

**ASSESSMENT OF CIVIL SOCIETY ORGANIZATION - LEGISLATURE
PARTNERSHIP: A CASE STUDY OF THE FIRST AND SECOND SESSIONS OF THE
9TH NATIONAL ASSEMBLY**

BY

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CERTIFICATION PAGE

This is to certify that this dissertation has been read and approved for the award of Master's in Legislative Studies (MLS) in the National Institute for Legislative and Democratic Studies/ University of Benin (NILDS/ UNIBEN)

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This is to certify that this dissertation titled Assessment of CSO-Legislature Partnership: A Case Study of the First and Second Sessions of the 9th National Assembly has been approved for the award of Master Degree in Legislative Studies (MLS) in the National Institute for Legislative and Democratic Studies/ University of Benin (NILDS/ UNIBEN)

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DEDICATION

This dissertation is dedicated to the Almighty God and to the development of parliamentary practice and procedure.

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I will start this acknowledgement by thanking my supervisor – Dr. Terfa Abraham for his meticulous guidance and insightful contributions that saw to the completion of this Dissertation.

I thank my wife, Emelda and our children - David, Chidinma and Ikenna for their show of solidarity and understanding during my late hours working on this topic. Finally, my immense gratitude goes to the Almighty God without whom I wouldn't be here in the first place.

ABSTRACT

Ascertaining the working relationship between Civil Society Organizations and the Legislature at the federal level is the focus of this study. While several studies have examined the partnership between CSOs and other organs of democracy, the broad objective of this study is to examine the relationship between the CSOs and the Nigerian Legislature. The specific objectives are to ascertain the factors that motivate CSOs to collaborate with the Legislature in Nigeria, to ascertain how CSO-legislature partnership in Nigeria helps to promote the agenda of both parties; and to ascertain how the partnership contributes to the development of Nigeria. The justification for the study is that it adds value to previous and related research work by identifying and placing on scale, the major motivations that fuel this partnership.

The study used the descriptive research design because it sought to observe and describe the interrelations between the subjects of the study- CSOs and the Federal Legislature. Survey data was collected from a total of 234 respondents (CSOs, politically exposed persons, the general

public and Members and key staff of the National Assembly). The data was analyzed using frequency, percentages and charts.

In line with the first specific objective of ascertaining factors that determine CSO's interest to partner with the Legislature, the key findings show that the need to bring about change in societal outcomes through legislation and the need to address overall developmental challenges, are the major reasons why CSOs seek partnership with the legislature at the federal level. This is seen from the analysis of the results obtained from the survey where 48% and 22% of respondents from the CSOs respectively identified the aforementioned key motivations. The study also found that CSOs-legislature working relationship is mutually beneficial to both parties. The response for this objective was benchmarked using the ODI (2008) report on why CSOs work with the legislature. The result is consistent with the ODI report which states that the partnership is mutually beneficial. In line with the third specific objective that seeks to ascertain the effect and impact of the partnership, analysis of the findings show that CSOs-legislature relationship is perceived by 80% respondents to have the most impact on enhancing the public confidence of the legislature and providing opportunities for capacity building. While there is also a clear evidence that the partnership between CSOs and legislature can strengthen the fight against corruption, the evidence on how it fosters a smooth legislative-executive relationship, is not clear.

The study recommends the need of a coordinating framework on how legislatures work with the CSOs in order to tie CSOs focus area to the specific areas of need of the national assembly as contained in their legislative agenda. Providing access to data on specific areas of their intervention in legislative governance will also be important to ensure that such contributions are properly documented as a means of providing a basis for the oversight of CSO partnerships with the National Assembly.

TABLE OF CONTENT

CHAPTER ONE

1.0	Introduction	-	-	-	-	-	-	-	1
1.1	Background to the Study	-	-	-	-	-	-	-	5
1.2	Statement of the Problem	-	-	-	-	-	-	-	7
1.3	Research Questions	-	-	-	-	-	-	-	7
1.4	Objectives of the Study	-	-	-	-	-	-	-	8
1.5	Significance of the Study	-	-	-	-	-	-	-	8
1.6	Scope and Limitations of the Study	-	-	-	-	-	-	-	10
1.7	Operational Definitions of Terms			-	-	-	-	-	11

1.8	Organization of Chapters	-	-	-	-	-	-	12
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CHAPTER TWO

2.0	Literature Review and Theoretical Framework	-	-	-	-	-	-	13
2.1	Civil Society	-	-	-	-	-	-	13
2.1.1	Conceptual Clarification	-	-	-	-	-	-	13
2.1.2	Functions of Civil Society in a Democratic Dispensation	-	-	-	-	-	-	24
2.2	Legislature	-	-	-	-	-	-	31
2.2.1	Conceptual Clarifications	-	-	-	-	-	-	31
2.2.2	The Nigerian Legislature	-	-	-	-	-	-	36
2.3	Civil Society and Legislature in Nigeria	-	-	-	-	-	-	38
2.4	Theoretical framework	-	-	-	-	-	-	39

CHAPTER THREE

3.0	Research Methodology	-	-	-	-	-	-	41
3.2	Research Design	-	-	-	-	-	-	41
3.3	Population and Sample Size	-	-	-	-	-	-	41
3.3.1	Population	-	-	-	-	-	-	42
3.3.2	Sampling Size	-	-	-	-	-	-	42
3.4	Research Instrument	-	-	-	-	-	-	43
3.5	Sources of Data	-	-	-	-	-	-	44
3.6	Method of Data Analysis	-	-	-	-	-	-	44

CHAPTER FOUR:

	Data Presentation, Analysis and Discussion	-	-	-	-	-	-	45
4.1	Factors determining CSOs Interest to partner with the legislature	-	-	-	-	-	-	45
4.2	Examining the benefit of CSO-Legislature Working relationship	-	-	-	-	-	-	47
4.3	Effect of CSO-Legislature partnership on the development of the Nigeria	-	-	-	-	-	-	49
4.4	General Discussion	-	-	-	-	-	-	50

CHAPTER FIVE

Summary, Recommendations and Conclusion	-	-	-	-	-	-	-	-	64
5.2 Summary	-	-	-	-	-	-	-	-	64
5.3 Conclusion	-	-	-	-	-	-	-	-	65
5.4 Recommendations	-	-	-	-	-	-	-	-	65
References	-	-	-	-	-	-	-	-	74
Appendix	-	-	-	-	-	-	-	-	Questionnaire

CHAPTER ONE

INTRODUCTION

1.1 Background to the Study

Civil Society Organizations (CSOs) are enormously important players in international development. They provide development services and humanitarian relief, innovate in service delivery, build local capacity and advocate with and for the poor. Acting alone, however, their impact on policy is limited in scope, scale and sustainability. CSOs need to engage in policy processes more effectively. Despite more open and accessible policy contexts, CSOs are having limited impact on public policy and practice in developing countries and ultimately on the lives of poor people. All too often, CSOs appear to act on their own, leading to questions about their legitimacy and accountability. Their policy positions are also increasingly questioned: researchers challenge their evidence base and policymakers question the feasibility of their recommendations (ODI, 2006).

The last 15 years have seen significant changes in the contexts affecting the relationship between CSOs and policymakers. This period has been characterized by globalization, democratization, decentralization, reductions in conflict, and advances in information and communication technologies (ICTs). In general, there is potential for progressive partnerships involving the public and private sectors and CSOs in more and more developing countries.

The number of CSOs is growing. Many CSOs have become aware that policy engagement can lead to greater pro-poor impacts than contestation. We see more and more examples of CSOs engaging in informed advocacy as an important route to social change and a means of holding governments to account. Sometimes this leads to impressive outcomes.

The activities of civil society organizations have over the years engineered several forms of development in Nigeria. Activities ranging from protecting against certain government policies to the organization of seminars, conferences and enlightenment programmes to educate the masses or citizens on the various human rights and how to kick against abuse on such rights. Civil society organizations, through protest and campaigns have over the years worked to bring about accountability in government, in the sense that the government has become more accountable and responsible as a result of the eye cast on it by the civil society organizations, hence bringing about people-oriented policies that further bring about development in the country.

Lewis (2002) rightly notes that different local meanings (have) been created around the concept of civil society as part of an increasingly universal negotiation between citizens, states and markets, seemingly confirming Van Rooy's (1998) famous quip that the concept's inherent vagueness is integral to its appeal.

Civil society is a "space" whose function is to mediate between the individual and the State. While there may not be a clear-cut definition of civil society, they more or less agree that it comprises institutions such as religious organizations, labour unions, charity organizations, community groups, non-profits and the media. In advanced and virile democratic systems, these institutions supplement formal processes such as voting and help citizens shape the culture, politics and economies of their nation. Civil society organization tends to strengthen and raise the capacity of citizens to address social, economic and political developmental challenges.

Section 47 (1) of the Constitution of the Federal Republic of Nigeria (FRN), 1999, as amended, stipulates that there shall be a National Assembly (NASS) for the Federation, which shall consist of a Senate and a House of Representatives (Constitution of the Federal Republic of Nigeria, 1999). Hence, the Nigerian National Assembly is the seat of the legislative powers of the FRN. It

comprises the bicameral legislative Houses: The Senate and the House of Representatives as stipulated in the same section (47). The power of the National Assembly to make law in Nigeria is spelt out in section 4(1) and (2) and section 4(4), while section 4(1) & 2 confers exclusive power on the National Assembly to make law on items or matters contained in the Exclusive Legislative List. Section 4(4) further confer power on the National Assembly to make law concurrently with the State Houses of Assembly on matters in the Concurrent Legislative List as spelt out in part II of the second schedule to the constitution. By the tenor of sections 4 (1) & 2 and 4 (4), the National Assembly) has wider legislative powers than the State Houses of Assembly. However, that does not mean that the National Assembly has absolute or arbitrary legislative power. The legislative power of the National Assembly is still circumscribed by the provisions of the constitution and the National Assembly cannot confer more legislative power on itself than that contained in the Constitution (Abifarin et al., 2018; Constitution of the Federal Republic of Nigeria, 1999).

This peculiarity gives the legislature the place of primacy out of the three organs of government being that governance begins with law making and is followed up by enforcing the laws and adjudication of disputes that may arise from the implementation. This puts the legislature in a strategic and foremost position for the design of societal development by wielding its constitutional powers. It is the nature of the legislative process and quality of its output that determines the health of the society for which such laws are made.

The human society is an organic phenomenon. As such, it is never static. The pressures of its geophysical and the natural interaction of its parts render the human society always dynamic. It is the task of the legislature to make laws and policies to guide the societal dynamism into the smooth channels of growth and development for the good of all. Any policy that is not supported by the legislature is not sustainable. It follows that the state or level of national development of the

country is strongly determined by capability of the legislature. In other words, all the power that the legislature possesses is for development, national development. To this end, it can pass necessary relevant laws and employ the force of the community in the execution of such laws in aid of national development.

CSOs collaborate with this institution of government, which has law-making powers. To this end, CSOs in Nigeria have found it proactive to insert themselves into the legislative process to be more effective in the execution of their primary objectives instead of being reactive in demonstrations and protests that might become disruptive or outright unproductive.

CSOs' Legislative advocacy refers to efforts by them to shape policy by exerting influence on laws made by the legislature (Dan-Azumi, 2018). Empirical research on CSOs reveals that they perform several advocacy functions that include identifying unaddressed problems and bringing them to public attention, giving voice to the wide range of economic and socio-political, concerns (Dodgson, Lee, & Drager, 2002; Keeble, 1999; Raghavan, 2001; Sheehan, 2000). At every stage of the legislative process, CSOs can contribute either in informing or shaping the legislation and thus contributing in the policy formulation process. They do this by providing information that is vital for the development of a given legislation that has potential impact on society.

Covey (1994) identified five strategies deployed by CSOs in influencing public policy and legislation. These are education, persuasion, collaboration, litigation and confrontation. At every stage of the legislative process, CSOs can deploy any of these strategies towards ensuring involvement in the legislative process. Effective advocacy strategy requires good knowledge of the legislative process, which include how a bill is passed in the Legislature, the processes, key decision makers and the power brokers. The effectiveness of legislative engagement, however,

depends on knowledge of the legislative process and when to engage legislators at individual or committee stage (Dan-Azumi, 2018).

Neji (2011) argues that the Nigerian democratic experimentation can benefit immensely from the involvement and engagements of a responsive civil society. He opined that it is the various organs of civil society along with other democratic institutions that will hold those who govern in check to ensure the societal good.

Civil society intervention in the legislative process is a very strategic move on the part of the CSOs and this has had remarkable results in Nigeria. One of such impacts is the role played by CSOs in the enactment of the National Health Act of 2014 as expounded in Dr Jake Dan-Azumi's research paper on CSOs Advocacy and the Legislative Process in Nigeria. Given the alignment of the objective for the creation of the Legislature and the CSOs, a partnership of both bodies is long overdue and could prove to be the missing link in the achievement of accelerated gains on the dividends of the Nigerian democracy.

Mike Utsaha, at a roundtable organized by Konrad Adenauer Stiftung in 2014, asserts that civil society is largely responsible for the emergence of the Freedom of Information Act (FoIA), a law that had spent the longest period within the legislature and experienced many more setbacks than any Bill previously brought before the National Assembly (NASS) before it was eventually passed. After its passage civil society has not only been in the forefront of sensitizing members of the public on its existence but has been in the forefront of advocacy for its implementation. But it is not only the FoIA that traces its legislative paternity to the role of civil society but there are others like the Fiscal Responsibility Act, the Child Rights Act and one which has yet to be passed but which is of interest to civil society – the Petroleum Industries Bill (PIB).

Another area in which Nigeria civil society has contributed to the emergence of relevant pieces of legislation is the quality of participation they have adopted during legislative public hearing on relevant Bills pending before the NASS. This activity has largely been facilitated by networks and coalitions formed for this purpose, and this would include the Citizens Forum for Constitutional Reform (CFCR) Electoral Reform Network (ERN) Legislative Advocacy Coalition on Violence against Women (LACVAW) Nigeria Coalition on the International Criminal Court (NCICC) and many others. These groups have provided insights that would otherwise be unavailable to our legislators and have also provided support of a technical nature especially in the area of sharing information on international best practices.

In recent times, the COVID-19 pandemic has been at the forefront of social, political and economic concerns across the world. This has necessitated the both likely and unlikely collaborations in various quarters in an effort to bring to heel the spread of the COVID virus. With regard to this, civil society has not been left out. The recent NCDC bill brought before the NASS has been said to have been aided by civil society. This is according to a publication in online Vanguard Newspaper of 11th May, 2020, where the Coalition of United Political Party (CUPP) alleged that Bill Gates, through his Foundation had offered the House of Representatives \$10 million for expeditious passage of the controversial infectious disease bill. This has also had the effect, in some quarters, of a call for the legislature to distance itself from the CSOs; as such, moves exemplified in the NCDC bill document are not for the public good. This also introduces a contradiction into the civil society discourse as some of the actions of CSOs in recent times, has been called into question as to their true objectives and the independence of their agenda those of some of the non-state foreign actors who fund some CSO activities.

This study seeks to investigate all aspects of the relationship between CSOs and the Legislature in Nigeria, using the 1st and 2nd Sessions of the 9th National Assembly as a case study for the purpose of painting a true picture of the relations between these bodies.

1.2 Statement of the Problem

This segment will attempt to give a brief narrative of the issue to be addressed and the condition to be improved upon. It identifies the gap between the existing state and expected situation.

The problem is that while several studies have been conducted on the activities of CSOs and their interactions with the Legislature, it cannot be said that those studies have provided more than enough literature for parliamentary and advocacy jurisprudence.

This study would therefore serve to bridge whatever literature gap that may be present, enrich the existing literature, validate the findings of previous works and equally add value to them.

1.3 Research Questions

Considering the statement of the research problem, it became imperative to answer the following research questions:

- i. What is/are the factors that motivate CSOs to partner with the legislature in Nigeria?
- ii. How does the CSO-Legislature partnership in Nigeria help to promote the agenda of both parties?
- iii. How does this partnership contribute to the development of Nigeria?

1.4 Objectives of the Study

The study seeks to investigate the dynamics that may exist in the working relationship between the CSOs and the legislature in Nigeria. In order to achieve this broad objective the following specific objectives are adopted for this study:

- i. To ascertain what motivates the CSOs to partner with the legislature in Nigeria;
- ii. To ascertain how CSO-legislature partnership in Nigeria helps to promote the agenda of both parties; and
- iii. To ascertain how the partnership contributes to the development of Nigeria.

1.5 Significance of the Study

There has been a myriad of studies on the subject of civil society in Nigeria. Akinyemi (2016) conducted a study on civil society's role in anti-corruption crusades in general and in the Goodluck Jonathan's administration in particular. The study used qualitative data to argue the relevance of civil society to the fight against corruption and the enforcement of good governance in Nigeria. It observed that the space for civic participation in Nigeria is highly restricted by government which makes it difficult for civil society that is considered as anti – government to enjoy the benefits of involvement in the fight against corruption. The study recommended that for effective participation of civil society groups in the fight against corruption it is imperative for Federal Government to make it a point of duty to respect international treaties on anti – corruption and guarantee adequate enforcement of anti – graft laws as well as provide conducive atmosphere for this participation.

Mgba (2015) examined the historical struggles of popular civil society organizations in the movement for democratization in Nigeria. The central argument for this paper is that past struggles that are linked to democratization are historical phenomena rooted in colonial/postcolonial unpopular policies of the Nigerian state. This study attempted albeit in brief a theoretical

examination of the literature on civil society - focusing on the liberal and Marxian schools of thought and the relevance of civil society to democratization discourses. The paper contends that the Marxian perspective more generally reflects the approach and interpretation of civil society in Nigeria's history of democratization.

Omede et. al. (2014) critically assessed the impact of civil society groups and its contributions to sustainable development in Nigeria. The paper adopts secondary method of data collection to source information. The paper concludes that the Civil Society Groups in Nigeria and other developing nations are bedeviled with series of problems ranging from political instability, disconnection from rural organizations, lack of unity, inadequate funding, government patronage, lack of internal democracy, lack of skills, corruption and lack of state support and partnership. It recommends that Civil Society groups need to be sanitized and strengthened so as to ensure effective service delivery through the creation of an enabling environment for their operation and that they should maintain a high degree of independence from the government.

Okonjo-Iweala et al. (2005) investigated the role of civil society in supporting fiscal transparency in African countries. The paper reviewed measures to improve fiscal transparency of public revenues. It recommended that senior government officials must welcome the increasing involvement of civil society as an opportunity to increase transparency and debate on public finance issues. It concludes by identifying possible strategies which civil society organizations and senior government officials in various African countries may adopt in order to promote more constructive and transparent dialogue on fiscal management issues.

Dan-Azumi (2018) examined the role of CSOs in healthcare delivery through legislative advocacy. The paper highlighted the various of CSOs towards the passage of the National Health Bill (2014).

The paper employed a mix of desk review of existing literature and qualitative informal interviews with relevant actors and stakeholders from CSOs. The paper concludes by highlighting key lessons learnt in the advocacy process and critical success factors which include knowledge of the legislative process, ability to leverage on existing relationships and networks, and partnership with international partners, among others.

Arising from the foregoing, one can safely say that studies conducted on the relationship between CSOs and the Legislature may not be sufficient especially as the Nigerian Legislature has only witnessed about 20 years of uninterrupted operation and 20 years of increasing levels of CSOs participation in representative democracy. This study would therefore enrich the existing literature, validate or disagree with findings of previous studies and equally add value to the work of previous scholars. It also intends to paint a true enough picture of the relations to enable informed decision of the public, academia, legislators, civil society stakeholders and actors, and the executive arm of government.

1.6 Scope and Limitations of the Study

The study focuses on the dynamics of the working relationship between CSOs and the Legislature in Nigeria, with specific focus on the 1st and 2nd Sessions of the 9th National Assembly.

The methodology adopted for this study suffered some limitations. Foremost of the limitations suffered by this study relates to the requisite financial implication for seeking and assembling relevant primary and secondary data for this study. Secondly, the lack of availability of relevant data pertaining to the subject of this study on the internet. Thirdly, the study was conducted during the peak of COVID-19 lockdown in Nigeria. At the time, National Assembly offered skeletal

services as certain categories of staff were working from home, plenary was held once every week and general restrictions of movement.

1.7 Operational Definitions of Terms

Civil Society Organizations: Civil Society Organisations (CSOs) are non-state, not-for-profit, voluntary organisations formed by people within the social sphere of civil society (Anheier, 2004).

Legislature: The legislature is one of the three branches of government – the executive, the legislature, and the judiciary – responsible for making laws for any sovereign territory.

1.8 Organization of Chapters

The study is organised into five chapters. Chapter one gives a descriptive background to the study, stating the problems the study intends to investigate, the objectives of the study, the research hypothesis, its significance, scope and limitations. Chapter two reviewed an array of related literature to substantiate on the subject of the study. It detailed the concepts of import to the subject matter with both theoretical and empirical literature. Chapter three gave the methodology adopted in the study. Chapter four dealt with data presentation and analysis for the verification of the objectives of the study. Chapter five gave the summary, conclusion and recommendations of the study. The references followed containing an alphabetical listing of authors and their works which were pertinent to this study.

CHAPTER TWO

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

This chapter extensively examined literatures that are associated with and significant to the subject of this study. The purpose of this study is to examine the relationship between CSOs and the Legislature in Nigeria with reference to the 9th National Assembly. The review covers the concepts, empirical and theoretical explanations required to facilitate a complete examination and comprehension of the research as well as the legislative and policy links between both parties. It provides an insight into other scholars' thoughts and opinions on CSOs and the Legislature in Nigeria. It also provides the theoretical framework within which the study can be understood.

2.1 Civil Society

2.1.1 Conceptual Clarification

The issue of defining what constitutes Civil Society Organizations (CSOs) is a problematic one. Holloway (2001) sees the term CSO as a positive descriptive term and defines it as 'citizens, associating neither for power nor for profit, are the third sector of society, complementing government and business, and they are the people who constitute civil society organizations'. Holloway looks at the political economy of the modern society in three basic sectors – state, business and a third sector defined by citizen self-organization. The state's distinctive competence is legitimate use of coercion. The business sector's competence is market exchange and the third sector's competence is private choice for the public good. Citizens mobilize through values they share with other citizens and through shared commitment to action with other citizens. Holloway further states that it is taken as given that CSOs can do things which neither of the other national development actors – the government and the corporate sector – can do on their own

Van Rooy (1998) defines CSOs as 'the population of groups formed for collective purposes primarily outside of the state and market place'. It is also defined as 'the sum total of those

organizations and networks which lie outside the formal state apparatus' (Van Rooy, 2000). Something very common with the above definitions is the emphasis on the fact that civil society operates outside the state, and this means that civil society must be independent.

For McNicoll (1995), Civil society is 'the totality of self-initiating and self-regulating organizations, peacefully pursuing a common interest, advocating a common cause, or expressing a common passion; respecting the right of others to do the same; and maintaining their relative autonomy vis-a-vis the state, the family, the temple, and the market.'

According to Diamond (1994), Civil society is the 'realm of organized social life that is voluntary, self-generating, self-supporting, autonomous from the state and bound by the legal order or set of shared rules ... It involves citizens acting collectively in a public sphere to express their interests, passions, and ideas, exchange information, achieve mutual goals, make demands on the state, and hold state officials accountable. It is an intermediary entity, standing between the private sphere and the state.'

Ikelegbe (2013) asserts that Civil society (CS) is both an organizational structure and an analytical tool for the analysis of politics and development. As a structural entity, its precise content and boundary is contested. As an analytical framework, its relevance and potency is also contested.

Civil Society (CS) is the associational life of citizens characterized by common interests, civil and public purposes, and voluntary collective and autonomous actions (Grindle, 1996; Ikelegbe, 2001a). It comprises self, autonomous and non-state associations that are voluntarily constituted, self generating, self supporting and self governing (Ikelegbe 2005). It is those associations that enable citizens to participate voluntarily, freely and openly within the public realm, and operate and function independent of and outside state and corporate power, though relating to them.

Ikelegbe (2013) further expatiated that CSOs comprises clusters of diverse and overlapping non-governmental institutions through which collective and shared wills and interests are articulated, projected and defended. It is the organized socio-political and economic life of citizens and communities, for the mobilization of actions and engagements in relation to their needs, interests, existence and survival. The civil society organization (CSO) is the major non-state structure by which people relate to themselves and through which they relate to the state and socio-political purposes. As Hyden (1996) notes, CS connects individual citizens with the state and public realm. This intermediary or interconnecting role of CSOs is also highlighted by a few other scholars.

White (1994) articulates CSOs as an intermediate associational realm between state and a family, populated by organizations separate from the state, enjoys autonomy in relation to the state and is formed voluntarily by members of the society to protect or extend their interests or values.

For Layton (2004), CSOs are ‘social organizations occupying the space between the household and the state that enable the people to coordinate their management of resources and activities.’ In a similar vein, Bayart (1986) sees the civil society as a political space between the household and the state. He went further to state that, ‘it encompasses NGOs, advocacy organizations, business associations, chamber of commerce, informal community groups, cultural societies, religions, sports clubs, labour unions, students’ organizations, youth organizations, community-based organizations, social movements, traditional leadership, women organizations, professional associations e.g. physicians and lawyers’ associations, and the media.’

From the foregoing, the following essential characteristics of civil society are distilled: Civil Society is:

- i. Associational life and activities of diverse set of voluntary organizations which are fairly autonomous of the state but relate to it and the political sphere; that are;

- ii. Engaged in more social-political purposes as opposed to private and economic interests and;
- iii. Advance the interests and needs of members, communities, supporters and address existential conditions and social realities;
- iv. through voluntary actions, cooperative activities (community, intra and inter-group) and collective action, and
- v. utilizing information linkages and networks of public communication.
- vi. Within the normative framework of citizen rights, rule of law, democratic participation, civility and pluralism.

CS then is defined by autonomy, plurality, participation, social-economic and political engagements and civility. Civility or ‘civic virtue’ is crucial to the character of CS. It means that CS engagements embrace the values of diversity, plurality, compromise, tolerance and cooperation; adherence to rules; respect for rights, the freedom of action of the citizenry and the diffusion of power vested in CS groups and coalitions; and accept the values of exchanges, competition and consensus (Hall, 1995).

Ikelegbe (2013) concludes thus: Civil society is actually a formation of the organized social life of citizens, the sphere of social life outside the state, in which voluntary autonomous groups compete, collaborate and cooperate over interests and preferences. It is the network of institutions by which citizens represent themselves, a realm of associational solidarity, activism and engagement, and a site of collective civic and public action. It is further a theatre of discourse, debates, deliberation and exchange of public affairs, *the arena of social relations and communication between citizens informed by law and public policy but potentially critical of them* (Ikelegbe, 2003). It is the means and the organizational framework by which citizens influence and engage the state in struggles

over influence, change, domination, accommodation and opposition (Ikelegbe, 2005; Chazan, 1996).

Ikelegbe (2013) asserted that there are political and sociological roots in the conception of CS. The sociological emphasizes the associations located between the state and family that are voluntarily constituted and possess some degree of autonomy. These are associations that are largely formal, legal, operating within the law but could also be informal, illegal and clandestine.

The politically rooted conception takes CS as particular associations which are associated with citizen engagements and participations that relate to the state somewhat within the context of citizen rights, rule of law and democratic representation. Within this view, CS refers to a broad range of associations that operate in the public realm, including the cultural, informal, primordial, survivalist, existential and business associations. The politically based conceptions recognize the political roles of civil society particularly in a democracy. Miller (2002), in keeping to this perception, wrote that civil society then is a sphere of citizenship, democratic and political training, where citizens learn social responsibility, respect for others rights, the need for cooperation, sharing, trust and political equality.

Ikelegbe (2013) after a critical interrogation indicates that leadership, memberships, constituencies, interests and tendencies of civil society determine the issue basis, nature of relations with the state and the methods and levels of engagement with the state. Falton (1995) has identified three structural strata of civil society organizations (CSOs); predatory, quasi-bourgeoisie and popular civil society, which is synonymous with class compositions.

Falton's (1995) predatory CS is comprised and led by the elite, who have benefitted from rent seeking through state connections and built patron client networks. However, liberalization and

adjustment policies shrank their rents and the elite then sought a strategic alignment with CS, as a platform to moderate liberalization and protect their privileges and interests.

The research situated the quasi-bourgeoisie CS between the popular forces and the predatory elite, were pro-political and economic reforms, and sought the retreat of authoritarianism, the emergence of democracy, private sector driven development and market reforms. The CS formation presented the opportunity to restrain the state and drive the reforms. The CS also represented new opportunities for influence, power and resources just as the support for reforms is limited to minimal undermining of their privileges and status. As CS is an alternative route, the petit bourgeoisie are interested in resources and power and are ready to fraternize with the predatory elite and the state and to mobilize the popular forces when it suits their interests.

The popular CS is dominated by the wider classes and deploys CS as a platform to address their predicaments of survival, and as an alternative structure of social service delivery, welfare and basic needs. The popular CS was the vanguard and foot soldiers in the struggle for democracy and the resistance of reforms that took away the welfare functions of the state. The CS formation thus empowers the popular classes, strengthens their participation and provides safety nets and protection from the rapacious state and predatory state elites.

Ikelegbe (2013) alludes to the fact that Civil society is a mosaic of diverse and heterogeneous groups with diverse orientations, values and interests, some of which are competing and conflicting. It is a realm of diverse social forces, some primordial, national, progressive, conservative, retrogressive, populist and elitist. It is thus a site of diverse and sometimes intense and conflict prone struggles and contentions. This is why civil society is somewhat a 'complex balance' between difference, diversity and conflicts, and agreements and consensus (Hall, 1995). It is a 'terrain of contests' between conflicting interests for dominance (Narsoo, 1993). It is a

divided terrain, which may at some points be united for certain joint endeavours. These interests and tendencies are at once progressive and retrogressive, radical and conservative, populist and elitist, social movements and private groups, civil and uncivil. Civil Society is thus a diverse constellation in terms of the diversity of objectives, interests, relations with others and the state, the degrees of civility, democratic-ness, range of organization, socio-political character and activities, rather than a *homogenous, coherent, unidirectional, purposeful and mutually supportive* (Chabal, 1992). Some CSOs are atomized, unorganized and self-help based, while others are broad in membership and interests, organized and professional based.

As for the exact specification of what constitutes CSOs, the Africanist conception of CSOs removes it from the dynamics and realities of African conditions and circumstances. CS then is civic secondary associations; middle level, non-primordial and professional, that are national, autonomous, that engage the state in the public realm, promote civil values or norms, and seek the common good or purposes. This conception is quite exclusive, as it deletes primary associations that are communal, ethnic, regional and religious, being parochial and particularistic. It also excludes the local and grass-root self-help or survival associations from the content of CS.

African scholars conceive CS more broadly to include every organized social life of communities, groups and individuals and all forms by which citizens organize themselves and relate to their necessities, needs, existence and survival. Thus, the informal, primordial, clandestine, cultural and even recreation becomes inclusive. These groups are crucial to citizens in the context of poverty, precarious existence, insecurity, lack, disease, social decay, lack of social services and opportunities amidst the repression, partiality, insensitivity, corruption, partisanship and ineptitude of the post-colonial states. Viewed thus, CS organizations include trade unions, professional associations, student organizations, socio-cultural organizations, development and welfare

organizations, citizen movements, cooperatives, consumer associations, new social movements (Giner, 1995), constituency related organizations as those of traders, farmers, women, elders or the aged and physically challenged. There are also clubs, community-based organizations, and mutual self-development associations, which collectively Narsoo (1991) regards as organizations of survival. There are also research, capacity building, training and service organizations.

If we are to unbundle the CSO, there are two broad elements, civil groups and non-governmental organizations. The NGOs can be regarded as:

- i. Organized voluntary actions and activities of persons
- ii. Involved in developmental, social welfare and humanitarian activities
- iii. Seeks to influence public policy and government actions through advocacy or
- iv. Engage in direct actions and assistance activities
- v. Often revolve around single issues in which they build strength and networks such as gender, poverty alleviation, human rights
- vi. Involves a small number of people, often operating in small geographical areas and usually urban based
- vii. The income or funds of the organization are not shared among members or boards of trustees, except as compensation for specified works done.

The core attributes of the NGO is private ownership and socio-political purposes. NGOs do not have profit orientation and do not distribute profits or dividends. Membership is voluntary and members make voluntary contributions of resources, time and energy (Ikelegbe, 2013). The nature of private ownership could be sets of individuals, organized as board of trustees and officials or groups based on certain identities as churches, professionals, activists, corporate organizations. NGOs provide services to members, clients and public. The NGO segment is regarded as altruistic

and third sector of the economy (Giner, 1995). NGOs could be charitable organizations, non profit foundations, private voluntary and non-profit organizations.

The NGO sector has grown tremendously since the 1970s, and is now a dominant feature of consultations, conferences and activities around development and social progress. In the South, the NGO sector has tended to acquire some other characteristics. It is dominated by urban based elites, dependent on and tied to foreign donor funds, with agenda and activities dictated by donor priorities, are strongly connected and networks, collaborates and partners with Northern NGOs and CSOs.

Civic associations are a diversity of groups that mobilize their constituencies in pursuance of specific demands, interests and claims. They may be cultural associations, socio-political movements and special interest groups. The beauty of civil society is that though it does not represent the society as a whole, its diversity, plurality, overlapping nature and complexity of orientations and tendencies means that it reflects the perspectives and voices of a considerable active portion of the population.

In plural societies, associational pluralism or pluralist CS is necessary for peaceful, civil and citizen engagements. Pluralist CS requires the following attributes

- i. Pan-identify character, cross cutting ethnicity, religion, region and community;
- ii. Mutual respect and tolerance among primordial and identity-based groupings;
- iii. Substantial autonomy from primordial and identity leaderships, patrons, the state and political interests;
- iv. Democratic internal structures, processes and expression;
- v. Capability of balancing specific, specialized and parochial interests against broad socio-political interests.

There is no doubt that some CS seeks improvements in political life, governance, inclusiveness, welfare and social services. In these ways, there may be constructive engagements and virtuous operations with huge potentials for overall social progress. But there are others who by their activities and objectives limit tolerance, pluralism, or accommodate state abuses and repression, reject the status quo and seek to overthrow it, that reject the legal framework of rule of law and operate outside it.

In a sense therefore, CSO can further be unbundled into civic or civil and non civil or uncivil CSOs. The goals and manners of engagement are central in the differentiation here as the civic or civil utilizes legal, acceptable and nonviolent methods in engaging other groups and the state in civil contestations, debates, advocacy, criticisms, and litigations and operates in the public realm through public communication, discourse and civic activism.

The uncivil or non civic NSA are characterized by the following;

- i. militant, aggressive and violent engagements over claims and grievances
- ii. Products of deep governance grievances such as marginality, exclusion etc.
- iii. Products of existing conflicts of which they are protagonists and vanguards;
- iv. Operate outside state and international laws and state control;
- v. Social base in aggrieved or discontented groups usually identity related
- vi. Provide protection, defense, social safety nets and security
- vii. Foot soldiers are often youth and children
- viii. Often infringe on or violate the human rights of those within but particularly outside within or ingroup through killings, destruction of property, kidnapping,
- ix. Often produced by poor state governance systems as abuse of group and human rights, repression, exclusion.

Obadare (2005) contests Chazan's as prejudicial and parochial. He reiterated Sjorgen's (2001) more inclusive perspective of the associational nature of civil societies thus; 'the associations within civil society are not automatically participatory, democratic or accountable, either in their internal composition or in their ideological orientation. Many are primarily self-seeking and economically oriented as part of survival strategies, and not necessarily capable of or interested in contesting political power relations either locally or on a nation-wide scale'. He canvassed for an understanding of civil society which enthrones ordinary citizens (Markovitz's 'non-citizens', 'riff raffs' and 'lumpen') at the core of civil society discourse. He argues that this people centered conception has inevitable implications, particularly for the understanding of the relationship between, for example, fundamentalism, violence and civil society. He sought to promote (and justify) a view of civil society that accepts coercion/violence as one of its inevitable properties. He argued that it is only within this new intellectual framework that a place is found for ethnic-based associations and other social elements which mainstream scholarship (Monga, 1996; Ukiwo, 2002; Arzaya, 1994; Young, 1994; and Osaghae, 1998) has tended to marginalize as 'uncivil'.

He contested that this intellectual framework is vital to an understanding of civil society in Nigeria because of the peculiar composition of the Nigerian society in which there is a mix of educated and uneducated who feel strongly enough to pursue civil society ambitions and create an organized association for the benefit of their society or whatever displeasure they seek to address.

Obadare (2005), by teasing out the tensions and complex strands of reality that have so far been neglected, sought to provide a corrective to the dominant conceptualisation of civil society and thus offers a new intellectual blueprint, upon which social and political policy can be based. He noted that to a large extent, foreign donors' understanding of civil society has sprung from a 'one size fits all' ideology in which 'all civil society organisations (are) automatically, universally, or

by definition beneficial for democracy, stability, and pluralism’ (Wiarda 2003). Thus, by using empirical evidence from Nigeria, he broadly rejects this teleology. He went on to show among other things that, first, the idea of civil society promoted by international aid agencies and donors is merely only one among many ideas; second, that an organisational vision of civil society, while possessing definite merits, is necessarily limiting, and fails to take into account the ‘undisciplined’ realms of society where a predominantly anti-statist culture seems to exist. Finally, agrees with Adekson (2004) who asserted that Nigeria boasts of a generous balance of both ‘civil’ and ‘parochial’ associations and has since the return to civil rule in May 1999 been convulsed by recurrent incidents of violence by various ethnic groups. This he used to contest Tester’s (1992) conception of civil society as ‘a condition of education, refinement and sophistication as opposed to a condition of barbarism’.

2.1.2 Functions of Civil Society in a Democratic Dispensation

With respect to the functions of a civil society in the promotion of a democratic polity, Diamond (1994) says, ‘Civil society plays a significant role in building and consolidating democracy. He opines: ‘The (*more*) democratic civil society (*is*)...the more likely it is that democracy will emerge and endure’. In His view, civil society performs the following important functions:

- i. Limit State Power – by checking its political abuses and violations of the law and subjecting them to public scrutiny. Diamond maintains, ‘a vibrant civil society is probably more essential for consolidating and maintaining democracy than initiating it’.
- ii. To empower citizens by ‘increasing the political efficacy and skill of the democratic citizen and promoting an appreciation of the obligations as well as rights of democratic citizenship’.
- iii. To inculcate and promote an arena for the development of democratic attributes amongst the citizens – Such as tolerance, moderation, a willingness to compromise and respect for opposing

viewpoints. According to Diamond (1994), this is an important function as it allows ‘traditionally excluded groups – such as women and racial or ethnic minorities – access to power that has been denied them in the ‘upper echelons’ of formal politics.’

- iv. To provide avenues for political parties and other organizations allowing them to articulate, aggregate, and represent their interests – this enhances the quality of democracy as ‘it generates opportunities for participation and influence at all levels of governance, not the least the local government.’
- v. To function as a recruiting, informational and leadership generating agency especially in economically developed societies – where, Economic reform is sometimes necessary, but often difficult to bring about if it threatens vested economic interests. The massive economic collapse in Indonesia under President Suharto unleashed mass discontent in 1998 and made the President suddenly vulnerable. This transformed the environment to allow civil society groups and opposition parties to mobilize citizens in an unprecedented fashion.
- vi. A well founded civil society could act as a shock absorbing institution, where wide range of interests that may cross-cut and mitigate the principal polarities of political conflict.
- vii. To generate public and political support for successful economic and political reforms – which require the support of coalitions in society and the legislature.
- viii. A well-rooted civil society also helps in identifying and training new political leaders – as such, it can ‘play a crucial role in revitalizing...the narrow and stagnant’ party dominated leadership recruitment patterns (Diamond, 1994).
- ix. Election monitoring; many non-partisan organizations engage in election monitoring at home and abroad. Such efforts, says Diamond, ‘have been critical in detecting fraud, enhancing voter confidence, affirming the legitimacy of the result, or demonstrating an opposition victory

despite government fraud.’ The Philippines in the mid-1980s and Panama in 1989 are cited as examples.

- x. Strengthening citizen attitudes toward the state – Civil society enhances ‘the accountability, responsiveness, inclusiveness, effectiveness, and hence legitimacy of the political system.’ In so doing it gives citizens respect for the state and positive involvement in it. Here, civil society is crucial to the development and maintenance of stable, quality sensitive democracy.

2.1.3 Historical Review of Civil Society

The Emergence of the Discourse of Civil Society in Nigeria

Obadare (2005) notes that since the beginning of the 1980s, Nigeria’s economic indices have been on a downward spiral, indicating a serious crisis. More than two decades after, this crisis shows little signs of abating, and many would argue that it has actually deepened. The central features of this economic depression have been identified as follows: declining export revenue, falling industrial production, and the inevitable contraction of the manufacturing sector. At the same time, the reliance on oil as the main foreign exchange earner appears to have made matters worse, as the general instability in the global oil market seems to have hit the country doubly hard (Soyibo, 1999). As many commentators have observed, the crisis of the 1980s appears to have caught the country completely wrong footed. Nigeria had profited immensely from the two ‘oil shocks’ of the 1970s, leading the then military ruler, General Yakubu Gowon, to famously declare that Nigeria’s problem was not money, but how to spend it.

He (Obadare, 2005) asserted that such injudiciousness was more of the rule than the exception, and it was only a matter of time before the general fiscal recklessness would start to take its toll on the country. By the mid-1980s, the growing turbulence in the global oil market and the persistent failure to increase non-oil exports significantly had taken Nigeria to the very brink of

complete economic collapse. On October 1st 1985, the regime of General Babangida which had assumed power two months earlier on August 27th 1985, declared a fifteen-month state of economic emergency, which was followed by the introduction of a World Bank/International Monetary Fund (IMF) Structural Adjustment Programme in 1986.

The Structural Adjustment Programme (SAP) had many objectives. Among them were ‘the restructuring and diversification of the Nigerian economy in order to reduce the country’s dependence on the oil sector and imports,’ and ‘the achievement of fiscal and balance of payment viability for the country in the short to medium term’ (Olukoshi, 1993). Whether these aims were ever achieved is still hotly debated. What is beyond any doubt however is the severe impact that SAP had on the underprivileged majority in the country.

Several scholars (Okome, 1999; Anyanwu, 1997; and Beckman and Sachikonye, 2001) have noted that SAP, while arguably sound in conception, was nevertheless hijacked to serve the narrow interests of the Nigerian ruling elite. At all events, the consequences of its implementation (distortion?) for the mass of the citizenry were nothing short of tragic. Declining industrial production meant that unemployment figures trebled over the course of a year, and despite the endless removal of subsidies, the government still could not find a solution to the problem of perennial fuel shortages. The weakening of the national currency, the Naira, also meant a decline in the purchasing power of workers. Olukoshi (1993) has summarised the overall effects of SAP thus:

As a result of SAP, a vicious inflationary cycle (is) presently at work in the Nigerian economy in which devaluation and high interest rates lead to high costs of production which, in turn, reflect themselves in highly priced commodities and an ever-growing wholesale and retail price index which, in turn, leads the government to tighten further the liquidity and credit squeeze, thereby increasing the cost of production in the context of an

ever dwindling Naira, and which, in turn, means even higher costs of production and higher wholesale and retail prices...In the context of an almost ten-fold decline in real incomes between 1986 and 1990, many Nigerians have found that they simply cannot afford basic consumer goods and even certain categories of food items which were taken for granted by most households (pp. 66-67).

The net effect of this popular disaffection was almost predictable. Beckman (2001) makes the important observation that ‘...military rule in Nigeria was imposed on a society which had developed a plural associational life that was only weakly linked to the state, and often highly resentful of state interference.’ As discontent spread through the entire society, it was this existing plurality of associations that saw to its effective canalisation. In May 1989, spontaneous pockets of riots in different parts of the country finally exploded in the so-called anti-SAP riots, which the Babangida regime repressed with extreme savagery (Diamond, 1995).

Yet, the anti-SAP riots which brought together an epic coalition of university students, professionals and workers’ unions across the country were as much a protest against deteriorating economic conditions, as they were an uprising against the perceived assault on fundamental political rights, by the praetorian state. In 1987, the Babangida regime (1985-1993) had inaugurated a Programme of Transition to Civil Rule which was expected to culminate in the transfer of political power to an elected government in 1990. However, the Programme was dogged by inconsistency right from the beginning, and in time, it actually emerged that the purportedly impartial umpire, General Ibrahim Babangida, was himself interested in the ultimate prize: civilian presidency. Suffice to add that 1990, like every other date that was scheduled afterwards for the planned hand over of power, came and went with the reins still firmly in the hands of the self-proclaimed military president, who fiddled endlessly with the programme of transition. Babatope

(1995) notes for example that by the time General Babangida cancelled the presidential elections of 12 June 1993, the Transition to Civil Rule programme had already been amended 62 times.

Infidelity to a programme of democratic transition and cascading economic fortunes were always going to be a deadly combination, and this was soon manifested in mounting public restlessness, which the military felt compelled to pacify with a slew of draconic measures. Such measures, for their part, only seem to have strengthened the public determination to resist. By the time the Babangida regime annulled the presidential elections of 12 June 1993, eleven days later on June 23 the stage was already set for arguably the most formidable coalition of Nigerian workers' representatives, human rights bodies, professional groups, trade unions, student groups, and just about anyone who had a grouse against the military dominated social order. The media and other public commentators were quick to designate this unique ensemble of social forces 'civil society'.

Obadare (2005) asks – 'But where did the idea of civil society come from, and how did it become insinuated into the register of the mass media and more critical scholarship in the country?' – To be sure, there are no simple answers to these questions. Mustapha (1998) has mapped out a decidedly circuitous route involving a combination of International Financial Institutions and what he calls 'a school of American political scientists', among other critical agents. To this I would like to add that altogether oblique, though palpable, osmotic process through which ideas in general are transported across national and cultural boundaries. Thus, while it may be true that those actors identified by Mustapha may have been responsible for the dissemination of a certain conception of civil society, it is no less true that the concept was being increasingly used, especially in the mass media, to describe both the incipient coalition that had been formed to challenge military rule, and following that, the different social groupings that constituted this coalition. The inspiration however was distinctly East European, as implicated by copious references to what the

burgeoning opposition to military autocracy could learn from the civil society-driven revolution in Eastern Europe.

Obadare (2005) concludes thus: ‘one thing is clear at this point: civil society did not enter the popular or scholarly vocabulary until the early 1990s, in tandem with the crystallizing of popular discontent against military rule and depression in the economic realm. The discourse on civil society in Nigeria could therefore be said to be a product of the clash of two opposing desires, one, the appetite of the military’s highest echelons for social homogenization and domination; and the urge of a nascent coalition of pro-democracy and anti-Structural Adjustment forces for political liberalization and economic empowerment.’

This movement was noticeable throughout the African continent, and Young (1994) seemingly confirms this as follows:

Although civil society as a trope, a collective signifier for a politically defined human aggregate, has antique lineage, only during the 1980s did it acquire widespread currency in comparative African analysis and, indeed, more generally in everyday discourse...An increasingly assertive East European and Soviet intelligentsia characterized the space grudgingly abandoned by retreating state socialism as civil society, through which the last redoubts of a discredited ‘totalitarianism’ could be breached. The global pressures for democratization that swept across Africa and other regions in the late 1980s gave added force to these trends.

One other striking dimension to this process of ‘lexical resurrection’ (Ibid) is that, arguably, for the first time, individuals and groupings that were central to this open challenge to the state in Nigeria and indeed in other parts of the continent, began to refer to themselves as belonging to, and defending the values of, civil society. This is remarkable in the light of the realization that even at the height of nationalist agitation in the 1950s and ‘60s by forces who sprung from the

same socio-ideological ambiance, the concept was completely absent, either as a collective denominator or as a rubric adopted by actors, to capture either themselves or their activities (Young 1994).

By the middle of the 1990s, the emergence of the idea of civil society was complete.

The literature on civil society in Nigeria was, ab initio, democratization-inspired, is now largely consolidation-driven. What this translates into is that while the initial preoccupation was with how civil society could add value to the democratization process (Abutudu ,1995; Lewis, 1997; Gboyega, 1995; Bradley, 2003; Granger and Uba, 1998; Fadahunsi, 1998; Jua, 1999) in the immediate post-military era, critical attention has shifted to the role of civil society in what is generally referred to as ‘the consolidation of democracy in Nigeria’ (Uya, 2000; Uchendu, 2000; Oyovbaire, 2000; Fawole, 2001; Director, 2000; Walker, 1999; Njoku, 2001). This earmarks the vitality for the creation of relevant partnerships with key stakeholders in the development process of the country. That said, CSOs-Legislature partnership is a strategic alliance that holds a lot of promise for the achievement of the people-centered development objectives of both parties.

2.2 Legislature

2.2.1 Conceptual Clarifications

The legislature occupies a key position in the machinery of government because it is the people’s branch with the purpose of articulating and expressing the collective will of the people (Heywood, 2007; Bernick & Bernick, 2008). Okoosi-Simbine (2010) in the light of this, sees the legislature as the First Estate of the Realm, the realm of representation and the site of sovereignty, the only expression of the will of the people. On this note, Anyaegbunam (2000) conceptualizes the legislature in terms of making, revising, amending and repealing laws for the advancement and

wellbeing of the citizenry that it represents. It follows from this analysis that the authority of the legislature is derived from the people and should be exercised in accordance with the will of the people who they represent. This is the position of Bogdanor (1991) when he affirms that the authority of the legislature as a political institution is derived from a claim that the members are representative of the political community, and decisions are collectively made according to complex procedures. Davies (2004) also noted that the establishment of the legislature rests on the assumption that in the final analysis, political power still resides in the people and that the people can, if they choose, delegate the exercise of their sovereignty to elected representatives. Jewell (1997) on the other hand, identified two features that distinguish the legislature from other branches of government. The first feature, according to him, is that the legislature possesses formal authority to make laws, and secondly members are normally elected to represent various elements in the population.

The legislature can thus be seen as an institution established to make laws that embodies the will of the people who they represent. As an organ of government therefore, it is the forum for the representation of the constituents (Miler, 2010). Lafenwa (2009) perhaps, exemplifies the representation role of the legislature more clearly when he defines legislature as an official body, usually chosen by election, with the power to make, change, and repeal laws; as well as powers to represent the constituent units and control government. Loewenberg & Patterson (1975) and Okoosi-Simbine (2010) also concede to this important view of the legislature as the people's representative as they view the legislature as assemblies of elected representatives from geographically defined constituencies, with lawmaking functions in the governmental process of a country. Legislators are responsible for representing the differences in society. These differences

may be rooted in geography, ethnicity, religion, political identification, gender, or other characteristics (Johnson, 2005; Miler, 2010).

From the foregoing, it can be inferred that representation and Lawmaking are at the core of the legislative concept. A discussion of the concept of representation will be vital in understanding the necessity for CSOs-legislature partnership.

The concept of representation is however, elusive with very few agreeing on any particular definition. In fact, from the time of Plato, the subject representation remains a debate among political scientists (Scully & Farrell, 2001). Sacchett (2008) tends to depict the concept of representation primarily in terms of its structural key-elements; as a relationship between a principal (representative) and an agent (represented), concerning an object (interests, opinions, etc), and taking place in a particular setting (the political context). Accordingly, Castiglione & Warren (2006) sees the concept of representation as having three key characteristics. Firstly, that representation invokes a principal-agent relationship (the representatives stood for and acted on behalf of the represented), mainly though not exclusively, on a territorial and formal basis, so that governments could be said to be responsive to the interests and opinions of the people. Secondly, that representation identifies a place for political power to be exercised responsibly and with a degree of accountability, in large part by enabling citizens to have some influence upon and exercise some control over it, and thirdly, that the right to vote for representatives provides a simple means and measure of political equality. Loewenberg & Pattern (1979) however, conceptualized representation in terms of relationship between the representative (legislature) and the represented (constituents). They therefore pointed out four basic elements of representation expressed by the legislature. According to them, the first feature is the focus of representation expressed in terms of legislators' perception of what make up their constituents. The constituents can be a geographically

delineated area, political party or other kind of constituency such as ethnic groups, gender, social classes or interest group. The second feature, according to Loewenberg & Pattern (1979), is the style of representation which focuses on the way the legislators respond to their constituents. In this view, the legislators can act on the expressed preferences of their constituents (delegate), follow his intuition (trustee) or act according to prevailing circumstances (polito). The third feature however, is the components of the responsiveness, that is, the kind of expectations the legislators respond to. Thus the expected components could be policies on certain issues, provision of some services, allocation of public resources or symbolic (psychological needs). Mansbridge (2003), on the other hand, identifies four different forms of representation in modern democracies. The first according to her, is the promissory representation which is the one in which the representatives focus on what they promised their constituents before they were elected. The second form of representation is the anticipatory representation, that is, the type in which the representatives focus on what they think constituents will approve in the next elections. The third form is the gyroscopic representation, a type in which the representatives look within their personal background to derive interests and principles, without external incentives. The fourth type of representation according to Mansbridge (2003), is the surrogative representation. In this form of representation, the representatives tend to represent individuals, groups, party or institutions outside their particular constituency. Example of this form of representation is the monetary surrogacy which occurs when citizens with high income, contribute to the electoral success of representatives outside their district or party and as a result acquire a sort of power over them (Sacchetti, 2008). This type is likened to the politics of godfatherism in Nigeria in which elected representatives tend to satisfy the interests of their godfathers who were seen as instrumental to their electoral victory at the detriment of the electorate. Political representation can also be defined as the articulation and

presentation of political agendas of given groups by various actors in decision-making arenas and key social forums in democratic societies. In the view of Urbinati (2000) however, an analysis of the concept of representation should not be limited to formal aggregation of interests but the preservation of differences necessary for maintain liberty, procedural rules of proportionality and equality within civil society and accountability of the representative to the represented.

Ngara and Uge (2018) harmonized the concepts when it said that the legislature is the official representative institution of government to aggregate needs, concerns, challenges, ideas and other contributions from citizens and present to government for positive action. The Policy and Legal Advocacy Centre (PLAC) described the legislature as the assemblage of elected representatives who represent the aggregate of national public opinion and demonstrate the power of the people. For Esebagbon (2006), the legislature evokes the idea of representative democracy more than any other branch of government; and democracy can be sustained only when the legislature develop the will to reflect the interests of the society in public policy making. Little wonder Hamalai and Ajiboye (2014) and Fish (2006) held that where the legislature is strong, public interests are best served and democracy blossoms.

The concept of legislative representation paves the way for the lawmaking responsibilities of the legislature. This power to make, amend, and enact laws is vital to the development of any democratic polity as the policy direction of any government is pertinent to the development focus of the same. The legislature is the institution vested with the power to make, amend and enact laws for a democratic nation by the constitution of such a nation. As mentioned before, given that the human society is an organic phenomenon, the natural interaction of its parts render the human society always dynamic. It is the task of the legislature to make laws and policies to guide the societal dynamism into the smooth channels of growth and development for the good of all.

2.2.2 The Nigerian Legislature

For obvious reasons, the Nigerian legislature is generally regarded as the sovereign organ of the state power. The section 47(1) of the Constitution of the Federal Republic of Nigeria (1999) stipulates that the National Assembly is the highest lawmaking and representative body in Nigeria. The roles and responsibilities of the Nigerian Legislature are encoded in the Constitution of the Federal Republic of Nigeria. The National Assembly is the constitutional institution vested with power to make law for peace, order and good government of Nigeria.

According to the provisions of the constitution there shall be a National Assembly for the Federation, which shall consist of a Senate, and a House of Representatives (Section 47(1) CFRN, 1999). This provision shows the National Assembly shall be a bicameral legislature. A bicameral legislature is a Representative Assembly that has two chambers usually referred to as lower and upper Houses as in Britain (Abiarin et al., 2006). In the case of Nigeria, the upper house refers to the Senate while the lower house refers to the House of Representatives.

As has been mentioned earlier in this research, the power of the National Assembly to make law in Nigeria is spelt out in section 4(1) and (2) and section 4(4); while section 4(1) & 2 confers exclusive power on the National Assembly to make law on items or matters contained in the Exclusive Legislative List, section 4(4) further confer power on the National Assembly to make law concurrently with the State Houses of Assembly on matters in the Concurrent Legislative List as spelt out in part II of the second schedule to the constitution. By the tenor of sections 4 (1) & 2 and 4 (4) the National Assembly has wider legislative powers than the State Houses of Assembly. Abifarin et al. (2018) however, noted that these powers do not mean that the National Assembly has absolute or arbitrary legislative power. They asserted that the legislative power of the National Assembly is still circumscribed by the provisions of the constitution and the National Assembly

cannot confer more legislative power on itself than that contained in the constitution (CFRN, 1999).

The National Assembly cannot extend or expand its legislative power to include legislating for a State or Local Government. It does not have broad, vague or unlimited powers but the National Assembly may exercise such powers that was neither expressly granted nor prohibited just as it was held by the Supreme Court of the congress of America (*U.S. v. Curtiss Wright Export Corporation*, 1939) thus; “This congress is not confined to the powers named in the constitution. Congress may also exercise powers, which may be reasonably implied from the enumerated powers”.

Abafarin et al. also argues that the concept of enumerated power as limitation to the legislative power of the National Assembly could be excused on issues of foreign relations on ground of inherent powers. The power to wage war, to conclude peace, to make treaties, to maintain diplomatic relations with other sovereignties if they had never been mentioned in the constitution, would have vested in federal government via the National Assembly as necessary concomitants of Nationality, thus in the field of foreign relation, the powers of National Assembly are inherent and therefore not limited (*Attorney General of the federation v. ANPP & Others*, 2003).

Haven established the presence of both civil society and the Legislature in Nigeria, and haven elucidated on their roles, this study goes even further to establish the link between both institutions.

2.3 Civil Society and Legislature in Nigeria

Ngara and Uge (2018) builds a bridge linking civil society to the Nigerian Legislature. The study depicts civil society as the link between the citizenry and their elected representatives when it

noted that both the Legislature and the civil society are representative institutions, where the legislature is a legitimate representative and the civil society is a voluntary representative. It stated explicitly that civil society is the link between the legislature and its constituents. It went further to note that the civil society leads debates against repressive government institutions and provides the forum and rallying point for the resistance of unpopular policies and/or legislations.

The civil society also engages in public enlightenment on government policies, programme, and facilitates linkages between the citizens and elected representatives. More specifically, the civil society explains the work of the legislature to the public and creates awareness about the legislature. During law making, public participation in legislative process such as preparation, opinion and comments on bills are often facilitated by the civil society (Szili 2008).

Power (2012), making reference to the 2012 Global Parliamentary Report, identified gaps between parliaments and the people they represent. Ngara and Uge (2018) expatiates that whereas, parliaments are not reaching out sufficiently to address the concerns of citizens, on the one hand, the citizens, on the other hand, have continued to misunderstand the role of parliaments. The civil society work with parliaments to provide information on what they do as well as advocate for the interest of citizens in parliament. Mandelbaum (2012) identified more than 190 parliamentary monitoring organizations that monitored more than 80 national parliaments worldwide to make parliaments more accountable.

Ngara and Uge (2018) agrees with Yamamoto (2007) that when legislators open space for civic participation in their activities, civil society groups provide valuable information to committee hearings through expert opinions, written submissions, interactive meetings and petitions. They noted that civil society groups also partner with the legislature to conduct researches, strengthen

capacity and institutional developments, contribute to policy reviews and recommendations as well as monitor legislative polls.

In bridging the gap between legislators and the citizens, Ngara et al. (2018) asserts that civil society creates platforms for citizens to express their voices and demand for accountability. They argued that to achieve legislative accountability, it is important that civil society are able to aggregate and amplify citizens' voices to effectively make demands to address issues of concern to them in such a way that will compel legislators to come to terms with the people they represent. According to O'Neil, Foresti and Hudson (2007), citizens' voice refers to the capacity of people to express their views and interests for the purpose of influencing government priorities and governance processes.

Ngara et al. (2018) exemplified this citizens' voice concept with the July 2017 YIAGA march. In July 2017, the Youth Initiative for Advocacy, Growth and Advancement (YIAGA), and other youth organizations led more than a thousand young people in Abuja and marched from the unity fountain to the National Assembly as well as other states of the federation to demand for the passage of age reduction Bill, also referred to, as the "Not Too Young To Run". The action made the Senate and the House of Representatives to pass the age eligibility bill to open up the space for more participation of young people in the electoral process as candidates in elections. The bill was to alter Sections 65, 106, 131, 177 of the constitution. It was to reduce the age qualification for president from 40 to 30; governor from 35 to 30; senator from 35 to 30; House of Representatives membership from 30 to 25 and State House of Assembly membership from 30 to 25 (Tukur 2018). On 4th June 2018, the Bill was signed into law by President Muhammadu Buhari (Adeshida, 2018 and Effanga, 2018).

2.4 Theoretical framework

This study adopts the structural functionalist theory as postulated by Herbert Spencer (1820–1903) to contextualize the study. Spencer, drew inspiration from the works of Augustine Comte, and espoused that human society is subject to social evolution just the same way nature was subject to biological evolution. This process is made possible through structural differentiation as society transit from simple forms into more complex organization over time with functional roles necessary for accommodation and adaptation to the environment. Spencer argues that it was through structural differentiation that societies became functionally better adapted.

The main assumption of the theory is that society achieves more stability when parts or segments of the society understands its function (Ngara and Uge, 2018; Tuner, Jonathan, Beeghley and Powers, 2002), since human society is analogous to human body consisting of various organs working together to keep the body functioning. Thus, the different segments of society are interrelated and inter-dependent and for society to be functional, the sub-units are also required to be functional. Therefore, a dysfunction in some segments of society could account for tension and change in the system (Potts, 2015).

Ngara et al. (2018) noted, in adopting this theoretical framework in their study, that Structural functionalism theory has been criticized for its inadequacies in explaining social change and considered no longer useful in some quarters in explaining macro phenomenon. Similarly, social functions are assumed to be routine which makes it difficult to account for variation in role performance. In spite of these limitations, structural functionalism as espoused by Spenser is relevant in contextualizing this paper. In this connection, the civil society is seen as a sub-unit or sector in the society (Corry, 2010). This presupposes that the civil society as a segment of the society is expected to play certain functional roles for the development and wellbeing of society just the same way the National Assembly plays its legislative roles.

Ngara et al. (2018) pointed out that increasingly, the civil society in Nigeria is taking up more functional roles to help government to remain focused and accountable to the citizens. For example, since the return to democracy in 1999, the civil society has moved away from its erstwhile confrontational posture prevalent during the military era (1993-1998) to that of constructive engagement of partnership, synergy and collaboration. CSOs as subunits within the larger Nigerian society during the 9th National Assembly play functional roles to oversee the activities of public officials, especially the Legislature, for the purpose of ensuring accountability in governance.

In this wise, if the CSOs fail to perform oversight function on the National Assembly, Nigeria would witness accountability deficits in the activities of the 9th Assembly that would have given rise to poor governance culture, corruption, abuse of office and possible democratic reversal.

According to the ODI (2008), CSOs and parliaments work together for the following reasons:

- To enhance the quality of lawmaking;
- To provide expert inputs;
- To strengthen the quality of inclusive legislation through public hearing;
- To Coordinating outreach activities to enhance grassroots participation in policy dialogues;
- and
- To Secure longer-term agreements through alliances with political parties

Testing whether this perspective work for the case of Nigeria, would also provide useful insight for this study.

CHAPTER THREE

RESEARCH METHODOLOGY

The purpose of this study is to examine the relationship between Civil Society Organizations and the Legislature in Nigeria with focus on the 9th Nigerian National Assembly. This chapter looked into the methods and procedures employed to conduct this research in order to answer the research questions raised. It covered the research design, population and sample size, research instruments, sources of data, and method of data analysis.

3.1 Research Design

Kothari (2003) defined research design as the conceptual structure within which research is conducted. It constitutes the blue print for the collection, measurement and analysis of data. According to Burns and Groove (1997) the design of a study is the end result of a series of decisions made by the research concerning how the study will be conducted. The design is closely associated with the framework of the study and guides planning for implementing the study.

The research used the descriptive research design. According to Kothari (2004), descriptive research design seeks to establish factors associated with certain occurrences, outcomes, conditions or types of behaviour. This method was preferred because it sought to identify and describe the interrelations between the subjects of the study. For this study, subjects are the CSOs and the Nigerian Legislature.

3.2 Population and Sample Size

3.3.1 Population

Cooper and Schlinder (2006) defined population as the total collection of elements from which individuals wish to draw a conclusion. The study population will be drawn from the public, civil society actors and the Nigerian legislature. Legislative staff of the Nigerian National Assembly will be included in this because of their unique relations with the public, civil society actors and the Legislature.

Table 3.1 Population Distribution

Population Category	Population
The Public	207,910,674
Civil Society Actors	2,548
Legislators	469

Source: Author's Compilation from United Nations, Williamson and Rodd (2016) and National Assembly Website

3.3.2 Sampling Size

The sampling technique that will be used for this study is a probability sampling technique, specifically the stratified random sampling technique. This technique is adapted because the sampling frame comprises of three distinct sub-groups. A random sample will be drawn from each subgroup using the Yamane formula for the computation of sample size.

According to Nesbary (2007), a sample is a subset of a population that has been selected and contains the characteristics of a population. Sample size is the finite part of a statistical population whose characteristics are researched in order to gain information about the organization (Naoum, 2009). The criteria used when deciding the sample size is the extent to which the sample is representative of the population. Yamane (1967) suggested a simplified formula for calculation of sample size from a population which is an alternative to Cochran's formula.

According to him, for a 90% confidence level and $p = 0.5$, size of the sample should be

$$n = \frac{N}{[1+N(e^2)]}$$

Table 3.2 shows the sampling distribution for the various subgroups using the stratified sampling technique. Where, N is the population size and e is the level of precision. Applying the foregoing formula with each subgroup population, the study computes for each subgroup.

Subgroup 1: $N_1 = 207,910,674$

$$N_1 = \frac{207,910,674}{[1+207,910,674(0.1^2)]} \approx 100$$

Subgroup 2: $N_2 = 2,548$

$$N_2 = \frac{2,548}{[1+2,548(0.1^2)]} \approx 96$$

Subgroup 3: $N_3 = 469$

$$N_3 = \frac{469}{[1+469(0.1^2)]} \approx 82$$

The sample size for this study is the sum of the subgroup samples totalling two hundred and seventy-eight (278) prospective respondents.

Table 3.2 Sample Distribution

Subgroups	Population Category	Population	Stratified Sample
Subgroup 1	The Public	207,910,674	100
Subgroup 2	Civil Society Actors	2,548	96
Subgroup 3	Legislators	469	82 (Senate = 19; HoR = 63)
Total Sample			278

Source: Author's Compilation

3.4 Research Instrument

This research used the questionnaire as the major tool for the examination of the subject of the study. A questionnaire is a type of survey method that utilizes a standardized set or list of questions given to individuals or groups, the results of which can be consistently compared and contrasted (Trochim, 2006). It can be used to reach large number of respondents, lower costs than interviewing, reduced interviewer bias and among others are advantages associated with questionnaire. Its drawbacks are low response rates, clarity issues, possible language and literacy issues, et cetera.

3.5 Sources of Data

Both primary and secondary data were used in this study. According to Blaxter (2001), primary data is defined as consisting of materials that one has gathered by himself through systematic

observation, information archives, the results of questionnaires and interviews and case study which one has compiled. The primary data for this study would be collected using questionnaires. Saunders et al., (2007) defined secondary data as data used for a project that were originally collected for some other purpose. The secondary sources of information used in this study includes books, internet search, articles, and journals among others.

3.6 Method of Data Analysis

Quantitative information is presented using statistical approach, including, bar charts, pie charts, percentages and frequency distributions. Qualitative data collected comprises the application of presenting findings descriptively. The questionnaire was checked for completion and the responses analysed using the Statistical Package for Social Sciences (SPSS). Mugenda and Mugenda (2003) assert that, for data obtained from the field to be meaningful it needs to be cleaned, coded and analysed as is difficult to interpret. Qualitative scrutiny is a method of probing, categorizing, tabulating and recombining evidences to address the research questions. Qualitative data are grouped into meaningful patterns and themes that are observed to help in the summarizing and organization of the data. Quantitative analysis is analysed through the use of statistical techniques such as frequency, percentages, means, standard deviation, bar charts and tabulation to show differences in frequencies.

CHAPTER FOUR

DATA PRESENTATION, ANALYSIS AND DISCUSSION

This chapter presents the findings from the analysis of the data collected from the field using questionnaires. A total of 278 were administered to respondents. The number that was retrieved, however, was 234 thus, yielding a response rate of 84.17%. Male respondents accounted for 66% while females are 34%.

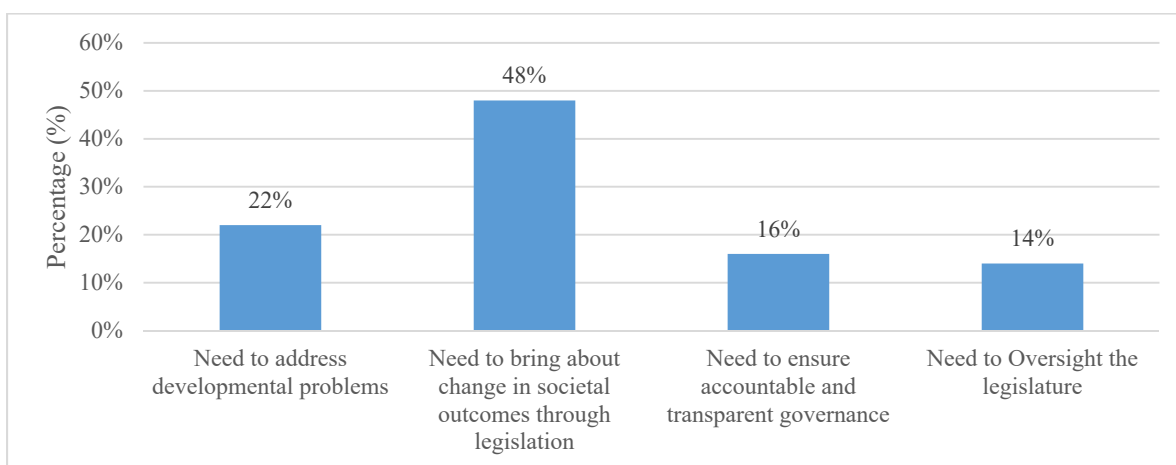
Respondents	Male	Female	Total
Public	55	26	81
CSOs	28	50	78
HoR	57	2	59
Senate	15	1	16
Total	155	79	234

Source: Field Survey, 2021

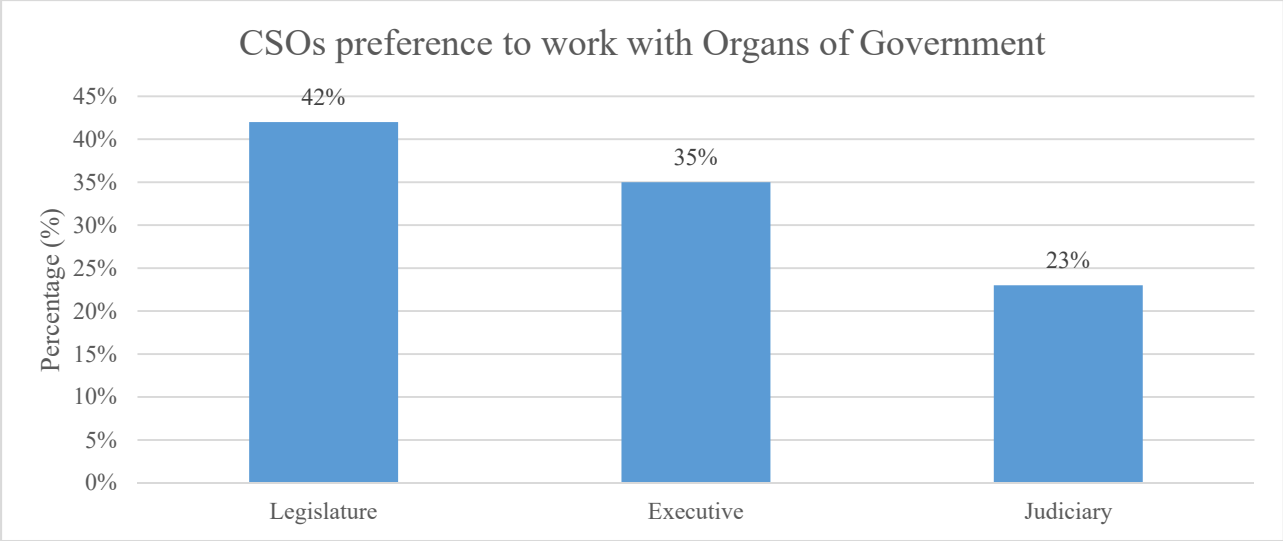
4.1. Factors determining CSOs Interest to partner with legislators:

Analysis of the responses from the questionnaires shows that the need to bring about societal change through legislation and the need to address developmental problems such as poverty and unemployment, are the major reasons why CSOs have continued to seek to partner with the legislature.

Reasons why CSOs seek to work with the Legislature



When asked which organ of government they preferred to partner with, most CSOs identified with the legislature than with the Executive or the Judiciary.



When asked if they agreed that the legislature is more open to the media, most 70% of respondents said Yes. Likewise, the respondents were asked if they thought the legislature was opened to the public, 52% said Yes.

Response Options	Do you agree that the Legislature is opened to the Media	Do you agree that the Legislature is opened to the Public
Yes	70%	52%
No	20%	36%
Not Sure	10%	12%

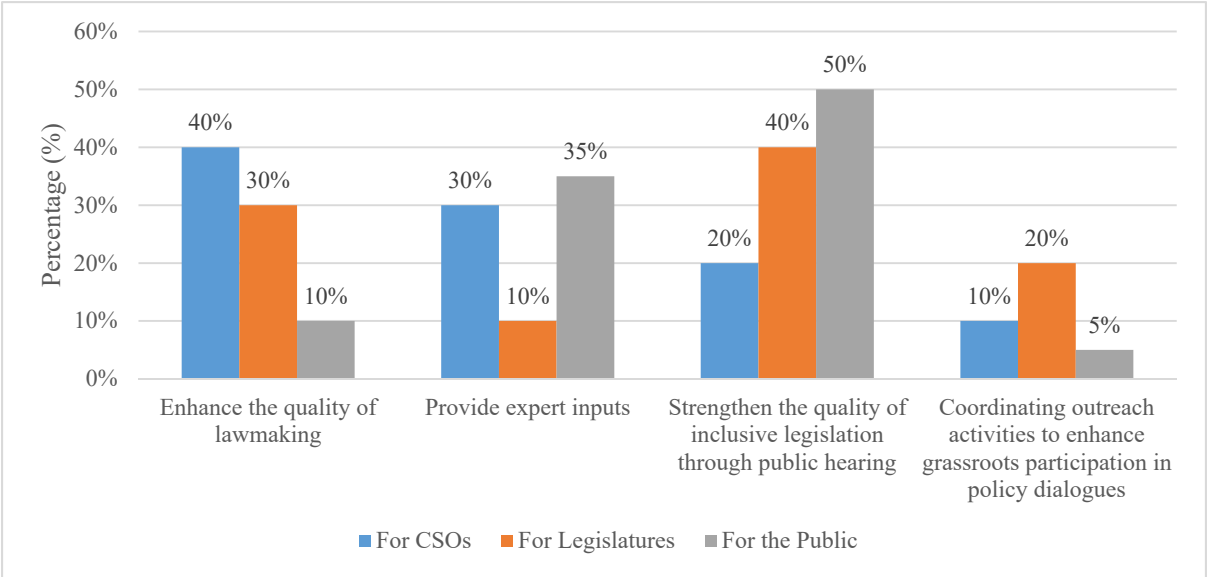
Respondents also agreed that the vital role the legislature plays as a pillar of democratic governance institution in Nigeria is another reason for wanting to partner with the legislature. CSOs also find the legislature more opened to the media and more accessible to the public than most representatives of the Executive Ministries, Departments and Agencies. Whereas most legislatures speak as members representing their constituencies, members of the executive would allude to not having clearance or not being authorized to talk. However, while a total of 70% of the respondents agree that the legislature is opened to the media, a lesser proportion agree that the

legislature is opened to the public. Amidst the concerns of insecurity and need to observe COVID-19 protocols, it remains important for the national assembly to continue to explore ways of opening up its activities to the public.

4.2 Examining the benefit of CSO-Legislature Working relationship

The second objective of the study is to ascertain how CSO-legislature partnership in Nigeria helps to promote the agenda of both parties. The responses for this objective was benchmarked using the ODI (2008) on why CSOs work with legislatures. Findings show that the motivation for most CSOs wanting to work with the legislature stems from the point of wanting to enhance the quality of legislation. 40% of CSOs agreed that this was their primary motivation. Other reasons identified are: to provide expert inputs, and strengthening the quality of inclusive legislation through public hearings.

Motivations for CSOs-Legislature Engagement



When asked what the driving force of the willingness to work with CSOs stems from, the legislatures identified with the need for strengthening the quality of inclusive legislation as the major factor. The other major factor was on the need to enhance the quality of law-making.

The public were also asked why they thought CSO-legislative working relationship was a welcome development. Most of the respondents categorized as public agreed that the motivating is the need to strengthen the quality of inclusive legislation through public hearing and the need to provide technical input to the legislative process.

Overall, the finding is consistent with the argument by ODI (2008) that legislative and CSOs working relationship is motivated by the need to enhance the quality of law-making, provide expert inputs, strengthen the quality of inclusive legislation through public hearing, and Coordinate outreach activities to enhance grassroots participation in policy dialogues. The value addition to the work of ODI (2008), however, is that the motivational factor varies in degree for the CSOs and Legislatures, while the public have their own motivation for why they think CSOs should continue to work with legislatures.

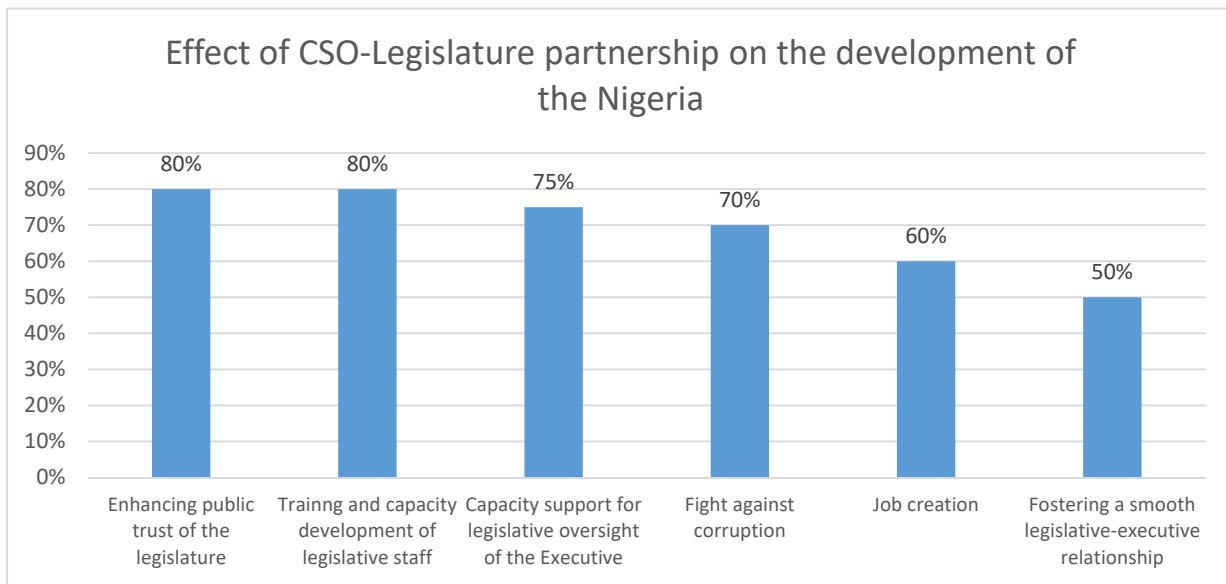
4.3 Effect of CSO-Legislature partnership on the development of the Nigeria

The third objective of the study is to ascertain how the partnership contributes to the development of Nigeria. The respondents were asked, if they thought continuous working relationship between CSOs and the Legislature was good for the development of the country. National development was conceptualized into five aspects:

- Fight against corruption;
- Job creation;
- Enhancing public trust of the legislature;

- Capacity support for legislative oversight of the Executive; and
- Fostering a smooth legislative-executive relationship.

The findings show that CSOs-legislature relationship is perceived by respondents to have the most impact on enhancing the public confidence of the legislature compared to fighting corruption or creating jobs.



Data from Afrobarometer shows that the national Assembly have a low level of trust by the public. This finding shows that working with CSOs can help to improve the level of public trust on the legislature. CSO-legislature collaboration on a number of projects also contribute to capacity building of legislative staff through the facilitation of training programmes. The capacity of legislature for oversight can also be enhanced through effective partnership with CSOs. While there is also a decisive evidence that the partnership between CSO and legislature can strengthen the fight against corruption, the evidence on how it fosters a smooth legislative-executive relationship, is not clear.

4.4 General Discussion

In addition to the discussions already carried out in 4.1, 4.2 and 4.3, this segment will attempt to establish a nexus between the findings of this research topic and actual legislative advocacy activities of some CSOs. The discussion would also attempt to relate the findings of this research topic to the results of related literary works.

According to Olufemi, et al 2015, the efforts of CSOs led to significant milestones being recorded by the sixth National Assembly. For the first time, the Senate refunded unspent funds to the sum of N7 billion appropriated for the Senate in the 2007 supplementary budget (Akinloye, 2015). This was a significant step to accountability and building people's confidence in a legislature that is generally believed to be corrupt and self-serving (Olufemi, Akinwumi, and Ugonna 2015). This assertion is consistent with the finding of this research study wherein 16% of respondents believe that the need to ensure accountable and transparent governance is a factor that motivates CSOs to partner with the Legislature.

Public criticism and pressure on the National Assembly by CSOs to open up its budgets and finances has been consistent since 2015. This has been partly accentuated by the poor corporate image of the federal legislature especially as it relate to corruption and financial improprieties. The executive arm of government has severally accused the National Assembly of padding budgets and frustrating its efforts at riding the country of corruption. In an attempt to redeem its image and correct negative public perception on its activities, the National Assembly, through the National Institute for Legislative and Democratic Studies (NILDS), organized the First National Assembly Open Week between 16th and 19th June 2018. The objective of the Open Week was to promote public knowledge and understanding of the workings of the legislature and create opportunity for interaction between the legislators and key stakeholders such as the CSOs (Ngara and Uge, 2018).

As at the time of this research study, NILDS had gone far in its plans to organize a 3-day NASS OPEN WEEK 2021 sometime in July. The foregoing account by Ngara et al, 2018 is in line with the finding of this research work where 70% of respondents agree that CSOs work with the Legislature because the Legislature is more open to the public than the other organs of government. It is equally in line with the result of the finding in which 16% of respondents agree that the need to ensure accountable and transparent governance is a motivator in the CSO/Legislature partnership.

In 2015, Senator Shehu Sani (representing Kaduna Central Senatorial District in the National Assembly), revealed that Senators take a monthly sum of N13,500,000 or \$37,500, as running cost in addition to the approved N750, 000 or \$2,083 monthly salaries and allowances (Busari, 2018 and Ogundipe, 2018). While the Senator's revelation caused outburst, the lesson here is that the legislature is more open than other organs. Each legislator is free to air his/her view unlike the other officials of the government in the executive. This buttresses the finding of the study where 70% of respondents agree that the Legislature is more open to the media and the public. Whereas the elected Senators are free to communicate, it is not the same with against the Ministers and other appointed officers who always decline to speak to the press because they do not have clearance to make comments on a subject matter.

According to Akhaine, 2014, CSOs also made significant contributions to constitutional and electoral reforms in Nigeria. Specific intervention in this regard was the recommendation for simultaneous accreditation and voting which was successfully implemented with rewarding outcomes in the Ekiti State Gubernatorial election held on 14th July, 2018. CSOs equally advocated for specific areas of constitutional reforms that were captured in aborted Fourth Alteration Bill in the 7th National Assembly including the review of legislative agenda. However, the Bill was

aborted because of former President Goodluck Jonathan's refusal to sign Bill into law. The foregoing assertion is consistent with the findings wherein 48% of respondents believe that the major reasons CSOs partner with the Legislature is due to the need to bring about change in societal outcomes through legislation.

The passage of the Freedom of Information Bill granted the public ease of access to public information. According to Inokoba, the FOI bill was a private bill developed by Media Rights Agenda(MRA), an NGO and supported by the Right to Know Movement of Nigeria (RKMN) and the Open Society Justice Initiative for West Africa (OSJIWA), (Bilkisu, 2011). To corroborate the aforementioned assertion, Mike Utsaha, at a roundtable organized by Konrad Adenauer Stiftung (KAS) in 2014 asserts that civil society is largely responsible for the emergence of the Freedom of Information Act. Another corroborator to this assertion is Ngara et al.(2018) where they noted that due to the persistence and resilience of CSOs, the FOI Bill was passed by the National Assembly to empower citizens to access public information for the purpose of demanding accountability. The foregoing is in line with the finding of this study wherein 48% of respondents reported that the need to bring about change in societal outcomes through legislation is the major reason CSOs partner with the legislature. It is equally consistent with the findings in which 40% of respondents from the CSO reported that one of the major benefits of the partnership is the ability to enhance the quality of lawmaking. It equally validates the finding where 35% of the respondents from the public reported that one of the benefits of the partnership is the capacity to inject expert inputs into the process of lawmaking.

To ensure free fair and credible elections, the Federation of Muslim Women's Association of Nigeria (FOMWAN), Justice Development and Peace/Caritas(JDPC), Nigerian Bar Association (NBA) and the Transition Monitoring Group(TMG), deployed Parallel Voter Tabulation (PVT)

methodology to observe the 2011 general elections(Adesina,2011), (Akpedeje and Erubami, 2011). In 2007, the TMG also participated actively in observing legislative elections conducted nation-wide (TMG,2007). These election observation activities engaged by CSOs were aimed at ensuring that the elections were conducted in line with global democratic standards to the extent that members of the legislature as well as public officials who emerge from the process enjoy overwhelming acceptance and legitimacy (Ngara and Uge, 2018). This relates to the finding of this study in which 16% of respondents from the CSOs reported that one of the reasons for the partnership is the need to ensure accountable and transparent governance. This then suggests that CSOs do not necessarily initiate the partnership when a legislature is in place. They go further to try to ensure that a legitimate legislature is in place to partner with.

Partnership between the CSO and the 9th National Assembly is very significant as the Assembly is the only one that has so far experienced the disruptions occasioned by COVID-19 pandemic. It was inaugurated on the 11th day of June, 2019 to terminate on the 11th day of June, 2023. At the time of this research, this National Assembly had successfully completed more than one year in office. Having already established a bridge between the CSOs in Nigeria and the Legislature, the 9th Assembly leveraged on this existing relationship. CISLAC, at one point had commended this Assembly for its sustained open door policy for civil society legislative engagement. CISLAC has hailed this Assembly for various initiatives like the return of the budget cycle to January-December, to enable the timely release of funds, the passage of the Finance Bill, 2019 (now Finance Act) to support the implementation of the 2020 National Budget and to create an enabling environment for businesses; passage of the Deep Offshore and Inland Basin Production Sharing Contracts Act Amendment Bill, to ensure that the Production Sharing Contract is economically beneficial to the government of the federation, the passage of Emergency Stimulus Bill, 2020, as

a response to the COVID-19 pandemic to mitigate impact on businesses and individuals in Nigeria.

On the other hand, CISLAC had equally drawn the attention of the legislature to the following under listed areas of priority awaiting significant improvement:

1. Electoral reforms and the amendment of Electoral Act to address current trends and challenges, promote credibility and transparency in the electoral process,
2. Delay in the introduction of appropriate legislative framework to improve coordination and result-oriented approach in the anti-corruption fight through full domestication and activation of pending Global and Regional Anti-Corruption instruments to improve coordination and ensure result-oriented approach in the anti-corruption fight, especially with reference to the recent probes of alleged fraud and mismanagement of fund and flouting of Federal Character Act across Ministries, Departments and Agencies (MDAs),
3. Review of Petroleum Industry and Governance Bill (PIGB) to promote transparency, accountability and governance, as well as curtail what it believes are monumental financial losses in the nation's oil and gas sector,
4. Disclosure of beneficial owners of licenses in the oil sector and the publicizing of oil and mining contracts, as recommended by the Extractive Industries Transparency Initiative (EITI) and the Open Government Partnership Commitments;
5. The absence of a comprehensive National Health Insurance Scheme (NHIS) Act that will cover all citizens of Nigeria, not just civil servants;
6. The need for increased budgetary allocation to the health sector to fulfil the Abuja Declaration of at least 15%;

7. The non-prioritization of the Basic Health Care Provision fund in the health budget. It called for increased priority for the fund and thorough oversight of relevant MDAs to ensure compliance in the implementation of various provisions.

Another significant event that brought the partnership to the fore is the presentation of legislations that the coalitions of Civil Society organizations in Nigeria described as ‘undemocratic and draconian’. The first is the Infectious Diseases Bill, 2020, pending before the House of Representatives. The second is the Nigerian Emergency Health Bill, 2020, pending before the Senate. On Tuesday, April 28, 2020, the National Assembly resumed legislative activities after one month of recess, following the outbreak of the COVID-19 pandemic. Upon resumption, the House of Representatives considered a Bill titled ‘Control of Infectious Diseases Bill’ co-sponsored by Rep. Femi Gbajabiamila, Speaker, House of Reps; Rep. Pascal Obi; and Rep. Tanko Sununu. The Bill, which seeks to repeal the obsolete Quarantine Act of 1929 and enact the Control of Infectious Diseases Bill, make provisions relating to quarantine and regulations for preventing the introduction into and spread of dangerous infectious diseases in Nigeria, and for other related matters. The Bill had passed first and second reading at plenary under controversial circumstances and was pending for the third reading before it met resistance by some vigilant members of the civil society.

The civil society community had opined that the legislative and policy measures currently being implemented in response to the COVID-19 pandemic are inadequate to respond to and manage the challenge of infectious diseases with grave implications on the country. Therefore, any intervention seeking to provide a comprehensive legal and policy framework that ensures the effective management of circumstances involving infectious diseases; streamlining of public health response and preparedness; involvement of all tiers of government; and transparency in the

management of infectious diseases would be a positive development (Centre for Democracy & Development, 2020). However, they were taken aback by the House of Representatives' attempt to give accelerated passage to such a critical legislation like the Control of Infectious Diseases Bill without consultation and inputs from relevant stakeholders and the public. They noted that the House was resolute to pass the bill and had fixed Tuesday, May 5, 2020 for presentation of the report of the Committee of the Whole and clause by clause voting on the bill without public hearing or consultation with relevant stakeholders. This ran contrary to the principles of effective and inclusive lawmaking.

The two bills were being given expeditious hearing by both chambers of the National Assembly. It is noteworthy that the two bills pending before the two Houses are substantially similar.

Paradoxically the Nigeria Centre for Disease Control (NCDC) was vehemently opposed to the Infectious Diseases Bill, 2020 saying it was not privy to the provisions of the bill. In fact, the Director-General of the NCDC, Dr. Chikwe Ihekweazu, in response to the Bill, said that it was unwise to sponsor such a Bill at this time of the coronavirus pandemic when Nigerians were still preoccupied taking precautions to avoid infection. In his own words, 'I am personally not in favor of drafting a bill in the middle of a crisis'.

In opposing the bill, the CSOs noted the following issues, amongst others, on the proposed Bill and the process of its passage;

- i. ***Threats to Human Rights and Abuse of Power:*** The Control of Infectious Diseases Bill vests overbearing discretionary powers on the Director General of the Nigerian Center for Disease Control (NCDC), while making no provision for reviewing and controlling the exercise of such powers. The Bill empowers the NCDC to restrict fundamental rights and freedoms at will, and abuse constitutionally established institutions and processes, without any form of

accountability. For instance, Section 10 (3) gives the Director General express powers to use force to enter any premises without warrant; Section 19 confers the Director General with powers to prohibit or restrict meetings, gatherings and public entertainments; Section 15(3e) also gives powers to the Director to authorize the destruction and disposal of any structure, goods, water supply, drainage etc. In addition, Section 47(1) confers discretionary powers on the Director General to order any person to undergo vaccination or other prophylaxis. All these powers can be abused for political and economic reasons if not properly checked. Section 71 of the Bill absolves the Director General, any Health Officer, any Port Health Officer, any police officer or any authorized person of any liability when ‘acting in good faith and with reasonable care.’ The use of ‘good faith and reasonable care’ is ambiguous and subject to misuse, manipulation, and misinterpretation for personal gain. While the threat of infectious diseases may be apparent, measures deployed for their prevention must be within the ambit of the law and must protect citizens from willful abuse of rights. It is important to note that the spirit of section 45 of the 1999 Constitution of Nigeria (as amended) validating laws that may restrict the exercise of certain human rights requires that such laws must be reasonably justifiable in a democratic society and also, must be subjected to judicial review. This Bill, in its proposed form, fails to meet this standard, as it is not reasonably justifiable in a democratic society.

- ii. ***Ambiguity and Lack of Clarity:*** The Bill violates key principles of legislative drafting rules mandating laws to be simple, clear and unambiguous. This leaves room for significant amount of discretion on the part of the implementing authorities and limits the rights of citizens and respective institutions to question decisions taken in the exercise of the powers provided in the Bill. There is therefore the need to clearly define terms used, extent of powers granted, and

penalties for breach. For instance, the proposed Bill makes an attempt to define ‘surveillance’ in its interpretation section but fails to provide a clear definition on the reach and extent of the power to demand public health surveillance program and regulating framework. Throughout, the Bill is referred to as an “Act” implying that the proposed document is already an enacted legislation (Act). In addition, the Bill does not define who constitutes a health worker, which, as defined in the Bill, as anyone appointed by the Director General. In addition, Clauses 74(1) and (2), which deals with the collection of fees, charges and moneys, and some payments to be made to the Consolidated Fund or the agency raises concerns. This creates a discrepancy in the coordination and management of public funds. It also raises the question of why some payments are collected by Directors and the Director – General, but with different destinations.

- iii. ***Inter-agency Conflicts and Jurisdictional Rivalries:*** The Bill, under Section 55 and 57, confers the power of investigation and arrest on any health officer authorized in writing by the Director-General or a police officer. We fear these provisions will create jurisdictional disagreements between the Nigerian Police and the NCDC. Arrest and investigation are statutory functions of security agencies; therefore, foisting similar powers to the Director-General of the NCDC or a health worker amounts to duplication and poses threats to national security and human safety.
- iv. ***Lack of Public Scrutiny, Stakeholder Review and Engagement:*** A Bill as sensitive and crucial as the Control of Infectious Diseases Bill must be subjected to public scrutiny on the contents of the Bill, and to proper debates on the legality, constitutionality, and other aspects of the Bill. This includes providing citizens and relevant stakeholders with the opportunity to make inputs on the Bill. Considering the sensitivity of the Bill, the National Assembly must ensure careful consideration and aggregation of diverse voices.

To this end, the coalition of CSOs demanded as a matter of urgency that:

- i. The House of Representatives subject the Bill to public scrutiny by embarking on stakeholder consultations and a public hearing to harness public inputs into the legislation. The House should utilize the opportunity provided by the reviewed lockdown policy to consult with relevant stakeholders and the people; and
- ii. Review all provisions of the Bill that foster inter-agency conflicts and abuse of power and undermine constitutionally guaranteed rights and are contrary to the rule of law and Nigeria's International Human Rights obligations. It is important to note that while we understand the importance of a legislative framework that guarantee effective response to pandemic/public health crises, we must do so within the rule of law and in conformity with the Constitution and Nigeria's International human rights obligations and democratic principles. The National Assembly should refrain from vesting powers beyond the remit of institutions. We must avoid the temptation of vesting absolute powers in public officials as this could be abused and misused to undermine constitutionally guaranteed rights. Laws must be made for the people and any law that fails to protect the human rights of the people as guaranteed in the constitution must be rejected in its entirety.

Signed:

1. Girl Child Africa

2. Center for Liberty

3. Centre for Democracy and Development (CDD)

4. Civil Society Legislative Advocacy Centre (CISLAC)
5. Say No Campaign
6. Amnesty International
7. Yiaga Africa
8. Human and Environmental Development Agenda
9. International Press Centre, IPC, Lagos, Nigeria
10. Global Rights
11. African Centre for Media and Information Literacy (AFRICMIL)
12. Lawyers Alert
13. Women Advocates Research and Documentation Centre (WARDC) 14. Enough is Enough
15. Community Life Project
16. Centre for Information Technology and Development (CITAD)
17. Centre for Impact Advocacy
18. Concerned Nigerians
19. Lex Community NG
20. Education as a Vaccine
21. Dinidari Foundation

22. Albino Foundation
23. The Community of PWDs in Nigeria
24. Dorothy Njemanze Foundation
25. Tap Initiative for Citizens development
26. Raising New Voices Initiative
27. Haly Hope Foundation
28. Youths Concerns Development Foundation
29. Adopt A Goal For Development Initiative
30. Coalition in Defence of Nigerian Democracy and Constitution
31. PITCH Nigeria
32. House of Justice
33. Molluma Medico-Legal Centre
34. Albino Foundation
35. The Community of PWDs in Nigeria
36. Alliances for Africa
37. Youths in Motion
38. Persons with Disabilities Action Network (PEDANET), Nigeria

39. Silverchip Fox

40. Community Action for Popular Participation CAPP

41. Resource Centre for Human Rights & Civic Education (CHRICED) (CfD&D, 2020)

The foregoing paints a clear picture of the response of civil societies to the Legislature with respect to the undemocratic Bills raised in the National Legislature. As at the time of this study, legislative actions on the aforementioned bills had been suspended.

The aforementioned scenario is consistent with the findings of this study in which 14% of respondents from the CSO reported that one of the factors that motivates is to partner with the legislature is the need to carry out oversight functions on the legislature. It equally affirms the finding of Diamond (1994) wherein he opines that one of the functions of the civil society is the capacity to limit state power by checking its political abuses and violations.

It is noteworthy that a partnership between the Legislature and the CSOs at such times of emergency would have completely removed this waste of time and resources that ended with a no clear legislation on the handling of infectious diseases.

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATIONS

This chapter summarizes the study. The chapter also gives the study conclusions that have been derived from the study findings. The chapter also makes recommendations from the study and for further studies.

5.1. Summary of Findings

The objective of the study was to examine the relationship between the CSOs and the legislature in Nigeria. The study was guided by the following research questions: What motivates the CSOs interest to partner with the legislature in Nigeria? How does CSO-Legislature partnership in Nigeria help to promote the agenda of both parties? How does this partnership contribute to the development of Nigeria?

Primary data for the study was collected using a structured questionnaire from 234 respondents in the FCT covering members of Civil Society Organizations (CSOs), members of the National Assembly (senate and representatives) and the general public. Descriptive analysis involving frequencies and tables were used to analyze the data collected.

The study identifies the following factors as the factors motivating the need for CSOs to increasingly seek to work with the National Assembly: need to bring about change in societal outcomes through legislation, and the need to address overall developmental challenges. Respondents also agreed that the vital role the legislature plays as a pillar of democratic governance institution in Nigeria is another reason for wanting to partner with the legislature.

The study also found that CSOs-legislature working relationship is mutually beneficial to both parties. More so, CSOs-legislature relationship is perceived by respondents to have been most

impactful in the area of on enhancing the public confidence of the legislature and providing opportunities for capacity building of legislative staff.

These finding are consistent with the argument by ODI (2008) that legislative and CSOs working relationship is motivated by the need to enhance the quality of law-making, provide expert inputs, strengthen the quality of inclusive legislation through public hearing, and Coordinate outreach activities to enhance grassroots participation in policy dialogues.

CSOs also find the legislature to be more open to the media and more accessible to the public compared to Executive. This is because members of parliament speak as representatives of their constituencies while the heads pf agency for instance, may not be able to do so on behalf of the Executive.

5.2 Conclusion

The study concludes that there CSOs-Legislature relationship has beneficial effect in supporting the capacity building effort of the legislative staff and in providing support to the legislative process through participation in public hearings. Because CSOs could have vested interest in certain legislations, the study calls for an effective internal framework to ensure that the interest of the country remains the priority in any arrangement between the National Assembly and CSOs.

5.3 Recommendations

Need for an effective database on CSOs-National Assembly activities. There is a poor data base or record of how many CSOs the National Assembly works with. It will be important to have an office that keeps records of such data. This is to enable easy tracking of the National Assembly committees and the work they do with CSOs.

Need to domicile reports of the National Assembly programmes and activities with CSOs with the National Institute for Legislative and Democratic Studies (NILDS). During the process of data collection, the study observed that most CSOs activities are done in collaboration with the office of Principal Officer of the both Houses of the National Assembly. There is therefore a very high tendency of the repository of such experiences and knowledge generated to be lost in transition from one legislative session to the next. Making it mandatory for NILDS to provide support to the secretariat for collaborations between CSOs and the legislatures, will help to document such experiences and preserve them for future legislative sessions to learn from.

CSOs-legislature relationship is perceived by respondents to have been most impactful in the area of on enhancing the public confidence of the legislature and providing opportunities for capacity building of legislative staff. The national Assembly can help cut down cost of training of its staff through effective collaboration with CSOs and development partners.

Amidst the concerns of insecurity and need to observe COVID-19 protocols, it remains important for the National Assembly to continue to explore ways of opening up its activities to the public. This is important as it will open up the activities of the National Assembly to more CSOs to enable them determine areas of partnership.

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