

# RESEARCH ISSUE Brief

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## Legislature - Judiciary Relations and Budget Implementation in Nigeria: 2005 - 2017

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### I. Overview

The principle of checks and balance requires that the three arms of government are autonomous and operate as a watch dog to one another. This relationship can however, be dampened when the financial autonomy of these organs of governments are unstable and unpredictable. This brief examines the budgetary allocation to the Judiciary and the Legislature from 2015 - 2017 in Nigeria. It deduces the implication for Nigeria's democratic development and argues in favour of increased allocation to the National Judicial Council and the National Assembly in the 2018 FGN budget.

### II. Stylized Facts

1. Constructive relationships between the three arms of government—the executive, the legislature and the judiciary—are essential to sustaining Nigeria's democracy and to enshrine respect for the rule of law<sup>1</sup>. A situation were the executive uses fiscal means to restrain the Legislature and the

Judiciary is, however, one that should be frowned at as it could constraint the powers of these organs of government not only to function independently, but also in holding the executive to account through oversight and in interpreting the laws guiding the policies implemented by the Executive.

2. The National Judicial Council (NJC) is the body that takes charge of the country's judiciary, while the National Assembly (NASS), a bicameral legislature, is the legislature. The allocation to the National Judicial Council and the National Assembly are provided as first line charge and classified as statutory allocation in the annual budget of the federal government of Nigeria. Table 1 shows the absolute allocation to the National Judicial Council and the National Assembly in absolute terms, annual change difference and the annual growth rate.

<sup>1</sup> 6<sup>th</sup> Report of the House of Lords Select Committee on the Constitution on, 'Relations between the Executive, the Judiciary and Parliament: Report with Evidence', Session 2006-07, published 26 July 2007

Table 1: Annual Allocation to the Judiciary and Legislature in the FGN Budget: 2004 - 2018

	National Judicial Council	National Assembly	National Judicial Council (Absolute Difference in Annual Allocation)	National Assembly (Absolute Difference in Annual Allocation)	National Judicial Council % Change in Annual Allocation	National Assembly % Change in Annual Allocation
2004	30,000,000,000	34,729,342,335				
2005	33,000,000,000	37,000,000,000	3,000,000,000	2,270,657,665	9.1	6.1
2006	35,000,000,000	54,785,690,445	2,000,000,000	17,785,690,445	5.7	32.5
2007	43,000,000,000	60,000,000,000	8,000,000,000	5,214,309,555	18.6	8.7
2008	78,000,000,000	97,325,333,760	35,000,000,000	37,325,333,760	44.9	38.4
2009	78,000,000,000	106,642,333,760	0	9,317,000,000	0	8.7
2010	95,000,000,000	150,518,198,201	17,000,000,000	43,875,864,441	17.9	29.1
2011	85,000,000,000	150,000,000,000	(10,000,000,000)	(518,198,201)	(11.8)	(0.3)
2012	75,000,000,000	150,000,000,000	(10,000,000,000)	0	(13.3)	0
2013	67,000,000,000	150,000,000,000	(8,000,000,000)	0	(11.9)	0
2014	68,000,000,000	150,000,000,000	1,000,000,000	0	1.5	0
2015	73,000,000,000	120,000,000,000	5,000,000,000	(30,000,000,000)	6.8	(25.0)
2016	70,000,000,000	115,000,000,000	(3,000,000,000)	(5,000,000,000)	(4.3)	(4.3)
2017	100,000,000,000	125,000,000,000	30,000,000,000	10,000,000,000	30.0	8.0
2018	100,000,000,000	125,000,000,000	0	0	0	0

Source: FMF/BoF and NILDS Computation

3. Within 2004 to 2010, the allocation to the National Judicial Council increased annual from N30 billion to N95 billion. During this period, the allocation to the National Assembly also increased from N34.7 billion to N150 billion.
4. While the allocation to the Judiciary decreased to N75 billion in 2012 and to N68 billion in 2014, the allocation to the National Assembly was sustained at N150 billion thus, marking the watershed of analysis of the relationship between the Legislature and the Judiciary, from a fiscal perspective.
5. In 2015, however, the allocation to the Judiciary was increased to N73 billion from N68 billion in 2014 while the allocation to the National Assembly was reduced by N30

billion to N120 billion. By the 2016, the allocation to the judiciary and the legislature were slashed to N70 billion and N115 billion respectively.

6. In the 2017 budget the allocation to the Judiciary was increased by 30% to N100 billion while the allocation to the National Assembly was increased by 8% to N125 billion. These amounts has been sustained for both arms of government in the proposed 2018 FGN budget.

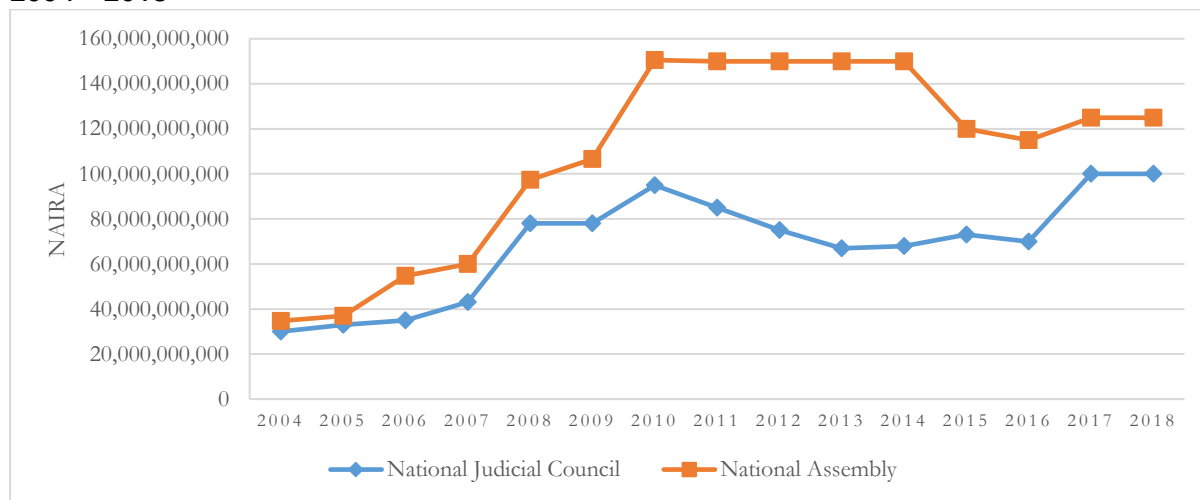
### III. Trend Analysis of the Allocation to the Judiciary and the Legislature

7. The trend of the allocation to the Judiciary and the National Assembly is presented in Figure 1. It shows that the allocation to both organs of government has been unstable but has maintained an

increasing trend. While the gap between their allocations was narrow from 2004 to 2008, it began to widen from 2009 to 2015. From 2016 to 2018, however, the gap

started to narrow. This is attributable to the increased allocation by the President Buhari-led administration to the Judiciary in the 2017 FGN budget.

Figure 1: Trend in Annual Allocation to the Judiciary and Legislature in FGN Budget: 2004 - 2018

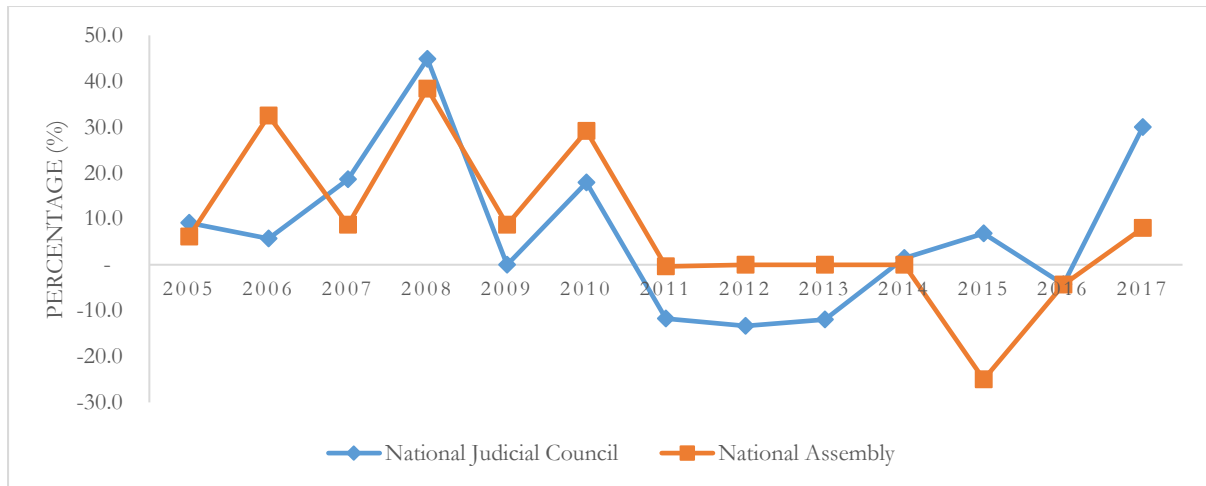


Source: FMF/BoF

8. Although the stability in the allocation to the National Assembly from 2010 to 2015 helped in the funding of several capacity building and capital related projects, the drop in the allocation from 2016 to 2018 has consequences for the completion of capital projects, staff welfare and in supporting investment in capacity related projects.

9. The story is not any different for the Judiciary. Besides the increasing trend from 2004 to 2011, the drop from 2012 to 2016, have consequences for implementing projects that enhance the overall development of the judiciary and staff welfare. It is on the basis of such considerations that the increased allocation to the judiciary in the 2017 FGN was adjudged as a welcome development.

**Figure 2: Growth Rate (%) in the Annual Allocation to the Judiciary and Legislature in FGN Budget: 2005 - 2017**



Source: NILDS Analyst

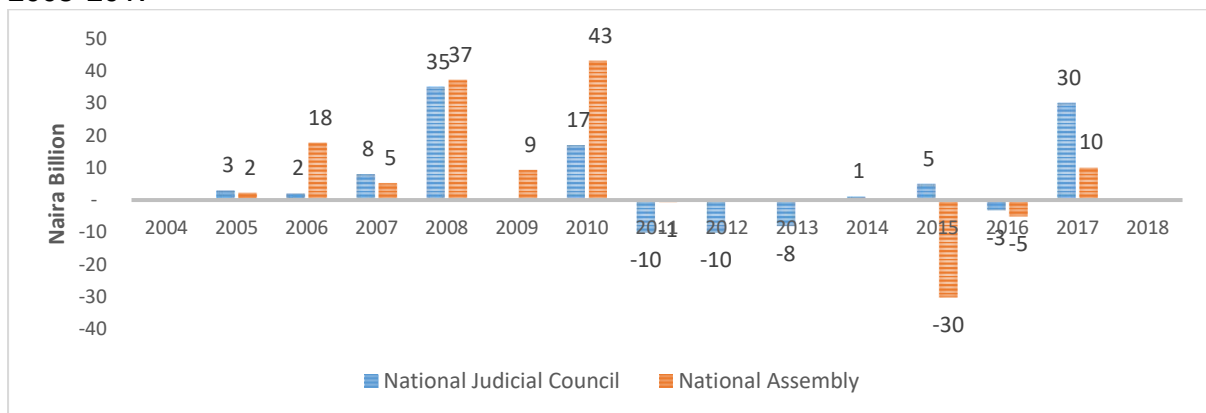
10. An examination of allocation to both organs of government in terms of the growth rate reveals a worrisome picture for the allocation to the National Assembly from 2014 to 2016. Figure 2 shows that the growth rate of the allocation to the legislature has been negative while the allocation to the Judiciary has maintained a positive growth rate during the same period.

whereas, that of the National Assembly grew by only 8%. The allocation of N100 billion to the Judiciary and N125 billion to the National Assembly in 2017 has been proposed in 2018.

12. In terms of the change in the annual allocation to the judiciary and the legislature, Figure 3 shows that the legislature has recorded the largest cut in budgetary allocation from 2015 to 2017. -

11. It also shows that the allocation to the judiciary grew by 30% in 2017

**Figure 3: Change in the Annual FGN Allocation to the Judiciary and the Legislature: 2005-2017**

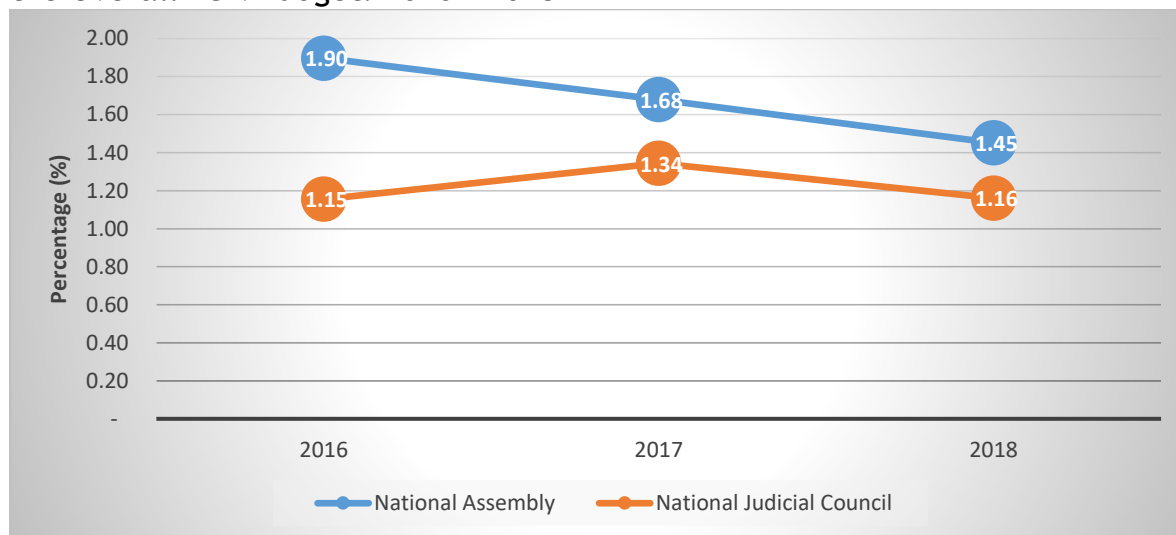


Source: NILDS Analyst

13. More so, the allocation to the National Assembly as a percentage of the overall FGN budget from 2016 to 2018 has recorded a steady

decline compared to the share of allocation to the National Judicial Council in the overall FGN budget (see Figure 4).

Figure 4: Share of the Allocation to the National Assembly and the Judiciary in the Overall FGN Budget: 2016 - 2018



#### IV. Conclusion

14. This brief examines the budgetary allocation to the Judiciary and the Legislature from 2015-2017 in Nigeria. The trend from 2004 to 2009 shows that Obasanjo/Yar'Adua-led administration treated the budgetary allocation to the National Assembly and the Judiciary on an incremental basis as both organs saw their envelopes increase annually. On the other hand, President Jonathan treated the allocation to the National Assembly and the Judiciary as though they were inversely related. Hence, when one gets an increase, the other gets a decrease. However, from 2016 - 2018 under

President Buhari-led administration, the trend has been to retain the previous year's allocation to these arms of government thus, creating a kind of parallel line relationship between in the allocation to the National Assembly and the Judiciary. The major lesson to deduce from 2011 to 2018 however, is the need to increase the allocation to both organs of government to entrench constitutionalism and enhance the democratic process in Nigeria.

15. With ongoing efforts to reform the nation's judicial process and need for continuous strengthening of the capacity of the National Assembly, due to high turnover and its strategic position in the nation's

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democratic process, there is need  
for an upward review in the budget

allocation to both organs of  
government.

*The views expressed in this Research Issue Brief are those of the author(s) and do not necessarily represent the views of the Institute and its Management.*

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