

Democracy, Governance, Legislative Challenges and Impediments in Nigeria, 1999 - 2011

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Abstract

The concepts of democracy and governance have come to occupy a more “prominent position in the discourse of national and international development”. They have become key notions in which “citizens can have a more active role” which should enhance their positive view of the “increase legitimacy of the state”. As a matter of fact, both concepts are inseparable from the existential characteristics of all political animals all over the world. They continue to determine the “democratic political arrangement” and, dictate the landscapes and operational nerves of all civilized democratic polities in today’s ICT-driven world particularly in terms of the functional performance of the horizontal organs of government which have increasingly gained prominence vis-à-vis public policy and responsive service delivery.

One of the critical components/units of these horizontal organs is the Legislature. The Legislature constitutes a cardinal part of the major pillars of the governance process in the democratic political systems of today’s world, Nigeria inclusive. Thus, this paper generally examines the challenges and impediments faced in Nigeria by the legislature over the years and concludes with the prescriptions for better legislative political terrains and the steps to be taken to make the Legislature in Nigeria more relevant to the sustenance of the ingredients and values of democracy and good governance.

Keywords: democracy, governance, accountability, collaboration, leadership, power, state, legislature, executive, judiciary, change leader, national assembly, good governance, horizontal organs

1. Introduction

The existential needs of all political animals in terms of self-fulfillment, aspiration, goals, realization of dreams, vision, mission, citizenship, accountability of the system; political participation, good governance, effective legislation, proper law enforcement, unfettered democratic process and, other wherewithal of humanity form the core of the relational threads of the people with the state. The state as a political entity continues to function as the macro governance ecology within which people strive for self fulfillment through its institutional mechanisms or arrangements.

These institutional arrangements and apparatuses of democratic governance include the horizontal organs of government – [Executive, Legislature and Judiciary]. Without these organs, the *raison d’être* of democracy and governance would be a mirage thus, this paper focuses on the place of the legislature as one of the institutional mechanisms in Nigeria since the commencement of the fourth Republic in 1999.

1.1 Conceptual Analysis (Note 1)

Democracy, governance and, the horizontal organs of government - [Executive, Legislature and, Judiciary] – are the core concepts in this paper. Thus, this section deals with the discourses of the concepts as the foundation of its analysis. This analytical orientation is compelled by the fact that the existential wherewithal of the legislature and its functionaries – the legislators which forms the focus of our thinking vis-à-vis the democratic governance process can only be meaningfully analyzed within the parameters of these conceptual pillars all of which have deep-seated historical roots.

1.2 Democracy

The concept of democracy on its own has generated a lot of controversies, analytical disputations, ideological and philosophical camps. These have largely been engendered by the various scholastic and research attentions that have been focused on it in the course of pedagogical processes; concerns and determination to identify with clear precision the place of all political animals within the state and its various political terrains that have over the years concerned themselves with the determinism involved the dispensation and allocations of the scarce critical societal resources to the people. The various views though, not definitions on the concept clearly drive home the complexities which have attended the efforts to find a mutually or universally acceptable conceptual unanimity on its subject matter over the years.

Democracy as a form of political organization, like other concepts of its calibre, has not been easy to define without ideological equivocation (Akindele and Obiyan; 1996:84, Akindele and Olaopa; 1997:5, Akindele, 1995b; Akindele and Ajila, 1992:85-86; Akindele, 1992 and Akindele, 1993).

This notwithstanding however, from a concrete perusal of the tomes that have been written on it by scholars of repute, it is clear without equivocation that democracy had its first appearance in the fifth century B.C. This followed its coinage by the great historian-Herodotus. This historical initial effort catalyzed the genesis of democratic ideas in antiquity (Akindele, 1987). Democratic ideas in antiquity combined two Greek words, "demo", meaning people and "Kratein" meaning the rule. Thus, the original meaning of democracy was the "rule of (by) the people". At this time, Herodotus included among its specific features, "equality before the law and popular deliberations" (Akindele, 1987:41). Greek discussion of democracy was followed by Rome's contribution to democratic ideas and government in antiquity. The hallmark of this contribution was Rome's development of the "idea of constitutionalism" and her emphasis on laws as the system of norms binding on both the "rulers" and "ruled" (Ibid.).

However, the civilization of antiquity collapsed after a while. This collapse, and the then increasing predominance of religion over all aspects of life led to the evolution of medieval democratic ideas. The medieval period was followed by the Renaissance which furthered optimism with regards to the future of man through its emphasis on the emancipation of man from medieval ties (Rejai, op.cit. 10-12). The core of the renaissance was the discovery of man and the emphasis on individual self-expression, self-realization, glory and fame (Ibid; 11).

After the renaissance era came the 17th and 18th centuries when John Locke and Jean Jacques Rousseau in addition to Thomas Hobbes popularized the concept of the "Social Contract (Ibid; 11), which may be said to be the most rational of all the theories about the democratic origin of states and civil government (Khan et al 1972; 27, Baker, 1969 Akindele, Obiyan, and Owoeye, 1998, Akindele, Obiyan, Owoeye, 2000; Akindele 2002).

In addition to Hobbes and Rousseau, John Locke also theorized about the concept of social contract. However, unlike Rousseau's views of the individual's incapability, John Locke believed that life in the state of nature was pleasant, but men were hampered by the absence of any socially recognised authority to adjudicate and settle disputes and conflicts between them hence the need for democratic government (Ibid. p. 20). As for John Stuart Mills, he believed in the welfare of the individual, as well as individual liberties. Writing on Democracy and liberty, he maintained that the only way power can be, or, should be exercised over any member in the society against his will, is when it can be established that, such individual intends to injure, or, do harm to other (Rejai op.cit 77). He further emphasized the notion of liberty within the framework of representative government.

Representative democracy has been variously defined. In his book, *Democracy*, Burns (1935, 29-46) defined representative democracy as a system whereby "all (i.e. people) elected a few to do for them what they could not do together". On the same token, John Stuart Mill concentrated a significant portion of his writing on representative democracy. While accepting the desirability of equal participation by everybody in the affairs of the government, he nevertheless claims that, it cannot be realized. Instead, he argued that representative government is the perfect form of government (Mill, 1962: 73-74). But, he further argued that, for representative government to be democratic, it must be accompanied by universal adult suffrage, free elections, short terms of office and individual liberty. Without these things, any government will, in Mill's view, cease to be democratic.

Contemporarily, and, in line with the "fight against system of economic exploitation, political repression, cultural oppression" and, their accompanying "moral, political, economic and social decay" (Nzongola-Ntalaja, 2001), other scholars have increasingly paid attention to the issue of democracy and its propensity for good governance (Ade-Ajayi, 1982; Nzongola-Ntalaja and Lee, 1977; Omoruyi, 1993; Held, 1987; Olowu, Soremekun and Williams, 1995; Olowu, Williams and Soremekun, 1999; Wunsch and Olowu, 1990; Sartori, 1987; Olowu, 1995; Joseph, 1987, Chabal, 1992; Hyden, 1980, 1999; Hyden and Brattox, 1992; Olowu and Erero, 1997; Akindele and Ajila 1992, 1995, Akindele and Obiyan, 1996, Akindele and Olaopa, 1997, Enyinla,

1998; Bello-Imam, 1997; Obadan, 1998, Akindede, 1998, Peter Anyang Nyong, 1987). In fact, this explains why Olowu et al (1995: IX) once opined that “democracy constitutes both the main buzz-word and activity of these times” in most polities of the world.

According to Nzongola-Ntalaja (2001) “democracy is a universal form of rule” which, even though, “may have variable manifestations in different historical and social settings”, have such manifestations tied together by a common thread”. Democracy in this sense according to him refers to “three basic ideas” which include “democracy as a moral imperative; democracy as a social process and; democracy as a political practice or mode of governance”. This explains why Obadan (1998:24) opined that “democracy and good governance (government) have, in recent years become increasingly important for efficient economic management and development”. It equally explains Omoruyi’s (1993) position that “both democracy and good governance are necessary preconditions for development and, should therefore, be incorporated into the political systems” particularly in the continent of Africa.

1.3 Governance

The concept, of governance “even though, not new, means different things to different people” (<http://www.gdre.org/u-gov/governance-understand.htm>) thus, its definition has attracted a lot of attentions and, in the process generated various analyses from different perspectives thereby creating a plethora of analytical discourses and notions.

These notions, have given additional impetus to the scholastic and, analytical efforts that have been made to widen its scope. Such efforts include the attempts to redefine it in order to allow the consideration of “all interactions among everyone involved in decision making” (Johnson, 1997). This thinking has been predicated on what appears to be the restrictive nature of its traditional or orthodox conceptions within the various terrains and landscapes of most polities across the globe. The Canadian International Development Agency (CIDA) has been quite prominent in this area of thinking. This Agency believes that the orthodox or traditional perspective and, conception of governance has been rather restrictive as “it reduces the concept to activities and power relationships that involve government alone” to the neglect of the “influence, needs, contributions and responsibility of civil society or the private sector” (Ibid.) These various perspectives of what constitutes governance notwithstanding, the concept continue to evoke more disputations and definitions in the research and scholastic quest for a global unanimity on its subject-matter. According to the Canadian International Development Agency (CIDA):

Governance is a concept that has developed considerably since it emerged in discussions of development issues around the late 1980s. The first classic political science essays on the subject talked about the concept of “governability”, which made the rule of law the core of development. With the of the Cold War, “governability” gave way to the concept of governance, defined as redesigning or re-inventing public administration, in the broad sense of the term, to meet the new challenges of development in the era of globalization. Governance now deals with the issues relating to the mechanisms needed to negotiate various interests in society. It is increasingly seen as a concept that that encompasses a series of mechanisms and processes designed to maintain the system, to empower the population and to ensure that society owns the process.

This explains Esman’s (1997:1) claim that “no two political scientists would agree on what the concept of governance is or what it means”. In fact, as Hyden (1999) once noted, “only few authors (have) define(d) it (the concept of governance) with a view to serving analytical purpose” hence, “governance as a concept has not been extensively used (or defined) in the political literature until very recently when it gained currency” (Nkom and Sorkaa, 1996).

World Bank (1989) defines governance as “the manner in which power is exercised in the management of a country’s economic and social resources for development”. According to the World Bank (1993), governance has three dimensions. These dimensions which, Eyinla (1998) equally noted are: “the nature of political regimes; the exercise of authority in the management of social and economic resources and, the capacity of government to design and implement policy and to discharge its functions”.

Within the same context, Boeninger (1992), defines governance as the ‘good government of society’. According to this scholar, governance has three dimensions: political, technical and institutional. Nkom and Sorkaa (1996) synopsisized the interrelatedness of these dimensions thus:

The political revolves around the commitment to exercise authority or public control in a just, legitimate and rule oriented fashion. The technical concerns issues of efficiency, competence or

the capacity to manage public affairs effectively to solve problems, and to produce good results in resource mobilization and public management. The institutional involves options, choices and growth – enhancing activities by the public while ensuring honest or good conduct on the part of the public officials.

In the same vein, Landell-Mills and Serageldin (1992) argued that governance encompasses two interrelated dimensions: political and technical both of which consist of the government's "will to govern well and the capacity to efficiently and competently handle public management". Governance, according to Gould (1972) refers to the act of exercising control over others, inducing others to behave in specified ways as required by law. It is "policy making and policy execution regulated by systems of law and guidelines which are segregated into specific operations to achieve specific national objectives (Shehu, 1999:1).

For governance as the "duty of government to see to the orderly and stable management of the economy" (Ukpong, 1999), to have the foregoing attributes and, be effective, efficient and beneficial for democratic political arrangement, it has to be good.

1.5 Good Governance

The concept of good governance has been variously defined. It "has come into regular use in political science, public administration and, more particularly, development management. It appears alongside such terms as democracy, civil society, participation, human rights and sustainable development. In the last decade, it has been closely associated with the public sector reform" (UNESCO-CI, 2005, http://unesco.org/ci/ev.php-URL_ID=5205&URL_DO=D...). The concept has no single and exhaustive definition, nor is there a delimitation of its scope, that commands acceptance (HR/PUB/07/4, cited in <http://www2.ohchr.org/english/issues/development/governance/>). As a matter of fact, "apart from the universal acceptance of its importance, differences prevail in respect of theoretical formulations, policy prescriptions and conceptualisation of the subject itself (Abdellatiff, 2003).

The multidimensionality of its definition and, the "flexibility of its usage" even though, advantageous have created some difficulties at the operational level (Ibid.) thus, attempts have been made to redefine what it actually means (See Johnson, 1997 and CIDA). In fact, many of the definitions of the concept, according to Corbridge (2008) and, SDC (2007 cited in Geiser and Rist, 2009) "include the demand for decentralisation linking (it) with other demands for state reform such as democratisation, participatory development, accountability of public servants, professionalism as well as transparency, non-discrimination and efficiency". This, according to SDC (2007) explains why "good governance continues to be based on the broad consensus among development circles that the state plays a key role in determining the rules of the game, enforcing those rules, and in making its resources available to the entire population". It equally explains why Gaventa (2002) and SDC (2008) according to Geiser and Rist (2009), noted that "good governance" has become "a key notion in which citizens can have a more active role" which should "increase legitimacy (of the state) in their views.

Commenting on good governance, Esman (1997:1) argued that "before governance can be considered good, government has got to be effective. It must first command the respect and allegiance of the people over whom it exercises governance and, must satisfy certain basic collective needs". He went further to identify some minimal elements and/or essentials of effective (good) governance as inclusive of: "provision of security for the people", "defence of the territorial borders of the state", "protection of lives and property", "enforcement of laws to enhance predictability" and, "economic development". According to this scholar, "governance requires the ability to ensure the wherewithal of sustained government". He equally asserted that "effective (good) governance requires that public authority be able to raise the revenues necessary to pay for services that must be provided". The essence of this argument is that, "effective governance must be able to make possible the performance by the state of certain basic services" – transportation, communication, education and health services – "relatively cheaply and reliably" (Erero, 1996, Esman Ibid). This is more so, since effective governance means the capacity of the state, through its power of determinism or, authoritative allocation of scarce critical societal resources – to deliver the basic necessities of life to the governed and, equally "facilitate the process of economic development".

The foregoing put together, undeniably points to the fact that, there is a relational umbilical cord between governance and democracy vis-a-vis the governance process and the involvement of all relevant units in it most especially the horizontal organs of government particularly the Legislature and its functionaries.

2. Applicative Discourse: The Nigerian Legislative Experience since 1999.

This section of the paper deals with the practical aspect of legislative behaviours and compartments in Nigeria since the commencement of the fourth Democratic Republic in 1999. It choreographs the notable events that took place in the land since then vis-à-vis the nation's legislature and its functionaries at all levels of the nation's political landscapes. The discussion in this sections focuses on the legislature and the legislators; the problems (both systemic and self inflicted) they have faced over the years even up to the commencement of the fourth phase of the fourth Republic and, the inauguration of the 7th National Assembly in 2011.

2.1 The Nigeria's Legislatures and the Legislators: The Problems, Challenges and Impediments

The predicaments of the Legislative arm of government in Nigeria are clearly locked in the engines of various avoidable but self-inflicted controversies and their attendant crises and scandals. These in themselves have deep-seated historical pedigrees as can be deciphered from the following statements:

The history of the National Assembly is replete with diverse forms of corruption. It is obvious to Nigerians that the level of budgetary indiscipline exhibited by the National Assembly in the past years is alarming. Constituencies have become instruments of official corruption, fraud and lubricant of primitive accumulation for lawmakers, as constituencies across the country have never had the impact of constituency projects fund that had been given to lawmakers yearly. The two chambers are fast transforming into discredited institutions of the Nigerian state where lawmakers desecrate every known elements of civilized democratic principles. The responsibility of lawmaking is no longer the remit of prudent, intelligent and honourable men, but of those who engage in profligacy and depravity. Members of the National Assembly have created the impression that the country does not have people who have credibility in public offices. They have become negative influence on State legislatures, infecting them with the inspiration to loot funds with impunity.... The lawmakers have refused to comply with the remuneration package stipulated for them...members of the National Assembly have taken delight in violating the laws that set out remuneration, because of their selfish interests. Such violations include arbitrary appointment of high number of personal assistants, which is adding more cost to the running of government. It is difficult to determine what value they add to service delivery or to governance. (Ezea, 2011).

Since 1999, both chambers of the National Assembly have never hide [sic] their urge to see that their selfish interest is funded through various budgetary allocations. Taking the advantage of their statutory responsibility as the approving authority for the annual Appropriation Act, the lawmakers have over the years become experts in increasing the various subheads in the national budget, especially as it relates to allocations to them and ministries ready to do deals with them. The lawmakers, on a few occasions, threatened the President with impeachment over his refusal to implement budget as passed by them....Since 1999, one consistent stigma that has continued to dog the National Assembly is scandal of different proportions. And the more the leadership of the two chambers tried to cover up, the more the crisis degenerated. (Ezea, 2011, Op.cit).

These statements amongst other reservations on the Nigeria's legislatures and legislators clearly bring into fore some of the impediments (both systemic and self-inflicted) which have in concert, submerged effective legislations and lawmaking in the country since 1999. These, have consequently call to question the real contributions of the nation's lawmakers to democracy and governance over these years.

From the chronology of the analysis in this section of the paper so far, there is no gainsaying the fact that Nigeria's and Nigerians' experience in the context of the legislatures and legislators since 1999 vis-à-vis lawmaking and governance has been more of a gloom than hope, particularly at the National level. Since the inception of the fourth Republic in 1999, the legislative organ of the nation's governance process has been enmeshed in one crisis/scandal or the other. Many of these crises and scandals have been self-inflicted in most cases due to the porousness of the nation's systemic existence and other primordial variables or considerations which have been unpatriotically exploited to the detriment of a preponderant majority of the citizens by the nation's gluttonous and rapaciously greedy political gladiators.

The decadence of the nation's Lawmakers at the national level formed the subject matter of an erudite analysis done by the **Guardian, Saturday, May 21, 2011**, precisely eight (8) days before the swearing in of President Goodluck Jonathan on 29 May, 2011 as a full fledged President with his own national mandate and, sixteen (16) days before the inauguration of the 7th National Assembly on 6 June, 2011. In the first part of the analysis entitled "**National Assembly and History of Scandals**", the dirty linens of the National Assembly - which are not totally unknown to Nigerians and watchers of the activities of the lawmakers - were clearly exposed to the world. In the second part of the analysis of the shady dealings in the National Assembly entitled "**How the**

National Assembly Members Squander Nigerian Resources", Ezea (2011), has the following amongst others to say about the putridity and proclivities for shabby political goings on at the National Assembly, particularly at the House of Representative:

...there is no laid down procedure on how funds are managed and disbursed (at the House of Representatives). A member of the House of Representatives..... (said) that the Speaker and the Clerk of the House who is also the chief accounting officer of the House determine how the funds are to be disbursed to members.....the Speaker and the Clerk are sole signatories to the House account and normally allocate the lion share to the Speaker and other principal officers...What each of us get in a year depends on what we were able to insert in the Appropriation bill, after negotiation with the executive arm. The higher the budgetary allocation to House, the higher the money to disburse to the members. The funds are normally lodged into what is called "Pool Account" of which the Speaker and Clerk are signatories. Decision on how to disburse the fund is usually taken in the executive session...In most cases, most members are kept in darkness except few principal officers and those closer to the Speaker...rather than spending the budgetary allocations on the specific areas indicated for them in the budget, the funds are usually set aside as idle cash ready to be dispensed by the lawmakers and their principal officers on whatever interests them without minding whose ox is gored....Some of the lawmakers engage in forging of some receipts of foreign airlines and hotels to claim fund from the House pool account, even when they did not travel anywhere (Ezea, 2011, Op.cit).

These disturbing revelations on the corruption and various apolitical behaviours and inclinations of the members of the National Assembly, which in part, led to the arrest of the Speaker of the 6th House of Representatives, Dimeji Bankole on 5 May, 2011, the eve of the inauguration of the 7th National Assembly and, his subsequent arraignment before an Abuja High Court on sixteen count charge of corruption - (See the Guardian, The Nation of June 6, 7 & 8, 2011 and, AIT Programme-Focus Nigeria, June 7, 2011 amongst other Media sources) and; his subsequent re-arrest on Friday, 10th of June, 2011 for a fresh seventeen count charge for corruption alongside his Deputy, Nafada (National Mirror, June 14, 2011) immediately after he was released on Bail remind this author of his characterization of the National Assembly of the first phase - (1999 to 2003) - of the fourth Nigeria's democratic Republic as one infested with AIDS (Akindele, 2010). The continuation of these trends by Nigeria's legislatures and legislators without any sense of guilt or remorsefulness clearly show that the nation's democracy and is yet to graduate from that of amusement park which it was once called (Akindele, 1996; 2010).

The fact that these negative legislative traits continue in the National Assembly up to the end of the third phase of the fourth Republic and, commencement of the fourth phase of the same Republic in 2011 is quite worrisome. It is worrisome in the sense that there have been recirculation of members of the National Assembly over the years and, one expects membership attrition to have reduced or completely remove the values of corruption from the legislative arm of the nation's democratic governance process given the fact that Legislators with such shabby political inclination must have left the Assembly through electoral defeats.

The continuation of the scandals, crises and corruption in the National Assembly over these periods paints a terrible picture of the nation's political culture and, its political animals. It clearly shows the level of the nation's political decadence and retrogressive political development in terms of the poverty of acceptable ethical standards, democratic values and ethos all of which have contributed to the rapidity of leadership turnover at the National Assembly over the years.

2.2 Leadership Turnover at the National Assembly

The rate of leadership turnover at the National Assembly particularly at in the Senate during the first and second phases of the fourth Republic - (1999-2003 and 2003-2007) - was clearly disturbing. The rapidity of the turnover was clearly noticeable in the Senate where Evans Enwerem; Chuba Okadigb and, Anyim Pius Anyim in quick successions in that order emerged as the Senate President between 1999 and 2003. The same thing happened during the second phase of the fourth Republic, 2003 to 2007 when Adolphus Wabara was replaced as the Senate President by Ken Nnamani.

This rapidity of leadership change was occasioned by poverty of political leadership and other apolitical inclinations most of which were completely dirty and morally injurious to the human ears. This notwithstanding, the third phase of the fourth Republic 2007 to 2011 however, witnessed stability of leadership under Senate Presidency of David Mark to the extent that people started to clamour for his continuation in office prior to the inauguration of the 7th Senate on 6th June, 2011. He and his Deputy Ekweremadu were subsequently elected unopposed as the President and Deputy President of the 7th Senate on 6th June, 2011 unlike what obtained at the

House of Representative where the Zoning formula of the ruling Peoples Democratic Party (PDP) was fatally challenged through the election of Aminu Waziri Tambuwal and Emeka defeated Mulikat Adeola- Akande the candidate of PDP from the South-West. In fact, the re-election of David Mark and his Deputy, Ekweremadu as the President and Deputy President of the Senate constitutes a superlative reward for showing good and purposeful leadership during the 6th Senate (2007 to 2011).

The House of Representatives has not been without its own leadership crises. It was equally a victim of leadership turnover when in the first phase of the fourth Republic (1999 – 2003) its speaker, Alhaji Ibrahim Salisu Buhari, was forced out of office due to certificate forgery and was replaced by Umar Ghali Na'aba.

The House of Representatives during the second phase of the fourth Republic (2003-2007) had a stable leadership under the speakership of Masari. However, the political affliction of the first phase (1999-2003) returned to the House in the third phase (2007-2011) of the same Republic when the first female Speaker of the House of Representative, Patricia Olubunmi Etteh was forced to resign and replaced by Dimeji Bankole because of the accusation of “inflating the contract for the renovation of her official residence to the tune of N628 million” (Guardian, 2011, May 21). However, Mrs. Patricia Olubunmi Etteh was cleared of the allegation during the Valedictory session of the House of Representatives during which the House Unanimously adopted the motion that she was never at any time during her Speakership of the House of Representative or at any other time indicted for any scandal or corruption.

2.3 The Positive Attributes/Contributions of the Nigerian Legislature and Legislators

The disturbing picture and, proclivities of the National Assembly for corruption since the commencement of Nigeria's fourth Democratic Republic in 1999 notwithstanding, there have been some positive sides to legislative functions and outputs of the nation's legislatures over these periods as well. Even though, these are very minute, they are worthy of mention and due reference.

Such legislative outputs include the evocation of the doctrine of necessity during the health problems of the nation's late President, Umar Musa Yar'Adua which clearly and patriotically solved the problem of succession which could have dismembered the unity of the Nigerian nation at that time. Such legislative outputs equally include the passage of the Freedom of Information Bill (FOI Bill); Constitutional Amendment; Anti terrorism and Money laundering Prohibition Bill; Sovereign Wealth Bill and; the Electoral Act amongst others. It is significant to note that the Electoral Act brought into existence by the National Assembly contributed to the absolute success of 2011 general election which was accepted as credible world wide.

3. Panaceas to the Poverty of Legislative Inclinations and Its Accompanying Impediments to Effective Governance

There is without any doubt the need for the legislatures and legislators in Nigeria to get out of their systemic and self-inflicted impediments and patriotically confront the challenges they face with a view to rationally performing the functions for which they are elected. This is particularly so in that, the benefits, democratic self-fulfilment and governance of the Nigerian masses are clearly locked in the existence of an effective, non-corrupt legislature and legislative process which are devoid of the present myriad of problems and political decadence.

One of the possible ways out of the legislative quagmire, impediments occasioned by the poverty of political behaviours and corruption of the legislative process is to ensure a healthy collaboration among the three horizontal organs of government.

3.1 Collaboration among the Three Organs - (Legislature, Executive and Judiciary) - of Government in Nigeria as Antidote to Legislative Impediments.

In order for Nigeria and Nigerians to attain and benefit from “**politics of hope**” and its usually accompanying provision of “**effective public service delivery**” and, creation of workable road map to economic development there must be unity of purpose among the nation's horizontal organs of government particularly in the context of lawmaking. This unity calls for collaboration among them.

The first thing to be done in this regard is to truly understand and embrace the need for collaboration and, where relevant actors both at the governmental/political and citizenry levels stand in the scheme of things within the landscape of the political system. This collaboration among various administrative and governmental units is in line with the imperatives of today's **existential globalism** which clearly constrains unproductive and arrogant independence, individualism or isolationism in preference for collaborative efforts. Succinctly put, a positive collaboration among these organs of government is what is expected and needed in Nigeria in order to foster the attainment and sustenance of effective public service delivery and economic development and, legislative

improvement and efficacy. Such collaboration must encompass friction-free existence among the three organs of government and, particularly between the Executive and the Legislative organs as it affects the fiscal policy and politics of the State without any unconstitutional interference with the expected roles of each organ. As a matter of fact, the legislative roles expected to be performed by the legislature – [if performed without improper conduct like tinkering with the Appropriation Bill alluded to in the immediate paragraph above] - call for Executive tolerance particularly on the required publicity of the drafting process which has traditionally elicited hostilities of the executive organ towards the legislative organ. These roles equally call for legislative organ's provision of suitable "*platform for establishing broad based consensus*" on views and inputs into budget decisions "*with regard to difficult budgetary trade offs*".

Generally, in the performance of their roles, the executive and the legislative organs must ensure that they strive for the balancing of their struggles and/or, "impulses for independence with the need to be fiscally responsible". The extent and nature of the executive-legislative relations is largely dependent on the nature of this balancing act and its maintenance. As for the Judicial organ, both the Executive and Legislative organs should allow it to perform its constitutional role without political arrogance or, stifling the organ with their constitutional leverage over it in terms of appointments of the Judges, their remunerations, enactment of laws and, enforcement of judicial decisions/judgments, most of which have happened and continued to happen and/or, take place on a daily basis within the Nation's political landscape. This is the only way through which accountability can be enforced.

3.2 *Inculcation and Enforcement of the Values of Accountability*

Accountability is "the obligation of public office holders to account for or take responsibility for their actions. Accountability exists when power holders must explain and justify their actions or, face sanctions" (Malena and McNeil, 2010, Op. cit). As a matter of fact, "accountability is the cornerstone of good governance. Unless public officials can be held to account, critical benefits associated with good governance-such as social justice, poverty reduction, and development-remain elusive"(Ibid.).

The nation's lawmakers must be forced to be accountable to the electorate and the nation. In other words, accountability must be enforced and promoted through internal mechanisms. Such mechanisms as Goetz and Gaventa, 2001) noted include:

- Political mechanisms, such as constitutional constraints, separation of powers, the legislature, and the legislative investigative commissions
- Fiscal mechanisms, such as auditing, financial management, and procurement regulations
- Administrative mechanisms, such as reporting systems, norms of public sector probity, public service codes of conduct, rules and procedures regarding transparency, and public oversight
- Legal mechanisms, such as corruption control agencies, ombudsmen, and independent judiciary.

It is worthy of mention here that these mechanisms or their variations – (e.g., the Economic and Financial Crimes Commission - [EFCC] and, The Independent Corrupt Practices and other Related Offences Commission - [ICPC]) exist in Nigeria to some degree. However, these agencies have not really worked or been put into effective utilization or enforcement because of the nations geo-political, ethnic and primordial sentiments and considerations coupled with judicial bottlenecks, governance decadence, apolitical considerations, retrogressive thinking and, above all, poverty of decisive and determined leadership.

3.3 *There is a Need for Good Leadership*

Leadership is "*the ability to get men do what they don't want to do and like it*" (Cohen et al, 1984). It is "*the process of social influence in which one person can enlist the aid and support of others in the accomplishment of a common task. It is ultimately about creating a way for people to contribute to making something extraordinary happen*" (Ibid.). Leadership is "*the process of using power to obtain interpersonal influence*" (Schermerhon Jr., Hunt and Osborn, 1985). In other words, leadership involves influence and its evocation to alter the behaviours of others in groups and organizational settings to attain desired goals based on proper agenda setting. Leadership is:

about capacity: the capacity of leaders to listen and observe, to use their expertise as a starting point to encourage dialogue between all levels of decision making, to establish processes and transparency in decision making, to articulate their own value and visions clearly but not imposes them. Leadership is about setting and not just reacting to agendas, identifying problems, and

initiating change that makes for sustainable improvement rather than managing change (Wikipedia).

Thus, in today's organizations and to some extent political systems, the understanding of the concept of leadership is critical to the attainment of organizational goals. This is more so in that:

Leaders today work in socially intricate organizations where they need the assistance not only of subordinates but also of peers, superiors, and external parties to accomplish their goals. Accomplishing goals that positively impact the organization requires effective leadership linked to strong power bases and workable influence strategies. Building a strong power base and developing effective influence strategies to produce power dynamic is an important leadership challenge. (Michelson, nd).

The need for effective leadership is compelled by the fact that “*everything rises and falls on leadership*” and, the “*success or failure of every human endeavour depends solely on the kind of leadership available for such endeavours*” (YHDC, Leadership training, 2009). Thus, as Denga (1986) and, Esere (The Nigerian Journal, Unilorin) once articulated “a leader in an organization or political setting is an embodiment of a force that directs the entire organization towards the realization of the organizational goals”. Concretely put, leadership connotes “*ability to inspire, direct, motivate and encourage others positively to targeted end. It is the ability to lead others*” (Olusoji, 2002). It “*represents authority and the pinnacle of the organization. It is the form that authority assumes when it enters into process*” (Mooney and Rieley, 1931 and 1947).

Nigeria as a nation needs a determined leader for it to get out of her political woes. For such a leader to be effective and truly serve and meet the needs of Nigeria and Nigerians, he must be a **change leader** with beneficial focus and determination in his quest for sustainable democratic governance process. This is so in that a change leader is a key to large-scale, sustainable reform. It is a leader that is committed to sustained and sustainable innovation in his quest for organizational effectiveness. A change leader is a focused leader who is committed to the development of knowledge and skill within his organization particularly in terms of programme coherence and technical resources (Newmann et. al, 2000). He is one who seeks deep and lasting reforms through the establishment of conditions aimed at the attainment of “*enduring greatness*”. In other words, a change leader is a leader who “*catalyzes commitment to a compelling vision and higher performance*” by going beyond “*performance standard*” and building “*enduring greatness*” (Collins, 2001).

Generally, a change leader is one whose goal is “*sustainable change in society*” (Fullan 2002). He is a leader of the future who is “*attuned to the big picture*” of his environment and, he is a leader regarded as “*a sophisticated conceptual thinker who transforms the organization through people and teams*” (Ibid.). A change leader is one who displays “*palpable energy, enthusiasm and hope*” (Ibid.). He is a leader who performs change leadership roles that are critical to the organization's stability, goal attainment and durable sustainability.

Through this type of leadership the Nigerian nation will benefit and the kleptocracy that has been foisted on the Nigerian state by legislative avarice and covetousness will be reduced. This is more so in that a change leaders “*values the tensions inherent in addressing hard to solve problems because that is where the greatest (organizational/systemic) accomplishments lie*” (Fullan, 2002).

4. Conclusion

This paper has dealt with the discourse of the problems, challenges and, impediments to the legislature and legislators in Nigeria using the analytical examination of the concepts of democracy and governance as the point of departure. In the course of the analysis the concepts of the horizontal organs of government – Executive, Legislative and Judiciary and, the state were examined.

The paper examined the self-inflicted impediments and problems, particularly various scandals, corruptions and avoidable crises foisted on Nigeria and Nigerians by the Legislatures and legislators particularly at the national level since the commencement of the fourth Democratic Republic in 1999 in Nigeria though, not without the relevant citation of the positive contributions of the institution to the nation's landscape. Some panaceas which can rescue the nation from these problems holding her by the jugular have been recommended with the conclusion that the Nigerian state will free itself from the manacled claws of legislative brigandage, lawlessness and thievery which have crippled her democratic governance process if these recommendations are implemented.

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Notes

Note 1. This section of the paper benefits considerably from the leading author’s previous works particularly on democracy, governance, organs of government and other research papers. These sources are hereby accordingly acknowledged.