DEMOCRACY AND BICAMERALISM IN NIGERIA: ISSUES, CHALLENGES AND THE WAY FORWARD

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Abstract

The study looked at the effects of bicameral legislature on democracy in Nigeria. It presented the issues, reservations and controversies over the usefulness of bicameralism as a type of legislature adopted by Nigeria. Bicameral legislature is a two-level of legislature comprising the Senate and House of representatives. Despite the benefits of bicameral legislature, there are a plethora of criticisms against its practice. Some of the problems associated with bicameral legislature include: high financial outlay to run its operations; undue delay in legislative processes, which is dangerous in emergency situation; and, avoidable duplication of legislations. The study adopted both primary and secondary sources of data gathering. In all, two hundred and ten (210) questionnaires were administered using simple percentage. The study chose Ondo State as its study area using purposive sampling to select respondents. It picked its respondents from the three senatorial districts of the state with each of the senatorial districts having seventy questionnaires, but two hundred questionnaires were returned. So, the study worked on the returned 200 questionnaires. It found out that bicameral legislature was very expensive to run as its benefits are not commensurate with resources expended on it. It was also discovered that an enlarged unicameral legislature would combine the gains associated with both bicameral and unicameral legislature. It concluded that bicameral legislature should therefore be discountenanced with and its stead a unicameral legislature should be adopted with some modifications.

Keywords: Governance, Legislation, Opinion, Population, Reforms.

Introduction

Scholars have argued that democracy is the best form of government man has ever invented (Roskin, Cord, Medeiros and Jones, 2008; Dahl, Shapiro and Cheibub, 2003). Their assertion was based on the opportunity and platform that democracy provides for citizens' participation in the change of leadership and affairs that affect their lives either directly or indirectly (Lipset and Lakin, 2004; Roskin, Cord, Medeiros and Jones, 2008; Dahl, Shapiro and Cheibub, (2003).

What was in vogue, before the adoption of legislature as a platform of citizens' representation, was direct democracy. Direct democracy, also known as "pure democracy", is a type of democracy that allows the people themselves, rather than the elected representatives, to determine the laws and policies by which they are governed (Gaus, and Kukathas, 2004). This was later replaced by what is today known as "representative democracy" (Gaus, and Kukathas, 2004). This is because, direct democracy is difficult if not impossible to operate because of the size and the huge financial outlay involved. Representative democracy therefore evolved as the only workable system. Representative democracy is a form of indirect democracy which guarantees the citizens the opportunity to choose those who will represent them in government (Dibie, 2003; Hénaff, and Strong, 2004).

The essence of democracy is the platform it provides for citizen's participation. Since it is no longer feasible and possible for all the citizens to govern themselves directly through what is known as direct democracy, representative democracy by means of choosing or electing certain trusted and competent individuals to represent the citizens' interests in the parliament became acceptable alternative of self-government through indirect means. Democracy, viewed in this perspective, is inseparable from and a synonym of representative democracy. In many representative democracies (Canada, Australia, UK, etc), representatives are most commonly chosen in elections by a plurality of those who are both eligible to cast votes and actually do so (Gaus and Kukathas, 2004).

The power of representation as derived from the sovereignty of the collective will of the people is, indeed, what makes democracy more acceptable, more popular and more 'peoplecentric' than any other forms of government. The term 'representative' derives its conceptual usage from the contractual trust and consensual agreement between the elected representatives and the constituents (Harvey and Harvey, 1989). It behoves, therefore, on the elected representatives, having been first elected, to fulfil part of the contractual agreement by firmly gluing to the tenets and fundamental principles of the platform upon which they were elected (Gaus and Kukathas, 2004).

The essence of representative democracy stems from its ambition of representativeness. This is because the people, who, through the ballot, have willingly surrendered their sovereignty to the elected officials in the legislature, expect credible representation based on mutual trust in return. The legislature therefore is the eyes of the people and is expected to do for the people what the citizenry could not do for themselves as a result of perceived hindrances of preponderance of population, coordination and resources.

In Nigeria, bicameral legislature is being practised to ensure adequate representation of ethnic groups that make up Nigeria. In reality, however, the adoption of bicameralism as a system of legislature has somewhat proved to be detrimental to rather than deepening democracy. The supposed gains of bicameralism have been lost in the huge financial outlay required to maintain and sustain its operation. These huge resources, it seems, have not been justified by the display

of reckless legislative rascality by legislators at the centre and the promotion of personal aggrandisement over national interest and citizens' wellbeing (Arowolo and Aluko, 2012).

It is this set of problems and its attendant deleterious consequences on national development and good governance that have attracted the attention of this study. In the midst of these controversies and inherent contradictions evident in bicameral legislature as practised in Nigeria, this study intends to come out with alternative and more enduring legislative system suitable for Nigeria's democracy.

Democracy and Bicameralism: Conceptual and Theoretical Framework

Scholars have variously defined democracy. This perhaps makes democracy the most defined concept. But single indicator of a multi-faceted approach such as democracy can only produce definitional inadequacy. Democracy has so many faces that make it a unique concept (Diamond, 2005). It is as a result of this that this paper has chosen to operationalise the major concepts of democracy and bicameralism to bring out all the virtues of the concepts.

Smith (2009) operationalises democracy as "a system of government that provides meaningful and extensive competition between individuals and groups, highly inclusive levels of political participation in the selection of leaders and policies, civil and political liberties sufficient to ensure such competition and participation, representative parliaments, the responsibility of government to parliament, regular free and fair elections, freedom of expression and association, and an extensive suffrage".

While operationalizing democracy, Onyeoziri (1989) identifies four indicative domains of democracy which include: the domain of individual and group rights and freedoms; the domain of popular and equal participation in collective decision; the domain of accountability of government to mass publics and constituent minorities; and the domain of the application of the principles of equal citizenship in all spheres of life- social, economic and political. The running theme of this conceptualisation is that any claim to democratic regime or state must essentially embrace a high degree of popular participation, competitive choice, and openness, the enjoyment of civil and political liberties by the citizenry in concrete terms and accountability of the leadership. The opportunity to participate in democratization process accords the citizenry the choice and selection of credible representatives through periodic elections.

Essentially, government comprises three arms of government viz: executive, judiciary and the legislature. The fundamental functions of these three arms of government, *inter alia*, are stated as follows: the executive is saddling with the rule execution function, while the legislative function includes rule making and judicial function comprises rule adjudication. The compartmentalisation of functions is predicated upon the need to avert a situation of monopolistic domination of responsibilities and power usurpation, as 'power corrupts, absolute power corrupts absolutely'. This is also to ensure checks and balances and good governance built upon separation of powers and adherence to stated rules. The concern and choice of this paper, however, is the legislature as it relates to its representational function.

In a broader term, there are two types of legislature, this includes unicameral and bicameral legislature. In Nigeria, there are two levels of legislature known as bicameral legislature. In government, **bicameralism** is the practice of having two legislative or parliamentary chambers. Thus, a **bicameral parliament** or **bicameral legislature** is a parliament or legislature which consists of two Chambers or Houses (Bugaje, 2003).

The relationship between the two Chambers varies; in some cases, they have equal power, while in others, one Chamber is clearly superior in its powers. It is also commonplace in most federal systems to have a bicameral legislature, with the upper chamber representing the constituent

states, while the lower chamber represents the people as it is in the United States and Nigeria. In both countries, the upper house represents the component parts, and the lower house represents districts based on population (Roskin, Cord, Medeiros and Jones, 2008). In Nigeria and other countries like Argentina, Australia, Austria, Belgium, Brazil, Canada, Germany, India, Malaysia, Mexico, Pakistan, Russia, Switzerland, and the United States, bicameral system is linked to federal political structure (Bugaje, 2003).

The purpose and practice of bicameral legislature anywhere in the world stems from the need to engender enduring legislation sufficient enough to positively impact on the people and also to increase and strengthen the level of political participation, representation and involvement. This is also capable of facilitating sense of belonging and mutual trust potent enough to propel spirit of nationalism and patriotism; as this is the hallmark of democracy (Arowolo and Aluko, 2012). It then indicates that democracy is the avenue through which the purpose and practice of bicameral legislature can be actualised and sustained.

Generally, functions of the legislature include: rule making; constituency work; supervision through legislative oversight; scrutiny of executive policies and criticism of government; education through calling public attention to problems; and, representation (Dibie, 2003).

The problem that confronts the protagonists of democracy has been to fashion an institution or institutions which will ensure the participation of the entire people in the affairs of their government without which a government loses its operational effectiveness and sentimental attachment to the people. It is this attachment that legitimises government and binds the people to the government (Bugaje, 2003).

Periodically, the entire people are allowed to choose those who will represent them and will be entrusted with law-making and the administration of their affairs, at local, state and federal level as the case may be.

Models of Representation
Representation is theoretically represented by four models viz: trusteeship model; delegation model; the mandate model; and, resemblance model (Heywood, 2007).

Trusteeship Model
Understanding a trusteeship model demands definition of a trustee. What is a trustee? A trustee is a person who has been bestowed with the right and responsibility of holding in trust the control of property or affairs on behalf of another person. The essence of representation, according to a trusteeship model, is to serve one's constituents by the exercise of "sound judgment" and "enlightened conscience" (Burke, 1975; Heywood, 2007). Representation has been described as a moral duty on those who are fortunate in terms of education, birth and acquisition of material wealth to rule over and represent those who are less fortunate. It is based on the principle that knowledge and understanding are not equally distributive in society and the belief that not all citizens are enlightened enough to identify what is good for them.

Trusteeship model has been severely criticised in that it suffers from logical coherence. Arguments are rife on the relationship between education and representation. It is argued that there is no link between the two. While education may facilitate a clear understanding of sound policies and interpreting economic problems, representation on the other hand requires the issue of morality and values of humanity which education may not be able to facilitate. Unchecked powers and overloaded responsibilities may breed corruption and leadership arrogance (Heywood, 2007).

Delegate Model
Delegate model emanates from conceptual meaning of delegate. A delegate is chosen or selected to represent or speak on behalf of others. A delegate is always an individual with a vision, who shares the feeling of those to be represented and who clearly understands the purpose of representation. In other words, a delegate is expected to be a mouthpiece conveying the views of others with little or no capacity to act independently or exercise his or her own judgement or preferences (Heywood, 2007). Example of this includes some selected members of political parties representing the views of others in a national primary election.

Mandate Model
Prior to the emergence of modern political parties, representatives were viewed as independent actors. Individuals rarely were selected but on the basis of their individual qualities, unique attributes and talents and are supported because of their image and personality. The emergence of modern political parties however has brought about new theories of representation. The most influential of these is known as doctrine of the mandate (Heywood, 2007). This is based on the fact that the electorate have to surrender their mandates to some selected or elected individuals to represent them in the parliament. The kernel in this theory is that, a party is given a mandate after winning an election to carry out policies or programmes canvassed during the election campaign. Rather than individual politicians, the mandate theory gives the responsibility of representation to the political party, which enables the political to have party discipline against any erring representative member (Dibie, 2003). It is the party manifestoes that attract people's support and not really the credentials of an individual. This model has also been criticised for downplaying the importance of personality in election issue.

Resemblance Model
Resemblance model is more interested in whether the representatives are selected based on their sentiments they have with and their sympathetic attachments to the cause of the group from which they were chosen. By this reason, it is expected that a representative government should be a replica of the larger society; a representative government is a microcosm of the larger society, containing members drawn from all groups and sections in society (Heywood, 2007). The model contends that only people who come from a particular group, and have shared the experiences of that group, can fully identify with its interests (Burke, 1975). Like others before it, this model has a lot of criticism. One of it is its nature of representation. If for instance, a woman represents women, only a worker can represent the working class and a member of a particular ethnic group represents his or her ethnic group, all will be canvassing the interest of their groups, the result would be social division and conflict.

The combination of mandate model and resemblance model fits into Nigeria's representative system. Representations in the Houses of Assembly and House of Representatives reflect the resemblance model, as representatives are made on the basis of ethnic groupings. Also appointment in the cabinet at both federal and state levels also reflect this kind of representation as some women represent the interest of women in the cabinet. Like commissioner or minister of women affairs; commissioner or minister of youth affairs representing the interest of the youth populace. But the election in the executive reflects mandate model. For instance, the president of Nigeria has the mandate of the entire Nigerian people to represent their interest in government. The governor of a state also has a mandate to represent the interest of his or her entire state.

Arguments against Bicameral Legislature in Nigeria
Some of the arguments against bicameral legislature are presented below:
There is a school of thought that believes that bicameral legislature leads to waste of resources

and high cost of running, with too much money and power at the centre to the detriment of the federating units. There is also an argument that points to the delay in the passage of bills because they are always duplicated and when they are passed by each legislative body, the two versions of the same bill that emerge would consequently need to be reconciled before the President can sign it into law (Okuwa, 2001).

Bicameral legislature often leads to undue rivalry and struggle of leadership between the two levels of National Assembly. This was the case during the joint sitting of the National Assembly to amend the 1999 constitution in Minna, Niger State in 2009. The rationale behind bicameral legislature is questioned as one house can do what the two houses do. This sentiment stems from the belief that bicameralism is a barrier to the full realization of democracy, as it does not locate full governmental power in the representatives of popular majority (Arowolo and Aluko, 2012).

Another argument is the monumental emoluments and series of allowances collected by the members of the two houses and their retinue of aides. The salaries and allowances for these "Honourables" cost Nigerian tax payers a huge sum in the like of N52.4 billion every year. Apart from this, they earn an additional sum of at least N15.02 billion as multi-purpose allowances given to the lawmakers on a quarterly basis. On the average, the total sum of their allowances net the sum of N10 million each as statutory incomes every month (Arizona, 2009).

Arguments in Favour of Bicameral Legislature in Nigeria

It is held in belief that bicameral legislature is capable of preventing and checking hasty legislation designed to serve the parochial interest and personal aggrandisement of a particular leader. A bicameral legislative structure at the centre of a federal system will help Nigeria to stabilise by checking and preventing tyranny of a group of people or states from time to time. Nigeria's Senate today is representative of the states; the units that constitute its federal structure and its members are elected by the people of the various states for that purpose (Dibie, 2003). It is, therefore, imperative for the states to play their unifying role as a second legislative chamber at the centre and act as a check to any kind of legislation which the representatives from any group of states may want to unfairly impose on the country.

Legislative bills need to be duplicated and later reconciled in order to prevent group or class or ethnic tyranny. As a developing nation, Nigeria might need to pay some price to sustain its growth and political development. There is also the issue of equitable distribution of seats and division of labour through the assignment of certain minor matters to a particular chamber. For instance, the Nigerian Senate is being saddled with the responsibility of approving the nominees of the executive (Dibie, 2003).

On the whole, taken the arguments of both sides into consideration, what essentially matters, *per se*, is not the type of legislature a country practices but how well it practices the adopted type and the commitment and the sincerity of purpose. Every system has both merit and demerit. There is no system of government that is perfect, but on the equilibrium, a country tends to adopt a system that matches its political structure and fits into its domestic realities.

Methodology

This study adopts primary source of data gathering as viable and reliable means of measuring the feelings of people on the purpose and practice of bicameral legislature and representative democracy in Nigeria. In achieving this, the study generated 210 questionnaires and distributed to people who are practically non-partisan. This is to engender objective analysis of issues and arrive at a viable and reliable statistical analysis. However, 200 questionnaires were returned for analysis.

As an appropriate system of statistical measurement, the study adopts simple percentage as a technique of analysis. The questionnaires are direct and understandable. Various questions were asked the respondents which include: Is Bicameral Legislature relevant to Democracy? Do you agree that Nigeria should maintain the two levels of Legislature? Does Bicameral Legislature justify the resources being spent on it *vis-à-vis* its level of performance? How can you assess the law making function of the legislature? Do you, by any chance, feel the impact of the laws made by the legislature? What can you say about democracy in Nigeria *vis-à-vis* the elected representatives? Are you satisfied with democratic process in Nigeria? In your own opinion, what do you think can be done to have a better representative democracy? Their responses were statistically analysed below:

Data Presentation, Analysis and Interpretation

How can you assess the performance of bicameral legislature in Nigeria?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Poor	128	64.0	64.0	64.0
	Fair	62	31.0	31.0	95.0
	Good	10	5.0	5.0	100.0
Total		200	100.0	100.0	

On the performance of bicameral legislature in Nigeria, the statistical table above shows that 128 out of 200 respondents representing 64% rated the performance of bicameral legislature in Nigeria as poor, while 31% described it as fair and 5% said it was good.

Is bicameral legislature relevant to democracy?

		Frequency	Per cent	Valid Percent	Cumulative Per cent
Valid	Yes	160	80.0	80.0	80.0
	No	24	12.0	12.0	92.0
	I don't know	16	8.0	8.0	100.0
Total		200	100.0	100.0	

On the relevance of bicameral legislature to democracy, 80% of respondents agreed that bicameralism was relevant to democracy, 12% said it was not relevant and 8% respondents were indifferent.

Do you agree that Nigeria should retain the two levels of legislature?

		Frequency	Per cent	Valid Per cent	Cumulative Per cent
Valid	Yes	48	24.0	24.0	24.0
	No	142	71.0	71.0	95.0
	I don't know	10	5.0	5.0	100.0
Total		200	100.0	100.0	

The table above shows that 24% agreed that bicameral legislature at the centre should be retained, 71% disagreed and said that bicameral legislature should be jettisoned and 5% were indifferent.

Does bicameral legislature justify the resources being spent on it *vis-à-vis* its level of performance?

		Frequency	Per cent	Valid Per cent	Cumulative Per cent
Valid	Yes	22	11.0	11.0	11.0
	No	154	77.0	77.0	88.0
	I don't know	24	12.0	12.0	100.0
Total		200	100.0	100.0	

On the justification of resources expended on bicameral legislature, 11% of the respondents were of the opinion that the two-level legislature justifies the resources being expended on it, 77% said the resources were not justified as there was nothing to show for it in terms of quality legislation that could positively impact on the lives of the people and promote good governance, 12% were indifferent.

How can you assess the law-making function of the legislature?

		Frequency	Percent	Valid Percent	Cumulative Per cent
Valid	Poor	184	92.0	92.0	92.0
	Fair	6	3.0	3.0	95.0
	Good	10	5.0	5.0	100.0
Total		200	100.0	100.0	

On assessment of law-making function at the centre, 92% rated it as poor, 3% said it was fair and 5% rated it good.

Do you feel the impact of the laws made by the legislature?

		Frequency	Per cent	Valid Per cent	Cumulative Per cent
Valid	**Yes**	24	12.0	12.0	12.0
	No	156	78.0	78.0	90.0
	I don't say	20	10.0	10.0	100.0
Total		200	100.0	100.0	

The interviewed respondents expressed their opinions on the impact of laws made by the two levels of national assembly. 78% said they did not feel the impact of law-making, 12% said they felt the impact and 10% were indifferent.

Are you satisfied with democratic process in Nigeria?

		Frequency	Per cent	Valid Per cent	Cumulative Per cent
Valid	Yes	43	21.5	21.5	21.5
	No	157	78.5	78.5	100.0
Total		200	100.0	100.0	

Nigeria has practised democracy for over sixteen years and so there is need to sample the opinions of the people on the way democracy is being practised in Nigeria. 21.5% were satisfied with democratic process in Nigeria, 78.5% were dissatisfied.

Discussion of Findings

The study appraised the practice and purpose of bicameral legislature in Nigeria and statistically analysed the views of 200 Nigerians. It is obvious from the results that the bicameral legislature practised by Nigeria is not the best going by the pursuit of personal interest at the detriment of national interest. This is evident as 64% described the performance of the chambers of national Assembly as poor. The implication of this is that, legislative functions have not contributed significantly to deepening democracy and entrenching good governance. As a result of this woeful performance of the federal legislature as rated by the respondents, 71% of the respondents were of the opinion that bicameral legislature should be jettisoned. This, according to them, would reduce the cost of governance and national budget would be skewed in favour of capital expenditure, which could be used for national development and create employment opportunities.

Majority of the respondents described the laws made by the federal legislature as parochial and self-serving. This is because, 78% of the respondents believed that they had not felt the impact of the laws made by the legislature. This is also further confirmed by the 92% of the respondents who described law-making function of the federal legislature as poor and not impactful. According to them, the commotion experienced in the federal legislature over leadership position is a function of pursuit of personal aggrandisement rather than national interest. The legislators, according to the respondents, go to the National Assembly for the purpose of enriching their pockets and not for good governance and national development. The implication of this is that an average Nigerian has lost hope in the representation of those at the National Assembly having

been patient with the lawmakers for good sixteen years without result. This has negatively affected citizens' trust in their elected representatives as one of the ingredients needed for democratic sustenance.

The respondents described Nigerian democracy as elite-oriented as it is not meant to benefit the masses. 78.5% were not satisfied with the way democracy is practised in Nigeria. This is because, according to them, the political elite appropriates and misappropriates national resources using their strategic political positions while impoverishing the mass of the people. This has deleterious implication on the quality of representation, which may lead to low citizens' participation in electoral politics.

Conclusion

The relevance of bicameral legislature to Nigeria's democracy has been controversial as a lot of Nigerians believed that it is a means of financial leakages and an avenue to enrich the pockets of the legislators. The legislative performance of the federal legislators has also been described as abysmal as majority of Nigerians could not feel the impact of the laws made by them.

The reasons for this low performance vary from respondents to respondents. It is evident from the data gathered that many of the legislators were imposed on the people rather than being elected. Irresponsible, irresponsive and self-styled legislature was linked to electoral manipulation, intimidation of voters and the use of thuggery to propagate and ensure electoral victory. Expectedly, therefore, elected representatives are not, *albinitio*, psychologically and mentally prepared for the task of law making. This is evident in the leadership tussle in the National Assembly, where lawmakers, who were supposed to be honourable in their own rights, exchanged physical combats and insults in the hallowed chamber in the physical glare of the public. The National Assembly tussle has assumed a frightening dimension, such that it has rendered the federal legislature practically redundant from carrying out its onerous mandate of making laws for good government and peaceful Nigeria since its inauguration on June 9, 2015. The recurring crisis in the national assembly over the sharing of positions and resources and its effect on good governance since return to civilian rule in 1999 has attracted the attention of this study.

Recommendations

As a clear departure from legislative passivity, it is suggested that Nigeria should evolve enduring electoral reforms that will guarantee responsibility in representation. Citizens should be encouraged through making their votes count. Free and fair election is capable of engendering legislative responsibility as citizens reserve the rights to recall or vote out any irresponsible legislator that does not represent them well. This will bring about responsible and quality representation. Secondly, there should be independent judiciary whose rule adjudication will be devoid of partisanship, favouritism and nepotism. There should be separate judges, well-trained in election matters and forensic analysis and in the area of psephology generally.

Thirdly, there should be part-time membership of the National Assembly. Emphasis should be shifted from full-time membership to service-oriented and professional legislators, who are only paid for sitting allowances for the services rendered. In this connection, expansive unicameral legislature of 387 membership based on equality of state, with two local governments, no matter how big, jointly presenting a representative as a way of curbing waste and removing legislative bottleneck arising from undue duplication and replication. Wilful and aimless cross-carpeting should be seriously frowned at. This will ensure party supremacy and loyalty of legislators to their party. Any erring legislator could be called to order or ultimately sanctioned by the party.

On the whole, the legislature should demonstrate high sense of decorum, maturity and responsibility rather engaging in a show of shame of publicly fighting for leadership positions. There should be appropriate punishment for legislative recklessness especially criminalising display of show of shame such as public fight that does portend the hallowed chamber as a responsible institution of government. The need for enduring electoral reforms cannot be overemphasised as this will ensure and assure a truly representational, selfless and result-oriented legislature in order to deepen democracy and entrenching good governance.

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