same national colonial government. The present legislative arrangement in Nigeria owes its origin to colonialism. Although, this does not mean that Nigeria did not have an existing power structure before the advent of colonial rulers. Omotosho and Oladeji (2019) are of the view that prior to colonialism, the traditional empires had structures and institutions in place for the administration of their societies. For example, the Yoruba traditional system which had some level of democratic principles gave the power of decision making to Alaafin had to the approval of the constituents and oversight of a group of Kingmakers (the Oyomesi) and the Ogboni cult group (Omotosho and ladeji, 2019). The oversight function performed by the Oyomesi in the Yoruba traditional system was similar to that of the legislative function. Though, the British colonial masters did not give much regards to the system owing to the fact that it is not derived from the western model.

The African traditional mode of governance was not regarded by the colonialists except where it served their interest (Omotoso and Oladeji, 2019). 36 members were appointed by the colonialists to serve their interest based on the 1914 Lugardian Advisory Council which marked the emergence of legislature in Nigeria but they lacked the real legislative power until the 1922 Clifford constitution that made provision for elective principles that granted elective position to Nigerians into the central legislative arm. Subsequently, the constitution made provision for legislative structure but it should be stressed that the legislative structure could not exercise oversight function on the colonialists as they were only there to serve as rubber stamps for pro-colonial policies.

In fact, the executive dominated the legislature. Following the 1960 independence constitution, the executive arm of government still dominated the legislature. Basiru (2014, p.86) argued that “during the First Republic, despite the inclusion of parliamentary oversight in the 1960 Constitution, the parliament hardly checked the executive”. Though, it was also





acknowledged that the lack of the legislative arm to perform the oversight function as expected may not be unconnected to the fusion of power under the parliamentary system that was in operation during the first republic. Following the military coup d'état of 1966, the constitution that established the first republic constitution was terminated.

The collapse of the first republic raises the issue of secession that led the country into a 30-month civil war between 1967 and 1970. The return of the country into democracy led to the presidential system of government as enshrined in the 1979 constitution. The introduction of the presidential system of government which is a departure from the parliamentary system of 1966 saw the country practicing the principle of separation of powers as against fusion of power that was obtained in the first republic parliamentary system of government for the sake of legality of the separation of powers. The 1979 constitution specifically in Section 4(1) vested the Legislative Powers of the country in a National Assembly that comprises the Senate and House of Representatives (FRN 1979). Omotosho and Oladeji (2019) stated that the oversight powers of the central legislature under the 1979 constitution deals with the power on Public Funds (see Sections 55, 74, 76 and 77). Though, in addition to this provision, the constitution vested the power to conduct investigations on issues within their jurisdiction (Section 82(1)). In spite of these provisions and the oversight powers vested in the National Assembly, the 1979 constitution exhibited weakness as the national assembly still allowed the executive preferences to shape their legislative functions (Basiru 2014, Omotosho&Oladeji, 2019).

Unfortunately, the second republic was brought to an abrupt end with the emergence of General Muhammadu Buhari's military government in 1983 through a coup. This led to another setback for Nigerian democracy that was at its nurturing stage. The plan of Gen. Babangida to usher the country into civil rule was unsuccessful following the annulment of the June 12 presidential election where M.K.O Abiola was declared as the winner. After the annulment, Gen. Babangida appointed the Interim National Government on 26th August, 1993 which was headed by Chief Ernest Shonekan whose government was toppled in a bloodless coup by Gen. Sani Abacha in November of 1993 (Anyaele, 2003). After the death of Gen. Sani Abacha on 8th June 1998, General Abdulsalami Abubakar that took over from him quickly began a transition program where he successfully returned the country to democracy by May 29, 1999. It is worthy to note that the new constitution had a semblance of the defunct 1979 constitution with some similarities. Omotosho and Oladeji (2019, p.61) stated that:

...Between December 1983 (when the military took power) and May 1999 (when civilians regained political power in Nigeria), the legislature was abrogated and there was no institution to serve as the watchdog over the executive or call the executive to account.

Under this period, the legislature was very inconsistent and had no place in the then political arrangement in relation to the executive. It was on this note that the inauguration of the Fourth Republic took effect in 1999. In as much as it is necessary to examine the performance and workability of the legislature in the Fourth Republic, there is also a need to examine some powers that the 1999 constitution vested in the legislative arm especially under the oversight function as provided in the 1999 Constitution.

The 1999 Constitution and the Legislative Oversight Functions

The compartmentalization of governmental powers in Nigeria is clearly provided in the constitution as the legislative, executive and judicial powers are provided in chapter 5, 6 and 7 respectively in the 1999 constitution. The provision of Section 4(1) of 1999 Constitution vested in the National Assembly which comprises a Senate and a House of Representatives the legislative powers of the Federation. In acknowledging that the beauty of Nigerian democracy rests on the legislative arm, the constitution stated clearly in Section 4(2) of the 1999 Constitution inter alia: “The National Assembly shall have power to make laws for the peace, order and good government of the federation...” (FRN, 1999). The oversight function performed by the legislature is provided in Section 88 of the 1999 constitution. The Constitution provides that:

Subject to the provisions of this constitution, each House of the National Assembly shall have power by resolution published in its journal or in the Official Gazette of the government of the Federation to direct or cause to be directed an investigation into – (a) any matter or thing with respect to which it has power to make laws; and (b) the conduct of affairs of any person, authority, ministry or government department charged, or intended to be charged, with the duty of or responsibility for (i) executing or Administering laws enacted by the National Assembly, and (ii) disbursing or administering moneys appropriated or to be appropriated by the National Assembly” (Section 88, Sub-sections 1(a)-(b) and 2(a)-(b)). Sub-section 2(a)-(b) of the same Section 88 provides that “the powers conferred on the National Assembly under the provisions of the section are exercisable only for the purpose of enabling it to (a) make laws with respect to any matter within its legislative competence and correct any defects in existing laws; and (b) expose corruption, inefficiency or waste in the execution or administration of laws within its legislative competence and in the disbursement or administration of funds appropriated by it(FRN, 1999).

The investigative power of the legislature is provided in Section 89 of the Constitution. In addition to this power, Section 88, authorized the legislature to get evidence, invite and assess persons as witnesses to give evidence but such evidence must be given on oath (Omotosho&Oladeji, 2019). In this regard, Oni, &Segun, (2014) observed that the legislature is saddled with the responsibilities of promoting good governance and promoting democracy in Nigeria. This aligns with the postulation of Baba, (2017) that to further check the abuse of power by the executive, the legislature could override executive veto on any bill by using its two-thirds majority power to pass the bill into law. With an overwhelming majority supporting the bills, it will metamorphose into law even without presidential assent. The wisdom behind this is the fact that the legislature represents the entire Nigerians and a president should not be bigger than the entire country put together because that can undermine the collective will of the people in a democracy which is known as the government of the masses.

An Assessment of the Role of the Legislature in the Development of Democracy in Nigeria

An effective legislature ensures sustainability of democracy. It is important to note that it can be achieved through legislative oversight functions. In modern democracy, the responsibilities of the legislature are beyond the traditional function of making laws and representation (Fage, & Alabi, (2009). Thus the Legislative arm serves as watchdog over the executive arm and they also play a significant role in fiscal policy such as spending and taxation (Jega, 2018). The demand from the legislative arm is not restricted to law making but also to manage public purse to ensure that the commonwealth is used for the collective benefits of the entire citizenry. Beyond impeaching the president, the legislature also needs to have the power to influence the budget as a means of putting the executive arm under check. A country that has a sound and effective legislature that is capable of performing their oversight function effectively is more likely to manage the scarce resources to the benefit of all while ensuring transparency, openness in governance and promoting accountability which is known as the tripod of good governance. The inability of the legislature to carry out this essential role in Nigeria has denied the people the gains of democratic governance (Ogundiya, 2010). The bogus salaries and benefits attached to the National Assembly have also further validated the assertion of Ogundiya (2010). The reasons why the National Assembly have not been effective in making policy for the interest of the people is because of the fact that the current legislative arm is the making of the few people rather than the masses and they will also protect the interest of those few.

Oversight Functions

One of the key legislative roles in democratic development is the oversight function. The oversight function of the legislature helps to strengthen democracy by entrenching accountability in government. The Legislatures through the oversight function tend to ensure that policies of the executive reflect the interest of the general public. This influences the Executive arm via the Ministries, Departments and Agencies (MDAs) to comply focus on prudent use of budget to meet the needs of the general public (Momodu & Matudi, 2013; Ewuim, Nnamani, & Eberinwa, (2014). Also the legislature carries out investigations in cases of public complaints on violations or infringements in order to curtail tendencies of abuse of power by the executive arm (Abegunde, 2016; Omotosho & Oladeji, 2019; Saliu and Muhammad, 2010). To simplify the work of the legislature, where there is need to carry out such functions, the standing committee responsible for relevant government ministry is usually directed to oversee, monitor and scrutinize the accounts and documents of such government agencies (Odalonu, 2020). The power of appropriation exercised by the legislature also makes provision that the legislature ensure that the public get value for their money (Obasa, 2016). These functions performed by the legislature play a fundamental role in the democratic development of the country and in the provision of the dividend of democracy.

Confirmation of Appointment Made by the Executive Arm

The legislative arm has the power to accept or reject appointments made by the executive arm. The legislature screened individuals nominated for appointment as Minister, Ambassador, Chairman of parastatals or board, Head of security units, among others. This is to ensure that the right people for the office are appointed with high preference for meritocracy and also that there is no violation of Section 14 (3) which is on the principle of

federal character as entrenched in the constitution. Abegunde (2016) is of the view that the whole essence of confirming the executive appointment is to ensure that capable hands are appointed without undermining the country's federal arrangement. Appointment made by the executive is only considered to be valid upon confirmation by the legislature usually by the Senate in Nigeria (Odalonu, 2020). Though, there was a case where a rejected nominee still performed the function upon which he was rejected, for example, President Buhari-led administration made an executive nominee for the post of chairman of the Economic and Financial Crimes Commission (EFCC) in person of Ibrahim Magu where the nominee was rejected by the upper chamber but the president failed to accept the rejection of his nominee while the rejected nominee continued to parade himself as the chairman of the Anti-corruption agency (Omotosho & Oladeji, 2019).

Another challenge that has limited this function is the fact that the president only submits names of nominees without assigning their portfolio which makes it difficult for the legislature to assess the suitability of the Ministers. This makes the president to be at liberty to assign or reassign portfolios after the confirmation by the Senate. This kind of arrangement is not obtainable in the United States where the president has to submit names with their assigned portfolios to enable the Congress members to assess the suitability of such persons vis-à-vis their positions. In addition, government policies and programs are also scrutinized, debated before they are passed into law. Omotosho and Oladeji (2019, p.63) observed that some issues that need approval of the legislature include:

proposal to raise funds through loan, ratification of treaties and/ or bilateral agreements with other countries, the need to carry out or embark on some policies, especially the ones that may not have been provided for in the constitutions, approval to embark on the establishment of developmental projects and programs, etc.

Investigative Function

The need for the legislature to carry out investigative functions is to guarantee effective good governance in line with global democratic practices (Omotosho & Oladeji, 2019). The National Assembly has from time to time utilized this power to investigate the departments, ministries and agencies of government. In recent times, the investigation of subsidy disbursement in 2012, the utilization of the subsidy reinvestment funds and SURE-P fund in 2018 and others are clear examples of the power of the National Assembly to investigate the executive organ.

Representation

The complexity of modern democracy has made it impossible to gather every citizen to air their opinion but the need to elect representatives to legislate on behalf of the people (Awotokun, 1998). As such, the members of the legislature represent their various constituencies. Overall, the legislative arm represents the population, special interests and diverse territory through effective representation of the populace. The implication is that the legislative organ provides a platform for people to contribute to governance (Edosa & Azelama, 1995; Ewuim et al., 2014; Omotosho & Oladeji, 2019). Roberts (2002) is of the view that representation plays two major functions which include the quest to represent the interest of the people and also represent government in their constituency. Representation

enhances the legitimacy of public policy, reduces alienation and estrangement between government and the governed thereby promotes stability in the political system. In order to ensure effective representation, the legislators have to be closer to the people they represent so that they can understand their needs better and also educate them on the activities of government.

Power of Impeachment

The power of impeachment exercised by the legislature helps check the excesses of the executive power without undermining the rights of the people and to guarantee that there is no display of dictatorial tendencies from the executive arm of government. On evidence of gross misconduct that undermines democracy and bad governance, elected executives can be sanctioned with impeachment. While there are reported cases of impeached Governors, Deputy Governors, Senate Presidents, and Speakers of State House of Assembly, there is no reported case of executive President impeachment in Nigeria yet (Nkwede, Ibeogu and Nwankwo 2014). Though, more often than not, impeachment is usually done to ensure that there is improvement in good governance and in some instances, they are done to settle cheap political scores (Omotosho & Oladeji, 2019).

Appropriation function

For effective management of public funds, the legislature is empowered to ensure efficient management of public funds in order to cater for the welfare of the people they represent. The borrowing power of the state is also monitored and supervised to ensure prudent management of public funds to promote good governance and democracy. Section 81(1) of the 1999 Constitution provides that “the President shall cause to be prepared and laid before each House of the National Assembly at any time in each financial year estimates of the revenues and expenditure of the federation for the next financial year”. Also, Section 80(2–4) provides that no moneys can be withdrawn from the Consolidated Revenue Fund or any public fund of the Federation except to meet expenditure for which such funds are meant for (Omotosho & Oladeji, 2019). Sanyal (2009) states that every public spending needs to be scrutinized by the legislative arm before approval. Lafenwa and Gberevbie (2007) see legislative function as a catalyst for sustaining Nigerian democracy. The legislature plays a significant role in controlling fiscal policy of public spending and taxation to provide a better life and improve Nigerian democracy.

Problems of Legislature in Democratic Development of the Fourth Republic

Undoubtedly, the legislature in Nigeria contributes significantly to the development of democracy through their oversight function. It is important to state that Nigerian democracy is still at its cradle stage and needs to be developed and this is why it is not surprising that the legislative arm still has a lot of bottlenecks in the course of acting as one of the instruments of sustaining Nigeria’s democracy. However, the oversight function performed by the legislative arm is faced with some challenges and those challenges need to be addressed in order to sustain Nigeria’s democracy so that citizens can begin to enjoy the dividend of democracy. The challenges are not limited to the following:

1. There is no doubt that Nigeria has a long history of military dictatorship, this has shaped the country even after the introduction of democracy owing to the fact that most of the men only drop their Khaki to re-appear in mufti. This has hindered the basic principles of democracy like free and fair elections, rule of law, freedom of the press and institutional accountability.
2. Nigeria has been reported by transparency international as one of the corrupt countries in the world. In fact, elected representatives usually see calls to serve as an opportunity to siphon-off resources for their selfish interest. In the course of discharging oversight functions, legislators are more interested in financial gains than ensuring good governance (Odalonu, 2019; Ewuim, et al., 2014). More often than not, where investigation bothering on governance is initiated, the legislature cannot be objective in the investigation especially when their personal interest is at stake.
3. The executive arm usually interferes in electing the leaders of the two chambers such as senate president, deputy senate president, speaker of the house of representative and the deputy among others. This is usually done to ensure that all policies of the executive and nominees are approved without proper scrutiny. This is usually achieved by deploying public resources and logistics to install a pliant legislator in leadership positions. Huge amount of money that should be expended to provide a dividend of democracy to the populace is usually spent on such an agenda.

Conclusion and Recommendations

The study concludes that the legislative arm plays a significant role in ensuring democratic development of the country. Though, the legislative arm has not lived up to expectation in Nigerian fledgling democracy. The role played by the legislative arm has consolidated Nigeria's democracy that is still at its developmental stage because of the long history of military intervention in Nigeria. The patriotism of some legislators still remains questionable as the majority of the members are much more interested in amassing wealth for themselves and cronies than consolidating the country's democracy. Though, all hope is not lost as some of the challenges currently faced by the legislature can be addressed through the following:

The legislature should be free from the influence of the executive arm. More often than not, the leadership of the National Assembly usually emerged on the influence of the executive, this usually make the legislative arm to be under the control of the executive and the legislature will be reduced to rubber-stamp where appointment, programs are approved without proper scrutiny which could jeopardize the growth of Nigeria's democracy. Therefore, leadership of the National Assembly should be made to emerge based on meritocracy.

The Independent National Electoral Commission (INEC) should ensure that they conduct election that is not only free and fair but the one that is internationally recognized so that citizens will have opportunity to change the legislators who do not represent them well as this will serve as deterrent to underperforming legislators to be more responsible and responsive to the needs of the people. Lastly, the bogus salaries and allowances enjoyed by members of the national assembly should be revisited; this will encourage people who want



to serve to represent their people rather than leaders who are more interested in their selfish interest. This is why it is not uncommon to see legislators who are voted without participating in the business of legislation.

More importantly, there is a need for training and educating the law-makers on the business of law-making in order to consolidate Nigerian democracy. This will inculcate the right attitude in the legislators for efficient and effective legislative functions.

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