

**The National Assembly
and Democratic Governance
in Nigeria**

Edited by

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The National Assembly and Democratic Governance in Nigeria
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Prof. Rotimi Suberu

Team Leader

F o r e w o r d

As part of its mandate to promote research, analysis and documentation on legislative practice in Nigeria and the wider African region, the National Institute for Legislative Studies (NILS) has published over 50 titles on different aspects of parliamentary governance in the country and beyond. This book on the National Assembly and Democratic Governance in Nigeria, which was supported by a grant from the United Nations Development Program/Democratic Governance for Development (UNDP/DGD), continues the tradition of promoting robust analyses and documentation of the activities of the Nigerian National Assembly by NILS. In the book, thirteen scholars, twelve of which are Nigerian social scientists, offer their assessments of the contributions of the National Assembly to the country's democratic processes. The scholars also proffer cogent recommendations for enhancing the efficacy and vitality of the Assembly as a democratic institution.

The book's overriding objective of analysing, documenting and publicising the contributions of the National Assembly to democratic governance is, indeed, a worthwhile and compelling one. This is because the legislature remains indispensable to good governance in any democracy, whether aspiring, emerging or established. The legislature, for instance, is a veritable institution of vertical political accountability, providing the most tangible, regular, immediate or quotidian machinery of political representation for citizens or constituents in the conduct and composition of governmental affairs. The parliament is also a key instrument of horizontal accountability and political oversight, furnishing critical checks and balances with respect to the activities of the other branches of government, especially the executive arm. Above all, as evident in various legislations and constitutional reforms initiated, approved or passed by the National Assembly since 1999, the legislature plays a crucial role in debating and crafting the rules and laws that make democracies truly accountable, predictable, legitimate, and sustainable.

The various chapters of this book provide succinct, balanced, and quite comprehensive analyses of the successes and limitations of Nigeria's National Assembly in the performance of its core functions of legislation, oversight and representation. The book shows that despite its historic marginalisation by decades of military rule, the National Assembly is developing into a viable agent of democratic policymaking and accountability. The contents offer particularly instructive discussions of the Assembly's positive contributions to several aspects of good, democratic governance, including legislative oversight of the executive, law making, constitutional and institutional reforms, constituency representation, conflict resolution and engagement with civil society.

Yet, like all other political institutions in Nigeria's fledgling democracy, the National Assembly is not without its challenges and shortcomings. These include underdeveloped institutional memory due to high turnover rates of each general election, weak organisational capacity, and women's representation. The contributors to this book have boldly, but objectively, documented many of these challenges, while proffering sound and practical recommendations for improving, rebuilding or reforming the legislative branch.

This is a compelling, original and meritorious book. Its dissection of the National Assembly is unique, nuanced, rigorous, insightful, credible and informative. It, undoubtedly, will be of immense value to lawmakers, researchers and the general Nigerian public.

Senator Ike Ekweremadu, CFR

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Introduction

Ladi Hamalai and Rotimi T. Suberu

Reflecting the relative longevity of Nigeria's Fourth Republic, a growing library of scholarship is accumulating on the role of the Republic's legislature in the democratic governance of the country. Whereas the premature collapse of the country's previous democratic experiments produced extensive scholarly post-mortems on the dysfunction and demise of those experiments, the continuity and relative stability of the current Fourth Republic has stimulated academic disquisitions on the functioning, achievements and challenges of key democratic institutions. Consequently, the Nigerian legislature, which had scarcely attracted any major scholarly studies in the past, is becoming a focus of rigorous empirical research, systematic academic analyses, and vigorous policy debates (see, for example, Hamalai 2010; National Institute for Legislative Studies 2013; Lewis 2009; Ojo and Omotola 2014; Oko 2014; Fashagba 2009).

This book on the National Assembly and Democratic Governance in Nigeria seeks to provide academic and scholarly analyses of the National Assembly as well as contribute effectively and pragmatically to the improvement, reform and development of the Assembly as a pivotal democratic institution. It is aimed at documenting the successes and challenges of the National Assembly as a key democratic institution, promoting public awareness of the contributions of the Assembly to democratic governance, and identifying strategies for strengthening and deepening the Assembly's contributions to Nigeria's evolving democratic processes. It is, therefore, expected to serve not only as an important resource for scholars, but also as a practical manual for legislators, legislative aides, policy makers, and politicians.

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The book's thirteen chapters trace the historical evolution of the Nigerian parliament, uncover the inner dynamics and processes of the legislative arm, and assess the performance of critical legislative roles. The chapters also analyse the growing institutionalisation and consolidation of the legislature, document gaps or deficits in the functioning of the National Assembly, and provoke or evoke various recommendations and pathways for improving the Nigerian legislature.

The chapters confirm that, although endowed with impressive formal powers, financial autonomy, several competent and confident legislators, and some resourceful administrative staff, the National Assembly needs to do more in order to fulfil its potential as a democratic institution. All the chapters are animated by, and organised around, the overarching conceptual premise that performance of the core legislative functions of law/policy making, oversight, and representation is integral and critical to the achievement of good democratic governance in Nigeria.

Conceptual and Historical Background

The first chapter in this volume, by Riccardo Pelizzo situates the discourse within the larger context of whether legislators, individually or collectively, have the political will to make good use of the oversight capacity that the legislature and the political system place at their disposal. According to him, parliaments' ability, successfulness and effectiveness in performing their constitutionally mandated oversight function depends on two sets of conditions: proper mandate tools and support. He further identified accountability as one of the most important procedural characteristics of a well-functioning democracy and stated that the voter-demand is a critical incentive to parliamentarians. Chapter two by Hakeem Mobolaji, discusses the nexus of strong legislative institutions, the democratic process, and development in Nigeria. The chapter demonstrates that "institutions matter." It argues that effective performance of the core legislative functions of law making, oversight and representation is essential to good democratic

governance which, in turn, is pivotal to sustainable socio-economic development. To drive good governance and development, however, parliaments must be truly representative, transparent, accessible, accountable, and politically effective. Thus, while strong legislatures are crucial for good, democratic and developmental governance, weak legislatures can undermine democracy and development. This is because fragile legislatures are unable to ensure horizontal (inter-branch) and vertical (popular) political accountability.

Mobolaji's assessment of the National Assembly yields a mixed balance sheet. He shows that although it possesses a remarkable menu of legislations, decent physical infrastructures, internal democratic procedures, and robust oversight powers, the National Assembly is not without daunting challenges. These include inadequate representation of gender and related diversities, many poorly trained legislative aides (among other technical capacity constraints), and flawed electoral and political party processes that often lead to high electoral turnover or attrition rates for legislators.

Overall, however, Mobolaji's chapter shows that various laws of the National Assembly since 1999 have addressed issues of governance and/or development, either directly or indirectly. These laws, for instance, have sought to promote fiscal transparency, conflict resolution, health care delivery, human rights, and a broadly sound regulatory framework for good governance and development. Such legislative interventions have contributed to modest improvements in Nigeria's governance and development indicators during the 1999-2014 period.

In the volume's third chapter, Benson Osadolor provides an insightful and original, historical discussion of the development of central legislative institutions in Nigeria. He chronicles the transformation of the Nigerian central legislature from a largely advisory, consultative, unelected, minuscule, and unicameral institution under British colonial auspices into a proper, formally democratic, constitutionally empowered, bicameral parliament since 1960. This institutional

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transformation developed in response to the country's periodic political transitions, including the change from colonial dependency to independent national statehood, from parliamentary to presidential rule, and from centrifugal to centripetal federalism.

In essence, from an initial position of emasculation and marginalisation, the primacy of the central legislature as the first branch of democratic governance is now firmly established under the Nigerian constitution. This constitutional primacy formally places the legislature in a powerful position to shape governance and development in the country. Yet, a recurrent theme in this volume and many other works on the Nigerian legislature is the gap between the formal constitutional pre-eminence of the legislature and the reality of continuing executive predominance and interference. Among other consequences, this chasm between formal legislative primacy and actual executive political hegemony has often impacted adversely on the law making and oversight roles of the legislature.

Law Making and Oversight

Chapter four by Rotimi Suberu examines how legislation by the National Assembly has engaged the critical challenges of national unity, democratic stability and socio-economic development. It documents the successes of the National Assembly in crafting or ratifying several flagship legislations. These laws are designed to confront and cauterise many of the pathologies that have long plagued Nigerian governance and politics. Among other things, the laws have sought to respond to militant resource nationalism in the oil-bearing Niger Delta, to improve the autonomy and capacity of the country's electoral administration, and to liberalise and democratise access to official information. The laws have also tried to curb incentives and opportunities for governmental corruption and malfeasance, to promote critical economic reforms, and to guarantee citizens' human rights and civil liberties.

In essence, Suberu's analysis of the National Assembly's legislative achievements confirms an increasingly influential thesis regarding the growing institutionalisation and development of the Nigerian legislature as a pivotal law-making and policy-shaping body (see Lewis, 2009; Oko, 2014). This challenges previous academic and popular portrayals of African legislatures as mere appendages of overweening political executives. The legislative record of the Nigerian National Assembly, in other words, does not conform to characterisations of African legislatures as institutionally underdeveloped, powerless, under-resourced, and capacity-constrained bodies.

Yet, Suberu's chapter also bluntly acknowledges the failure of most of the Assembly's laws to produce the expected shifts or improvements in governmental performance. This is partly because many of the laws designed to promote better governance in the country often fail to adequately insulate key, regulatory or oversight bodies from executive political manipulation, interference and subversion. What is more, the National Assembly has delayed or shied away from several critical legislations, including more comprehensive electoral reforms, more effective legal and constitutional guarantees of internal citizenship rights, and the overhaul of the regulatory framework for Nigeria's chronically dysfunctional and corrupt petroleum industry.

Mike Obadan's chapter on budgetary appropriations provides an even more critical appraisal of the National Assembly's legislative roles. The legislature's constitutional responsibility to consider, scrutinise, authorise and oversee the implementation of the budget is an especially important one because budgets entail the mobilisation, allocation and management of scarce and valued national resources. However, in his chapter, Obadan articulates the bold and blunt thesis that the budgetary or appropriation process as overseen by the National Assembly has become virtually ritualistic. This has undermined the legislature's ability to positively impact development, while eroding popular confidence in government. Specifically, Obadan contends persuasively that federal budgets and

appropriations have failed to engender the expected broad-based economic development, poverty alleviation, jobs creation, infrastructural improvements, social services, and enhanced human development indicators.

Obadan provides a compelling analysis of the factors driving the underperformance of the budgetary and appropriations process. These include the absence of executive-legislative consultations during the preparatory stages of the budget, executive-legislative acrimonies over the Assembly's powers of amendment in relation to the budget, inability or unwillingness of the legislature to curb the excessive costs of governance or recurrent expenditures in the country, and the ineffectiveness of the Assembly's oversight of budget implementation. In essence, Obadan concludes that legislative oversight of the budget "has not lived up to its high expectations of building strong institutions, minimising waste, fraud, corruption and inefficiency in the public sphere, and promoting accountability in government." As will be highlighted shortly, Obadan's conclusion is partly echoed in Ladi Hamalai's chapter on legislative oversight in this volume, although the latter provides a significantly more sympathetic and positive assessment of the National Assembly's performance.

Next to budget and appropriation, the review of the Nigerian constitution has arguably been the most challenging and recurrent task of the National Assembly since 1999. Samuel Egwu's chapter in this volume assesses the contributions and responses of the National Assembly to popular agitations for the reform of the 1999 Constitution. He associates the National Assembly primarily with a state-centred approach to constitution making, as distinct from a people-centred method favoured by many ethnic nationality organisations, and a hybrid state-society approach spearheaded by the civil society coalition, Citizens Forum for Constitutional Reform (CFCR). At the same time, Egwu shows that the National Assembly, while asserting its preeminent authority to amend, review or even replace the Nigerian Constitution, has demonstrated a commitment to an open, participatory, and consultative constitution review process. This

commitment was evident in the Senate's consultations with stakeholders in the country's six geo-political zones, and the decision of the House of Representatives to convene public sessions on constitutional reform in all of the nation's federal legislative constituencies.

Egwu documents the National Assembly's successes in implementing piecemeal, incremental amendments of the Constitution in 2010. But those amendments focused largely on electoral reform. Thus, Egwu also highlights the unfinished nature of constitutional reform in Nigeria, especially in the light of the work of the 2014 National Conference, which proposed numerous amendments to the Nigerian Constitution. While the Constitution Alteration Bill passed by the National Assembly in late 2014 addressed some of the outstanding constitutional reform issues highlighted by the National Conference (for example, local government autonomy, residency rights, and autonomy for key regulatory agencies and offices), the Bill left many other matters unresolved (for example, state police, removal of immunity for office holders, constitutional referendum). Aside from highlighting the Assembly's unwillingness or inability to effect far-reaching constitutional amendments, Egwu identifies broader, systemic obstacles to popular or people-oriented constitutional change in Nigeria. These include a culture of prolific constitution making without constitutionalism, elite capture of power, failure of nation building, and the socially inequitable and ethnically polarizing effects of neo-liberal economic policies.

However, as already indicated, Ladi Hamalai's chapter, on legislative oversight of the executive paints a less gloomy or negative portrait of the roles and functioning of the National Assembly. She demonstrates that Nigeria's constitutional and institutional framework has endowed the legislature with all of the formal powers and tools required to undertake effective oversight of the executive. Consequently, the Assembly has been quite successful in uncovering incidents of official corruption and financial mismanagement, while also exposing cases of non-financial breaches of due process or constitutionality and

articulating proposals for administrative or governance reform. In essence, the Assembly has been able to accomplish many of the goals traditionally associated with oversight, including, promoting horizontal accountability (specifically, the accountability of the executive to the legislative branch), improving the transparency and integrity of governmental operations, and evaluating governmental performance. Oversight work of the Assembly has also been crucial in restraining executive powers or excesses, assessing the need for legislative innovation or reform, reviewing and determining national budgetary or fiscal priorities, preserving and promoting the rule of law, and protecting citizens' rights and freedoms (see Draman 2014, 6).

Nonetheless, Hamalai's chapter also shows that oversight of the executive by the Assembly has been stymied by several factors. These include: underfunding of the committee system, which has led periodically to unwholesome reliance on funding for committee work on the very Ministries, Departments and Agencies (MDAs) the Assembly is expected to oversee; paucity of basic facilities (such as office space and transportation) required for oversight activities; inadequate training of legislative staff in the intricacies and technical nuances of oversight work; and insufficient coordination and communication between legislative committees and the MDAs. More seriously, legislative oversight has been undermined by fundamental, political challenges like executive domination and interference in the internal affairs of the legislature, the executive's electoral malpractices and shenanigans, relatively high turnovers or low retention rates in the leadership and/or membership of the legislature, and the overriding emphasis on legislators' constituency obligations at the expense of lawmaking and oversight functions. Oversight is also endangered by a pervasive culture of corruption and rent seeking, as well as a glaring absence of political will or incentives among legislators to effectively and efficiently scrutinise, monitor and curb the excesses of the executive branch.

W. O. Alli echoes some of these constraints on legislative oversight of the

executive in his chapter on the National Assembly and Foreign Policy. He contends that a history of peripheral legislative engagement in the conduct and management of Nigeria's foreign policy, institutionalised suspicion and opposition by the executive to effective involvement by the legislature in foreign policy matters, and lack of enthusiasm by many legislators for foreign policy issues, have all impeded a meaningful role for the National Assembly in the management of Nigeria's international affairs. Alli also implicates military rule for undermining the development of legislative capacity and experience in foreign policy matters. What is more, many legislators have a weak appreciation of the ramifications of foreign policy for domestic governance and development.

Nonetheless, the National Assembly continues to be involved in the conduct of the country's foreign policy in multiple ways. These include screening of ambassadorial appointments, ratification and domestication of international treaties, involvement in parliamentary diplomacy or international inter-parliamentary relations, engagement with diaspora matters, and contributions to discourse about foreign policy through parliamentary debates. Of course, the work of the Assembly's committees on foreign affairs and/or diaspora matters remains an important avenue through which the Assembly not only scrutinises and gives strength and validation to the nation's foreign policy, but also encounters and engages the interface or interconnectedness between foreign and domestic political affairs.

Constituency Representation and Engagement with Civil Society

While all the chapters in this volume invariably speak to varying degrees to the National Assembly's representative obligations to constituents and groups in civil society, such engagement between the legislative branch and the Nigerian society or citizenry constitutes the primary focus of the chapters by Solomon Benjamin, Jibrin Ibrahim, Jake Dan-Azumi, and Amina Salihu. Benjamin, for instance, analyses the diverse ways by which the National Assembly engages constituency

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interests. These include the presentation of petitions regarding various grievances of constituents (for example, wrongful dismissals from employment, denial of work entitlements, police abuses, etc.), arbitration in community disputes, sponsoring motions addressing pressing, local or national needs or emergencies, attracting and delivering sundry public projects (roads, electrification, empowerment and welfare programs, etc.) to constituencies, and holding regular consultations and meetings with constituents.

While presenting evidence that shows many members of the National Assembly effectively fulfilling their constituency obligations, Benjamin also acknowledges the severe challenges and abuses associated with constituency representation in the country. These include the diversion of constituency allowances to personal use, failure to maintain or to adequately staff and fund constituency offices, infrequent presence of legislators in their respective constituencies, and underfunding of constituency programmes and projects, all of which have contributed to negative public perceptions and appraisals of legislators as self-serving politicians. Other challenges militating against effective constituency representation include the weak alignment of the committee system with the structures of constituency interests, flawed electoral and internal party practices leading to the imposition of unpopular representatives, low retention rates of legislators, and poor dissemination of information regarding the activities of constituency offices.

Given the complementary roles of legislatures and civil society organisations as institutions for representing and articulating societal interests, some of the aforementioned deficits in constituency representation can be mitigated by civil society interventions that seek to connect citizens and communities to governance processes. Jibrin Ibrahim explores such complementarities in his chapter on the legislature-civil society interface. He shows that Nigerian civil society organisations including the Civil Society Legislative Advocacy Centre (CISLAC) and Policy and Legal Advocacy Centre

(PLAC), have shown remarkable resilience and skills in working with the legislature in order to advance effective socio-political representation, in particular, and good democratic governance, in general. Thus, these civil society agencies have mounted several programmes (training or capacity building workshops, public hearings, constituency outreach sessions, and budget-focused workshops) designed to assist legislators in the performance of their representative and other legislative functions.

More important, civil society organisations have engaged in legislative advocacy designed to produce socially responsive legislations. Ibrahim's chapter highlights examples of determined, sustained, and largely successful civil society advocacy in support of the enactment of landmark legislations. Especially notable are civic mobilisations in support of the proposed enactment of the Violence Against Persons Prohibition (VAPP) and Petroleum Industry (PIB) Bills. Even more remarkable was civil society's heroic role in campaigning for the eventual enactment of the Freedom of Information (FOI) Act. While political resistance at national and subnational levels as well as judicial contention has stymied its implementation, the FOI Act, in particular, holds enormous potential and promise for enhancing the transparency of governance in Nigeria in an era of new social media.

The potential opportunities, risks and implications of the new social media for the National Assembly constitute the focus of Jake Dan-Azumi's stimulating contribution to this volume. While acknowledging the potential liabilities and abuses inherent in the largely unregulated space of the new social media, Dan-Azumi's chapter eloquently highlights the important roles that these media can play in engendering and entrenching good democratic governance. The new social media, he persuasively argues, can promote political freedoms, increase transparency, reduce corruption, improve governmental accountability and responsiveness, and facilitate citizens' political engagement. Parliamentary social media platforms, in particular, can be used to engage the public in legislative

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affairs, build public trust and legitimacy for parliaments, drive transformative social change, and increase the efficiency, soundness and inclusiveness of legislative policy making.

The opportunities (and attendant risks) of the new social media are particularly immense for Nigeria, which boasts Africa's biggest mobile phone market (with 135 million subscribers), largest Internet population (over 67 million users), as well as millions of active users of the social media. Dan-Azumi contends that the National Assembly can leverage these media to disseminate information about individual legislators and the activities of the legislature, promote openness and transparency regarding the workings of legislative committees, correct current perceptions of the Assembly as a self-serving and isolated political institution, and build critical legitimacy for Nigeria's evolving democratic experiment.

The challenge of building democratic legitimacy for the National Assembly through better engagement by the Assembly with the rights of girls and women in Nigeria is the focus of Amina Salihu's chapter. Salihu makes a strident and compelling call for legislative interventions to address, in a sustainable manner, the Nigerian woman's lack of adequate social welfare, economic opportunity, and political access and control. She shows that while Women's Affairs Committees in the National Assembly have furnished a strong platform for discussing (and influencing the discourse on) gender issues in Nigeria, gender inequities remain severe in the country.

Salihu highlights several obstacles standing in the way of effective legislative leadership on gender issues in Nigeria. These include the absence of an enabling legal framework on women's rights, weak provisions for affirmative action in the current Nigerian constitution, and poor accommodation of gender issues in the ongoing official constitutional reform process. Other impediments to gender equity include the non-justiciable character of socio-economic rights (to health, education, employment, etc.) that are currently enunciated in the Constitution,

weak impact of existing legislations on gender issues, and the failure of appropriation acts (which are often dominated by excessive recurrent or administrative expenditures) to deliver welfare services or socio-economic opportunities for girls and women. Just as other contributors to the volume, Salihu proffers a solid menu of recommendations for advancing women's rights in Nigeria.

Conclusion and Recommendations

In the concluding chapter of this volume, Shola Omotola ties the various threads of the preceding chapters together, offering a magisterial view of the past, present and future prospects of the central legislature in Nigeria. Just as most of the other contributors to this volume, Omotola highlights the inauspicious effects on the National Assembly's institutional capacity and autonomy of Nigeria's extended experiences with authoritarian rule. At the same time, he underscores the political revitalisation of the legislature since the country's return to civilian rule in 1999. Omotola persuasively argues that the Assembly's future development, institutionalisation and reputation will be shaped by multiple factors. These include the continuity and stability of civilian rule and the ability of the legislature to strengthen its own internal accountability mechanisms. Other potential factors that could shape the development of the National Assembly are the emergence of cohesive and internally democratic political parties, the strengthening of other countervailing institutions of horizontal accountability (the judiciary, anti-corruption agencies, central bank, etc.), and the creation and sustenance of multiple platforms of citizens' engagement.

The various chapters of this volume, to reiterate, proffer or imply multiple recommendations and pathways for enhancing the National Assembly as a core institution of democratic governance and countervailing power in Nigeria. These recommendations are all informed by Nigerians as well as comparative experiences. Only a few of these recommendations can be highlighted in this

introduction. They include: promoting the professional competence and political skills of legislators and legislative aides through expanded investments in appropriate capacity building and training programmes; the consolidation of the number of legislative committees in order to promote the development of legislative expertise in key areas of governmental oversight and policy making; the strengthening of existing legislative acts on anti-corruption reform by increasing the financial independence and political insulation of anti-corruption and other regulatory bodies; expanding the use of innovative, parliamentary social media platforms in order to bridge communication gaps between the legislative branch and the public; and strengthening the legislature's civil society liaison office in order to broaden and deepen the legislature/civil society interface.

More specific recommendations arising from the contributions highlight the need for more proactive legislative engagement with the unfinished task of constitutional review (including electoral reform); for more consultations between the executive and the legislature at the preparatory stages of the federal budget and appropriation process; for the legislature to work more vigorously to address and redress the astronomical costs of governance in the country; and for the imperative to expand opportunities for women's leadership roles in the National Assembly.

It is, of course, impossible to exhaustively analyse the complex workings, multifaceted dynamics, and future reform paths of the Nigerian National Assembly in a single, edited collection. Several themes or topics that are missing from, or inadequately treated in this volume can provide the basis for future research on the Nigerian legislature. Such topics could include the challenges of anti-corruption and ethics reform in the legislature, the politics of impeachments in the context of executive-legislative as well as intra-legislative relations, the effects of inter-party and intra-party relations on the internal workings of the legislature, and more empirical studies of the National Assembly based on

scientific surveys both of legislators and of public attitudes toward the Assembly. Hopefully, the insights and recommendations in this book will advance not only scholarship on the Nigerian legislature, but also the actual workings of the legislative branch itself.

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