LEGISLATURE AND GOOD GOVERNANCE IN NIGERIA’S DEMOCRATIC SYSTEM: IMPLICATIONS ON DELIVERING DIVIDENDS OF DEMOCRACY

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Abstract
One of the challenges that confront the Nigerian state in this contemporary time is its inability to provide good governance to improve the welfare and wellbeing of its citizens. Clearly, the Nigerian state is solely at the service of the ruling class, who have overtime developed the obsession towards aggrandizing the common wealth of the people to service their personal interests, relegating the populace into the clutches of extreme poverty and hardship as it is being currently witnessed in the country. No doubt, what is urgently needed to tackle the current challenge of bad governance in the country is good governance. This study therefore examined Legislature and good governance in Nigeria’s democratic system and its implication on delivering the dividends of democracy. The study observed that governance is at its lowest ebb in Nigeria and the major reason responsible for this is the limited capacities and inadequate conceptualization of the true meaning of governance by the political class, especially with regards to the Legislature, who often perceive governance as an opportunity to misappropriate public funds and entrench poverty in the country. The study therefore recommends that Legislators should employ the instrumentality of their law making, representative and oversight functions to deliver good governance and by extension the dividends of democracy to Nigerians. It was also recommended that Legislators should partner with Executive to deliver the dividends of democracy to Nigerians, among others.
Introduction
Nigeria, currently with a population of about 167 million, is obviously the most populous black nation in the world. The country has been grappling with the challenges of governance since the military made its first incursion into the Nigerian political scene on 15 January, 1966 to date. The subversion of democracy and the perpetual occupation of the political scene of the Nigerian state by the military for the period of about 30 years have largely affected the political, economic and social landscapes of the country. In fact, the military did not only corrupt the political culture of Nigerians, but they also perverted the institutions of governance, which has led to the weakening of public institutions to date. This scenario is well captured by the report of International Republican Institute (2007) on Nigerian National Elections, which noted that “there is no denying that the repeated military interventions in the constitutional history of Nigeria have had a cumulative corrosive effect on both the democratic culture and the overall political economy of the country, often resulting in weak political institutions and rampant public and private sector corruption, resulting in poor economic performance and decreased governance and other social capacity”.

Consequent upon the above, the Nigerian State has been described in so many ways. For example, Karl Maier in his book refers to Nigeria as “The House Has Fallen” (2001) and he opined that “to most outsiders, the name Nigeria conjures up images of chaos and confusion, military coups, repression, drug trafficking and business fraud.” In the same manner, Boer observed that Nigeria “appears to be a nation in chaos, a nation on the brink” (USAID/OTI, 2001). Clearly, the return to democratic governance on May 29, 1999 has not ushered in the bounty of “democratic dividends” in the form of provision of job opportunities to eradicate poverty, improvement in the epileptic supply of electricity, provision of housing for accommodation, free education, infrastructural development, adequate security, and general improvement in the living conditions and welfare of Nigerians.

The current state of governance in the country reveals that there is a clear case of failure of governance at the different levels of government. As a matter of fact, governance in the country is at its lowest ebb and this can be attributed to the limited capacities and inadequate conceptualization of the true meaning of governance by elected and appointed public officials, who often perceive governance as an opportunity to misappropriate public funds and aggrandize
wealth and power. The perversion of the meaning of governance by political office holders is generally responsible for the large scale corruption in public offices and bad governance in Africa and Nigeria in particular. This is the reason why politics in Nigeria and by extension in Africa is largely perceived as the largest industry in the continent. As a result, this has encouraged the thriving of bad governance in Nigeria and in most African countries, and this situation has been responsible for the visible humongous poverty and untold hardship amongst the Nigerian populace. It has also created economic, social and political instability in the country.

Governance is squarely concerned with providing the welfare and wellbeing of the citizenry of a state or country. More clearly, Boeninger (1992) defined governance “as good government of society, with a capacity for efficient problem-solving and conflict resolution.” Dethier (1999) broadly defines governance as the science of government behaviour and performance, including the exercise of economic, political and administrative authority to manage a country’s affairs at all levels. When government is viewed positively in this regard, then it will be practised positively to meet the needs and yearnings of the citizens. In electoral democracies world over, the Executive and the Legislative arms of government are vehicles for engineering good governance for the purpose of delivering the dividends of democracy. No doubt, the Nigerian Legislature by the performance of its constitutional responsibilities can play a vibrant role in this regard. Johnson and Nakamura (1999) have noted that “effective legislatures contribute to effective governance by performing important functions necessary to sustain democracy in complex and diverse societies.”

To this extent therefore, the main focus of this paper is to examine Legislature and good governance in Nigeria’s democratic system and its implications in delivering the dividends of democracy.
Literature Review

Conceptual Issues

Legislature: Democratic systems are characterized by the presence of three distinct arms of government, namely: the Executive, the Legislature and the Judiciary. The top leadership of the Executive and Legislature are composed of elected representatives. The Legislature has been described as the sovereign organ of state power:

*Indeed, Legislative power, not executive power, is the distinctive mark of a country’s sovereignty, the index of its status as a state and the source of much, if not the preponderant portion of the power exercised by the Executive in the administration of government.*

The above quotation affirms the primacy (but not superiority) of the Legislature over and above the Executive and the Judiciary. However, in the representative capacity of the Legislature, whether at the federal, state or local government levels, they have very important roles to play in ensuring that the people they represent enjoy the dividends of democracy. Scholars are unanimous as to the fact that Legislature generally performs three basic functions in democracies. These are: representation, lawmaking, and oversight functions.

Democracy

The term ‘democracy’ originated from the Ancient Greece. The Greek word *Kratos* means ‘power or rule’, while Demos mean ‘the people’. In Greek conception, democracy therefore stands for ‘rule by the demos’.

The concept of democracy has been defined by many scholars in many ways. Evidently, the most quoted definition of democracy is that of the former President of the United States of America, Abraham Lincoln, who defines democracy as the “government of the people, by the people and for the people” (Heywood, 2003:43). In the same vein, Barrack Obama, the current president of the United States of America (USA), on a Cable Network News (CNN), transmitted on 17th January 2009, re-coined Lincoln’s definition of democracy, by defining democracy as the “government of, by and for the people.” Democracy has also been conceived as a system of government under which the people exercise the governing power either directly or through representatives, periodically elected by them.
Dahl (1982:11) conceives democracy as “a system of elected representative government operated under the rule of law, where the most significant parts in the population participate in effective representation in the practice of making government decisions, that is, of allocation of scarce resources.” Similarly, Cohen (1971:7) also defines democracy as a system of community government in which by and large the members of the community participate or may participate directly in the making of decisions which affect them all. From the definitions of above democracy, the following essential elements can be derived from the concept. These are:

- Democracy is an institutional arrangement for administering the affairs of a country, state or local government.
- Democracy is a form of representative government, where elected representatives have the mandate of their people to represent their interests.
- Democracy upholds the basic tenets of rule of law.
- Democracy is about rule or decision making.
- Democracy affords the citizens the opportunity to participate either actively or passively in the process of government.
- Democracy is about allocation of scarce resources for the good of the citizens.
- Democracy is concerned with service delivery capacity of the government in a democratic system.

The above elements of democracy show that democracy is a broad and dynamic concept, which thrives on the synergy between the elected representatives and the electorates who give their mandate to the elected representatives to rule on their behalf. Democracy also thrives on the strict adherence to the rule of law, which dictates the guiding principles upon which democracy can be operated.

Historically, the roots of modern democracy are often closely related to civil society, to social movements and interest organisations. These movements and organisations have been extremely important in bringing the voices of people to the decision-making forums – to serve as the voice of the voiceless. Democracy also requires a spirit of solidarity. Without the expression of the spirit of solidarity and a democratic culture, democracy may lose its meaning. In modern democratic context, democracy is often conceptualised as a representative government, which implies that at regular intervals,
citizens have the right to elect their representatives to manage their common affairs for a fixed period. These elected officials are expected to meet or fulfill the needs and aspirations of the electorates by delivering the public good. Democracy can therefore be defined as a type of government where the electorates express their will and constitutional rights through periodic elections to elect their representatives who are expected to guarantee the security and welfare of the electorates.

**Democratic Dividends**
Democratic dividends refers to the benefits that accrue to the electorates from the government, through the pursuance of efficient policies. It can also be conceived as the fulfilment of the campaign promises made by political parties to the electorates. It can also be conceived as the needs and aspirations of the electorates or citizens, which they expect to derive from the democratic systems. These include: economic, political, social and security benefits. In Nigeria for example, such needs and aspirations, which are to be provided by the government range from provision of free education, potable water, good roads, stable electricity, housing accommodation, employment opportunities, social security, infrastructures to maintenance of law and order etc.

**The Concept of Good Governance**
The use of the term “good governance” was first initially articulated in a 1989 World Bank publication. Therein, the concept of good governance was first identified as a structural necessity for market reform (World Bank, 2000). In 1992, the Bank published a report entitled which explored the concept further and its application to the Bank’s activities (Hayden and Bratton, 1993). Today, the phrase ‘Good Governance’ has become a global norm that is championed by the United Nations as a global standard for democracies around the world. Marc and Byong-Joon (2002) noted that good governance is the term that symbolizes the paradigm shift of the role of governments. This means that good governance stems from the concept of governance. UNDP (1999) defines government as “the exercise of economic, political and administrative authority to manage a country’s affairs at all levels. It comprises mechanisms, processes and institutions, through which citizens and groups articulate their interests, exercise their legal rights,
meet their obligations and mediate their differences.” Governance is therefore a platform for facilitating good governance in a democratic system.

What then is Good governance? Simply put, the phrase “Good governance” refers to the transparent and accountable management of all country's resources for its equitable and sustainable economic and social developments. Good governance is also concerned with the making of policies and implementation of same policies to meet the needs and yearnings of the electorates by the government. In order words, Good governance encompasses all the efforts taken by elected representatives both executive and legislature to equitably provide social, economic and political good to the citizenry in a democratic system.

Good governance aims at efficient management of human and material resources of a state by the elected and appointed public officials for the common good of the masses. It is also about government’s prudent management of public resources for the common good of the society. It is in the light of this, that the World Bank indicated that good governance is epitomized by predictable, open, and enlightened policy-making, a bureaucracy imbued with professional ethos acting in furtherance of the public good, the rule of law, transparent processes, and a strong civil society participating in public affairs.

Principles of Good Governance
Good governance is guided by some fundamental principles. For example, the European Union identifies five principles of Good governance. These are: legitimacy, voice, direction, performance, accountability and fairness. The UNDP expands the principles underpinning good governance as follows: participation, rule of law, transparency, responsiveness, consensus, orientation, equity, effectiveness and efficiency, accountability, and strategic vision.

Beyond these principles that underpin good governance; it can be argued that the basic guiding principles of good governance are: rule of law, accountability, transparency, commitment, vision, equity and fairness in the distribution of public good, public participation, prudent management of public resources, and provision of human security. The guiding principles of good governance provide the template upon which
democracies around the world are expected to operate in order to deliver the dividends of democracy to their citizens.

**Factors Militating against Good Governance in Nigeria**

Many factors can be attributed as factors militating against good governance and delivering the dividends of democracy to Nigerians. These factors are discussed below:

1. **Corruption**
   Corruption is the misuse of public office for personal use. Corruption remains a major challenge to good governance in any democratic system. In this regard, resources that are supposed to be used for the common good of the public are often cornered and used for the private use of those in government. In Nigeria for example, corruption is very pervasive to the extent that the country has been ranked as one of the most corrupt countries in the world. It is so bad that the citizens who ought to benefit from the resources are denied and this denial has created humongous hardship and poverty amongst the Nigerian citizens to such an extent that Nigeria has been rated has one of the poorest countries in the world, regardless of its enormous and valuable crude oil deposits and its agrarian lands. Corruption hinders the prospect for good governance because of its damaging effects on the economy and development endeavours.

2. **Poor Planning Culture**
   It is often said that failure to plan is failure to succeed. This maxim is true concerning Nigeria. Successive administrations in the country lack a clear planning culture. What is usually done is that when a new administration comes on board, it will discontinue and dismantle the programmes met on ground and it will start its own new programmes. This practice has been a problem to ensuring continuity and sustenance of good governance in Nigeria.
3. Poor Management of Public Resources
The greatest challenge facing good governance in Nigeria currently is poor management of public resources by public officers. Akin to this problem is the issue of bad leadership. Clearly, Nigeria as a country has been led in much of its existence by bad managers, who through their actions and inactions have wasted and mismanaged the resources of the country. This unfortunate trend has been a serious challenge to Nigeria’s dream towards achieving good governance for the betterment of Nigerians.

4. Insecurity
Issues of insecurity and violent conflicts constitute potential threats to good governance in any society. The search for good governance in Nigeria continues to be threatened by the incessant terrorist attacks in the north-east and north-west, the rampant cases of commercialised kidnappings in the south-east, the militancy in the south-south, the unending armed robbery siege in the south-west, and the protracted violent ethnic and communal clashes ravaging the north-central zones of Nigeria. Clearly, no government can thrive under an environment that is characterized by insecurity and violent conflicts as we are currently witnessing in Nigeria. Good governance requires a peaceful and stable environment to thrive.

5. Weak institutions
Another factor that militates against good governance in Nigeria is the weakness of government institutions. Public institutions such as the Executive, the Legislature and THE Judiciary and their appendages are very crucial in facilitating good governance in any democratic system. On the contrary, when these institutions are weak, then facilitating good governance becomes a problem. In Nigeria for example, the weakness of the police, Judiciary and in general all the state apparatuses has been the bane of bad governance in the country. As Barack Obama, the President of the United States of America unequivocally opined during his visit to Ghana in 2009 that “Africa does not need strong men but strong institutions to overcome its developmental challenges”. This statement is obviously correct even in the case of Nigeria. But I would rather suggest that Nigeria should need strong men and women to build strong institutions to overcome its numerous developmental challenges in this 21st Century.
6. Poor Political Culture

The intervention of the military into the Nigerian political environment, which saw the military staying in power for almost 30 years, corrupted the political culture of the country. In this sense, the military, to a large extent, introduced the culture of impunity and corruption into the Nigerian body politics. This has largely affected the political culture of Nigerians to such an extent that the politicians now perceive politics as the largest money making industry in the country, and this has encouraged the culture of ‘do or die’ in politics and the seeming violent political culture that is now entrenched in the political culture of the country. This trend has had a cumulative corrosive effect on good governance in Nigeria.

7. High Cost of Governance

One major challenge to good governance in Nigeria is the excessive cost of governance at all levels of government. Today, it is very obvious that the Nigerian democracy is the most expensive in the world. It is proven that the overhead cost of the annual budget of Nigeria stands at 75% of the total budget. Overhead costs are monies appropriated for the payment of salaries, allowances, and general maintenance of public officers. In a situation where overhead costs takes a humongous percentage of the annual budget and a meager 25% is left for capital development, it shows that development and good governance can never be feasible in Nigeria. This is the reason why I had argued earlier on in this paper that government in Nigeria is clearly at the service of the political class. To this extent therefore, the desire for good and accountable governance remains a mirage in Nigeria with the current lopsidedness of the budget in favour of public officers as against poor and helpless Nigerians.

Nexus between Legislature and Good Governance

Legislature and good governance are inextricably linked. The two concepts are complementary and mutually reinforcing. In this sense, the Legislature performs three basic functions. These are: law making, conduct of oversight function on the Executive and representative function by way of fulfilling their campaign promises to the electorates.

Clearly, the efficient performance of these functions can bring about good governance. By the design and structure of modern democracies, the Legislature or Parliament is the closest to the people
and the only platform through which the voice of the people can be heard. It is also presumed to be the largest cluster of representation of the electorates in every democracy. As such, it is supposed to be the best platform to be used to facilitate good governance. Thus, the parliament should naturally serve as an instrument and a vehicle for engineering good governance and a veritable platform for delivering the dividends of democracy to the populace. The reasoning is that the Legislature in its representative capacity wields the mandate of the electorates and as an important arm of the government exercises some constitutional powers (law making, representative and oversight functions), which are necessary for the facilitation of good governance.

**Generic Functions of the Legislature**

The major constitutional responsibilities of the Legislature are to make laws, provide representation for the electorates, and provide oversight functions on the Executive. Legislators also have a constitutional mandate to oversee the planning, enactment, implementation, and monitoring of the national budget. Generally, Legislature performs various functions that emphasize its significance in a democratic dispensation. These functions are broken down as follows:

- Representative functions (exercise the mandate of electorates by fulfilling their campaign promises to the electorates);
- Policy-making and policy formulation (enact bills and draw up course of action for the Executive);
- Oversight functions (carry out supervisory functions on the Executive: MDAs- Ministries, Departments, Agencies and Parastatals);
- Investigative functions (investigate the activities of the Executive that are un-constitutional or questionable);
- Financial functions, (scrutinize and approve the budgets presented by the Executive), and
- Judicial functions (establish judicial enquires into the activities of the executive).

In the same vein, the 1979 Constitution Drafting Committee’s subcommittee on the Legislature vividly captures the role the Legislature as follows:

*We believe that the Legislature under a democratic system of government has an important role to play in sustaining the democratic system. Its primary function is to make laws but in*
exercising these functions, it must keep itself informed of the needs of the society and of the way in which the laws it enacts are executed. The legislative process would be incomplete if all the legislators have to do were to examine bills placed before them without going any further. We think that is too narrow a view of legislative functions. Legislators must inform themselves of how existing laws are administered and what defects show up in the administration of laws. When they make new laws, they are as a rule dealing with political economic or social problems which exist or are likely to arise and they must be fully informed about those problems.

The roles of the Legislature as provided in Section Four of the 1999 Federal Constitution of Nigeria are: appropriation; drafting of important bills; monitoring the implementation of programmes; scrutiny of Presidential appointments of operators of economic institutions; ensuring accountability and transparency. The strict execution of these roles by the Legislature could assist in facilitating good governance in Nigeria. Johnson (2005) broadly identifies examples of formal parliamentary powers as follows:

- Power of members and/or committees to introduce legislation;
- Power of members to introduce legislation with fiscal costs;
- Power to override executive vetoes;
- Power to approve cabinet officials;
- Power to approve treaties;
- Power to approve Government borrowing money, or granting loans;
- Power to approve or disapprove overseas travel of the Chief Executive;
- Power to compel the Executive and others to provide information;
- Power to censure government ministers and other officials;
- Power to approve/disapprove the budget;
- Power to reduce, increase, shift spending in the budget;
- Power to remove the Chief Executive.
- Parliamentary authority to set the parliament’s budget, and over staff.

The points above show that the Parliament/Legislature has enormous powers to make things happen in any democratic system. In fact, the
Legislature has the power to give a sense of direction and focus to the government through its various legislative functions as stated above. Consequently, the Legislature has a constitutional responsibility to facilitate good, accountable and responsible government and the delivery of democratic dividends to the electorates in a democratic system.

Delivering Democratic Dividends: Implications for Legislators in Nigeria

The formulation and implementation of public policy is primarily the prime responsibility of government. This helps government to gain popular support and legitimize its mandate. However, the extent to which this satisfies the popular needs and aspirations of the citizenry or the electorates determines the popularity of an elected representative government and its chances of continuing to enjoy the legitimacy and electoral support. Therefore, it is expected that Legislature in Nigeria, which is the foundation on which any Nigerian-bred democracy derives its popular support, buckles-up with regards to discharging its mandate and constitutional responsibility to deliver the dividends of democracy to the electorates and the generality of the citizenry. In order to facilitate good governance and the delivery of democratic dividends at every stratum of the Nigerian society, Legislators at the federal, state and local government levels need to do the following:

- Make policies that will assist in fighting poverty and empowering Nigerians;
- Attract projects that will meet the social, economic and political needs of their constituencies;
- Closely monitor the policies of the Executive and ensure that such policies are capable of assuaging the demands, needs and aspirations of the people of the electorates;
- Transparent and accountable to the electorates;
- In their representative capacities, they must ensure that they justify the mandate they have been given, by way of making efficient laws and policies which will make life better for the electorates;
- Must do work towards gaining the confidence of the electorates;
• Must efficiently carry out their oversight functions on the Executive so that they can put the Executive on the part of good governance and responsible leadership;
• Legislators must also uphold the tenets of good governance and responsible leadership in the execution of their constitutional duties;
• Legislators must design laws that are potent enough to fight corruption especially in the government circles. Corruption remains a bane to good governance in Nigeria;
• Regular capacity building programmes should be conducted for legislators at all levels, which will focus on expanding their capacities with regards to the strategies and methods that they can apply to make laws that can enhance the welfare and living conditions of Nigerians; and
• The Legislative arm of government at the federal, state and local government levels must partner with the Executive arms so as to ensure that the laws made by them as well as the policies enunciated by the Executive are adequately implemented by the Executive for the purpose of good governance.
LAW MAKING: Legislators should make efficient laws to address poverty, joblessness, provision of basic

OVERSIGHT FUNCTION: Must thoroughly screen the budgets and activities of government’s MDAs to ensure good and accountable governance by the executive

REPRESENTATIVE FUNCTION: Legislators must ensure the fulfilling of their campaign promises to electorates

LEGISTURE AND GOOD GOVERNANCE MODEL

GOOD GOVERNANCE AND DELIVERY OF DEMOCRATIC DIVIDENDS

Fig:1
The above model pictures the Legislature and Good governance model, which shows how the Legislature can use the instrumentality of its traditional functions (law making, oversight and representative functions) to facilitate good governance and the delivery of the dividends of democracy in a democratic system like Nigeria. On the issue of budget for example, legislators have a constitutional mandate to supervise the planning, enactment, implementation, and monitoring of the national budget. When this is thoroughly done, it will enhance good and accountable governance at all the facets of government.

In every democratic system, the Legislative and the Executive arms of government play distinct roles. The former makes laws, while the latter executes policies. Clearly, the capacity of the Legislature to deliver the dividends of democracy will be limited without it working out a strategic partnership with the Executive, who really is constitutionally empowered to manage public resources for the common good of the citizens. Thomas (2004) has opined in this regard that “there needs to be a certain degree of cooperation between the branches in policy making (each side must be willing to bargain and compromise in order to get some policy benefits), the legislature must have some capacity to monitor the executive, and the executive needs to be willing to comply with legislative enactments.” To this extent therefore, an enhanced partnership and shared responsibility between the two arms of government is germane in facilitating good and accountable government in Nigeria.

It is also incumbent on the Legislature to use its instrumentality of oversight functions to impress upon the Executive to deliver the dividends of democracy to the electorates in Nigeria. Beyond this, good and accountable governance requires a vibrant and efficient networking between the different levels of government and the people and other stakeholders such as the private sector and the international partners.

**Conclusion**

There are challenges as well as opportunities for good and accountable governance in Nigeria. The response of the Nigerian government to the challenges of good and accountable governance is not encouraging, and it needs to reinvigorate its efforts in transforming the country. To say that the Legislature has a major responsibility in delivering democratic dividends to the electorates is not an understatement. The Legislature
as one of the key players in any democratic system is composed of elected representatives that have the instrumentality of law making and discharge of oversight functions on the Executive to deliver the dividends of democracy to the electorates so as to meet the demands, needs and aspirations of the electorates and the citizens in general. This study has argued for an urgent and compelling need for the Legislators to understand the true meaning of governance in the light of delivering good governance as well as the need to expand their capacities to deliver the dividends of democracy to Nigerians. This paper has therefore brought to the fore the veritable role of legislators in delivering democratic dividends to Nigerians.

References


