

**Research Article**

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## Legislative oversight and democratic consolidation in Nigeria: 1999-2019

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**Abstract:** The purpose of this study is manifold. Firstly, it determines the roles played by the legislature in performing its oversight function in Nigeria's Fourth Republic, from 1999 to 2019. Secondly and is a related purpose, it demonstrates how this function (oversight) has helped in democratic consolidation. Thirdly, it identifies the challenges of legislative oversight, and lastly, it adumbrates the implications of these challenges to democratization in the Nigerian politics. The Institutional agency theory propounded by Barry Mitnick is adopted in this paper as a framework of analysis. Hence, the study, which is basically empirical, generated the data from face-to-face interview using purposive sampling and case study research design. In doing so, the paper opines that for oversight function to strengthen democracy in Nigeria, the legislature should be financially autonomous and otherwise. Moreover, the degree of separation of powers

should be improved and both the legislature and its staff should be trained frequently. Similarly, the paper concludes that there is need for the research improvement in the Nigerian National Assembly.

**Keywords** – Democratic consolidation, Fourth Republic, Legislature, Nigeria, Oversight

### 1. INTRODUCTION

The legislative branch of government is one of the pivotal institutions of modern democracy; as it is an organ of political representation. There is a wider consensus that this arm of government is performing tripartite functions of legislation, representation, and oversight (Edigheji, 2006). Contrary to many scholars, Barkan (2008) has considered constituency service as one of the core functions of the legislature in a current democracy. This arm of government represents the collective interest and the opinions of citizens in a democratic system. The legislature is a platform through which the functions of lawmaking, representation, and oversight on the executive and other governmental agencies are carryout (Arowolo, 2010). Accordingly, the active use of these powers by the legislature defines its societal relevance (Fashagba, 2013).

Legislative oversight is a mechanism through which the executive is controlled and checkmated in their excesses and curtailed the waste in governance (Nwagwu, 2014). In Nigeria, since 1999, it has been argued that the oversight function of the legislature had been severally misused to mere extortion of money from governmental ministries and parastatals (Nwagwu, 2014). Though, it has been also stated that there are certain instances, where the executive has changed and implemented the recommendations of the legislature (Izah, 2013; Bolarinwa, 2015).

The Legislature is a pillar of democracy in advanced and transitional democracies, and this is because of their role in making law through popular mandate, control of public funds and its oversight of other levels of government to promote accountability and transparency. Hence, as representatives of the people, they hold a sacred position as voice of several constituencies. Moreover, the legislature exercise powers on the sovereignty of the people.

Similarly, it has been debated that if effectively carried out, the oversight responsibility of the legislature can consolidate democracy. This is because the legislature is one of the arms of government which is highly hoped to strengthen democracy (Izah, 2013). Consolidation involves both the eradication of the remnants of the dictatorial regime that is unsuitable for the working of the democratic system and the establishment of protocols and practices that will ensure transparency and accountability in the political system. In Nigeria, few scholarly studies have been conducted on legislative oversight, most especially in ensuring democracy (Izah, 2013; Yusuf, 2020). study suggests that whole oversight is the symbol of how well the democratic system is working as it proves how government respond to failures and gaps in policy-decision and implementation (Griner, 2016).

It is pertinent to note that there are good number of studies on the oversight function in Nigeria which includes among others; oversight in curbing corruption (Alabi & Fashagba, 2009), the study of legislative oversight under presidential system (Yinka Fashagba, 2009; Stapehurst, Jacobs & Olaore, 2016), impact of oversight on budget performance (Ehigiamusoe & Umar, 2013; Kurasha & Sheuneni, 2013; Rios, Bastida & Banito, 2015), Democracy, oversight and legislature in Nigeria (Yusuf, 2020). Moreover, others have focused on oversight and its impact on policy formulation and implementation (Khelko & Andi, 2015). Sparse literature examines the role of legislative oversight in consolidating democracy in Nigeria's Fourth Republic from 1999-2019. Fourth Republic is a period of democratic rule from 1999 to date and probably beyond. It is the period of peaceful transition from military regime to democratic government, and also it is the longest democratic regime in the political history of Nigeria. The selection of the period between 1999 and 2019 is justified on the ground that it represents five tenures of administration in the Fourth Republic which is enough for the assessment of oversight and democratic consolidation.

What are the roles played by the legislature in oversight function? How is the oversight function has helped in the process of democratic consolidation in Nigeria? What are the general challenges and constraints of the legislature in conducting oversight functions? What are the implications of these challenges to democratic consolidation? This study critically engages in such questions and opines that for oversight function to strengthen democracy in Nigeria, the legislature should be autonomous in all its activities. Moreover, the extent of separation of powers should be improved and the legislature and its administrative staff should be trained and re-trained.

## 2. LITERATURE REVIEW

The oversight function is the constitutional responsibility of the legislature, which has to do with monitoring, supervision, watching and controlling of the executive and other agencies of government, to ensure transparency and accountability in the governmental affairs. It also has to do with making sure that policies and programs are implemented as it was initially intended. Ali, Jalil and Alqaisi (2012) in their study, which investigated the reasons for the failure of Iraqi's council of representative in oversight of the executive, found that the internal process is completely ineffective for government accountability. It was observed that the committees were unable to carry their function of oversight properly, there is needs to re-empower the role of parliament in Iraqi's government. The parliament in general and specifically the committees are overwhelmingly dominated by the executive and the party in power. These have a lot of implications for the ability of the parliament to exercise its power of investigation and oversight. The power of parliament in the constitution needs to be revisited, to re-enforce the power of parliament in Iraqi's government.

The importance of legislative oversight can never be overemphasized, for example, in South Africa, the extractive sector was one of the areas where apartheid elites enriched and funded themselves, without putting into

consideration the future of the country. In highlighting the potential use of parliamentary budget office (PBO) of South Africa in assisting the legislature to conduct their oversight function in the extractive sector, Chohan (2016) has conducted a study where the findings indicated that the legislative oversight is a key panacea to the problem of siphoning the wealth of the country. It ensures more equitable distribution of natural endowment. According to researcher, the legislature has a significant role to play in fulfilling this national endeavor. Moreover, it is the most promising organ in keeping the government purse save. Parliamentary oversight in this regard helps the responsibility of P. B. O, and this can assist the legislature to set the extractive sector within the budgetary context. Similarly, Rios, Bastida and Banito (2015) in their analysis of the potential risks and benefits of budgetary oversight, using the sample of 75 countries around the world in 2009, the findings from their study demonstrated that budgetary oversight is not only good in term of increasing fiscal discipline but also beneficial, as stronger oversight leads to greater budget transparency. Oversight in budgetary policy and budget approval is one of the most important areas that have strengthened democracy, by ensuring accountability and transparency of the executive to the public.

Using Canada as their case study, Lagasses and Saideman (2016) have made an analysis of how democratic legislature can conduct oversight function in relation to the military cadre. They argue that the tendency of legislature to involve in intrusive oversight (police patrols) versus a reactive oversight (fire alarms) is shaped and molded by the party and institutional structure preferences. Furthermore, they also observed that the Canadian political and institutional structures often discourage legislative defense committees from conducting police patrol approach to influence policy, while it encourages parties from oppositions to engage in reactive (fire alarms) oversight, this is to complement their vote-seeking preferences. Moreover, they identified cases where the opposition parties were able to use the constitutional power of the House of Common to force the executive to disclose classified information regarding the military. Similarly, they highlighted the trade-off that usually faced by parliament when demanding information to conduct intrusive oversight in relation to military affairs.

Currently, oversight function is taking a center stage in every aspect of governmental activities in the globe. For instance, in Serbia political system, Nastic (2016) has observed that for quite a long time, the security sector was a taboo area for parliamentary action. It was only recently that there was a change in the system, even though, it is still under construction. To understand the effectiveness of parliamentary oversight in the security sector of Serbia, Nastic (2016) has conducted a research which concluded that there is an adequate legal framework for effective oversight of security issues in the country, however, it is in its rudimentary stage, although, it is effective. In the security, the only problem has to do with the oversight committee; there is a lack of qualified staff, which arises partly due to insufficient awareness of both borders and scope of parliamentary activities. To him, this is required for the effective functioning of the political system.

Furthermore, according to Andonovska (2016) in Macedonia, the oversight function extends to communication interception for security reason, the oversight is effective but there is highly an intrusion into the privacy of citizens. Therefore, for a political system to be effective, the parliament should develop its oversight to correct the anomalies to conform to international standard. This should be done through effective supervision of the sector, proper oversight; it should be free from political party influence. The current practice of communication inception is not satisfactory as maintained by Andonovska (Andonovska, 2016).

A Similar study was conducted by Trautman (2015) in the American system on the cybersecurity oversight. The study revealed that, US has witnessed several disruptions and many cyber breaches between 2002 and 2014. However, there was no single agency or legislative committee of oversight that maintained its primary responsibility of overseeing cybersecurity, to him good oversight is very Central to good government. He therefore, conducted a study to provide a map of the several committees exercising their jurisdiction over matters of cybersecurity. And finally, he analyzed the important contributions of professional staff from the legislature, congressional budget office, government accountability and congress congressional research services (SRS).

Furthermore, Abellara (2011) has argued that the legislature is a strong pillar of good governance in a democratic system. However, the extent to which the legislature contributes to a good governance in the Philippine decentralized system has been jeopardized greatly. The legislature in Philippine is subservient to the executive branch because it is a product of constitutional designed of the executive. The executive has made the legislature weaker by limiting its autonomy and capacity to oversee the executive branch. This has greatly undermined the relevance of the legislature in the governing process. Executive in Philippine has marginalized the legislature in their potential power to perform their oversight function. Therefore, he recommended the actual implementation of the function of oversight, and he posited that the domination of the executive is bad and is not in any way democratic. There is a need to strengthen the legislature in Philippine if good governance is to be attained.

### **2.1. Legislative oversight and the democracy in Nigeria**

Many scholars have agreed that oversight function if conducted effectively will strengthen democracy. For instance, Stapenhurst and Pelizzo (2012) and Izah (2013) have a similar line of thinking that the legislature along with the judiciary can perform a key role in the democracy if they properly conducted their oversight function. Pelizzo and Stapenhurst (2012, 2013) posited that the effectiveness of oversight goes hand in hand with the quality of democracy. Where the legislature is a very effective overseer, the quality of democracy will be higher. On the other hand, where the legislature is less effective in its oversight function the quality of democracy will be lower. However, in Nigeria, it was observed that the level of autonomy and the separation powers are weak and therefore the legislature is often incapacitated in its oversight activities. Nwagwu (2012) has studied the legislative oversight function and its effectiveness in ensuring good governance in the democratic system in Nigeria. The study indicated that the function of oversight has been compromised many times. The legislature has been using the function for the mere extortion of money in Ministries, Departments and Agencies (MDAs). In view of the above, the legislature should be strengthened to serve effectively as a watchdog and not a hunting dog.

In the assessment and empirical review conducted by Stapenhurst and Olaore (2016), the research demonstrated that legislature possesses a constitutional power and instrument of oversight function, but due to lack of political will of both two chambers, the legislature is ineffective. However, the paper did not elaborate on how this affects democratic consolidation. Furthermore, with the emergence of democracy in Nigeria, budget implementation has become a burning issue, the reasons for the late implementation, inter alia, are; late release of funds, late presentation, late assent to the budgetary proposal and poor utilization of the budget by the MDAs. It has been observed that the oversight function of the legislature has been improved over time. However, it failed in accelerating the budget performance and reduction of the corruption. Aluku (2015) has observed that the government deficit that bedevils the security sector in Nigeria is because of the weakness of the legislature to carry out its oversight function effectively. This weakness can be attributed to the several factors which include, among other things: lack of good electoral procedures, crises in the 1999 constitution and lack of expertise in the activities of the legislature.

Similarly, Yusuf (2020) has conducted an empirical study on democracy, oversight and legislature in Nigeria. The study reveals that the legislative oversight is improving in Nigeria. However, there are accusations of corruption against the legislature in accomplishing its function. The research suggested that the legislature should be checkmated to reduce misdeed in their activities. Furthermore, its resolutions and recommendations should be accepted by the executive branch to enable democratization in the country.

### **2.2. Theoretical framework**

Institutional agency theory propounded by Barry Mitnick is adopted in this paper as a framework of analysis. Mitnick as a political scientist has focused on the insight of the institution as an agency and he responded to the issue of its imperfection. Mitnick (2013) observed that society holds the responsibility of institutional creation and

the imperfection exhibited by the institution and therefore it is its responsibility to manage all imperfections. The theory provides an understanding of the role of supervision, controlling and overseeing in the system of democracy and its design from the angle of the principal-agent relationship. Accordingly, a democratic regime in Nigeria under the presidential system is characterized by the relationship between electorates (principal) and legislature as an agent and the relation between the legislature and the executive as agents. There is a comprehensive separation of powers in the presidential system among organs of government, as it is in the organizational ownership between the owners and managers. The assumption of the theory is that opportunistic managers may not report exactly the performance of the films, and this may result in the ineffectiveness of the organization, just because of the information asymmetry between the owners of the film and the managers (Sulaiman & Khair, 2015). This also can be applied to the relation of electorates and executive in democracy.

The emphasis of the theory is on how to prevent self-interest managers or more appropriately the executive and other government departments from deviating from the rule of law and due processes. Any executive that refuse to comply with the rules and regulations or policy provisions of the system should be forced to comply. Therefore, to avoid the occurrence of this imperfection, the owners or electorates must appoint or elect their representatives to act on their behalf. More so, it is the social responsibility to manage the imperfection in the relationship. The role of agency paradigm in the democracy is to understand the role of supervision, controlling, and monitoring of the executive branch by the legislature. The logic of the theory is that legislative oversight must be developed to control the system. The sovereignty belongs to the principals (electorates), who elect the legislature as their agent and representative to oversee the activities of government. And for the legislature to perform its responsibilities, it must develop an oversight tool, such as site visits, investigation, Question Time (QT), committees of oversight inter alia. Oversight, as used in the context of legislative work, refers to some form of legislative supervision, monitoring and watchfulness of authority delegated to executive entities. It encapsulates parliamentary review, supervision and monitoring of governmental agencies activities, programs and policy implementation. Moreover, oversight occurs in wide variety of activities including hearing and legislative investigation by standing committees, and appropriation. It is their function to make sure that existing programs are implemented and administered effectively and efficiently.

### **3. PROBLEM STATEMENT**

Contextually, in Nigeria sparse scholarly works have investigated legislative oversight, most especially in ensuring democracy (Izah, 2013; Yusuf, 2020). studies suggest that overall oversight is the symbol of how well the democratic system is working as it reveals how government respond to failures and gaps in policy-initiation and implementation (Griner, 2016). Evidences have indicated several challenges to face by the legislature in performing their oversight functions (Fashagba, 2009; Stapehurst, Jacob & Hamalai, 2014; Olaore, 2016; Yusuf, 2020). It is therefore imperative to conduct a thorough study on the legislative oversight and democratic consolidation. The purpose of this study to is to determine the role of the legislative oversight function in Nigeria and to understand how this role has helped in democratic consolidation.

### **4. RESEARCH METHODS**

This study has relied on primary data through interview technique. Purposive sampling was used where six categories of informants were selected with thirteen (13) respondents for face-to-face interviews. The informants include three Members of National Assembly (NASS), one from the Upper Chamber and two from the Lower Chamber. Moreover, two staff from the Ministries, Departments, and Agencies (MDAs), two staff of the National Institute of Legislative Studies (NILS) and two members of Civil Society Organizations (CSOs) were interviewed. Furthermore, two lecturers who are experts in the field from Universities and two journalists from media were interviewed.

The justification for interviewing 13 informants is the principle of saturation in qualitative research. According to saturation principle data and informants could be sufficient when the informants reach a point where they are repeating the same thing. In that regards additional information is of no use. Purposive sampling was used because the informants are the most relevant people to offer the required information. The NASS members provide official information of the legislative oversight, the executive plays the role of stake holders in oversight and the civil society organization serves as gatekeepers that help sieve the system and balance the opinions of politicians. Furthermore, few reports and secondary data were used to support the findings. Case study approach was choosing as a research design. The analysis was largely interpretive, and the data were subjected to data management through organizing the data, reading of database, transcribing, coding and thematic organization. The primary data collected was presented and buttressed with the literature. This helps the researcher to present reliable and precise findings (Creswell, 2013).

**Table 1: The codes and the category of informants**

Code	Interpretation	Frequency
A	Members of NASS	3
B	Researchers from NILS	2
C	Staff from MDAs	2
D	Members of CSOs	2
E	Academics	2
F	Media	2
Total		13

**Table 2: Showing numbering of informants**

Code	Informant Designation	No. of Frequency
A	Senator	1
	Member of Representative	2
	Member of Representative	3
B	Research Fellow	1
	Research Fellow	2
C	Director PRS	1
	Administrative Officer	2
D	Executive Director Officer (CISLAC)	1
	Executive Director (PLAC)	
	Lecturer	2
E	Lecturer	1
	Journalist	2
F	Journalist	1
		2
Total		13

## 5. DISCUSSION OF FINDINGS

This section is devoted to the analysis of the information gathered from the informants based on the interview conducted and the reports. The study raised issues regarding the role of the NASS in its oversight function and how it helped in consolidating democracy in the Fourth Republic from 1999-2019. The section has also dealt with the challenges and constraints faced by the legislature in performing its oversight and the implications of those challenges to democratic consolidation. The responses are analyzed under the following themes:

### 5.1. The role of the legislature in the oversight function

Deriving from the principle of separation of powers, which was enshrined in the Nigerian constitution of 1999, and the operation of the presidential system of governance, besides other functions of legislation and representation, the legislature is responsible for supervision and monitoring of the executive arm of government (Roberts, 2002). The relationship between electorates and the legislature is like, principal-agent relation in democracy. The oversight function of the legislature serves various purposes: it promotes efficiency and accountability by keeping the executive responsible, responsive and accountable. It advances the legislature's interest and that of their electorates. In a similar line, oversight helps in upholding the rule of law and due process in constitutional democratic government.

With regards to the oversight role performed by the legislature in the fourth republic, the informants believed that despite corruption and limited experience from the part of the legislature, their performance on the oversight function has set a pace to improve good governance and democracy in Nigeria. Accordingly, some three members interviewed have pointed out that there are key areas where the legislature has performed tremendously in oversight, although, there are cases of misuse of powers by the NASS members. For instance, despite the existence of special budget on oversight in the NASS, it is the MDAs that are sponsoring activities such as oversight visits to their site. How do you expect an effective audit when you sponsor an auditor? Of course, the legislature makes efforts in oversight by going out to the project sites at least three times every year. However, it is the responsibility of the legislature to finance their oversight activities in order to avoid suspicion.

The above position of informants has demonstrated the efforts of the legislature in oversight function. Obviously, NASS should sponsor its visitation and other oversight activities. The assertion complies with Hamalai (2014) in which she pointed out that most of the committees of oversight rely on the MDAs to sponsor oversight activities. Legislative oversight has multifarious features encompassing control over budgetary process or what is widely known as "the power of the purse", ratification of treaties, investigation of public officials, approval of executive and judicial appointments. Moreover, it has the power of impeachment. The power of purse appeared to be the strongest instrument of the executive control in the oversight tools. In Nigeria, the budget proposal usually bears late submission except for the 2018 budget proposal, which was presented by the President in November 2017. Over the years of democracy in Nigeria, the legislature has determined the control, distribution and implementation funds appropriated to the MDAs. Both the members of the NASS and other informants have unanimously agreed that the implementation of the capital budget is only 35-43 % while recurrent expenditure implementation rated above 80%.

Similarly, the informants believe that the legislature has performed greatly in the investigative and public hearings right from the inception of 1999 to 2019. "They have exposed corruption in the power sector, mismanagement, and misdeed in the ministry of aviation, diversion of pension funds by the Director of Pension Commission and misuse of public funds by the secretary to the president among others" (Informant D2&E1). These have corroborated with the findings of existing literature (Oyewo, 2007; Hamalai, 2014; Abah & Obiajulu, 2017; Yusuf, 2020). These findings, unlike previous studies, show that there is an improvement in the performance of the legislature most especially from 2015 to 2019.

Findings from the data of this study has also shown that the legislature has participated in several oversight functions like public hearings and investigative role such as; investigation of malabu oil and gas in 2013, probe into aviation ministry of over N9 billion contract (including ministry of works and SURE-P), investigation on oil subsidy in 2012, kerosene subsidy in 2014 and probe of police pension funds of about 24billion release from the controversial service vote in 2010. Similarly, July 2020 Joint Senate and House Committees on Labor, productivity and employment has requested the Minister of state to ascertain and explain the modalities of implementing 774,000 jobs initiated by the executive. In the program the House has approved N52BN for the special public works.

Accordingly, it must be well-known that Nigeria's legislature has proved its capacity in performing its constitutional powers since 1999. It has exposed several corrupt practices among the officials in all arms of government (Yusuf, Yosoff & Zengini, 2018). For instance, the mishandling of Petroleum Technology Development Funds (PTDF) and shady deals related to this most especially by the former president Obasanjo and his vice, Atiku Abubakar were exposed by the legislature. Moreover, the discrepancies in power sector spending between 1999 and 2007, which the committee of the lower chamber had exposed the massive misuse of funds meant for the national power project in 2007. Similarly, several principal officers of the upper chamber were release of their positions because of confirmed malpractices ranging from forgery of certificates, financial shenanigan, and the likes. Such indicted officers included among others Evan Enwerem, Chuba Okadigbo, and Salisu Buhari. These indictments were based on successful investigative role conducted by NASS, even though; some of them have been pardoned by the state.

It was also reported by the Nigerian Business (2013) that on 13 January 2013, the upper chamber has taken a decision to stop MDAs from a recruitment exercise which was outcries by public. The exercised had favored some state against others contrary to the federal character provisions. However, the oversight function of the NASS has attracted some level of criticisms due to apparent abuse of this vital legislative tool and mechanism. In some instances, most members of the NASS view legislative oversight function as a way to richness. This is a misuse of congressional tool. And it is wrong and worrisome because it contravenes the principle of good governance (Nwagwu, 2014). This without doubt often eroded the capacity of the institution to serve as protection against corrupt practices in government most especially in the instance where members compromised confidence reposed in them (Fashagba, 2009).

## 5.2. Legislature oversight and democratic consolidation

Many years, experts have believed that the duration of democracy determines its consolidation. Therefore, Huntington (1991) posited that if democracy survived for three or more electoral cycles, or there had been at least two Pacific executive transfer of power, or democracy survive for at least, twenty years, that signal its consolidation. Other scholars emphasized the importance of political institutions, political culture and most importantly legitimacy. Recent studies indicated that democratic consolidation has nothing to do with duration of democracy. Przeworski et al. (2000) opines that what signal its consolidation is the level of its legitimacy. However, more recently, Pelizzo and Stapenhurst (2013) and Izah (2013) asserted that the capacity of the legislature to oversight the executive may have a better prospect in contributing to democratic consolidation.

With respect to the ability of oversight in consolidating democracy in Nigeria's Fourth Republic, the informants, except one have unanimously agreed that legislature in Nigeria has played role in saving democracy through important issues in its oversight function. "We heard the legislature in 2006 refusing the constitutional amendment for third term agenda, as initiated by President Obasanjo" (Informant B2). This assertion was supported by many scholars. According to Omotola (2006) the defeat of the project of the third term agenda at the NASS on 16<sup>th</sup> May 2006 was celebrated by several political actors; this signifies that the actors cannot go asleep now. All these have indicated greatly how legislature servers as agent of people in the democracy. The relationship is that of an agent and principal and it control the entire political system. The role of legislative oversight is to prevent self-interest managers or more appropriately the executive and other government departments from deviating from the rule of law and due processes. Any executive that refuse to comply with the rules and regulations or policy provisions of the system should be forced to comply.

Similarly, in 2010, when the then ill President Umaru Yar'adua went abroad for a medical treatment, and the president has failed to transfer power to his deputy, that created a political vacuum which would have become a catastrophe in the politics of Nigeria. The legislature invoked on the doctrine of sovereignty to save the country's democracy (Informant A1, A2, B2, D1, C2, E1, F2). This action of the NASS has paved a way for the emergence of



Good Luck Jonathan as an Acting President. These have stabilized Nigeria's polity and save the country from several political quagmires. This view was supported by Mba (2014) that 9<sup>th</sup> January 2010 the NASS evoke the doctrine of necessity to allow Good Luck to become the acting president.

It was also observed by some informants that the investigative power of the legislature has improved the hopes of Nigerian in democracy, though, many have reservations regarding the refusal of the Senate to approve the appointment of the former acting Chairman of Economic Financial Crime and Corruption Commission (EFCC). The chairman of the EFCC was appointed as acting by the president without the approval of the senate where he spent more than four years in acting position. Later, the chairman was suspended base on several allegations raised against him. Scholarly studies have confirmed that there is an improvement in the investigative and public hearing in the NASS (Hamalai, 2014; Abah & Obiajulu, 2017). This has gone a long way in improving democracy in the Nigeria's Fourth Republic.

### 5.3. Challenges of legislative oversight

The legislature in the Nigerian is faced with the numerous challenges in performing its oversight function. The informants have largely had the same opinions, the recurrent theme in their responses is the issue of underfunding. The oversight function requires a huge amount of money, there is too much over-dependence on the MDAs. It is the funding that makes the smooth running of oversight function, to some, the legislature is overfunded, while to the few it is underfunded. The legislature requires a lot of money to operate. The work of the legislature is enormous, for instance, organizing public hearing is not a small work, it needs about three to five Million. The findings from this study signify the over-reliance of the legislature on MDAs in undertaking oversight activities including oversight visits and public hearings. Perhaps, this is because of poor resources and resources allocation in the budget of the NASS. This situation has been a banning issue that is yet to resolve in both two chambers.

Furthermore, the informants are unanimous in their opinions that there is a lack of training to both NASS members and the administrative staff. Other challenges include lack of research facilities, office space, and vehicles to support oversight activities. Moreover, there are also the late submission of the budget to MDAs and poor budget arrangement. Some informants have highlighted the issue of lack of implementation of most of the resolutions and recommendations of the committees of the oversight by the executive. In actual sense, there is a lack of cooperation of MDAs to the legislature in providing information. In fact, it is one of the most daunting challenges of legislative oversight, since information from MDAs helps legislature in budget scrutiny and approval. In sum, the legislature is subordinated to the executive and the MDAs in the oversight function, the degree of the separation of powers is very low, and that is the principle that determines the power of the institution of the legislature. These findings were also reiterated by Hamalai (2014) that the legislature faces several challenges of these kinds in performing its oversight functions.

### 5.4. The Implications of the challenges of legislative oversight for democratic consolidation in Nigeria

These challenges have serious implications for democratic consolidation. The NASS is one of the democratic institutions that is hoped to strengthen the polity. When they are faced with these challenges the output will be lower and that will affect democracy negatively. The issue of funding is very important in oversight. Conducting investigative hearing requires a huge amount of money. The legislature could not make good oversight if it is surrounded by several constraints. The institution requires autonomy to really serve as agent of people in the democratic system.

## 6. RESEARCH IMPLICATIONS

Theoretically, this paper has contributed by studying the oversight function of the legislature in consolidating democracy using the Institutional agency theory propounded by Barry Mitnick. This theory has offers an

explanation on the role of supervision, monitoring, controlling and overseeing in the system of democracy and its design from the angle of the principal-agent relationship. Accordingly, a democracy in Nigeria under the presidential system is characterized by the relationship between electorates (principal) and legislature as an agents and the relation between the legislature and the executive as agents. In the Nigerian Presidential system of governance there is a complete separation of powers. The principle of Checks and balances has emanated from the principle of separation of powers by Montesquieu (1748) and it has been the tradition of Presidential system of governance for long. The study has demonstrated clearly that the legislature in its oversight function has checkmated and curtailed the executive from dictatorship; it exposes several financial shenanigans and stabilizes the polity.

Methodologically, this research has provided empirical evidences on the role of the legislature in the democratization process in Nigeria's Fourth Republic from 1999-2019. It utilized a semi-structured interviews, few reports and were supported with a scholarly work. The data were obtained and generated through a heterogeneous sample of informants, and this goes a long way in enhancing the fitness, credibility and transparency of data. Furthermore, the study has identified practical challenges of the legislative oversight in strengthening democracy in the Nigeria's Fourth Republic. It also contributed contextually in the Nigerian politics.

## 7. CONTRIBUTIONS TO SCIENTIFIC COMMUNITY AND FUTURE RESEARCH

This study has contributed to the wider academic community in several ways. It has contributed theoretically, methodologically and most importantly contextually by identifying practical challenges of the legislative oversight in democratic consolidation in the Nigeria's Fourth Republic. However, no research is considered flawless or without limitations. Based on the limitations of this study future researches should consider applying focus group discussion and face-to-face interviews as techniques for collecting information; this will provide validity and reliability of data as triangulation of data source has been used. Similarly, this study can be conducted quantitatively since democracy and oversight are variables that can be measured.

Accordingly, there are several discussions and theories unexplored. Based on that the future studies are suggested in the following areas; Oversight and Efficient Service delivery in Nigeria; Oversight, Good Governance and Democracy.

## 8. CONCLUSION

In summary, for the legislature to perform its responsibility of oversight of the executive and other Ministries, Departments and agencies (MDAs) effectively, the institution should be independent, most especially with regards to finance. The degree of the separation of powers in the Nigerian government also should be increased to enhance check and balance. Similarly, improving research in the NASS and its staff should also be given priority. Thus, by creating awareness, training, and re-training to the members of the NASS in the country.

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