Civil Society Organisations and Legislative Accountability in Nigeria’s 6th and 7th National Assembly

By

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Abstract

This paper attempts to establish the functional roles of Civil Society Organisations (CSOs) in ensuring public accountability of the Federal Legislature in Nigeria. Using a combination of desk review, interview and historical methods, the paper reviews key contributions of CSOs in strengthening legislative accountability in the 6th and 7th National Assembly. Some of the challenges affecting the capacity of CSOs in promoting legislative accountability were interrogated. The paper recommends, among others, for CSOs to build specialised skills in working with the legislature and for the Nigerian National Assembly to be more open, transparent and responsive in dealing with the public and key stakeholders, especially, CSOs as a way of building institutions and deepening democracy in Nigeria.

Key words: Accountability, civil society organisations, legislature, national assembly, Nigeria

Introduction

The faith of democracy is dependent largely on the legislative process which has to do with laws that affect the electorate and citizen at large (Kwaghga 2012:19). In a presidential system of government, the legislature as institution of accountability is the official supervisory body that checks the executive and makes it responsive and responsible to citizens. Sections 4 and 14 of the 1999 Constitution of the Federal Republic of Nigeria, as amended, empowers the National Assembly to make laws and oversee the implementation of public policies. Furthermore, Sections 88 and 89 provide for the National Assembly to call for persons and documents for investigation to expose corruption and minimise wastage of public resources. As Hamalai and Ajiboye (2014) suggest, where the legislatures able to carry out oversight function effectively, good governance becomes inevitable.

For the legislature as symbol of popular representation to effectively hold the executive to account, it must first and foremost be accountable to the electorates both individually and as a corporate institution. According to Dogara (2016), accountability denotes the degree to which government or any of its agencies are held responsible for its actions. Accountability can be horizontal referring to capacity of the executive for each fiscal year. When the budget is approved by the National Assembly, it takes further steps to monitor and evaluate the implementation of the budget. As overseer of the executive, the National Assembly audits public accounts and carry out investigative oversight to expose corruption and minimise wastage of public resources. As Hamalai and Ajiboye (2014) suggest, where the legislatures able to carry out oversight function effectively, good governance becomes inevitable.
state institutions to hold government accountable for which officials were elected or vertical accountability which is imposed externally on governments by the people who seek to enforce standards of good performance on officials (Sharma, 2008).

The Denver Post (2016), have suggested that legislative accountability could be measured based on performance. This can be achieved by benchmarking the performance of the legislature against its legislative agenda at the end of a legislative session. This will require consistent efforts by citizens to ensure that legislators are accountable to their constituents who voted them to power. Desai (2012) believes that citizens could hold legislators to account through voting based on performance, providing opinions on policies, monitoring conduct and performance of legislators and challenging adverse decisions of legislators in courts.

When citizens come together to pursue, canvass or advocate for a common cause either in support or opposition to government decisions or to create or defend new policies, it becomes a civil society; and where civil society is active and vibrant, accountability by public officials is inevitable. In Nigeria and indeed in many African countries, there are few CSOs and fewer are concerned with holding public officials to account. Most of the CSOs are weak and lack adequate skills and financial resources to perform effectively.

Since the return to democracy in 1999 and the growing decline in the capacity of government to meet the yearnings and aspirations of the citizens, CSOs have consistently shown growing interests in holding government to account. However, very few have focused on the legislature despite its centrality to good governance and democratic survival. This paper examines the civil society organisations and legislative accountability in Nigeria’s 6th and 7th National Assembly.

Theoretical Perspective

This paper employs structural functionalist theory as postulated by Herbert Spencer (1820–1903) to contextualize the study. Spencer, drew inspiration from the works of Augustine Comte, and espoused that human society is subject to social evolution just the same way nature was subject to biological evolution. This process is made possible through structural differentiation as society transit from simple forms into more complex organization over time with functional roles necessary for accommodation and adaptation to the environment. Spencer argues that it was through structural differentiation that societies became functionally better adapted.

The main assumption of the theory is that society achieves more stability when parts or segments of the society understands its function (Tuner, Jonathan, Beeghley and Powers 2002), since human society is analogous to human body consisting of various organs working together to keep the body functioning. Thus, the different segments of society are interrelated and inter-dependent and for society to be functional, the sub-units are also required to be functional. Therefore, a dysfunction in some segments of society could account for tension and change in the system (Potts 2015).

Structural functionalism theory has been criticized for its inadequacies in explaining social change and considered no longer useful in some quarters in explaining macro phenomenon. Similarly, social functions are assumed to be routine which makes it difficult to account for variation in role performance. In spite of these limitations, structural functionalism as espoused by Spenser is relevant in contextualizing this paper. In this connection, the civil society is seen as a sub-unit or sector in the society (Corry
This presupposes that the civil society as a segment of the society is expected to play certain functional roles for the development and wellbeing of society just the same way the National Assembly plays its legislative roles.

Increasingly, the civil society in Nigeria is taking up more functional roles to help government to remain focus and accountable to the citizens. For example, since the return to democracy in 1999, the civil society has moved away from its erstwhile confrontational posture prevalent during the military era (1993-1998) to that of constructive engagement of partnership, synergy and collaboration. CSOs as subunits within the larger Nigerian society during the 6th and 7th National Assembly played functional roles to oversee the activities of public officials especially the legislature for the purpose of ensuring accountability in governance.

In this wise, if the CSOs had failed to perform oversight function on the National Assembly, Nigeria would have witnessed accountability deficit in the activities of the 6th and 7th Assembly that would have given rise to poor governance culture, corruption, abuse of office and possible democratic reversal.

Interface between Civil Society and the Legislature in Nigeria

The civil society which consists of the aggregate of the family units and the private sphere is also referred to as the “third sector” distinct from the state and business (Alcock and Kendall 2010; Vitema, Clough and Clark 2015). Ikelegbe (2013:6) sees civil society as both an organizational structure and a tool for the analysis of politics and development. He defines civil society as a “network of institutions by which citizens represent themselves, a realm of associational solidarity, activism and engagement, and a site of collective civic and public action.” The Centre for Strategic and International Studies (2017) categorizes civil society as comprised of (a) NGOs, faith-based organizations and community-based organizations with organized structure, mission and registered; (b) Social media communities that can be organized but may or may not have physical, legal or financial structures; (c) Online or physical social movements; (d) Labour unions and labour organizations; and (e) Social entrepreneurs. Basically, the civil society exists to provide platforms for citizens to express opinions on issues affecting them.

IDEA (2017) reports that there is a global increase of civil society actors’ ability to participate in governments. Similarly, Ibrahim (2014) argues that in Nigeria, civil society grew as a major agent in the struggle for democracy during the authoritarian regimes where the people were excluded from governance. Ibrahim believes that the Nigerian civil society led the political elite in the struggle for return to democracy. It was the pressure from civil society that accelerated General Abdulsalam Abubakar’s transition programme that ushered in the Fourth Republic.

The legislature is the official representative institution of government to aggregate needs, concerns, challenges, ideas and other contributions from citizens and present to government for positive action. The Policy and Legal Advocacy Centre (PLAC) described the legislature as the assemblage of elected representatives who represent the aggregate of national public opinion and demonstrate the power of the people. For Esebagbon (2006), the legislature evokes the idea of representative democracy more than any other branch of government; and democracy can be sustained only when the legislature develop the will to reflect the interests of the society in public policy making. Little wonder Hamalai and Ajiboye (2014) and Fish (2006) held that where the legislature is strong, public
interests are best served and democracy blossoms.

It is quite significant that both the legislature and the civil society are representative institutions. Whereas, the legislature is a legitimate representative, the civil society is a voluntary representative. The civil society is also a link between the legislature and its constituents. The civil society leads debates against repressive government institutions and provides forum and rallying point for the resistance of unpopular policies and/or legislations. The civil society also engages in public enlightenment on government policies and programme and facilitates linkages between the citizens and elected representatives. More specifically, the civil society explains the work of the legislature to the public and creates awareness about the legislature. During law making, public participation in legislative process such as preparation, opinion and comments on bills are often facilitated by the civil society (Szili 2008).

The 2012 Global Parliamentary Report identified gaps between parliaments and the people they represent (Power 2012). Whereas, parliaments are not reaching out sufficiently to address the concerns of citizens, on the one hand, the citizens, on the other hand, have continued to misunderstand the role of parliaments. The civil society work with parliaments to provide information on what they do as well as advocate for the interest of citizens in parliament. Mandelbaum (2012) identified more than 190 parliamentary monitoring organizations that monitored more than 80 national parliaments worldwide to make parliaments more accountable. When legislators open space for civic participation in their activities, civil society groups provide valuable information to committee hearings through expert opinions, written submissions, interactive meetings and petitions (Yamamoto 2007). Civil society groups also partners with the legislature to conduct researches, strengthen capacity and institutional developments, contribute to policy reviews and recommendations as well as monitor legislative polls.

In bridging the gap between legislators and the citizens, civil society creates platforms for citizens to express their voices and demand for accountability. To achieve legislative accountability, it is important that civil society are able to aggregate and amplify citizens voices to effectively make demands to address issues of concern to them in such a way that will compel legislators to come to terms with the people they represent. According to O’Neil, Foresti and Hudson (2007), citizens’ voice refers to the capacity of people to express their views and interests for the purpose of influencing government priorities and governance processes.

In July 2017, the Youth Initiative for Advocacy, Growth and Advancement (YIAGA), and other youth organizations led more than a thousand young people in Abuja and marched from the unity fountain to the National Assembly as well as other states of the federation to demand for the passage of age reduction Bill, also referred to, as the “Not Too Young To Run.” The action made the Senate and the House of Representatives to pass the age eligibility bill to open up the space for more participation of young people in the electoral process as candidates in elections. The bill was to alter Sections 65, 106, 131, 177 of the constitution. It was to reduce the age qualification for president from 40 to 30; governor from 35 to 30; senator from 35 to 30; House of Representatives membership from 30 to 25 and State House of Assembly membership from 30 to 25 (Tukur 2018). On 4th June 2018, the Bill was signed into law by President Muhammadu Buhari (Adeshida 2018 and Effanga 2018).
CSOs and Legislative Accountability in Nigeria’s 6th and 7th National Assembly

The Sixth and Seventh National Assemblies lasted from 2007 to 2011 and 2011 to 2015, respectively. In 2007, the National Democratic Institute (NDI), supported the Civil Society Legislative Advocacy Centre (CISLAC), to create civil society – legislative liaison at the National Assembly to coordinate civil society views and needs to the National Assembly (Madugu 2018: Personal Communication). In 2011, it was reported that the House of Representatives was committed in further strengthening the civil society liaison office (Ibrahim, 2014). This path was towed by the 7th session of the Nigerian Senate in 2011, which promised to consult widely with the civil society for the purpose of ensuring good governance (Okidu 2015).

Through the efforts of CSO’s, significant milestones were recorded by the sixth National Assembly. For the first time, the Senate refunded unspent funds to the sum of N7 billion appropriated for the Senate in the 2007 supplementary budget (Akinloye 2015). This was a significant step to accountability and building people’s confidence in a legislature that is generally believed to be corrupt and self-serving (Olufemi, Akinwumi, and Ugonna 2015). In 2007, an industrial strike action organized by the Nigerian labour forced the Senate to reconvene from its recess. The labour protested increase of prices of petroleum products and value added tax from 5% to 15%, poor remuneration and sale of government assets by the Obasanjo administration. The sixth Senate responded by recommending the reduction of prices for domestic gas and other essential commodities (Okidu 2015).

The civil society also shaped significant events leading to political stability through the National Assembly. For instance, the Save Nigeria Group took to the streets in Lagos and other major cities to ask former president Umaru Musa Yar’Adua, who did not transmit letter to the National Assembly to allow the Vice President, Goodluck Jonathan, act as President for the period he was on medical vacation. The polity became heated as anxiety and tension grew over the refusal by aides of the former President (who became known as the ‘cabals’), to disclose the true state of the president’s health to the public as well as other top government functionaries. The National Assembly adopted the doctrine of necessity to make then Vice President Goodluck Jonathan, acting president. Perhaps drawing from this lesson, President Muhammadu Buhari, since his assumption of office on the 29th May 2015, has written to the National Assembly three times to allow the Vice President act as president when leaving the country on medical vacation (Levinus 2017). This development has significantly strengthened public institutions, accountability and due process in Nigeria.

In the Sixth and Seventh National Assembly, the CISLAC supported the National Assembly with publications to educate citizens on the work of the legislature. It has developed research articles on constituency outreaches, legislative process and committee systems of the National Assembly. YIAGA also helped the National Assembly to set up the Young Parliamentarians Forum (YPF), which is now affiliated to the Inter-Parliamentary Union (IPU). This forum has served as a platform to build legislative capacity of young parliamentarians and offered opportunities for exchange programmes in many parliaments across the world. Similarly, PLAC supported the National Assembly to develop legislative agendas, track movement of bills, hold capacity building workshops for members and staff and developed research documents on the National Assembly to create awareness on the work they do. The CSJ and Budgit have made remarkable stride in supporting
the National Assembly budget process. While CSJ Conduct analysis of budget estimates, Budgit Nigeria has simplified the budget into sub-sets easier for citizens to understand and participate in the process.

Through civil society efforts, the National Assembly passed significant pro-poor and people-centred legislations. CSOs including PLAC and CISLAC supported the National Assembly to hold public hearings aimed at receiving feedbacks on proposed bills from the public. During public hearing, the civil society made recommendations to legislators and give expert opinion on technical areas. CSO’s also mobilized citizens to attend public hearings in the Sixth and Seventh National Assembly to shape laws that were passed.

The passage of the Freedom of Information (FOI), Act on the 28 May 2011, granted the public access to public information. According to Inokoba, the FOI bill was a private Bill developed by a Lagos based Non-Governmental Organization (NGO), the Media Right Agenda (MRA) supported by the Right to Know Movement of Nigeria (RKMN) and the Open Society Justice Initiative for West Africa (OSJIWA) (Bilkisu 2011). The MRA, Civil Liberties Organization (CLO) and the Nigeria Union of Journalists (NUJ), first drafted the FOI Bill in 1993, to promote access to public information (Veronica 2015).

Due to persistence and resilience of CSOs, the FOI Bill was passed by the 7th National Assembly to empower citizens to access public information for the purpose of demanding accountability. CSO’s also made significant contributions to constitutional and electoral reforms in Nigeria. Specific intervention in this regard was the recommendation for simultaneous accreditation and voting which was successfully implemented with rewarding outcomes in the Ekiti State Gubernatorial elections held on the 14 July 2018. The CSOs advocated for specific areas of constitutional reforms that were captured in aborted fourth Alteration Bill of the 7th National Assembly including the review of legislative agenda to enhance legislative Accountability at all levels bordering on the restructuring of the political system (Akhaine 2014). However, the Bill was aborted because of former President Goodluck Jonathan’s refusal to sign the Bill into law.

In order to provide for the prudent management of the country’s resources and ensure long-term macro-economic stability, secure greater transparency and accountability in fiscal operations within the within the Medium Term Fiscal Policy Framework and to inspire public and investor confidence on the national economy, CSO’s advocated and pressed for the passage of a significant number of important legislations such as the Fiscal Responsibility Act, 2007(which established the Fiscal Responsibility Commission); the Public Procurement Act, 2007 (which established the Bureau of Public Procurement); and the Nigeria Extractive Industries Transparency Initiative (NEITI) Act, 2007.

To ensure transparency, free, fair and credible elections in Nigeria, the Federation of Muslim Women’s Associations in Nigeria (FOMWAN), Justice Development and Peace/Caritas (JDPC), the Nigerian Bar Association (NBA) and Transition Monitoring Group (TMG), deployed Parallel Voter Tabulation (PVT), methodology to observe the 2011 general elections (Adesina 2011; Akpedeye and Erubami 2011). In 2007, the TMG also participated actively in observing legislative elections conducted nation-wide (TMG 2007). These election observation activities engaged by the CSOs’ were aimed at ensuring that the elections are conducted in accordance with global democratic standards to the extent
that members of the legislature as well as public officials who emerge from the process to enjoy overwhelming acceptance and legitimacy.

In 2015, Senator Shehu Sani (representing Kaduna Central Senatorial District in the National Assembly), revealed that Senators take a monthly sum of N13,500,000 or $37,500, as running cost in addition to the approved N750,000 or $2,083 monthly salaries and allowances (Busari 2018 and Ogundipe 2018). CSOs such as the Women Arise for Change Initiative (WACI) and the Campaign for Democracy (CD), expressed disappointment at the colossal waste of resources while the Centre for Anti-Corruption and Open Leadership (CACOL) and the Defence of Human Rights (CDHR), called for the refund of the illegal earnings as well as the prosecution of the legislators (Amaefule, Akinkuoto, Onuba and Aluko 2018).

Public criticism and pressure on the National Assembly by CSOs to open up its budgets and finances has been consistent since 2015. This has been partly accentuated by the poor corporate image of the federal legislature especially as it relate to corruption and financial improprieties. The executive arm of government has severally accused the National Assembly of padding budgets and frustrating its efforts at riding the country of corruption. In an attempt to redeem its image and correct negative public perception on its activities, the National Assembly, through the National Institute for Legislative and Democratic Studies (NILDS), organised the First National Assembly Open Week between 16th and 19th June 2018. The objective of the Open Week was to promote public knowledge and understanding of the workings of the legislature and create opportunity for interaction between the legislators and key stakeholders such as the CSOs.

### Challenges Inhibiting the Effectiveness of CSOs in Nigeria

CSOs have been in the vanguard of anti-military struggles in Nigeria, especially, between 1993 and 1999, which ushered in the current democratic dispensation; and have worked assiduously for its sustenance. It is however noteworthy those CSOs have been faced with myriad of challenges that have impacted negatively on their effectiveness. One of such challenge is the rising level of corruption, particularly, the tendency by chief executives of CSOs to divert donor funds for private use. In 2017, some CSOs were unable to account for donor funds entrusted on them to support Internally Displaced Persons (IDPs), following the humanitarian disaster engendered by the havoc wreaked by the Boko Haram terrorists attacks in the north-eastern parts of the country. These among other reported cases of breach of public trust by CSOs have greatly eroded the credibility and public trust on CSOs as much as the political class. It would be recalled that one of the major arguments advanced in favour of the proposed Non-Governmental Organisation (NGO) Regulatory Bill introduced to the National Assembly in 2017, was to check the rising trend of corruption among civil society groups (Olaniyan2018).

Most CSOs operating in Nigeria have not shown significant interests in public accountability. This is partly because most local CSOs rely on external sources for funding. Most CSOs in the country rush to implement any available donor funded projects without regards to speciality. These donor-tailored programmes and the consequent lack of expertise on public accountability advocacy have limited the reach of local CSOs in ensuring public accountability. This incapacitation has unwittingly shifted the burden of public accountability advocacy on the international community. This explains why there are few legislature-focused
CSOs in Nigeria despite the significant number of civil society groups engaged in public health and other related advocacy. While there are a handful of civil society organizations with capacity to provide quality support to the Nigerian legislature, there are few specialised or dedicated civil society groups supporting the Nigerian legislature. Beyond the CSOs, the legislature has made it difficult for the civil society to make significant contributions because information is not regularly shared. The National Assembly is yet to fully open its budget and share details with the public for analysis and constructive engagement.

**Conclusion and Recommendations**

This paper argues that there are generally few CSOs existing in Nigeria that are concerned with demanding and holding government and public officials to account; and fewer are focused on the legislature which is the symbol of democracy. However, the failure of government to meet the expectation of the citizens since the return to democracy in 1999 has led to growing interests of CSOs in holding public officials to account, particularly the legislature. During the 6th and 7th sessions of the National Assembly, CSOs played key roles in demanding accountability from the Nigerian federal legislature with fascinating results. The activities of CSOs also facilitated increased consciousness among the general public and raised high stakes for political accountability in governance. The significant roles played by CSOs in catalysing accountability in the federal legislature despite its many challenges show that CSOs holds the key to mobilising citizens for accountability and good governance in Nigeria if their potentials are adequately harnessed.

The National Assembly should open up with its budget, share profiles and contacts with constituents, makes it available for engagement with the civil society, be more responsive and consider constituents views in policy making. This will provide greater understanding of the legislative process and bridge the gap between legislature and constituents. In the same vein, the National Assembly should be more transparent in dealing with critical stakeholders, especially CSOs that are focused on the legislature, forge constructive partnership and synergy with CSOs on specific areas such as budget and appropriation process, oversight and law making.

Similarly, CSOs should develop specialised skill sets in legislative practice and procedure as well as expertise in the use of data to track and monitor the activities of the National Assembly, the State Houses of Assembly and Local Government Councils, in order to effectively demand and hold legislature to account in Nigeria. Specific training intervention on the budget and appropriation process, legislative oversight, law making procedures and representation for CSOs would be apt. The National Institute for Legislative and Democratic Studies (NILDS) can fill in the training gap.

CSOs should increasingly look inward for internal sources of funding and avoid funding sources that are inflexible. Foreign donors should encourage CSOs advocacy and activism in areas of public accountability and good governance. Furthermore, CSOs should adhere strictly to ethics of practice by eschewing corruption and other sharp practices capable of eroding public confidence. This can be achieved through the establishment of an independent regulatory body that should oversee their activities and periodically audit account and business records of CSOs.
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