

THEORETICAL UNDERSTANDING OF THE FUNCTIONS, ROLES AND EFFECTIVENESS OF THE LEGISLATURE IN DEMOCRATIC NIGERIA

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ABSTRACT

This paper seeks to discuss the legislature as an arm of government, pertaining to its functions, roles and effectiveness in democratic Nigeria. It presents background information on legislation, democracy, the three arms of government and the principle of checks and balances. Central to this paper is the role and functions of the legislature in nation building. It discusses the constraints and success possibilities of the legislature in a developing country like Nigeria. The paper reveals that Nigeria has set high growth and development targets for itself, apart from the Millennium Development Goals (MDGs) within which the country is committed to eradicate HIV/AIDS, reduce poverty, illiteracy and maternal mortality, Nigeria has set the target to be among the first 20 largest economies of the world. To demonstrate further commitments to this growth target, Nigeria's government has drawn up a development agenda among others, to tackle poverty, combat the HIV/AIDS pandemic, address the country's acute energy crisis and the Niger Delta. The point is that achieving the key targets of Vision 20/2020 and this development Agenda depends a lot on the relationships that exist among the Legislature, the Executive and the Judiciary and the extent to which these key institutions are able to build synergy and collaborate as partners in driving the process of national development and progress. All these may not be realised unless the Legislature plays its role in making people- oriented policies, undertake executive oversight and pressure the Executive to be more transparent and accountable.

INTRODUCTION

The Federal Republic of Nigeria has three branches of government: the executive, the legislative and the judicial. Each of these branches has a distinct and essential role in the function of the government. The executive branch consists of the president, vice president, ministers and the various ministries. The primary power of the executive branch rests with the president, who chooses his vice president, and his ministers who head the respective ministries. A crucial function of the executive branch is to ensure that laws are carried out and enforced to facilitate such day-to-day responsibilities of the federal government as collecting taxes, safeguarding the homeland and representing the Nigeria's political and economic interests around the world. The legislative branch consists of the Senate and the House of Representatives, collectively known as the National Assembly. There are 109 senators; each state has three and FCT one. Each state has a different number of representatives, with the number determined by the state's population. At present, there are 360 members of the House. The legislative branch, as a whole, is charged with passing the nation's laws and allocating funds for the running of the federal government and providing assistance to the states. The judicial branch consists of the Supreme Court and lower federal courts. Its primary function is to hear cases that challenge legislation or require interpretation of that legislation. The Supreme Court has Justices, who are chosen by the President, confirmed by the Senate, and have a lifetime appointment.

To ensure that no single person or entity had a monopoly on power, they instituted a system of checks and balances. The president's power is checked by the National Assembly, which can refuse to confirm his appointees, for example, and has the power to impeach, or remove, a president. National Assembly may pass laws, but the president has the power to veto them (National Assembly, in turn, may override a veto). And the Supreme Court can rule on the constitutionality of a law, but National Assembly, with approval from two-thirds of the states, may amend the Constitution.

ROLES AND FUNCTIONS OF THE LEGISLATURE

The Legislative branch which is the main focus of this paper, originates from the necessity of establishing rules of organization (Lively, 1975). The Chief Concern of the legislature has been the control and regulation of government. The legislative arm of government is the law making body whose aims also include the aim of supervision of the direction of government (Sklar, 1986). The executive arm of government applies or implements the laws while the judiciary adjudicates or interprets the laws. The application of the laws made by the legislature forms the bulwark of the function of administration by the executive. The judiciary interprets these laws in matters of dispute and cooperation among individuals, groups of persons and organizations. It is the arm of government that protects the constitution in the true spirit of liberty, equality and fairness.

Democracy, according to James (1920) is supposed to be the product and the guardian, both of equality and of liberty, being so consecrated by its relationship to both these precious possessions as to be almost above criticism. In a democratic system, the three arms of government are expected to guarantee administrative, legal and judicial efficiency. Democracy with all its attendant values and trappings can only be guaranteed or consolidated by a strict adherence to, and respect for, the constitution by the organs of government (Joseph, 1987). A democratic society must give the people the right to choose their leaders. It also means that leaders hold power only as public trust and on behalf of the people and to a large extent are responsive to the needs and yearnings of the people. It should be added on very strong note that a democratic society must restore citizenship to the people in the true sense of the word. This is because, embedded in the notion of citizenship are civic virtues of political participation and inclusion. The right to participate in the governance of one's country or community is a foremost political right and the basis for measuring the quality of citizenship. It is at the heart, not just of the liberal democratic project, but the very notion of statehood and its membership (Bankole, 2009).

The most veritable instrument that can guarantee the sanctity of the three arms of government, Nwabueze (1993) states, is the sacrosanctity of the constitution. Democracy is seen as an instrument for giving marginal people

economic and social rights. It provides for the co-existence of a plurality of opinions, guaranteed by freedom of expression under the rule of the majority. Thus, only a democratic government, established by the consent of the governed in accordance with the shared values that has the moral authority to act as a legitimate agent of the people.

In terms of its constitutional doctrines, democracy put forth provisions that circumscribe the actions of individuals who hold government office, and explicitly separates the powers of each branch of government and creates a system of checks and balances among the branches (Dahl, 1982). Of the three common models for democratic governance, representative constitutional democracy with a substantial degree of decentralization seems to allow for more political power sharing. Decentralization entails transfer or surrenders of real power from the central authorities to the other levels, thus resulting in more equitable distribution of power in the political system (Peter, 1979).

The perfection of democratic principles is seen in the structures and power of relationship in a federal system, and it is the belief of this paper that a brief analysis of meaning and operation of federalism in Nigeria may serve as a necessary background in our task of understanding the practice and roles of legislature in democratic system. This is so because most examples will be drawn from the Nigeria experiences. Thus, the Nigerian nation has a three-tier government which assigns a wide range of power to each level of government by the constitution with the federal government at the central point of compromise. Being the highest decision making body in the country and the custodian of the nation's resources, both human and material, the federal government will undoubtedly continue to be the sole authority in maintaining the affairs of the nation.

Federalism means national unification through the maintenance of sub-national systems and differences. In a broader sense, federalism is more than an arrangement of governmental structures; it is a mode of political activity that requires certain kind of cooperative relationships through the political system it emanates (Dahl, 1963). Elazer (1966) defines federalism, as the mode of political organization that units smaller politics within an overarching political system by distributing power among general and constituent governments in a manner designed to protect the existence and

authority of both national and sub-national political systems, enabling all to share in the overall system's decision making and executing processes.

The need for separate development of various religious and national groups at their own rates and in their own ways gave rise to federalism. A genuine federal system is one consisting of smaller states or provinces so closely connected by locality or what some have called geographical continuity, history, race as to be capable of bearing in the eyes of its inhabitants the impression of common nationality as well as the inconsistent or contradictory sentiment of the desire on the one hand for national units and on the other the desire of each state to maintain its independence or autonomy (Hashim, 1982).

The federal structure of Nigeria affords an imperative inter-governmental relations where the federal exercises exclusive powers as guaranteed by the constitution, the state, concurrent and the local government, the residual powers. As a matter of fact, the relationship between the federal and local government are very remote, except on financial matters by which the federal government maintains a direct relationship. However, one fundamental feature of a federal state is the area of power distribution among the three areas of government. These arms of government are the Executive, legislature and Judiciary (Olaitan, 1992).

Almond and Powell (1966) broadly categorized the roles of the legislature in a political system under rule making and interest aggregation. Rule making in modern democracies revolves around the legislature as a function of interdependent conversion structures and processes that can in turn be related to the political socialization and recruitment processes which give the system its character or propensities. These can also be related to the kind and level of performance of the political system in its domestic and international environments (Braybrook and Lindblom, 1965).

Alan Kornberg and Lloyd Musolf (1970) in their book titled "Legislatures in Developmental Perspectives" identify twelve functions of the legislature. These include:

- i. Law making, which is the principal function of the legislature;

- ii. Tension release: Debates on conflicting issues in the assembly which reduce tension and afford mutual understanding in spite of differing opinions and world views.
- iii. Recruitment: the legislature is a veritable ground for political apprenticeship where the rudiments of leadership and analytical thinking can be learnt
- iv. Socialization: the cross-fertilization of political ideas by legislators who are apparently representatives of their people, encourage people of diverse culture and environment to appreciate their background;
- v. Training: Similar to the recruitment function, the legislature also serves as a training ground as we have in the United States where members in the lower class may graduate into the Upper class; and
- vi. Interest articulation and aggregation. Apart from law making, the legislature debates on diverse issues, all bordering an allocation of resources, hence the need for articulation of interests.

Dahrendorfr (1990) maintains that the legislature produces among the relevant populace and elites, a wider and deeper sense of government's moral right to rule than would otherwise obtain. He observed that the regular meetings or deliberations of legislators are, *sui generis*, a check upon the government in power. He also hinted of another important function the legislature performs, though conventional and familiar, which is that of putting the legislative stamp of approval on initiatives taken elsewhere within the government machinery.

In a democratic system, the legislature is capable of shaping and reshaping the system of government and its leadership, considering the constitutional powers of the senate. The senate could pass a vote of no confidence on the President if misrule is observed. By so doing, the legislature assumes the role of the guardian of the state.

THE LEGISLATURE IN DEMOCRATIC SYSTEM

The legislature in democratic system is a key institution with vast policy making powers. The legislature is conceived as a device to safeguard liberty

and against the arbitrariness of government. This means that the legislature is a control mechanism meant to caution and restrains the executive. The legislature also exists as an embodiment of democratic ideals in governmental administration. Emphasis here is on representativeness, and compromise and consensus as the tenets of decision-making (Abdulsalami, 1982).

Modern legislature, Allan Kornberg, and Llyod (1970) contend is the process of linking governors and governed in relationship of authority. They share the view that industrialization and economic growth particularly in Western countries are closely associated with the development of democratic institutions and the emergence of active and influential legislature.

Ezeoke (1982) asserts that the legislature has been an important arm of the government all over the world; and has been vested with the responsibility of law making in most countries and in this capacity has, in varying degrees in various countries, contributed to economic, political, social and cultural development of many nations. Ezeoke corroborated the views of Allan Kornberg and Lloyd on the role of the legislatures as directed by the political regimes. That is, the role of the legislature and the influence it could yield depends on the type of government.

At this juncture, it is apt to ask a pertinent question; have the legislatures in developing nations been able to influence and facilitate economic and political development? Answers to this question may be located in the electoral and voting system of these countries. Whether the citizens are able to exercise their voting power without any encumbrances; whether their choice of candidates are always or usually influenced, and whether they enjoy post-election interaction with their elected representatives. Accountability and responsibility now becomes a veritable vehicle for assessing the true worthiness of these public officials in their efforts at mobilising and harnessing resources for national development.

In Nigeria, for example, Chapter V of the 1979 constitution as well as the 1999 constitution created abundant opportunity for the legislature in nation building, where it states inter alia that: "*There shall be a National Assembly for the federation which shall consist of a Senate and a House of Representatives*". Sections 4(1) and (2) states that the legislative powers of

the Federal Republic of Nigeria shall be vested in a National Assembly: and that the National Assembly shall have powers to make laws for the peace, order and good government of Nigeria or any part thereof with respect to part 1 of the 2nd schedule of the constitution.

In spite of these constitutional provisions, Ezeoke (1982) laments the inadequate legislative facilities that existed in the First Republic as a bad foundation for the development of legislature in Nigeria. Tribal, selfish and regional sentiments, he envisaged, might obstruct the development of policies directed at building a strong nation.

From the foregoing, it is clear that the role of the Legislature in the growth and consolidation of democracy anywhere is intricately tied with the role of the parliament and how legislative assemblies attempt to give meaning to people's sovereignty. It is against this backdrop that the relevance of the role of the Legislature in Democratic Nigeria finds appropriateness and timeliness within several contexts. One of such contexts is the rising consciousness within the Legislature in Nigeria that it is relatively underdeveloped in relation to the Executive which has prospered throughout Nigeria's chequered political history, characterized by the frequent interruptions of democracy by the military. In this context, the task for the Legislature to build its own capacity to effectively carry out its constitutional mandate becomes paramount (Bankole, 2009).

Another very useful context is the swearing in of Barrack Hussein Obama as the 44th President of the United States of America. This global and epochal event beamed into the homes of billions of people across the world drove home powerfully that the Legislature is the foundation of America's well cherished and celebrated democratic heritage. That the swearing-in took place on the Capitol Hill, the seat of the American Congress was not simply a symbolic gesture. It sent out a very strong message that the ceremony of swearing-in the world's most powerful leader is purely a legislative function (Bankole, 2009).

The most important evidence that Nigeria's democracy is on the road to consolidation is provided by the increasing role of intermediaries like parliaments, the courts and the media in subjecting decision-makers to popular control and accountability. Once we understand the meaning of

democracy and democratic consolidation, it becomes easy to establish the connection between the Legislature and the challenge of democratic consolidation. First and foremost, the Legislature is the real site of representation in a democracy. Modern democracies, especially liberal democracy is about the people exercising their powers through elected representatives. It is in this sense that the Legislature provides the idea of the people's sovereignty its true meaning and expression.

Second, the diversity of interests and constituencies represented in the Legislature, more than any other factor, makes it an important structure in linking the people to government. Here again, the assumption is that the sovereignty of the people is exercised through their elected representatives. It is for this reason that the Legislature is often regarded as the First Estate of the realm. Unfortunately, in our political climate the reverse is the case: the Executive is considered the government, while the Legislature plays second fiddle.

Third, the Legislature has a critical role to play in promoting checks and balances since the doctrine of separation of powers is at the heart of presidential democracy. This particular function becomes most critical in a situation in which there is a history of Executive dominance as in Nigeria. Of all the key functions of the Legislature in this respect, the role it plays in the formulation of appropriation laws and oversight of Executive performance are most visible.

Finally, it is important to stress that even within legislative assemblies, not all the chambers have equal powers as in the case of democracies with bicameral legislatures based on Executive Presidency as in the United States of America and Nigeria. It is therefore not surprising that in the Nigerian context, a debate has begun as to which is the real site of representation and the people's sovereignty: the Senate or the House of Representatives? This debate is fairly settled by the history of the two chambers in the evolution of presidential democracy. In the United States of America for example, legislative powers are split between the House of Senate and the House of Representatives. But their sources of power are different. The Senate in the US symbolises equality of the states in the American Federal Union, while the House of Representatives symbolises equality of the people. It is for this reason that every state, irrespective of size has equal representation in the

Senate. However, because the lower house symbolises the equality of citizens, representation is based on population. This reality and logic are operational in Nigeria today, and they prove the point that the lower house is the real site of sovereignty.

THE NIGERIAN LEGISLATURE UNDER THE 1999 CONSTITUTION

The constitutional responsibilities of the legislative arm as enshrined in the 1999 Constitution include law-making, representation, Executive oversight and the making of public policy in general terms. A careful reading of the Constitution shows that more powers are assigned to the Legislature than the Executive, ranging from legislative and judicial to policy-making functions. The powers of the Legislature in budgeting and oversight clearly show that if the Legislature takes its work seriously, it is the undisputable custodian of the democratic process. All these are aside from the wide powers of the Legislature including the power of impeachment.

In practice, however, the Executive tends to dominate using all manners of tricks and advantages on its side including the control of the budgeting process. The missing link in our efforts to strengthen governance in Nigeria's Fourth Republic is the legacy of long years of military dictatorship. This legacy has fundamentally impacted on the power relations between the Legislature and the Executive. Decades of military dictatorship has had the effect of eroding constitutional federalism by its centralization of power and resources, the violation of the rights of citizens, the erosion of the culture of the rule of law, and the entronement of a culture of arbitrariness and impunity resulting in high levels of corruption. The one institution that has a critical role to play in reversing these trends and ensuring that government is accountable to the people is the Legislature.

Indeed, it is obvious that the task of democratic consolidation cannot be achieved without collaboration and good working relationships between the Legislature and the Executive. But the collaboration must be anchored on the understanding that the Legislature is the most critical link between the government and the people, and for that reason, must take precedence over the Executive in serving as the custodian of the interest of the citizens.

RELATIONSHIP OF THE LEGISLATURE WITH OTHER ARMS OF GOVERNMENT

The Constitution created a fundamental principle underlying the strength and tension of the federal government. No one wanted anyone else to become too powerful. So for almost every power they granted one branch of government, they created an equal power of control for the other two. The legislature could “check” the power of the President; the Supreme Court could “check” the power of Congress, and so on maintaining a “balance” among the three branches. Some of these areas of relationship could be summarize as follows:

Executive Powers (President)

- (i) Approves or vetoes federal bills
- (ii) Carries out federal laws
- (iii) Appoints judges and other high officials
- (iv) Makes foreign treaties
- (v) Can grant pardons and reprieves to federal offenders.
- (vi) Acts as commander-in-chief of the armed forces.

Checks on Executive Powers:

- (i) National Assembly can override vetoes by two-thirds vote.
- (ii) Senate can refuse to confirm appointments or ratify treaties.
- (iii) National Assembly can impeach and remove the President.
- (iv) National Assembly can declare war.
- (v) Supreme Court can declare executive acts unconstitutional.

Legislative Powers (National Assembly)

- (i) Passes federal laws.
- (ii) Establishes lower federal courts and the number of federal judges.
- (iii) Can override the President’s veto with two-thirds vote.

Checks on Legislative Powers:

- (i) Presidential veto of federal bills.
- (ii) Supreme Court can rule laws unconstitutional.
- (iii) Both houses of National Assembly must vote to pass laws. Checking power within the Legislature.

Judicial Powers:

- (i) Interprets and applies the law by trying federal cases.
- (ii) Can declare laws passed by National Assembly and executive actions unconstitutional.

Checks on Judicial Powers:

- (i) National Assembly can propose constitutional amendments to overturn judicial decisions. (These require two-thirds majority in both houses, and ratifications by three-quarters of states.)
- (ii) National Assembly can impeach and remove federal judges.
- (iii) The President appoints judges (who must be confirmed by the Senate.)

The term "legislature" was conceived as a body that must be restricted to the making of law, and not itself meddle with particular cases (Downs, 1957). The three arms of government, the executive, legislative and judiciary are presumably independent and autonomous governmental structures, but for co-ordination of efforts and continuity of administration, their roles and functions are fused. The theory of separation of powers recommends a clear demarcation of power among the three arms. This, it is argued, would avoid any erosion of power by any particular arm.

In modern democracies, scholars ideally view the three arms as operating a division of labour far removed from the classic separation of power thesis. Particularly, the legislature functions as an aggregator of interests and legislator of rules (Almond and Powell, 1966). The relationship of the legislature and the other organs of government in democratic system can be determined by empirical observation. The valid point to note here is

the interdependence of functions and roles which are complemented by checks and balances upon each other. Since laws are made by the law makers to guide the actions of the people, then there must be a special branch of government that adjudicates.

In a democratic government, the legislature interacts more with the executive than in any form of government. The relationship of the legislature with the executive, especially is symbiotically mutual, and at the same time checks each other's excesses. It is constitutionally guaranteed that absolute power is not concentrated in a single individual or organ of government in a manner that might encourage domination. In a democratic system, each arm of government serves as a watchdog on the activities of the other.

For instance, the legislature has the power of impeachment, but to check against possible abuse of power, the process is deliberately long. Thus, each is a functional check on the other and plays complementary roles for the meaningful development of the society. The relationship among the three arms is such that ideally does not accommodate frivolity and unnecessary muscle flexing, but there still exist conflicts. Conflicts do occur in three areas: Appointment to key offices in the Public services of the federation; Policy initiation and formulation; and Appropriation, the disbursement and expenditure of public funds.

Examples of these include the appointment of Chief Executive and Board Membership in parastatals and government agencies. Most often tribe and religion play significant role, and not the practical experience of such candidates. The executives are wont to reward party loyalists with key appointments to the consternation of the legislators insisting on due process of appointments to key officers in the public services. Though, by law the President appoints top officers, but it is upon the approval of the legislature.

Public policy is a matter of concern to both the executive and the legislature. Public bills are passed by the executive to the legislature before it becomes law; likewise public policies are debated on the floor of the Assembly. Intense lobby usually follows. The position and counter position of members of both the cabinet and the legislature usually heightens the success/failure possibilities of policy initiation and formulation. The establishment of the Iron and Steel Company in Ajaokuta during the Second

Republic nearly ended up in a fiasco. The executive and legislature disagreed on so many factors such as the location, availability of raw materials, market accessibility to seaways, etc. The approval of budget by the legislature is another source of conflict whereby the use of every kobo is expected to be defended and be later accounted for by the executive.

In the Nigeria fourth Republic experience, there have been conflicts between the Obasanjo presidency and Okadigbo led National Assembly on the issue of Budget 2000. This snow balled into a major crisis of confidence which almost led to the removal of the Senate President. The tension and confusion it generated made people to wonder whether the PDP which produced the highest federal legislatures and the presidency was incapable of putting its house in order. Although the crisis is arguably one of the trials of democracy, its consistent appearance, analyst argue, may result into political instability.

THE LEGISLATURE AND ITS CHALLENGES IN DEMOCRATIC NIGERIA

Nigeria chose the model of presidential democracy since 1979 based on her experience in the First Republic. The relationship between the Executive and the Legislature under the presidential arrangement can best be understood via the doctrine of separation of powers. The doctrine of separation of powers is based on the notion that each branch of government – the Executive, the Legislature, the Judiciary, has its unique set of powers, and that these powers are exclusive and not to be exercised by any other branch. In practice, the doctrine ensures that the three branches are separate and check one another from excesses. The doctrine of separation of power also ensures that mutual veto is embedded in each of the three organs of governance as a guarantee against possible abuse by one domineering branch.

Although the Constitution is usually explicit that each branch remains inviolate with separate and distinct roles, the complexity of governance necessitates growing interrelationship among the branches of government. The real challenge that has faced all presidential democracies is how to work together harmoniously without undermining one another, or running into stormy waters which is also envisaged by the Constitution. For the Legislature in particular, it has the task of ensuring appropriate checks and

balances and that no single branch of government gains control over the others and, indeed over the entire nation. The Judiciary too has this role to play. This function is at the heart of the practice of democracy and the prospect of its consolidation. However, the real problem is that in all presidential democracies including that of the US which has become the model for success, the tendency for the Executive to dominate remains a formidable reality. Scholars and observers of the American system have come to the inevitable conclusion that the country has witnessed a disproportionate growth in Executive authority and a wide accretion of powers in the presidency beyond the original intention of the framers of the constitution. This reality is even more daunting in the Nigerian context with the unique historical experience of decades of military rule and centralization of power and authority.

It is against this background that it appears in most presidential systems that the watchdog role of the parliament simply translates into checkmating the excesses of the Executive branch. The tradition of Executive dominance can be established in at least five main domains as follows: The high proportion of bills that emanate from the Executive to the Legislature apart from the Appropriation Bills. This appears more problematic at the State than at the national level. For instance, while the Senate has received a total of 258 Bills by the end of the first four years, only 74 were sponsored by the Executive (Bankole, 2009). The high turnover rate in the leadership of the legislative houses as a result of perceived prodding from the Executive especially in the first few years of the current democratic experiment.

Lack of independent funding of the Legislature as first-line charge from the Consolidation Revenue of the Federation. Besides, there is the challenge of the weak oversight capacity of the Legislature. At the centre of the tension and conflict between the Legislature and the Executive in the Fourth Republic is the exercise of the oversight functions by the Legislature. Again, it is a challenge that is rooted in the culture of Executive dominance and the relative institutional weakness of the Legislature in Nigeria's post independence political history (Godowoli, 2001). Among others, the exercise of the oversight functions can be evaluated in two critical domains as follows:

- (i) Monitoring the Executive in implementation of policies and programmes: the constitution expressly recognises the oversight function of the Legislature in this regard. Thus, re-affirming the absence of a watertight compartment, the power of the parliament does not stop with appropriation of funds. It has the additional responsibility of monitoring the Executive in its implementation of public policies and ensuring that laws and policies are translated into concrete social delivery. This function has been abysmally performed because of capacity gaps defined in terms of availability of requisite support facilities, access to vital information and the non-involvement of beneficiary communities in the design and implementation of programmes.
- (ii) The execution of Appropriation Laws: Budget laws are observed only in breach. Consequently, low level of budget implementation has been the case at both the Federal and State levels. At the Federal level for example, overriding concern with macro-economic stability has ensured that budgets are not implemented up to 40%. The insistence of the Legislature that the Executive explain the low level of implementation of the 2001 budget provided one of the grounds for the impeachment notice served on the President in 2002. It is even worse at the State level where the collusion of bureaucrats with their Executives incapacitates the Houses of Assembly. The Executive, it would appear does not appear to recognise the legitimate role of the Legislature even in this regard (Bankole, 2009).

What the foregoing suggests is that the Legislature/Executive relationship has remained a difficult aspect of Nigeria's current democratic experiment. It is not a problem restricted at the national level. The scenario could be bizarre at the State level where the capacity of the Legislature is much weaker than at the national level. This is a situation that needs to be reversed in order to create conditions that promote democratic consolidation.

CONCLUSION

Under the federal executive Presidential system of government, the legislative arm primarily has the power of legislation. That is, legislating while the executive and the judiciary exercise the powers of executive and adjudication respectively. In exercising their respective but complementary roles, each arm has a degree of influence over the other. This influence is meant to serve as a positive check over the possible excesses of one another. In democratic system, the legislature is conferred an influential political role, a crucial watchdog to discourage the other arms from falling to the temptation for excessive indulgences that could jeopardise the multitude interest of the people being served. In bringing forth their varying degree of political influence to bear on the day-to-day administration, the three arms of government have to note the need for mutual cooperation, rather than sterile confrontations, so as to engender peace, progress and orderly development of the society. Conclusively, the relationship of the legislature with other arms of government will depend on a number of factors, among which are the constraints of the political system, personality and ideological attributes of the incumbents of the three arms, their career experiences, the strength of the parties in the legislature and the calibre of the leadership of the three arms of government.

RECOMMENDATION

The immediate responsibility of the Legislature, if it is to play its expected role in consolidation of democracy in Nigeria, is to strengthen and build its own internal capacity in several domains. These include building its capacity especially the key legislative committees to effectively engage in policy analysis, budget analysis and monitoring, and in the oversight of the Executive and the MDAs. Furthermore, legislators individually and collectively need to re-appraise themselves in the arena of law-making, representation and oversight. But even more critical, the Legislature must begin to play its role in deepening democracy by ensuring that citizens and the civil society are brought into the mainstream of public policy. This suggests that the capacity of the Legislature to fulfill its historic obligations to the people of this country depends on its institutional autonomy in terms of funding and the requisite manpower. Legislative engagement and

partnerships with the civil society provide the keys to ensuring that citizens become part of the process of change that is envisaged, for then they can be initiators and executioners of the development in which they are the principal beneficiaries. Hence, the outcome will be better service delivery and consolidation of democracy in Nigeria

The need to strengthen the institutional capacity of the Legislature as a step in consolidating the democratic process can be seen in terms of grappling with both political and economic reforms. In this regard, strengthening democratic institutions and culture is the key to the achievement of economic stability and growth alongside the concern of ensuring that governments at all levels are accountable to the people (Ajaero, 2009). These concerns are central to the challenge of governance which Nigeria urgently needs to address after the several decades of military rule that led to extreme centralization of power and resources, gross human rights violation, economic decline, and mass poverty.

Nigeria has set high growth and development targets for itself. Apart from the Millennium Development Goals (MDGs) within which the country is committed to eradicate HIV/AIDS, reduce poverty, illiteracy and maternal mortality, Nigeria has set the target to be among the first 20 largest economies of the world. To demonstrate further commitments to this growth target, Nigeria's government has drawn up a development agenda among others, to tackle poverty, combat the HIV/AIDS pandemic, address the country's acute energy crisis and the Niger Delta. The point is that achieving the key targets of Vision 20/2020 depends a lot on the relationships that exist between the Legislature and the Executive and the extent to which these key institutions are able to build synergy and collaborate as partners in driving the process of national development and progress. All these may not be realised unless the Legislature plays its role in making people-oriented policies, undertake executive oversight and pressure the Executive to be more transparent and accountable.

These recommendations suggest that if the legislative institution is strengthened to perform its constitutional responsibilities it can go a long way in stimulating the Executive to deliver on implementation of policies and goals such as achieving growth and welfare for the Nigerian people, curb the

incidents of ethnic and communal violence, stem the tide of violence in the Niger Delta and give democracy the lifejacket it requires in our fluid political environment. In the same vein, the Legislature has a pro-active role to play in promoting human rights and human dignity in a way that gives democracy the meaning it deserves.

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