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Practice of Bicameral and Unicameral Legislature in Nigeria: A Re-appraisal

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1.0 Introduction

By A central feature of any constitution is the organization of the legislature. A legislature may be organized as a unicameral body with one chamber or bicameral body with two chambers. Unicameral legislature is typical in small countries with unitary system of government (e.g. Denmark, Sweden, Finland, Israel, and New Zealand).¹ Federal states, whether large or small, usually have bicameral legislature, one house usually representing the main territorial subdivision² and other representing the constituent units. A classic example is United States Congress, which consists of House of Representatives, and a Senate.³ Nigeria adopts the same system. Recently, there have been queries over the existence of bicameral legislature in Nigeria. In view of this, this brief discusses the issue by evaluating the pros and cons of the

argument. The brief concludes that a bicameral legislature is unavoidable in the country for reasons of its being a federation.

The brief is discussed in five sections. Section 1 is the introduction. Section 2 clarifies the conceptual framework. Section 3 discusses the case for and against bicameral legislature and unicameral legislature. Section 4 examines the suitability of bicameral legislature in Nigeria. The brief is concluded in section 5.

2.0 Conceptual clarification

The word “unicameral” or unicameralism is derived from the Latin “uni” meaning one and “camera” meaning chambers. According to Adigwe, a bicameral legislature is one that contains two chambers, i.e. the lower house or the first chamber and the upper house, it is the practice or the system of having one legislature or plural chambers.”⁴ The

¹ Arowolo, D.E, ‘Democracy and Bicameralism in Nigeria: Issues, Challenges and the Way Forward’ [2019], *Review of Public Administration and Management* (Vol. 3 No. 7)

² Bugaje, U., “The Evolution of the Legislature and Challenges for Democracy in Nigeria: An Overview,” [2003], *A Paper Presented at the Seminar on Strengthening Democratic Values through*

Parliamentary Cooperation, Organized by the National Assembly in collaboration with the Canadian Parliament, Abuja 23rd-26th August

³ Dahl, R.A., Shapiro, L. and Cheibub, J.A., *The Democracy Sourcebook*, Massachusetts, (MIT Press, 2003)

⁴ Adigwe, F., *Essentials of Government for West Africa*, Ibadan, University of Ibadan Press, 1979, 41

relationship between the chambers varies; in some cases, they have equal power, in others, one chamber is clearly superior by its powers. As Arowolo pointed out, “it is commonplace in most federal systems to have a bicameral legislature, with the upper chamber representing the constituent states, while the lower chamber represents the people as it is in the United States and Nigeria.”⁵ In both countries, the upper house represents the component parts, and the lower house represents districts based on population.⁶

3.0 Argument for and against Bicameral Legislature and Unicameral Legislature

At present, there is ongoing public debate on whether Nigeria should retain bicameral legislature or practice unicameral legislature. Each side of the debate gives its own reasons in support of or against bicameral legislature or unicameral legislature. Whatever the position of each divide, this brief argues that bicameral legislature enforces an effective system of checks and balances preventing the enactment of laws unfairly impacting or favouring certain factions of government or the people.⁷ Bicameral legislature in Nigeria ensures equal representation at state level (three Senators from each state) in the Senate, and proportional representation of states based on population in the House of Representatives. This again ensures that all

states and districts are represented in the National Assembly.

In the absence of bicameral legislature in Nigeria, some zones or constituencies with a higher population than others will always be producing more Senators and Honourable Members to the House as the small zones or districts will have no choice than to align with them. This development does not augur well for democracy as the smalls groups are in this context marginalized by the major groups. However, the procedures of bicameral legislatures in which both chambers must approve legislation often result in complications slowing or blocking the passage of important laws. Notwithstanding, the advantages of bicameral legislature in Nigeria outweighs the practice of single chamber legislature because of multi-ethnic and multi-cultural composition of Nigeria.⁸ The second chamber is useful in another way: it debates general issues of policy. The pressure of parliamentary work on the lower house is often so great that it is unable to discuss those general issues of policy which do not come within the scope of the Bill it passes. The upper house acts as a necessary check on the lower house and prevents tyranny. It applies the necessary break whenever the lower house is about to push through a Bill in a hurried manner. Finally, bicameral system helps to reconcile the views

⁵ Arowolo, D.E., ‘Democracy and Bicameralism in Nigeria: Issues, Challenges and the Way Forward’ [2015], *Journal of Review of Public Administration and Management*, (vol.3 No.7), 4

⁶ Roskin, M.G., *Political Science: An Introduction*, USA, Pearson Education Ltd, 2008

⁷ Diamond, L., *Assessing the Quality of Democracy*, Baltimore, MD, (John Hopkins University Press, 2005)

⁸ Okuwa, B., *Retaining a Bicameral Legislature for Nigeria*, Arkansas,(University of Arkansas Press 2001)

of component states of the federation through both the upper house and the lower house.⁹

The only two arguments in favour of unicameral legislature is that first, it quickens the legislative process. There is no question of submitting a Bill to the second chamber. But then, it is possible that unsatisfactory measures could be passed into law and there is no guarantee that tyranny and abuse of power will be checked whenever they arise. Second, unicameral system cuts down the expense of running the government. The salaries or allowances which would have been paid to the members of the second chamber can be used for other purposes.¹⁰ Notwithstanding, in a federal state like Nigeria, a bicameral legislature is preferable to a unicameral legislature. In fact, an upper house is an indispensable instrument for maintaining a balance of power between the component units in a federation.¹¹

4.0 Why Bicameral Legislature is suitable for Nigeria

The essence of representative democracy stems from its ambition of representativeness.¹² According to Arowolo people, who, through the ballot, have willingly surrendered their sovereignty to the elected officials in the legislature, expect credible representation based on mutual trust in return. The legislature therefore is the eyes of the people and is expected to do for the people what the citizenry could not do for themselves as a result of perceived

hindrances of preponderance of population, coordination and resources. In Nigeria, Bicameral legislature is suitable so as to ensure adequate representation of ethnic groups that make up Nigeria. It is also suitable in order to ensure checks and balances and good governance built upon separation of powers and adherence to stated rules. It is held belief that bicameral legislature is capable of preventing and checking hasty legislation designed to serve the parochial and personal aggrandizement of a particular leader.

A bicameral legislative structure at the center of a federal system will help Nigeria stabilize by checking and preventing tyranny of a group of people or states who are more in number and geographical spread from time to time. Nigeria's Senate today is representative of the states; the units that constitute its federal structure and its members are elected by the people of the various states for that purpose.¹³ It is, therefore, imperative for the state to play their unifying role as a second legislative chamber at the center and act as a check to any kind of legislation which the representatives from any group of states may want to unfairly impose on the country.

Legislative bills need to be duplicated and later reconciled in order to prevent group or class or ethnic tyranny. As a developing nation, Nigeria need to retain the practice of bicameral legislation at the center to sustain its growth and political development. There

⁹ Arizona, C.L., "NATIONAL Assembly: Law-Dealing or Raw-Dealing?", Lagos, *This Day*, May 2009

¹⁰ Harvey, J. and Harvey, M., *Government and People: The public Expenditure*, London, (Macmillan Press, 1989)

¹¹ Burke, E., *On Government, Politics and society*, London, (Fontana Press, 1975)

¹² Arowolo, D.E. (n 3), 2

¹³ Dibie, C., *Essential Government*, Lagos, (Tonad Publishers Ltd, 2003)

is also the issue of equitable distribution of seats and division of labour through the assignment of certain minor matters to a particular chamber. For instance, Nigerian Senate is being saddled with the responsibility of approving the nominees of the executive.¹⁴

5.0 Conclusion

The relevance of bicameral legislature to Nigeria's democracy has been controversial as some Nigerians believed that it is a means of financial leakage and an avenue to enrich the pockets of the legislators. The legislative performance of the federal legislators has also been described as abysmal as some Nigerians cannot feel the impact of the laws made by them. However, this group of Nigerians failed to see the need for equal representation of Nigeria States in the Senate, the proportional representation of Nigerians based on the population in the House of

Representatives, the equitable distribution of seats and resources at the center, and the fostering of unity that is associated with bicameral legislature. On the whole, taken the arguments of both sides into consideration, what essentially matters, is not the type of legislature Nigeria practices or how much resources that is committed to it, but how well it serves the best interest of Nigerians, how well it ensures equality of representation and how that helps to promote the growth of Nigeria's democracy and ensure unity of the country. Every system has both merit and demerit. There is no system of government that is perfect, but on the equilibrium, a country tends to adopt a system that suits its political structure and fits into its domestic realities. It is in view of this that bicameral legislature is considered suitable for Nigeria and its practice should be retained for Nigeria's unity.

¹⁴ Ibid.