

CITIZEN PARTICIPATION AND LEGISLATIVE PROCESS IN NIGERIA'S FOURTH REPUBLIC: PROSPECT AND CHALLENGES

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ABSTRACT

This study employed secondary source of data such as textbooks, journal articles, newspaper articles and the Internet to assess the role of citizen participation in legislative process and examined the challenges militating against effective citizen participation in legislative process in Nigeria. The study revealed that citizens' role in legislative process is considered a valuable element for democratic sustainability, and that citizen participation in legislative process in Nigeria is below-par outcomes, therefore it concludes that the inactive role of the citizens in legislative process is the bane of transparency and accountability in the legislative arm of government. The study also outlined recommendations such as formal and informal approach to political education, regular interaction between constituents and the legislators etc. to expedite effective participation of the citizen in legislative process.

Keywords: *Democracy, Citizen Participation, Legislature, Legislative Process, Constituents,*

1. Introduction

Although there was successful democratic transition in Nigeria, the political space is still characterized by poor citizen participation in governance resulting to lack of accountability, transparency and ineffective government policy. This is as a result of the undemocratic tendencies, deception, violence, apathy, and uncertainties that are replete in party politics in Nigeria (Eniayejuni & Evcan, 2015; Ogbonna, Ogundiwin & Uzuegbu-Wilson 2012; Okpi, 2011). Citizen participation in political process could bring about positive social and environmental change in governance. Citizen participation in government promotes democratic legitimacy by strengthening the connections between government agencies and the public they serve, and can also help improve the quality of agency rulemaking (Coglianese, Kilmartin & Mendelson 2008).

Citizen participation in shaping and implementation of public policies is regarded a critical ingredient of participatory democracy (Arowolo & Aluko, 2010; Ojo, 2014). The underlying role of participatory democracy in the view of Edigheji (2006) is not only to substitute representative democracy, but also to supplement and make it more functioning. To this end, participatory democracy serves several important functions: it provides an opportunity and creates conditions necessary for citizens to engage in political life regularly and not only during elections (Aragones & Sanchez-Pages, 2008; Arowolo & Aluko, 2010; Heywood, 2007); it creates a framework for citizens to advocate for their legitimate interests and thus contributes to the development of a vibrant democratic society (Pateman, 2012, Golubović, 2008; Carter, 2006); it makes the work of public authorities more transparent and closer to their constituencies (Schacter, 2006; Toyo, 2000; Nylén, 2003); and contributes to the quality of adopted public policy and its smooth implementation (Falade & Orungbemi, 2010; Chikeleze, 2015).

The legislature is an indispensable institution of democratic governance, and its effectiveness is central to democracy through which sustainable development can be realized. It is the principal forum for citizens' participation in the political process and the preeminent medium in which people seek to articulate their interest through their representatives (Bernick & Bernick, 2008; Okoosi-Simbine, 2010; Heywood, 2007). Due to its large membership composition, the legislature offers the possibility to represent more accurately the range of diversity in the polity and also foster closer connections between representatives and voters (Oni & Joshua, 2014; Okoosi-Simbine, 2010; Carey, 2006; Lafenwa, 2009). Moreover, Falade & Orungbemi, (2010); Fabayi, (2009); Okechukwu (2014) agreed that the exclusion of people in political process remains the greatest impediment to Nigeria democratic consolidation. Giving these important role of the legislature in participatory democracy, the study seeks assess the role of citizen participation in legislative process and examine the challenges militating against effective citizen participation in legislative process in Nigeria.

The study has five sections. In addition to this introduction, the second section deals with conceptualization of major concepts used in the study. Thus concepts like legislature, political participation and the constituents were reviewed. While the third section discusses the methodology and theoretical framework adopted for the study, the fourth section is centred on discussion of findings. Practical discourse of citizen participation in legislative process and possible impediments to citizen participation in legislative process in Nigeria's

fourth republic were examined in the discussion of findings. Finally, relevant conclusion was drawn in the fifth section.

2. Conceptual Clarification

2.1. Political Participation and Citizen Participation

Political participation is an aspect of political behaviour which focuses on the way individuals take part in politics, and is considered a valuable element of citizenship and democratic process (Cosma & Jovanova (2013). Citizen behaviour to political affairs therefore determines to a large extent the nature of the state, its survival, economic and social process in the state (Ugwuja, 2015). Citizen participation in political process includes such activities like political campaigns, voter registration, the actual voting, attending political seminars, debates or public hearing, lobbying and advocacy, often aimed towards developing a more informed citizenry who could hold elected representatives more accountable (Eniayejuni & Evcan, 2015; Kurtz, 1997; Weissberg, 1979; Nnanyelugo & Nwafor, 2013).

Citizen participation entails citizens' engagement in the discourse of socio-political issues which shapes government policies and rules, and serve as yardsticks for effective governments and a building block of democracy (Gaventa, & Barrett, 2010; McGee & Gaventa, 2011). This definition suggests that the level of citizen participation in the political process is determining factor of a democratic political. Adelekan (2010); Curtain, (2003) described citizen participation as the process through which the individual plays a role in the political life and has the opportunity to take part in deciding the common goals of the society and the best way of achieving these goals. It is a voluntary activity which involved either direct participation such as contesting for political offices and engaging in formulation and implementation of policies; or indirectly through selection and election of political leaders, lobbying to influence government policies and attending political rallies, debate, public hearing, and town hall meetings (Cosma & Jovanova, 2013; Obasi & Lekorwe, 2014). The essence of citizen participation as observes by Arowolo & Aluko (2010); Gaventa, & Barrett (2010) is to seek control of power, acquisition of power and to influence decision making. In essence, since sovereignty rest on the people in a democracy, citizen participation is one of the fundamental requirements of democratic governance.

Citizen participation in political process has several functions in democracy. First, is the educational function which increases issue knowledge, civic skills and contributes to the

support for decisions among the participants (Nnanyelugo & Nwafor, 2013). Citizen participation in political process also function as integrative means through which the citizens developed feelings of public citizens and sense of belonging towards the political system, which in turn increases transparency and makes government officials more accountable for their decisions (Michels, 2011; Mackinnon, 2004; Woodford & Preston, 2013). More so, through the participation of citizen in the political process, the government connect with citizens on its policies, programmes and services (Queensland Government, 2004; Golubović, 2008). In other words, citizens' express concerns towards government policies and government in turn informs citizens on the implementation of the policies or otherwise.

However, the listing of the functions above does not imply that all political system provides the leverage for citizen participation in political process. As rightly observed by Cosma & Jovanova (2013), in many countries, particularly transitional democracies like Nigeria where politics is regarded as a dirty game practiced with thuggery, election rigging and political violence, few proportions of the citizens are interested in political activities while majority show apathy to political activities. Lafenwa (2009) further revealed that majority of the citizenry are not effectively represented in government in terms of their contribution aspirations, demands and preference in policies.

2.2. The Legislature, the Constituents and the Legislative Process

The legislature is a unique institution in a democratic setting composed of elected representatives of the people that actively shape policy and oversee its implementation in ways that represent the values and interests of the citizenry (Awotokun, 1998). Lafenwa (2009); Fabayi (2009) avers that the legislature, usually chosen through election, is empowered with the mandate to make, change, and repeal laws as well as powers to represent the constituent units and control government. The elected legislators in a democratic system represent the regions, ethnic groups, social class, and occupational interests' or acting in the interest of the represented (to whom sovereignty belongs) in a manner responsive to them through consultation and the exercise of such discretions and judgments aggregating the views of the governed (UKAID, 2016; Anyaegbunam, 2000; Lafenwa, 2006).

Okoosi-Simbine (2010) describes the legislature as the first estate of the realm, the realm of representation and the site of sovereignty, the only expression of the will of the people. This

is the positions of Bogdanor (1991); Beetham (2007) when they affirm that the authority of the legislature as a political institution is derived from a claim that the members are representative of the political community, and decisions are collectively made according to complex procedures. The legislature is the primary mechanism of popular sovereignty that provides for the representation in governance, of the diverse interests in a multicultural and subnational society (Oni, 2013; Balogun, 2012) and perhaps, a symbol of power and legitimacy because its decision is based on the collective wisdom of men and women who enjoy the confidence of the constituents (Smith, 1980; Poteete, 2010; Saliu & Mohammad, 2010). It predisposes that a transparent, fair, accountable and participatory legislative process is needed to enact laws that will bring about real change.

Willoughby (1924); De Maistre (1965); Michael & Michael (2017) acknowledged that political power of the legislature originates from the constituents and that the constituents exercise this sovereign authority through the medium of their representatives. This suggests that the legislature is an expression of the constituent power of the people to make and re-make the institutional arrangements through which they are governed. The political power of the legislature is therefore undertaken primarily by those who claim to act in the name of the constituents. As legislators represent various constituencies, they have direct contact with the local populace and are able to have a feel of their needs and concerns (Omoweh, 2006; UKAID, 2016).

In this light, the fulcrum of legislative activity is to enhance participation of the people in the legislative process which strengthens the system in form of demand and support, and as the watchdog of the government to bring about good governance (Oke, 2010; Tom & Attai, 2014; Golubović, 2008). The role of the citizens in the legislative process is therefore characterised by a culmination of a process, comprising a series of consultations, questions, interviews, participation in legislative workshops, seminars and conferences (Michels, 2011; National Council and the National Democratic Institute, 2001). Where there are descriptive differences or communication gap between representatives and their constituents, the citizens become detached and alienated from their representatives. The more access citizens have to participate in legislative process, the more included they feel in governance and the assured trust which engenders peace and allows for development (Alabi & Olujinmi, 2009; UKAID, 2016; Baskin, 2013).

Citizen participation in the legislative process may take place in three stages; the pre-legislative stage when the proposed law is in draft form prior to its introduction in parliament; the legislative stage which begins from the time the bill is introduced and ends once it is passed; and the post-legislative stage begins when the bill is enacted (PRS Legislative Research, 2011). Extant way of facilitating citizen participation in the legislative process includes a wide array of procedures such as facilitating access to legislative records, publication of legal instruments in the print and electronic forms, conduction of public hearings and consultation, incorporating comments from the public in the final version of bills and rules, providing reasons for rejecting their inclusion and empowering the judiciary to strike down rules adopted in violation of these reasons (Aparajita, McConnachie, Sharma, Mehta, Carelli & Dhru, 2011). Given this approach, citizen participation in legislative process promotes legitimacy by creating a sense of fairness in rulemaking and achieve the best outcomes for society.

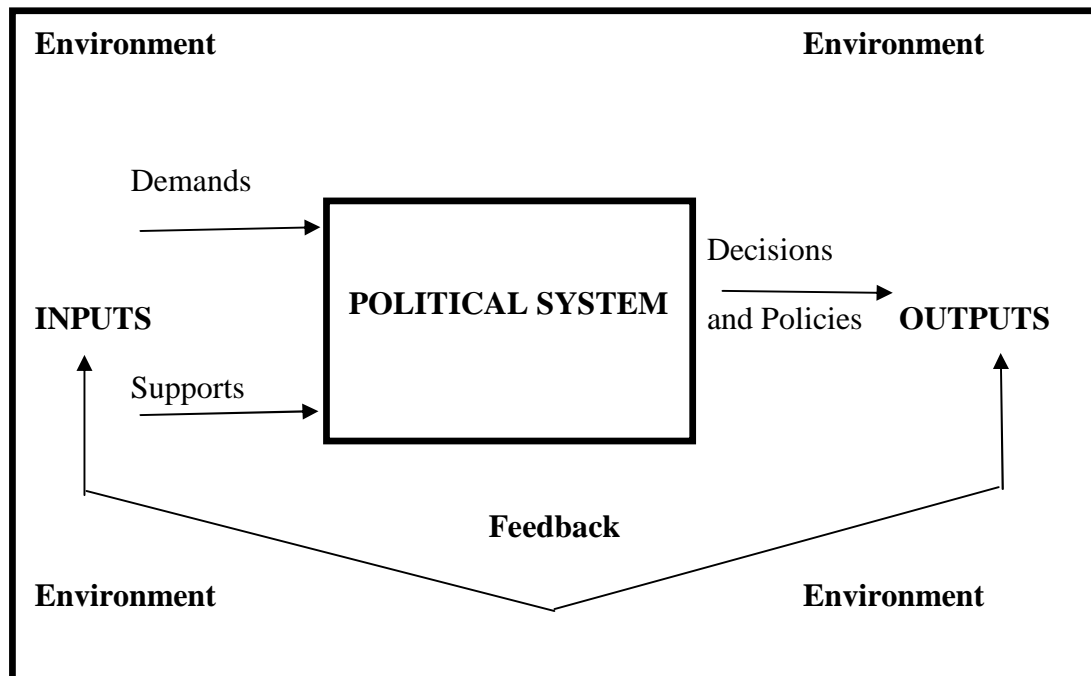
The level and pattern of participation of the citizens in the legislative process determines to some extent, the success and the stability of the political system. It is the bedrock in which the legislature forms its policies for the purpose of creating a stable society (Oke 2010; Golubović, 2008). For instance, in most parliaments, members are provided with funds to establish constituency offices and employ staff to enable the legislators maintain a close link with the electorate and put the job of representing and enhancing the participation of the people on a more professional platform (Bernick & Bernick, 2008; UKAID, 2016). The underlying philosophy here is that constituents have a sense of belonging when representatives pay close attention to them. This is because, grievances and demands could easily be reported at the constituency office of the lawmaker, who is expected to process and channel this for onward discussion in the legislature. By implication, several legislative proposals that eventually become laws are expected to be a reflection of the desires and aspiration of the people as expressed through their representatives (Okoosi-Simbine, 2010). The legislature therefore occupies a key position in the machinery of government because it is the people's branch with the purpose of articulating and expressing the collective will of the people.

However, Omodia and Egwemi (2011) notes that the Nigeria political system limit citizen role in the political process to periodic voting such that citizens do not have access to write, call, or visit their elected representatives. More so, constituencies have become instruments of official corruption, fraud and lubricant of primitive accumulation for lawmakers (Jinadu, 2011; Lafenwa, 2006).

3. Methodology and Theoretical Frame work

The study made use of secondary source of data obtained through literature survey method. Literatures on political participation and citizens' involvement in legislative process in Nigerian were purposefully selected for analyses. Newspaper article, Journal article etc. also constituted additional sources of data. The essence of using secondary data was to sample opinions of writers in getting relevant information pertinent to the study. Data were presented and analysed using descriptive method.

The study adopted system political analysis theory propounded by David Easton (1965) to explain the extent of citizens' participation in legislative process in Nigeria. Political system analysis according to Easton (1965) conceptualizes policy making in terms of inputs (demands), conversion process (policy-making and policy choices), outputs (policy outcomes) and feedbacks (policy impact analysis). The System theory seeks to explain not only how policy decisions are made but also how changes and innovations in public policies result from perceptions of the larger community, and of the legislature. Public policy and indeed happenings in government, according to the system analysis is therefore viewed, as the response of a political system to demands arising from its environment. In other words, public policy is a mere response to the demands of the people. Inputs into the political system from the environment consist of demands and support. While demands are claims made by individuals and groups (electorates and/or constituencies) on the political system for action to satisfy their interests, support on the other hand is rendered when groups and individuals accept the decisions and action of the authoritative political system made in response to demands.



Source:David Easton *Analysis of Political System* (1965)

Through the feedback mechanism (the Media), authoritative decision policies are communicated to the political system. The political system continues to function in this process such that failure of one part to perform its function leads to disorderliness of the political system (Easton, 1965).

A critical analysis of the political system model indicates that policy making in government is an on-going process, a phase in a continuing cycle which is largely based on the demands on the people's representative (the legislators and other elected public officers) as well as the action of the government itself which are conditioned by the environment (people) and its needs. Moreover, since Arizona (2009) describes Nigerian democracy as elite-oriented, a deleterious implication on the quality of representation with low citizen participation in politics is noticeable. While citizen role in the political process have been conditioned to periodic voting during election, Oke (2010); Omodia and Egwemi (2011) believed that citizens do not have access to write, call, or visit elected representatives in their

constituencies. In this sense, the hope that policy can be influenced to reflect citizens' concerns may not be realised.

5. Discussion of Findings

5.1. Citizen Participation in Legislative Decision Making in Nigeria: Exploring Practical Discourse in Nigeria's Fourth Republic

The provisions of the 1999 Constitution of the Federal Republic of Nigeria enshrine the powers of government. The legislative power of the Federal Government is vested in the National Assembly to make law for the good governance of the country (FRN, 1999). The National Assembly consists of the Senate and House of Representatives. The composition of the Senate is based on equal representation of the 36 states irrespective of size. It consists of elected Senators from three senatorial districts from each state and one from the Federal Capital Territory, totalling 109 Senators; the House of Representatives consist of 360 members, representing constituencies of nearly equal population as far as possible, provided that no constituency shall fall within more than one State (FRN, 1999).

The National Assembly members of Nigeria are elected to represent their senatorial districts and constituencies, to speak for the interests and well-being of the people they represent. By representation, the legislature is established to voice out the views, opinions, desires and expectations of people and interest groups (Bernick and Bernick, 2008). In view of this, citizen's knowledge of politics increases when they participate in the process of decision making, this will develop sense of responsibility on the part of those representing them.

Three major events opened an avenue for citizen participation and significant political change in Nigeria's fourth republic. First is the prolonged absence of the late President Yar'Adua from the country on health reasons which created a power vacuum in the executive organ of government. A rally tagged 'Enough is Enough' was organized by notable individuals, the public and civil society under the aegis of Save Nigeria Group (SNG). They protested against President Yar'Adua failure to transfer power to the Vice President before proceeding on medical treatment in Saudi Arabia (Osun Defender, 2010). The anxiety over the power vacuum prompts the public to urge the legislature to rise up to their responsibility in saving Nigeria democracy. On 9th February 2010, the National Assembly in a unanimous resolution voted to transfer power to Vice-President and passed motions that will enable the Vice-

President to act as the President in the prolonged absence of the president. Indeed, the agitations and protest of the citizens charged the Nigeria political state by averting what would have repeated itself in the Buhari regime. Due to the state of his health, the incumbent President, Muhammadu Buahri, willingly writes to the National Assembly notifying the law makers to proceed on a medical treatment in London, and his temporary handover of the government to the Vice President, Yemi Osinbajo (Premium Times, 2017).

On 1st of January 2012, the immediate past President of Nigeria, Goodluck Jonathan announced the removal of subsidy from petroleum products claiming to maximize the oil wealth of the country and to save the country from economic crisis as well as to end the vast corruption that had been taking place under the subsidy regime. In response to the fuel subsidy removal by the federal government, a socio-political protest tagged ‘Occupy Nigeria’ began across the country (Vanguard, 2012). In response to the demand of the people, the House of Representatives set up an Ad Hoc Probe Panel on fuel subsidy. In its report, the panel indicted many petroleum marketers and government officials for receiving payment when no petroleum products were imported (Cable News Network, 2012). Consequently, the nationwide protest compels the government to reverse its earlier decision on fuel subsidy and partially reinstate the subsidy with fuel price set at N65 naira per litre instead of the earlier price at N97 naira per litre.

In October 2013, the former Minister of Aviation Stella Oduah was accused of illegal purchase of armoured cars with public funds for her personal use. The purchase of the two armoured cars was neither earmark in the government-approved budget for the agency nor did it comply with the public procurement law of Nigeria (The Punch, 2014). The purchase of the armoured cars by the Nigerian Civil Aviation Authority for the Aviation Minister at the whooping sum of 255 million Naira sparked a nationwide controversy as many Nigerians and anti-corruption group calls for her resignation and prosecution. As a result of the public outcry, the House of Representatives ordered its Committee on Aviation to investigate the armoured cars scandal. In their report, it was discovered that no budgetary appropriation was in place for the purchase of the armoured cars. Consequently, the House Committee said that the president should review the continued engagement of the Minister having contravened the Appropriation Act 2013, and the approved revised thresholds by exceeding the Ministry of Aviation’s approval limit of 100 million naira (The Punch, 2014).

It is obvious from these events that citizen participation in governance increases the legislative control in transparency, representation and accountability that will meet the needs and desires of the populace. As argued by Eniayejuni & Evcan, (2015) when citizens are engage in governance, it improves accountability and helps governmental bodies and authorities in problem solving. In a situation where the government and decision makers ignored necessary actions from the citizens that can help set objectives of realizing a set goal, the political system tends towards authoritarian or dictatorship regime, then the citizens distance themselves from political affairs. Thus, citizen participation in governance helps in changing the attitudes, beliefs, and behaviours of public office holders. This will in turn help in improving government performance and increase citizen trust.

5.2. Challenges of Citizen Participation in Legislative Decision Making in Nigeria's Fourth Republic

In law making process, the citizen has the legal duty to input demands through lobbying, petitions, public debates and hearings. In the contrary, political culture in Nigeria is characterised by intolerance, intimidation, assassination, bitterness, money and ethnic politics (Oromareghake, 2013; Lafenwa, 2006). Furthermore, Arowolo and Aluko (2010) acknowledged that, despite efforts at facilitating participation, the actual process has led to minimal participation by the public as the spaces, and in some cases the means provided to facilitate public participation are fraught with flaws that effectively swell the potential for failure. The demands of the people are streamlined while the ones that could affect or jeopardise the interest of the policy makers are drop.

Representation involves listening to those represented and making decisions and exercising influence on their behalf. The legislature is the branch of government closest to people, and need to be aware of the needs of constituents and respond to those needs accordingly. Many Nigerian legislators however, do not operate constituency offices and rarely interact with their constituents, thus resulting to serious disengagement between them and the people they represent (Okoosi-Simbine, 2010).

The presence of inexperienced legislators has also hampered the effectiveness of citizen participation in the legislative institution in Nigeria. The Nigeria legislature has no space to

experience the value of law making derived from a representative social order because of the prolonged dictatorial and authoritarian rule by the military (Saliu and Muhammad, 2010). Indeed, many Nigerians who have been elected into the legislative arm in the period since 1999 knows little or even nothing about legislation and the legislative process outside of the idea and provisions of the constitution (Alabi & Olujinmi 2009). Most of them are often unaware of their authority, how to best organize their time and conduct legislative business.

Laws made by the legislature are parochial and self-serving as the citizens have not felt the impact of the laws made by them (Abiona & Bello, 2013). The legislators go to the chamber for the purpose of enriching their pockets and not for good governance and national development (Oke, 2010). The implication of this is that an average Nigerians lost interest in the representation of the legislature. This has negatively affected citizen trust in their elected representatives. This is further confirmed by Lafenwa (2009) who described law-making function of the legislature as poor and not impactful. According to him, the commotion experienced in the legislature over leadership position is a function of pursuit of personal aggrandisement rather than national interest. The series of exchange of blows that characterised proceedings in the parliament lends credence to political apathy of an average Nigerians. Watching from the television how the law making process is being distorted by the parliamentarians can never encourage citizen participation in the process.

Lack of education contributed immensely to why citizens do not participate in legislative process. Most of the citizens do not know they have input into the law making process in the parliament, they do not even know their rights let alone to participate in decisions making (Eniayejuni & Evcan, 2015). Many Nigerians are only concerned about their daily activities, as long as the government will not deprive them of their daily enterprise, hence, they feel comfortable with the government's policies.

6. Conclusion

The paper notes that citizens can play an active role in the legislative process by influencing the decisions of the policy makers on public policies and making them more accountable and responsible through lobbying, petitions, interview, attending town hall meetings, and joining advocacy group. The paper therefore concludes that lack of participation of the citizens in legislative decision making process is the bane of transparency and accountability in the legislative arm of government. Low political education, poverty, frequent commotion in the

legislature, personal aggrandizement and interest of the legislators has negative impact on citizen participation in legislative making process. However, it is the view of this paper that there is need for political education in Nigeria. Political education should not be limited to the school system. Both formal and informal approaches should be adopted to orientate the citizens on the need for active participation in the political system. This could be possible through mass political enlightenment in the media, adult education programme and civil associations. More so, there should be regular interaction between constituents and the legislators. This will create a sense of belonging between the legislators and the constituents' and as well increase the interests of the people in committee participation, floor debates, and other areas of law-making.

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