



The National Assembly and democratic sustenance in Nigeria: A literature perspective

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Abstract

This paper examined the challenges confronting the National Assembly and sustenance of democracy in Nigeria. The study was motivated by the glaring case of failure of the National Assembly to promote the representative principle of democracy and good governance, reflected on the wide gap existing between government and the citizens. The objective of this paper was to highlight the factors hindering the Nigerian National Assembly from performing its role as the apex representative institution from the electioneering period to policy making and implementation; and to provide some recommendations. This study anchored on the social contract theory to explain the role of the National Assembly in governance. The paper adopted historical method and other secondary sources for data collection, while descriptive analysis was applied. However, the study was limited by the inability to directly access the National Assembly members for questioning. Nevertheless, analysis was made and conclusion drawn based on available data and the obvious non-participatory political and governance process, as well as the deplorable socio-economic conditions of the masses. Findings showed that factors such as party-loyalty, rise of big government, poor leadership, growth of powerful interests and media groups, institutional weaknesses, etc have hampered the performance of the National Assembly. Recommendations include the following: adherence to democratic principles, observe globally accepted ethical conduct for assembly members, a value re-orientation from 'party assembly' to 'peoples' assembly', strengthening democratic institutions and promoting good governance through participation, adherence to rule of law, responsiveness, transparency, consensus, equity and inclusiveness among others. The paper thereafter, concluded that the National Assembly needs to be strategic for its role because the pride of any democracy would largely depend on the extent of its representativeness.

Key words: National Assembly; Representation, Democratic Sustenance, Nigeria.

1. Introduction

The National Assembly of any nation occupies a central position and plays a major role in the machinery of government especially in a democratic state. National Assemblies are vested with the power to make laws. They also enjoy some discretionary powers to shape and or

influence public policy. (Heywood; 2002). Thus, the Assembly of any state is traditionally treated with special respect and status as the democratic face of government. The significance of Assemblies in a democracy is further underscored by the fact that they are composed of politicians who claim to represent the people rather than trained or

expert government officials (Heywood; 2002). National Assemblies act as debating chambers and public fora in which government policies and major issue of national importance are openly discussed and analysed.

The brief background of national assembly made above also accommodates the institutional scope and power of the Nigerian National Assembly. The Nigerian National Assembly has developed through successive institutional orientations beginning from the amalgamation of 1914 to its present stage. The development of the Nigerian National Assembly is linked to history of modern Nigeria and its institutional development. Extant literature on colonial government in Nigeria recorded that the legislature under colonial rule was a mere advisory body with no authority to influence any policy decisions. The ineffectiveness of the body was largely due to its composition as most of the members were appointed by the governor or represented the interest of the metropolitan government. The legislative council comprised of official and non-official members. Nominated Africans were the minority; and the powers of the legislators were limited to the colony. The legislative body was thus, a mere debating body which could not effect any outstanding change aimed at adequate representation. However, the second-class status of the Nigerian National Assembly experienced a gradual transformation following series of constitutional amendments that culminated into independence in 1960. This will be made clearer as the history of the Nigerian National Assembly is traced below. For better clarity, the paper is structured to cover introduction, literature review, theoretical framework, the role of the Nigerian National Assembly in democratic sustenance, methodology, result and

discussion, recommendation and conclusion.

2. Literature Review

2.1 Meaning of National Assembly

The National Assembly of any country is an assembly made up of the representatives of a nation and usually constituting a legislative body or a constituent assembly. A national assembly is either a unicameral legislature, the lower chamber of a bicameral legislature or both houses of a bicameral legislature altogether. (Merriam-webster, 2021) A parliament is a central institution of a democratic state under the rule of law; it is a representative institution usually elected by direct universal suffrage. Parliaments of today are classified as either bicameral or unicameral, as 'active' or 'deliberative'. (Estevao et al, 2015)

2.2 Historical Development of the Nigerian National Assembly

In his attempt to record the policy direction and structure of British colonial government, Akinbade (2008) noted that in theory, the legislative council (most of the time appointed by the Governor General) to make laws for the colonial territories was in practice, a mere policy advisory body or a debating society. Historically, what later developed into the Nigerian National Assembly was an aftermath of political structure that followed the amalgamation of Northern and Southern provinces which took place on January 1, 1914 under the leadership of Sir Frederick Lord Lugard. The new country became officially known as colony and protectorate of Nigeria; and a new constitution was promulgated to provide the guideline for the administration of the country. Among other features, a legislative council called the 'Nigerian Council' was established to make laws for the entire country. The body comprised the Governor-General as the chairman, 23

official members and 13 un-official members, seven of whom were Europeans (Akinbade 2008). The remaining six were Nigerians who were mostly traditional rulers with little or no input in the administration. The council met once in a year to discuss the governor's speech, and decisions taken could be vetoed by him. Although Nigerians may not have played major roles in policy decisions, but the constitution provided a platform for Nigerians to be seated in a circle where major decisions that affected them were made. (Akinbade, 2008).

Following the criticism levelled against the system established under the 1914 amalgamation which created a sharp division between colonial authorities and educated Nigerians, on the one hand, and between the chiefs and educated Nigerians on the other, a new constitution was promulgated in 1922 under Sir Hugh Clifford who succeeded Lord Lugard 1919. The system made it easy for the colonial officials and the chiefs to align against the educated Nigerians who were excluded from the administration, and had no political platform to articulate their position. However, the meeting of the National Congress for British West Africa held in Accra in Ghana in 1920 provided the much-desired opportunity for the educated Africans to express their views. Among others, the congress demanded for self- rule and a duly elected legislative council. (Akinbade, 2008).

As a step towards the development of the legislative body, the constitution established a legislative council which comprise the Governor as the president, 26 Officials members, 15 unofficial members including 6 Nigerians; 4 elected members: 3 from Lagos and 1 from Calabar respectively. The 1922 constitution also introduced the elective principle which encouraged series of political activities,

especially in Lagos which had 3 seats. The elective principle also stimulated the formation of political parties to mobilise people for election into the legislative council in 1923. The legislative council under the 1922 constitution was quite restrictive in scope and coverage as it could only make laws for southern province and continued the colonial policy of isolating the north from the south. (Akinbade, 2008).

The political event that took place between 1922 and 1946 both within and outside the country culminated into the launching of another constitution. First among them was the failure of indirect rule system in southern Nigeria against the expectation of the colonial government. Secondly, was the constant agitation for independence for Nigeria and the other British African colonies by the West African Students Union (WASU) since 1941. Thirdly was the influence welded by Governor Bourdillion (1935-1943) who was Arthur Richard's predecessor until 1944. (Akinbade, 2008).

Bourdillion had divided the south into east and west and also encouraged the northern emirs to drop the isolationist tendencies and participate in the administration of the whole country. Thus, when Arthur Richard became the governor in 1944, he presented a proposal for a new constitution to the secretary of state for the colonies in December 1944. Prominent among his proposal was to secure greater participation by Africans in the discussion of their own affairs. Hence, a new constitution was promulgated in 1946 under Arthur Richard. (Akinbade, 2008). Top among its features was the creation of a central legislature. The legislature had 45 members made up of the Governor as the president, 13 ex-officio, 3 nominated official members, 24 nominated unofficial members and 4 elected members. The

body made laws for the whole country. It was under this constitution that the entire country was brought together under one legislative authority. Although majority of members of the legislature were nominated and unofficial members; they had little or no powers to challenge the decisions of the few official members. (Akinbade, 2008).

However, the contradictions that trailed the Richard's constitution subjected it to numerous criticisms and eventual rejection by the nationalist. Two major reasons were provided for the rejection: the nationalist felt dissatisfied with the constitution in which Nigerians were not adequately consulted; the nationalist felt that the composition of the unofficial members was misleading. They claimed that the unofficial members were either made of chiefs appointed by government or nominees of chiefs themselves. According to them, the domination of the legislature by the unofficial members was for government policies to receive maximum support in the legislative house; since the majority were unofficial, whatever the few officials decide would be supported. The above reasons culminated to the promulgation of yet another constitution in 1951 – the Macpherson constitution. (Akinbade; 2008).

The Macpherson constitution for the first time in Nigeria established the House of Representatives at the Centre. The House comprised of 149 members as follows: - the president, 6 official members, 136 unofficial members, 6 special members nominated by the governor. This House had power to legislate for the whole country; and its laws could override regional laws. However, the Macpherson constitution broke down following some internal political problems bothering on constitutional crises. The crises included the eastern regional crisis, constitutional crises at the center bothering on the

appropriate time for independence, the London and Lagos constitutional conferences of 1953 and 1959 respectively organized to discuss the two remote issues. The resolution reached at the London and Lagos conferences constituted the major features of the Lyttleton constitution launched in 1954. Among other features was the establishment of the House of Representatives at the center. Under this constitution the Representatives were directly elected unlike in the preceding constitution where representatives were indirectly elected by the members of the regional legislature (Akinbade, 2008).

The phases of constitutional developments and the various amendments in the status of the central legislative council were steps taken to prepare the ground for the actualisation of independence which theoretically took place on October 1, 1960. Culminating into independence were series of constitutional conferences held in Lagos and London between 1957 and 1959. Top among the issues discussed at the London conference was the structure of the legislative council at the centre, regional self- government, independence of Nigeria, etc.; while the Lagos conference dwelt on issues of Fundamental Human Right, self- government for the Northern Region, Revenue Allocation, the Police, Date of Independence among others. The decisions arrived at in these conferences culminated to independence of Nigeria on October 1, 1960.

Among other important futures, the independent constitution provided for a bicameral legislature – the House of Senate and the House of Representatives at the center, forming the Nigerian National Assembly. Under the independent constitution the Senate had 45 members comprised of the president of senate, 12 members representing Eastern Region, 12 members representing Northern Region,

12 members representing Western Region, 4 members representing Lagos and 4 representing special interest. (Akinbade, 2008) The constitution provided that senate president could be elected either from within or outside the senate. Election into the House of Senate required that the candidate would have attained the age of 40. The House of Representative had 312 members elected from single constituencies, but could be 313 where the speaker was elected from outside. A minimum of 21 years was required for a prospective member (Akinbade, 2008).

The republican constitution of 1963 established the federal parliament which comprised of the president of the country, the Senate and House of Representatives members. It provided that the president must give assent to any law made by the legislatures before it could have any effect. The Senate had 56 members or 57 where the president was elected from outside. The Senate was constituted as follows: the senate president, 12 members representing the North, East, West and Midwestern regions respectively, 4 represented Lagos while 4 ex-officio members were appointed by the prime Minister. The House of Representatives retained its size and age requirement as in the 1960 constitution (Akinbade, 2008).

2.3 The Constitutional Provisions on The Powers of National Assembly in Nigeria

The 1979 Constitution

The constitution which became effective on October 1, 1979 was the first post independent constitution in Nigeria. It was prepared and promulgated by the Obasanjo/Murtala military regime. (Akinbade; 2008). This was followed by the 1999 constitution (amended 2011) both the 1979 and 1999 constitutions made elaborate provision for the National

Assembly which was bicameral like in the republican constitution of 1963. Chapter 5, Part 1 (43) and chapter V Part 1 (47) of 1979 and 1999 constitutions respectively provided for the establishment of National Assembly as follows:

“There shall be a National Assembly for the federation which shall consist of a Senate and a House of Representatives”

Composition of the Senate: While the 1979 constitution provides for 5 Senators from each state Part I (44), of the 1999 constitution (amended 2011) provides for 3 Senators from each state Part I (48)

Composition of House of Representatives: In 1979 constitution, part I (45) subject to the provisions of chapter VIII and other provisions of the constitution, the House of Representatives shall consist of 450 members; while the 1999 constitution Part I (49) provides as follows: “ ... the House of Representative shall consist of 360 members representing constituencies of nearly equal population as far as possible, provided that no constituency shall fall within more than one state”. Part I (46) (a & b) and Part I (50) (a & b) of 1979 and 1999 constitutions respectively provides for Senate President and Speaker of House of Representatives. The President of Senate and Speaker of House of Representatives shall be elected by members from within the houses unlike in the 1963 constitution which allowed that Senate President or Speaker of representative could be elected either from outside or within. (Akande, 1982 & 1999 constitution).

Representation: The representation in government refers to a method or process of enabling the citizenry or some of them to participate in shaping of legislation and governmental policy through deputies chosen by them. Political representation became necessary on the rationale that in

modern countries, the people are so large to all assemble as they did in the marketplace of democratic Athens or Rome; and if the citizens are to participate in governance, they must select and elect a small number from among themselves to represent them and act on their behalf. In modern politics with large population, some form of representation is necessary if government is to be based on the consent of the governed. (Ellsworth, et al., 2020). From another angle, is the activity of making citizens' voices, opinions and perspectives "present" in public policy making processes. Political representation thus occurs when political actors speak, advocate, symbolize and act on behalf of others on the political scene. The key components of political representation include the following:

- i. The party that is representing: - the representative, an organization, movement, state, agency etc;
- ii. the party being represented: - constituencies, the clients, etc
- iii. what is being represented: - opinions, perspectives, interest, discourses etc
- iv. The setting within which representation takes place: - the political context
- v. What is left out: - opinions, interests and perspectives not voiced (Stanford Encyclopedia of Philosophy; 2018)

2.4 Democratic Sustenance

Democracy originated from the Greek words "demos", meaning people, and kratos" meaning power; democracy can therefore be understood as "power of the people"; a system of government which is dependent on the will of the people. Different variance of democracy exists around the world such that sometimes it becomes easier to understand democracy from what it is not. Therefore, democracy is not autocracy or dictatorship where one

person rules, neither is it oligarchy where a few numbers of person's rule; if properly understood, democracy is not even rule by the majority especially if it suggests that the interest of the minority is completely ignored. Thus, democracy theoretically refers to government on behalf of all the people, according to their "will" (Council of Europe Portal, 2021). On that note, the Encyclopedia Britannica (2021) refers to democracy as a system of government in which power is vested in the people and exercised by them directly or through freely elected representatives.

The concern of this study is the sustenance of democracy, and on that note, Edu Delight Tutors (2021) have identified the following processes through which democratic sustenance can be achieved: ensuring free and fair elections, public campaigns, promoting justice and fairness, being truthful and loyal to party members, adequate representation of citizens and encouraging unity among the citizens. The National Orientation Agency plays major role in sustaining democracy, by organizing public enlightenment campaigns to educate people on the need to cherish and preserve the nation's democracy; as well as sensitize the people on how to vote-in good leaders during elections. In the same vein, Palmer (2021) identified what he referred to as "five habits of the heart" necessary to heal and nurture the heart of democracy. They include: valuing our differences, drawing inspiration and greater understanding from contradictions, honoring the voice and will of the individual and celebrate the power of community building. Democratic sustenance can therefore be attained when none of the major political actors, parties, organized interests, forces or institutions considers any other alternative outside the formal democratic process to gain access to any political position, and no political institution has a claim to the actions of

democratically election decision makers. (Azu, 2019).

The exhaustive background of the Nigerian National Assembly provided above is a clear indication that Nigeria's National Assembly has come a long way; and was systematically established. Thus, with its long history as a democratic institution, it is ideally expected that the National Assembly would have become a well of democratic experience to draw from. Unfortunately, this great expectation has often been thwarted by the continued watering down of democratic values in the nation's political process. Emphasizing the role of the national Assembly in a democracy, Wapmuk (2010) argued that the problems associated with the electoral process of any country have direct bearing with the performance of democratic institutions such as the legislature. He further noted that the nature and character of elections held in Nigeria between 1999 and 2007 for the legislature and other elective positions have left a wide gap between the nation's electoral process and democratic governance; particularly raising doubts on the integrity of individuals elected into the national assembly to represent the people. It was on that note that this study was undertaken to once more raise the consciousness of members of the public, the present and future members of the National Assembly the place of the National Assembly in sustaining democratic values; as well as the challenges confronting the attainment of this sensitive milestone, and to proffer plausible solutions.

2.5 Theoretical Foundation

The position of the National Assembly in sustaining democracy is to be understood from the argument of the social contract theorists. The social contract theory is as old as philosophy itself. The thesis of the

social contract theory is that individuals' moral and political obligations depend upon an agreement among them to form a society in which they live. The full exposition of the social contract theory was given by Thomas Hobbes, John Locke and John-Jacques Rousseau, who are altogether regarded as the best exponents of this theory. From his analysis of human nature, Hobbes argued that all men are necessarily and exclusively self-interested, pursuing only what they perceive to satisfy their individual interests. Hobbes in addition, appreciated that men are also reasonable and thus, possess rational capacity to efficiently and maximally pursue their self-interests. Based on the above premise, Hobbes imagined men's existence prior to the establishment of the state i.e. the State of Nature, and provided a compelling argument why men should willingly submit themselves to political authority in order to live in a civil society protecting the interest of all (Villarreal, 2020).

Hobbes's state of nature was devoid of law, justice, notion of right and wrong; force and fraud were the two cardinal virtues. An individual in this state was described as "atomistic and asocial". There was no pursuit of civilized life that could make life worthwhile. Thus, in his critique of Hobbes state of nature, Villarreal (2020) re-echoed the condition of life in Hobbes's state of nature as a condition of "war by all against all". In Hobbes's state of nature men are equal to one another such that even the strongest man can be killed in his sleep provided there is one who could overpower him by any means. In the state of nature everyone is in fear of losing his life and property, and there is no power that exist to force men to cooperate. Hobbes, thus perceives the state of nature to be unbearably brutal. (Friend; 2020) Hobbes therefore, argues that the life of man without government is



solitary, poor, nasty, brutish and short. (Weltman, 2021).

However, as men realized the danger of anarchy and continuous fear of aggression, uncertainties, etc., men became hungry for peace as the only mechanism for preservation of life and property.

Consequently, human rationality and the need for self-preservation compelled men to surrender all their natural rights to a common power (in a social contract) which Hobbes described as the Leviathan, a powerful force above all and to which all are subject – the state.

The second contract theorist, John Locke had a contrary opinion on the nature of man. For him, against Hobbes's notion of man as brutish and asocial, Locke saw man as naturally social and pacific. For Locke, men were created with equal rights to share the earth and its fruits, each individual having right to enforce natural laws for which he was subject to; punish the offenders and express his opinion. However, because of the absence of common legislative, judicial and executive authorities, disputes arose in the interpretation of the natural laws, it ostensibly became a matter of "one person's word against another's". (cited in Fred et al., 2021).

Thus, the frustration, insecurity and hard-earned happiness prevalent in the state of nature forced men to perpetually be at war with one another. There were pronounced hostilities between the rich and the poor, every individual under this gruesome state of nature developed thirst for peace and freedom. There was a dire need to change the ugly situation by allowing natural freedom give way for civil freedom. This scenario created the condition for social contract resulting in a multitude of individuals coming together in a collective unity to form a civil society. Hence, each

individual was placed in complete dependence on another through mutual equality. The members of the civil society therefore submitted their individual will (rights), the totality of which became the general will; and individual will come under the direction of the general will, while general will became protected by the rulers of the civil society. However, the interesting point about the two perspectives is that men submitted their individual will or right to a common legitimate political authority to safeguard their interests. (cited in Fred et al., 2021).

Accordingly, the aim of the social contract theory is to demonstrate that members of the society have reasons to endorse and comply with the fundamental social rules, laws, institutions and or principles of a given society. In other words, social contract theory is concerned with public justification: determining whether or not a particular regime is legitimate and worthy of allegiance. The ultimate goal thus, being to show that men (some political systems) are really capable or not of establishing good governance from reflection and choice, or if they are forever destined to depend for their political constitutions on accident and force. (cited in Fred et al., 2021). Democratic elections typify a social contract platform where individuals submit their political wills by consent to a few individuals on representative capacity, as a legitimate authority or the leviathan, to make rules, laws, regulations (based on the consent of the electorates), that will represent the interest of all. The Nigerian National Assembly is therefore a legitimate institution constituted on social contract platform.

2.6 The Role of the Nigerian National Assembly in Democratic Sustenance

The preceding part of his paper has provided a vivid account of the constitutional and institutional

development of the Nigerian National Assembly in history. The following section will consider the role of the National Assembly in sustaining democracy in Nigeria. Traditionally, National Assemblies are treated with special respect and status as the democratic face of government. It is in consideration of this vital role that they are given their pride of place, empowered to make laws, and have become household terminology in any reasonable political discuss. The role of the National Assembly in democracy in Nigeria is further underscored by the establishment of the National Institute for Legislative and Democratic Studies in 2021 under the administration of President Goodluck Jonathan, under an Act of Parliament as an organ of National Assembly. In 2016, the Governing Council of the Institute approved the establishment of new department of Democratic Studies. Furthermore, President Buhari, on January 26th 2018 signed the National Institute for Legislative (Amendment) Act, 2017. These efforts were made to enable the institute provide capacity development services to democratic institutions and governance in Nigeria. (NILDS, 2020). Thus, the National Assembly is expected more than any other institution of government to protect, promote and sustain the values of democracy in any political system Nigeria not exempted. The Nigerian National Assembly identified the following among others, as the major functions of the assembly: lawmaking, representation, oversight etc. (The Nigerian National Assembly 2021).

Legislation: Heywood (2008) has equally acknowledged two major roles of the National Assemblies to which Nigeria is not exempted. Key among the roles is the power to make laws that affect the lives of all categories of citizens. It is expected that laws they make are authoritative and

binding. Two major reasons attest to this assumption; one is that the Assembly is a forum where all laws are openly deliberated upon and debated; secondly, the National Assemblies are constituted in a manner that suggest that laws are made by the people themselves, indicating that interest and aspirations of the citizens are put into account in formulating jurisdictions. Over the years the Nigerian National Assembly has experienced expansion and assumed a more elaborate status, creating a platform for widespread involvement of the citizens in policy making and implementation through public opinion, as well as adopting relevant parts of the public opinion, freedom of the press, town hall meetings, including adopting policies that allow freedom of speech and other basic fundamental rights of individuals that characterise democracies.

Representation: This is the second major role of assemblies as identified by Heywood (2008). Representation is the hallmark of democracy. History has shown that representation is a core ideal of democracy as the major fallout of the pre-independence constitutions bothered on inadequate representation, in terms of allowing Nigerians participate in discussing the administration of their own affairs. Heywood (2008) has re-echoed the relevance of representation in a democracy when he sighted an example with an eighteenth-century incident when America was under British rule. Here the relevance of representation was expressed by the slogan adopted by 13 American colonies that rebelled against British rule when they chanted “no taxation without representation”. To ensure adequate representation in governance in Nigeria, the country was divided into three hundred and sixty (360) constituencies (delineated according to population); as the basis for representation in the house of

representative; one member therefore representing each constituency, forming a house of representative of 360 members. For representation in the House of Senate, each of the thirty-six states is divided into three senatorial zones where each zone produces one senator, implying that each state is represented by three senators, while the federal capital territory is represented by one senator. This produces a total of 109 senators making up the Nation's house of senate plus 360 members of representatives, making up a grand total of 469 members of the National Assembly (NASS). Thus, the value NASS has for democracy is actually determined by the extent of its representativeness.

Scrutiny and Oversight: With the declining powers of National Assemblies, emphasis has been placed on the ability of assemblies to check the excesses of the executive. Thus, The Policy and Legal Advocacy Centre (PLAC) (2016) refers to legislative oversight as the process by which a legislative body monitors, scrutinizes, reviews and evaluates the performance of the executive arm of government or its agencies on a continuous basis to ensure effectiveness, efficiency and good performance. In a more comprehensive analysis, Oyewo, (2007) defines oversight as the exercise of constitutional powers by the legislature to check or control the exercise of constitutional powers of the other arms of government, and more specifically to check or control the exercise of executive powers to make the executive accountable and responsible to the electorates through their representatives in the legislature. The organ through which the National Assembly conducts this function is its committee system formed for general or specific purposes.

Thus, assemblies have become more of scrutinizing bodies to ensure

accountability and responsibility in government business. To foster this role, some assemblies have developed institutional mechanisms; for instance, parliamentary systems usually subject ministers to regular oral or written questioning. A classic example is the question time in the UK House of Commons; this allows the prime minister to be cross-examined once in a week, while other senior ministers are equally subjected to such interrogation once in a month. Germany and Finland use the practice called 'interpellation' for oral questioning. This is usually followed by vote to establish the confidence of the assembly in the answers provided. It quite innovative that the Nigerian National Assembly has adopted this model for scrutinizing the executive to ensure that their policies and actions are in line with democratic values. For instance, in December 2020, the National Assembly invited president Muhammadu Buhari to address them on the state of the nation in respect of the unending terrorism despite the huge amount appropriate for war against terror. While the invitation was accepted by the president, it was however, unfortunate that some APC governors mounted pressure on the president not to honor the invitation for fear of being invited for similar questioning themselves. (Falana, 2020).

Ensure that members emerge through a democratic process: The fact that membership of the National House of Assembly is constituted by politicians duly elected by their electorates, means that their position is legitimate. The implication is that the National Assembly should score a very high rating as democratic institution. Thus, the primary duty of the members is to ensure that the process that brought them to power is sustained in all areas of their activities. However, the ability to maintain the core

values of democracy comes under serious question if the election into the National Assembly become fraught with irregularities. Those who are produced by fraudulent electoral process will not possess the moral value required to sustain the democratic process as no one ever gives what he does not have.

Legitimacy: Legitimacy is derived from a Latin word '*legitimas*', In the middle ages it was called '*legitimitas*' which was interpreted in English language as '*lawful*' (Mohita, 2021), it broadly means 'rightfulness' or 'acceptability'. Legitimacy therefore confers on an order or command an authoritative or binding character, and thus, transfers power into authority. A legitimate government is therefore one respected by the citizens who acknowledged the duty to obey. Political philosophers see legitimacy as a moral or rational principle, the ground on which government may demand obedience from citizens. It is therefore the duty of the National Assembly to promote legitimacy by encouraging the citizens to see the system of rule as 'rightful'. It is on this consideration that even non-democratic systems; totalitarian and authoritarian regimes establish assemblies even though those assemblies lack legislative authority. However, the ability of an assembly to mobilize consent will largely depend on its ability to function as a popular convention, approving laws and policies in the name and interest of the public. The involvement of the National Assembly in periodic parliamentary debate can inform citizens about the affairs of government and major issues of the day. By that strategy the citizens share a huge sense of belonging and show more acceptance and support for the government of the day.

3. Methodology

The paper adopted historical method and other secondary sources for data

collection. The study depended only on secondary source because of the difficulty in accessing the members of the National Assembly to know their challenges and the efforts at addressing the challenges; while descriptive analysis was applied.

4. Results and Discussions

The study found out that the Nigerian National Assembly is confronted by numerous challenges impinging on its performance. These include: political party's influences, increased burden on government and leadership challenges among others. Heywood (2008) summarised the challenges of the powers of parliament in the form of waning assemblies as follows:

4.1 Influences of political parties:

Heywood (2008) noted that the emergence of mass membership of political parties that began in the nineteenth century has weakened assemblies in various ways. First is that the shift from loose functions performed by party members to disciplined party groups undermine the ability of individual members to represent constituencies as trustee, by conducting their affairs according to their own judgement and conscience. Thus, parties rather than assemblies have assumed the position as a principal agent of representation, compelling assembly members to operate through the doctrine of their respective party mandate. Secondly, party loyalist poses a challenge to assemblies in terms of performing their functions as debating chambers, focusing on party argument instead of how issues can benefit the electorates. In Nigeria, the agenda of the ruling party automatically becomes the agenda of government. Party loyalist explains why Nigerian National Assembly members could fight and break the Assembly chairs in the House trying to defend party interests; chanting at each other: All Progressive Congress (APC)

must go; Peoples' Democratic Party (PDP) must... go to protest conflict of agenda instead of putting heads together to articulate sound socio-economic policies that can improve the quality of life of citizens.

The various cases of assaults and intimidations that took place among Assembly members between 2014 and 2018 are clear evidences that they represent party and personal interest and not those of the electorates. For instance, on Nov. 20 2014, certain extra-ordinary scene took place at the Nigerian National Assembly where the speaker Tambuwal was locked out with other members of the House, and Nigerian law makers – PDP members and APC members calling each other names and throwing tantrums at each other, while others were observed jumping the high assembly gate to attend sitting. (Tukur et al., 2014); in September 2015, Nigerian Senators fought over vote of no confidence passed on Sakari, (Premium Times; Sept 29); then in April, 2018, it was claimed that the Nigerian National Assembly MACE was stolen by unknown persons. (Vanguard News; 18 Apr. 2018)

4.2 Increased burden on government

The increasing role of government especially in the area of social welfare and economic management, has necessitated the re-distribution of legislative powers to the other arms of government. This has left three implications according to Heywood (2008). First, it has increased the size and status of bureaucracies which is traditionally responsible for policy implementation and overseeing the over-widening range of public service; secondly, there is greater emphasis on policy initiation and formulation. Although Assembly members can initiate policy in specific areas, the task of developing broad and coherent government policies and programs are

quite beyond them. This is why in modern democracies most assemblies have adjusted to the loss of positive legislative powers by accepting that their central role is to scrutinise and criticise rather than policy making. Besides that, 'big government' implies an increasing complexity of government policy, requiring more expert knowledge, a quality that is found in professional bureaucrats rather than politicians driven from amateur backgrounds. The above scenario is quite typical of the Nigerian Assembly. Most of them come from diverse background having no experience or knowledge of management, while some stumbled into politics as an easy means of survival, others are godsons representing the interest of their godfathers. The practice of fighting themselves in the national house is a clear indication that most of them have no business with governance; otherwise, there are countless number of burning national issues that should occupy them if they know and understand the implication of their position in the polity.

4.3 Lack of leadership: By their function as representative forum and debating chamber, National Assemblies usually suffer organizational weaknesses. Traditionally, assemblies have large membership most times running into hundreds. The Nigeria National Assembly has 109 senators while the House of Representatives consist of 360 members, making up an assembly of 469 members. All these members enjoy equality of right in the sense that they can all vote and participate in debate. The equality of status of members usually makes it difficult to exert control, provide leadership and take concrete actions because no one would easily allow another to undermine his opinion. This, coupled with the usual squabbles that arise among assembly members, a whole day can be spent debating on an issue without finding

solution to any problem. The abandoned bills: the long-awaited Petroleum Industry Bill was only signed into law by President Buhari on August 16th 2021, Gender and Equality of Opportunity Bill, Protection of Persons with Disability Bill etc, are living examples of lack of leadership in this direction. The increasing need for socio-welfare programs by the citizens has made the case more problematic where Assembly members cannot adopt coherent domestic and foreign policies to tackle the issue of leadership.

4.4 Rise of powerful interest and media groups:

Apart from losing substantial amount of their legislative powers to the executives, they have also lost part of their powers to emerging external interests and groups. The activities of interest groups indicate that the groups have provided the public with an alternative mechanism for representation. Interest groups take deliberate actions to take up popular grievances and express to the public that groups are more concerned in their yearnings and aspirations than assemblies. Groups now engage in and promote the kind of debate that should take place on the floor of the National Assembly. For instance, the regular strikes of university lecturers and the threat of such industrial actions by other arms of the labor union are all pointers to the fact that groups are wielding a lot of influence in promoting the affairs of their members (Heywood, 2008). The time, energy and finance spent on the several debates between government and the Academic Staff Union of Universities (ASUU) representatives would have been channeled to other areas of public interest if government had done the needful. It is rather appalling for government to abandon its role until it becomes an emergency before deliberations resume at inappropriate places. Besides that, having been relieved of their legislative duties by the executive, the National Assembly is

weakened, and the organized groups have assumed a prominent position both as representatives of the affected groups, as well as a source of expert advice and information. On the impact of the mass media especially television and other new forms of electronic communication, These and newspapers have displaced the assembly as major forums for political debate, coupled with the fact that politicians themselves prefer to relate with the public through the media than directly through the assembly. This practice is increasingly making the National Assembly more redundant. (Heywood, 2008)

4.5 Weak institutions:

Every successful administration function under a set of standards established through the existing institutions of the state. Moins (1999) describes a weak institution as an institution in decline. An institution is commonly defined as a stable, durable and valued arrangement that prescribes and prohibits specific behaviors for specific situations...” (SAGE publications) institutions that can propel democracy in Nigeria have come under serious decline. Worst among them is the judicial system and justice administration, the institutions of administrative law which regulates the behaviors of public officers cannot function without interference, making it really difficult to fight corruption, the security agencies saddled with the duty of protecting lives and properties are busy using their positions to harass the helpless citizens and nothing happens, terrorist groups are busy taking away life from helpless citizens and nothing happens, and those at the corridors of power act as if there is no government. Nigeria is a country without ethic, values, standard, no fear for the law. It is only the helpless citizens that bear all the brunt of lawlessness in Nigeria. This is the scenario that makes membership of National House

of Assembly very attractive. Politicians find all means to get there and fit themselves well into the existing statuesque. However, nothing tells that there could not be any one or two that join the assembly with good intentions, but because in Nigeria majority is always right even when there may not be any rationality in their opinion; those who have good intentions cannot make much difference, and there will be an automatic role-over to join the band wagon. Thus, it becomes difficult to deliver the helpless poor when corruption and maladministration have become institutionalized.

5. Conclusion and Recommendations

5.1 Conclusion

Democracy in its modern usage has been seen as the best form of government especially with the increasing rise of welfare states. The attractiveness of democracy as a system of government is not unconnected with the core values that characterise it: the values of freedom, choice, participation, liberty, protection of fundamental human rights of citizens, freedom of press etc. No wonder many modern states have adopted it as a system of government. Citizens in a democracy are excited, expressing high hope and expectation for government to deliver through their various representatives. Although previous regimes have shattered the hopes and expectations and created doubt in the minds of the citizens that any government can deliver the expected goods. However, the onus is on the National Assembly: the highest representative body in the polity to restore the shattered hopes and aspirations of citizens. It is however unfortunate that Nigerian legislators do not understand the importance of democratic governance. For instance, there are some significant bills that could go a long way to improve order, good governance and also cater for the interest of persons who ordinarily may not

be remember by anyone. Examples of such bills are: Gender and Equal Opportunity Bill and the Protection of Persons with Disability Bill, etc. If the assembly members see government as the last hope of the common man, then the handicapped on the street should have some confidence that even if no one cares, government is there to cater for him. Even in non-democratic systems, some forms of representation take place, the difference being that the powers and mandates of the representatives may not be derived from the constitution. The National Assembly is valued as a core mechanism for popular sovereignty that paves the way for representation especially in a multi-cultural society like Nigeria. This paper therefore, concludes that to the extent a system prides itself with adequate representation, to that extent it should parade itself as a democracy.

5.2 Recommendations

To tackle the issue of legislative challenges and incompetence in Nigeria, the following recommendations are provided credible elections:

Credible elections: It is imperative that members of national assembly emerge through due democratic process. Assembly members produced through democratic process would strive to sustain the system that produced them. The reverse is the case when members gain access through fraudulent means.

Professional ethics: National Assembly members should eschew ethnic and primordial loyalties, shun party politics and maintain high ethical standard as it pertains to their duty. Party politics should end at assumption of office. Adequate representation should be their guiding principle. All forms of personal and group interest that may constitute distraction, or go against public interest should not be

part of the agenda of the National House of Assembly. Discussions and involvements should focus on the good of the generality of citizens, and not on prominent party members, groups or communities. All involvements that may cause them to deviate from standard legislative practice should be avoided; coherent policies, healthy argument and cooperation, synergy that will enhance quality legislation, protection of welfare and rights of citizens as well as give citizens opportunity to enjoy a globally accepted standard of living should be the concern of legislators.

Global recognized legislative code: There should be a globally recognized legislative code of conduct for assembly members towards promoting legislative excellence, professionalism and initiative.

Strengthen institutions: The nation's democratic institutions need to be strengthened. This promotes the rule of law and the independent of the judiciary, including the administrative law and tribunal to enable them prosecute any member genuinely found to contravene the standard practice. If this is done, membership of House of Assembly will become less of a hot cake; but rather be attracted to only those who are willing to represent their electorates, and not hoodlums who come to leak juice from a system devoid of law. The principle of checks and balances should be re-enforced to serve as a watchdog on assembly members.

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