

**The Legislature in The
Nerves of Socio-Economic
Governance and
Development: The Nigerian
National Assembly
in Perspective**

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Bonnie Ayodele, *PhD*¹
Kolawole Ismaila Akanmu²

Abstract

In modern democracies, government is typically structured around the tripod of the legislative, executive, and judicial arms. However, a common misconception exists that, among these three arms, only the executive significantly contributes to a nation's socio-economic development. This misconception is particularly prevalent in Nigeria, where awareness of the substantial contributions made by the legislative arm is lacking. This study reveals that the National Assembly of Nigeria, endowed with numerous powers and functions as stipulated by the constitution, plays a crucial role in the nerves of the nation's socio-economic development. These powers encompass law-making, representation, oversight, and constituency services. An evaluation of the National Assembly's roles, specifically its constitutionally assigned roles, indicates substantial

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1. Department of Political Science, Ekiti State University, Ado Ekiti; bonnie.ayodele@eksu.edu.ng; <https://orcid.org/0000-0002-3501-8644>.
 2. Department of Political Science; Ekiti State University, Ado Ekiti; ismailakolawole79@gmail.com; <https://orcid.org/0009-0002-6251-2135>.

contributions to the nation's socio-economic development. The findings underscore the National Assembly's impactful initiatives, such as combating corruption through establishing commissions like the Economic and Financial Crimes Commission (EFCC) and the Independent Corrupt Practices and Other Related Offenses Commission (ICPC). Additionally, efforts in rehabilitating regions affected by militant groups and terrorists, achieved through commissions like the Niger Delta Development Commission (NDDC) and the Northeast Development Commission (NEDC), are evidence of its developmental strides. The National Assembly's legislative acts have also positively changed the educational sector and electoral system. The study acknowledges the National Assembly's commendable role in addressing and managing diversities and its active involvement in various constituency services. However, it identifies impediments that hinder optimal performance, including executive dominance, disconnection from society, inadequate laws supporting institutional functions, lack of political will, and insufficient training for legislators and supporting staff. Recognising these challenges as surmountable, the study proposes an agenda for reforming its institutional responsibilities. Recommendations include strengthening relevant laws to fortify the institution, encouraging legislators to develop the political will necessary for effective oversight, implementing comprehensive training and re-training programmes for legislators and support staff, and minimising legislators' turnover to capitalise on accumulated experiences. The study concludes with the belief that addressing these constraints will pave the way for enhanced performances by the National Assembly, ultimately contributing to the overall betterment of the country.

Keywords: National Assembly, Socio-economic development, Nigeria, constraints, Agenda, Reform.

Introduction

Most governments are typically structured around the tripod of the legislative, executive, and judicial arms. Each of these arms significantly contributes to the socio-economic development of a nation. However, a common misconception exists, particularly in Nigeria, where some wrongly believe that the executive arm of government solely undertakes the major work of socio-economic development. This misconception may stem from the prolonged military rule in Nigeria during which only the executive and judicial arms were operative or perhaps due to sheer ignorance. What remains unknown to many is that the legislature constitutes a nerve of the institutional framework upon which democratic dynamics hinge. The legislature plays a critical role in the constitutional framework that facilitates the effectiveness of any nation aspiring to stability and democratic functionality. In a democracy, the legislature is the unique institution that distinguishes it from other forms of government. Like the executive and judicial arms in a democratic government, the legislature is established based on the general principles of the separation of powers and checks and balances, which serve as safeguards against the abuse of power that could lead to tyranny, denial of liberty, and violation of human rights by those wielding absolute power if left unchecked.

In the Nigerian context, the legislature is prominent among the institutions outlined in the constitution. Against this backdrop, we focus on examining the powers and functions of the National Assembly as a legislative arm of government and their implications for socio-economic development in Nigeria. Since 1999, the powers and roles assigned to the National Assembly by the constitution have provided insights into its importance in the country's socio-economic development. This clarification dispels the misconception that only the executive possesses the authority to contribute to the country's socio-economic development. In a constitutional democracy like Nigeria, legislative roles are imperative for the socio-economic development of a nation. Hence, this work explores the legislature's powers, specifically the Nigerian National Assembly (NA), and Nigeria's socio-economic governance and development. Considering the preceding, our primary objective is to address questions such as: How crucial is the National Assembly to the stability and national development of Nigeria? What is the

significance of the National Assembly's roles and what are its functions in the socio-economic development of Nigeria? Is the institution operating by the Constitution? Or are there constraints militating against its performance? These questions, among others, will be answered in the course of the work, aiming to emphasise the critical and substantial roles played by the legislative arm of government in the country's socio-economic development under a constitutional and democratic government. The discussion in this paper will explore two concepts integral to the legislature: socio-economic governance and development.

Conceptual Clarification

Socio-economic development is perceived as the gradual process of becoming more prominent, better, robust, or advanced. It involves increasing business, trade, and industrial activity. Socio-economic development explicitly aims to enhance the well-being of individuals socially, economically, and politically. According to Okobiah (1989), development is a process of economic, political, and social change progressing towards the social well-being of society members. Nwana (1998) defines development as the utilisation of the available resources by people to achieve their primary objectives without creating unfamiliar problems. Ajayi (1985) suggests that development encompasses activities focused on improving an individual or nation's potential, attitude, material advancement, and scientific progress. Boating (1990) emphasises that development is a series of processes aimed at improving the living conditions of human beings directly and indirectly. While considering development in a developing nation, Adiri (1980) adds that in a developing nation, development should address efficiency in public affairs management, provision for felt needs, improved living conditions for all, defence and protection of individual and national interests, enhancement of happiness, and the ability to benefit from experience for future planning. These conceptualisations show that development signifies progress of individuals, societies, states, or nations achieved through concerted efforts by various entities.

The Legislature in Democratic Governance Architecture

The legislature is pivotal in a democracy, functioning in law-making, representation, oversight, and constituency-related responsibilities. Its

significance lies in ensuring the health of democracy through effectively delivering these functions. Legislatures in modern states may sometimes perform different functions. However, they pass laws, determine how to raise and spend public revenue and discuss matters of public importance. As Mohammed Salih (2005: 20) asserts, legislatures are at the nerves of governance and the national integrity system, entrusted with fulfilling democratic functions in the interest of all citizens. Norman Ornstein (1992) underscores the democratic importance of the legislature, emphasising that a workable democracy requires a vibrant and meaningful legislative process.

According to Philip Norton (2007: 8), the legislatures serve as constitutionally designed institutions providing assent to binding measures of public policy on behalf of a political community. Similarly, Barkan (2010) notes that legislatures are the institutional mechanisms through which representative government becomes real daily, acting as the people's eyes, ears, and voices. The proper office of a representative Assembly is to watch and control the governments, to throw the light of publicity on its acts, to compel a complete exposition and justification of all of them which anyone considers questionable, and to ensure them if found condemnable. In addition, the parliament has an office as the nation's committee of grievances and its congresses of opinions.

The legislature's functions extend beyond representation and oversight, including law-making and constituency services. Ayoade (2014) identifies the original tasks of parliament as raising taxes, representation, and a judicial role. Over time, legislation and control of the executive branch have become additional functions. In conclusion, the legislature, as an institution, plays a crucial role in a democracy, wielding powers and performing functions that contribute to progress and happiness (development) for individuals, groups, society, and the state.

The National Assembly and Socio-Economic Development in Perspective

The 1999 Constitution, which ushered in the presidential system of government, vested the legislative powers of the nation in a bicameral National Assembly comprising the Senate and the House of Representatives. These explicitly outlined powers are granted to the legislature as a

constitutional right, allowing it to carry out its functions unhindered. Additionally, the Constitution defines both the extent and constraints of these powers.

In Chapter One, Part II, Section 4 of the 1999 constitution, it is stated as follows:

- a) The legislative powers of the Federal Republic of Nigeria shall be vested in a National Assembly for the federation, which consists of a Senate and a House of Representatives.
- b) The National Assembly shall have the power to make laws for the peace, order, and good government of the federation or any part thereof to any matter included in the Exclusive legislative list set out in Part 1 of the second schedule to this constitution.
- c) The power of the National Assembly to make laws for the peace, order, and good government of the federation to any matter included in the Exclusive Legislative list shall save as otherwise provided in this constitution, be to the exclusion of the Houses of Assembly of States.

In addition, and without prejudice to the powers conferred by sub-section (2) of this section, the National Assembly shall have the power to make laws concerning the following matters, which is to say, any matter in the concurrent legislative list set out in the first column of part II of the second schedule to this constitution to the extent prescribed in the second column opposite to it and any other matter concerning which it is empowered to make laws by the provision of this constitution.

From the above, it is deduced that the power to enact laws for the unity, orderliness, and progress of the country is vested in the National Assembly. The implication of this is that laws aimed at the development and improvement of the entire country are either being made or to be made by the National Assembly. Take, for instance, the appropriation laws. The control of public funds rests in the hands of the elected Representatives of the people as expressly stated in Section 80, subsections (3) and (4), which read as follows:

Section 80 (3): No money shall be withdrawn from any federation's public fund other than the federation's consolidated Revenue fund unless an Act of the National

Assembly has authorised the disbursement of the money. This may be permitted through appropriation laws or supplementary (Budget) appropriation laws. From this, it is evident that the National Assembly legislates to ensure transparency, accountability, orderliness, peace, and good governance (The Nigerian Constitution, 2000).

Additionally, the constitution addresses the establishment and composition of the federation's Armed forces. Section 217 (2) explicitly empowers the National Assembly to enact laws to equip and maintain the Armed Forces adequately and effectively for:

- i. Defending Nigeria from external aggression;
- ii. Maintaining its territorial integrity and securing its land, sea, or air borders;
- iii. They are to suppress insurrection and act in aid of civil authorities to restore order when called upon by the President, subject to conditions prescribed by an Act of the National Assembly.

These provisions are not the only mandates of the National Assembly, even though they are purposefully inserted to promote socio-economic development. Some other provisions gave the NA some implied and assumed powers. This are discussed below.

The Implied Powers of the National Assembly

This set of powers stems from those granted to the National Assembly by the Constitution. They are not standalone powers but serve as auxiliaries to assist in carrying out express powers outlined in the Constitution. For instance, Section 89 (1) (a) empowers the Senate or the House of Representatives to procure evidence, allowing for the examination of individuals as witnesses and, implicitly, the power to order the arrest and incarceration of those hindering evidence procurement. Another example is the creation of new ministries or governmental agencies requiring legislative approval. This process aligns with the constitutional power granted to the legislature to appropriate funds for institutions they establish. The legislature

cannot provide for what it has not created, thus acting as a check on the executive's authority.

The Assumed Powers of the National Assembly

Assumed powers are rights claimed by the legislature that, while not explicitly defined as rights, are constitutional. In the Second Republic, the 1979 constitution was silent on determining legislators' payments, leading the National Assembly to decide remunerations for certain political functionaries. Section 70 of the 1999 constitution has since resolved this, stating that Senate or House of Representatives members shall receive salaries and allowances determined by the Revenue Mobilisation, Allocation, and Fiscal Commission. With the vast powers bestowed upon the National Assembly, it undeniably remains the pillar of the country's national development.

Representation

The National Assembly's fundamental responsibility is Representation, with lawmakers representing various constituencies. This essential function manages the nation's diversity, serving as a vital link connecting citizens to the government. The composition of the Senate, based on the equality of all states, and the House of Representatives, based on population, reflects diverse societal interests.

Oversight

Oversight is crucial for ensuring accountability and democracy. The National Assembly, through various committees, monitors projects, investigates compliance with laws and resolutions, and assesses budget implementation. This oversight prevents project abandonment, ensures fiscal responsibility, and maintains a check on the executive's spending without legislative approval.

Investigative Powers

Section 88 (2 b) outlines the National Assembly's investigative powers, which aim to expose corruption, inefficiency, or waste in executing laws and fund distribution. This bolsters the national integrity system by combating corruption and strengthening existing institutions.

Constituency Services

Constituency services involve legislators addressing individual needs and supporting development projects in their constituencies. Lawmakers visit their districts, help, and contribute to public goods such as infrastructure, schools, and health clinics. Additionally, legislators attract development projects to their constituencies through budgetary allocations, enhancing federal presence at the grassroots level.

The National Assembly and Nigeria's Socio-Economic Development: An Assessment

Having examined the powers and functions of the National Assembly with the socio-economic development of Nigeria, it is imperative, at this juncture, to assess its performances with a particular focus on a few cases. Before the emergence of Democracy in 1999, corruption was one of the country's major societal problems. The menace became so endemic in our polity that it had the potential to destroy every valuable aspect of our system. Public officers and officials, both military and civilian, were engaged in the indiscriminate looting of public treasuries. No one was exempt from these practices. Upon assuming office as the democratically elected President, Olusegun Obasanjo declared his commitment to end the rampant looting of public treasuries. The National Assembly responded by enacting laws to establish commissions with the authority to recover illegal or dubiously acquired wealth and funds. Consequently, two significant commissions emerged from this legislative action. They are the:

1. Economic and Financial Crime Commission (EFCC), and
2. Independent Corrupt Practices Commission (ICPC).

These commissions were tasked with combating corruption, particularly within public offices. They were granted the power to recover looted public properties and funds and to prosecute offenders. Consequently, these commissions have played a crucial role in recovering illegally acquired public assets, acting as a deterrent to corrupt officials in both public and civil service. Although instances of compromise by commission officials have been observed, overall, they have contributed significantly to sanitising our society.

Another notable case is the establishment of the Universal Basic Education Commission (UBEC). With the advent of civil rule in 1999, the government sought to address the issue of out-of-school pupils and the abuse faced by some of these children. The National Assembly responded by enacting a law establishing UBEC, making primary education compulsory for all pupils. The introduction of a home-grown school feeding programme aimed at incentivising pupils to return to school, with primary education being made accessible under the programme. Each state was mandated to domesticate the law for more straightforward implementation, significantly reducing the number of out-of-school students.

Another area that requires attention is pensions and gratuities. In 2004, the National Assembly enacted legislation establishing the pension commission (PENCOM). This law aims to streamline the process of collecting retirement benefits for our retired public and civil servants. Before this, many civil servants experienced agony upon retirement when receiving their retirement benefits. With the commission's establishment, civil servants and their employers must initiate deductions, which are then deposited into the Commission Trust Fund for retirement benefits. If professionally managed, the issue of non-payment of pensions and gratuities would have become a thing of the past. The programme is commendable, and when practised following the laid-down rules, concerned staff will not undergo stress and agony in collecting their benefits after retirement. The trust fund utilises the contributed funds for investments, with proceeds from these investments augmenting the contributions. While the programme is praiseworthy, there is still much that the legislature needs to address to implement the policy properly. It has been observed that some employers, including executives, are guilty of abusing the programme.

The creation of the Niger Delta Development Commission (NDDC) is another area of focus. Before the advent of democracy in 1999, the Niger Delta Region faced numerous crises due to perceived injustices regarding resource exploitation and environmental degradation. The federal government's exploration of crude oil in the region negatively affected natural resources, leading to land degradation and water pollution. In response, the National Assembly established the NDDC to address the region's grievances and promote its development. This legislative initiative

aimed at providing justifiable compensation to the people of the Niger Delta for the environmental damage caused by petroleum-related activities. The NDDC Act incorporated provisions for rehabilitating the region damaged through petroleum activities. Additionally, a certain percentage was allocated to the monthly allocations of states in the affected area. The law also mandated companies in the region to pay specified amounts to compensate communities affected by their activities. This is a significant achievement by the National Assembly through its legislative functions. The commission's establishment led to numerous development projects, particularly in infrastructural facilities. These projects gave the region a significant facelift and restored peace and normalcy. Consequently, government revenue generated from the area increased.

In a related context, the Northeastern Development Commission (NEDC) was established in response to terrorist activities affecting the northern part of the country. The National Assembly organised the need for the rehabilitation of the region. It enacted an Act for the establishment of the NEDC, with the sole objective of rehabilitating the zone severely impacted by terrorist activities. The destructive actions of terrorists included major settlements, infrastructural facilities, schools, worship places, farmsteads, and lands. Internally displaced persons camps were established to accommodate those affected. The National Assembly, as the people's representative, responded by establishing a commission to oversee the rehabilitation of the zone. These efforts underscore the National Assembly's commitment to alleviation of the hardships faced by the people during critical times, providing relief to their pains.

Furthermore, the National Assembly has played a crucial role in connecting constituents to the government and fostering their participation in governmental activities. The upper chamber, the Senate, is based on the equality of all states, while the lower chamber, the House of Representatives, is structured according to population. The National Assembly actively positions itself as a representative organ of society, enabling legislators to engage in constituency outreach services and contribute directly or indirectly to the well-being of their constituents.

Lastly, the National Assembly has significantly contributed to achieving credible, transparent, accessible, and fair elections. In response to concerns

about electoral manipulations, the National Assembly has continuously worked on amending the Electoral Act. The Electoral Act 2022 (as amended) includes provisions directing political parties to ensure internal democracy in selecting candidates, discouraging party leaders from imposing candidates. Other requirements include introducing BVAS accreditation machines and electronic transmission of election results, aiming to enhance the credibility of future elections and eliminate issues like ballot snatching.

The Challenges of the National Assembly on Socio-Political Development

From the powers and functions of the National Assembly, it is evident that the institution is the driver of socio-economic development. In addition, with implied powers and renewed financial autonomy, one might expect even more significant accomplishments. Unfortunately, some constraints and difficulties still exist that impede its optimal performance. These constraints include:

Lack of Political Will and Institutional Consciousness

In the Nigerian legislature/National Assembly, members prioritise party loyalties over the institution. Institutional consciousness is often weak or nonexistent, and members may need more vision for the legislature's power and development. Improvement is only possible with key members actively concerned about legislative power and the institution.

Poor Perception and Relations with Civil Society

There needs to be a better understanding of the workings of the National Assembly among individuals and groups in civil society. Limited interaction between legislators and constituents and institutional weaknesses make it challenging for legislators to address citizens' needs, even when understood. A legislature unresponsive to the electorate risks lacking public support. Additionally, the National Assembly needs to represent more women and other marginalised groups.

Lack of Formal Law-Making and Oversight Authority

The National Assembly needs constitutional or legal authority for significant law-making or oversight roles. Statements such as the one made by Ribadu, the former EFCC Chairman, in 2007 highlight the absence of legally codified

powers. While the Assembly may be able to investigate, questions arise regarding its authority to prosecute. The human and material capacity required to use legislative powers effectively must often be improved.

Inadequate Preparation for Law-Making Assignment

Legislators often need to prepare for the complexities of law-making. Some need to gain the necessary knowledge or experience in education, agriculture, public administration, medicine, engineering, etc. The National Assembly must provide more training opportunities for new and returning members, hindering their effectiveness.

Lack of Adequately Trained Staff

The growing demands on legislatures necessitate professional staff, which needs to be improved in many developing nations, including the National Assembly. Inadequately trained and insufficient staff further hinder the institution's efficiency.

Considering these constraints, the National Assembly faces numerous challenges in fulfilling its constitutional responsibilities. Executive dominance over the National Assembly is evident, with issues like listlessness, insensitivity, and personal aggrandisement permeating the institution. To address these challenges and unlock the full potentials of the National Assembly, remedies must be sought. There thus the need to address legislative inexperience, leadership changes, financial recklessness, administrative protectiveness, and internal procedural complexities. With concerted efforts to address these constraints, there is hope for the National Assembly to play more impactful roles in Nigeria's governance.

Options for Retooling the National Assembly

It is encouraging that the National Assembly recognises its inadequacies and constraints. For instance, the House of Representatives of the 7th Assembly of the 4th Republic, in its "votes and proceedings" of the first session, explicitly expresses its commitment to legislative reform by framing a National Legislative Agenda, which holds thus:

The seventh session of the House of Representatives (2011-2015) is committed to honouring the Nigerian people's faith and trust reposed in it. We are determined to

chart a new course of legislative business for the benefit of our people. In this regard, we are outlining a National Legislative Agenda for the seventh session of the House of Representatives, as is contained in this document. It is an agenda that seeks to reform our processes in the House, identify our legislative priorities, and outline a programme of action to achieve the goals that we have for ourselves.

This legislative agenda arose from the awareness that the National Assembly needed to catch up to its mandate in the eyes of Nigerians. In creating a new image of the National Assembly that is pro-people and dedicated to “good governance, due process and the rule of law,” the House of Representatives formulated seven general principles to underpin the legislative agenda (Olaopa, 2018): These are:

1. Restructure the management and functions of legislative committees toward adequacy in capacity and improved productivity;
2. Initiate a new order fostering transparency, leading to institutional integrity through efficient public expenditure management;
3. Design and implement the e-parliament blueprint, elevating the National Assembly to international best practices and ensuring public access to parliamentary information and processes;
4. Review the legislative branch budget to ensure it aligns with openness, effectiveness, and accountability requirements;
5. Review the constitution in all relevant areas to facilitate the implementation of the House of Representatives legislative agenda and align it with Nigerians’ aspirations;
6. Engage actively with other arms of government to restore public order and national security;
7. Institutionalise mechanisms facilitating more effective engagement with various stakeholders, including constituents and civil society organisations (CSOs).

From the above, critical issues for the legislative agenda can be succinctly outlined as follows:

It reviews the House's internal processes, focusing on institutional reforms (Olaopa, 2018). This will enhance effectiveness, efficiency, and continuity in sustaining reform dynamics from one legislative session to another. Resolving structural and procedural deficiencies in legislative processes will enhance the House's performance, enabling it to manage itself and carry out representation, lawmaking, and oversight functions. This effectiveness will be achieved with adequate space and equipment and an effective organisational structure, process, and rules. The National Assembly requires legally codified powers to implement the above-mentioned agenda. Amendments to specific sections of the constitution are necessary to eliminate unnecessary legal constraints hindering its duties. It is imperative to discard any unnecessary (political) party sentiments. Members must view themselves as a unified body working for the nation's glory rather than any political party's interests. Liberating themselves from executive dominance is crucial. The National Assembly prioritises transparency and accountability in all financial matters. This integrity will enable adequate oversight of government ministries or agencies and prevent the abuse of financial transactions. The Assembly must also be determined to influence budgetary allocation and positively impact executive policies. Mobilising human, financial, and political resources is essential for vigorously carrying out activities.

Introducing an e-legislature creates a democratic and transparent interface between the legislature and the Nigerian public. Establishing a functional and interactive website is crucial for facilitating public engagement on financial and budgetary matters concerning the executive and the legislature. The immediate establishment of a robust and efficient ICT unit in the National Assembly capable of mediating the legislature's interface with the Nigerian public will significantly enhance its duties in lawmaking and oversight, fostering people's participation in its work.

Where internal party democracy is ensured, and electoral institutions enjoy administrative and financial independence, the Executive's ability to influence the electoral process and outcomes, and consequently candidates' chances, is limited. This, in turn, empowers legislatures to act independently of the Executive with more extraordinary courage. In the amended Electoral Act of 2022, the National Assembly made efforts to ensure that all political

parties observe internal democracy when selecting their candidates, including those for the National Assembly. The Act further empowers the INEC to derecognise nominees or candidates from political parties whose nominations fail to follow due process. However, recent experiences have revealed that executives and party leaders continue to circumvent the process outlined in the Electoral Act. The Executive and party leadership were still visibly involved in supporting preferred candidates, creating an uneven playing field for all aspirants.

The legislator's and support staff's educational and professional competencies are crucial in shaping and reshaping the legislature's capacity. Periodic training on legislative procedures and technicalities is necessary, and the high turnover rate in the National Assembly must be drastically reduced to preserve accumulated experiences. Legislators need the political will to confront the challenges of their jobs. They require political determination and willingness to fulfil their constitutional duties. To ensure the proper implementation of laws by the executives, they must have the political will to achieve such goals. Regardless of their experience and the nature of political or executive leadership, whether friendly or hostile, without the political will to face challenges and the determination to fulfil their duties as the constitution provides, their efforts may yield little or be fraught with myriad challenges. Political will is essential to translate the law in theory into practice without fear or favour.

Conclusion

The study delves into the powers and functions of the National Assembly, encompassing representation, oversight, law-making, and constituency services. Additionally, we examine the crucial role of the National Assembly as a legislative arm of government in Nigeria's socio-economic development. The National Assembly has made significant contributions to the nation's development, particularly in combating corruption, rehabilitating the Niger Delta region, addressing conflict zones in the Northeastern part of the country, and ensuring credible and transparent elections through amendments of the Electoral Act. While acknowledging its positive impact, it is evident that the National Assembly could achieve more, given its constitutional powers, if not for specific operational challenges. However, there is optimism, as these challenges are surmountable through adopting the reform agenda

proposed in this study. Implementing the suggested solutions and recommendations could allow the National Assembly to contribute more effectively to the country's socio-economic development.

Moving forward, the legislative body must maximise its powers to hold the executive accountable and ensure the implementation of laws, including appropriation laws, for national development. The legislative body must demonstrate the will and determination to combat corruption and other executive excesses. Simultaneously, the legislature must address internal issues, emphasising integrity, as those who seek equity must come with clean hands. By doing so, the National Assembly can uphold its course with credibility and contribute meaningfully to the country's progress.

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