

AN EXAMINATION OF THE THEORETICAL PERSPECTIVES ON NATIONAL ASSEMBLY OVERSIGHT POWERS IN NIGERIA

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ABSTRACT

The oversight powers of the National Assembly, constitutionally mandated to ensure governmental accountability and protect citizenry, are a cornerstone of Nigeria's democracy. This research examines the theoretical perception of these powers against the backdrop of their practical application. The core problem is the widening gap between the noble theoretical foundations of oversight rooted in doctrines of accountability, transparency, and good governance and its flawed implementation, characterized by politicization, corruption, and institutional weaknesses. Adopting a doctrinal legal research methodology, this study analyzes constitutional provisions, case law, and secondary literature to explore this dichotomy. The findings reveal that while the constitution provides a robust legal framework, the exercise of oversight is often subverted by partisan interests, rent-seeking behaviors, and a lack of political will, as corroborated by recent scholarship. The research concludes by proposing feasible recommendations, including targeted institutional capacity building, enhanced judicial reinforcement of legislative powers, and the strategic depoliticization of the oversight process through civil society collaboration, to realign practice with theory and strengthen Nigeria's democratic governance.

Keywords: National Assembly, Legislative Oversight, Accountability, Good Governance, Rent-Seeking, Nigeria, Constitutional Law.

Introduction

The essence of the oversight powers of the National Assembly, as enshrined in the Constitution of the Federal Republic of Nigeria 1999 (as amended), is to ensure that citizens are protected and that elected leaders and government institutions are held accountable. This power is fundamental to the operation of a democratic system, providing a crucial check and balance among the three arms of government.¹ The legislature, comprising the Senate and House of Representatives, is vested with the authority to make laws for the peace, order, and good government of the Federation². Beyond law-making, its oversight functions serve a variety of purposes: keeping the executive establishment responsible and accountable, promoting rationality and efficiency in the formulation and administration of public policy, and safeguarding public resources. However, the perception and execution of these powers have become a subject of intense scholarly and public debate. While the constitutional framework suggests a robust mechanism for scrutiny, the practical reality is often mired in controversy. This research intends to have of the theoretical background of the oversight powers of the National Assembly.

Statement of the Research Problem

The core problem this research addresses is the significant disconnect between the theoretical perception of the National Assembly's oversight powers and their practical manifestation. Theoretically, oversight is perceived as a tool for ensuring transparency, accountability, and good governance. In practice, however, the exercise of these powers is frequently tarnished by allegations of politicization, corruption, institutional weakness, and even a transformation into mechanisms for rent-seeking and clientelism. This divergence undermines public trust, weakens democratic institutions, and prevents the legislature from effectively fulfilling its constitutional role as a watchdog over the executive. There is a critical need to systematically examine the theoretical foundations of these powers and juxtapose them with the contemporary challenges that shape their practical perception.

Research Questions

This study seeks to answer the following questions:

1. What are the key theoretical frameworks underpinning the oversight powers of the National Assembly under the Nigerian Constitution?
2. How are these theoretical concepts intended to translate into the constitutional functions of the National Assembly?
3. What feasible legal and institutional reforms can be implemented to bridge the gap between the theoretical ideals and the practical reality of oversight in Nigeria?

Conceptual Clarification

Legislature

The legislature is the organ of government vested with the primary power to make, alter, and repeal laws. The Black's Law Dictionary defines legislative powers as the law-making authority of a legislative body.³ As a key institution in a democracy, it represents the collective interests of citizens, not only through law-making but also by exercising oversight over the executive. It serves as the bulwark of modern government, moderating and controlling the activities of other state entities by laying down the legal framework within which they must operate.

¹ Chapters v, vi and vii of the 1999 Constitution of the Federal Republic of Nigeria, as amended.

² Section 4 (i), Constitution of the Federal Republic of Nigeria 1999 as amended.

³ B.A Garner, Black's Law Dictionary (9th edition Dallas Thomson Reuters Publishing Co.) 2009.

Oyewo⁴ opines that,

The legislature is an institution which presents the common and collective interests of the citizens through the enactment of laws and the exercise of oversight functions on the activities of the executive arm of government. The legislature in a democracy exists as an independent institution which deepens democracy and ultimately strengthens the policy. Nation building that will be likely to contribute to stable and sustainable international peace requires in building the society, economy and polity so as to meet the basic needs of the people. It means not only producing the formal institutions of democracy but building a common identity for the people...

Stemming from the foregoing one can define legislature as ‘that organ of the government which passes the laws of the government and agency which has the responsibility to formulate the will of the state and vest it with legal authority and force. Simply put the legislature is that organ of the government which formulate laws

Legislative Oversight

Legislative oversight is defined as the review, monitoring, and supervision of government and public agencies, including the implementation of policy and legislation.⁵ It is the process by which the legislature ensures that the executive's actions, programs, and expenditures are in compliance with legislative intent and the law. The oversight function is not merely a procedural formality; it is a critical instrument for nation-building and the cornerstone of democratic accountability. It involves legislative committees reviewing, studying, and evaluating the performance of ministries, departments, and agencies (MDAs) on a continual basis.

Heywood⁶ explained the oversight function can be referred to as scrutiny. Heywood definition is vague, of failure to look at the procedure and implementation of oversight. The oversight role of the legislators according to Malapane⁷ is to ensure that the policies of government represent the needs of the people and the parliament. Oversight functions serve a variety of purpose such as keeping the executive establishment responsible and accountable, to promote rationality and efficiency in the formulation and administration of public policy, to reap party advantage and to advance the cause of individual legislators’ interest groups and other stakeholders in the polity. It involves the responsibility of legislative committees to review, study and evaluate on a continual basis.⁸

Legislation

Legislation refers to the process of law-making.⁹ It is the source of law that consists of the declaration of legal rules by a competent authority, in this case, the National Assembly. As the supreme legislature of the federation, laws enacted by the National Assembly, particularly within the purview of the Exclusive Legislative List, are binding across the federation.

Theoretical Foundations of Oversight Powers

To fully understand the role and intent of the National Assembly's oversight powers, it is essential to examine the theoretical frameworks that justify their existence. These theories provide

⁴ O. Oyewo, ‘Constitutionalism and the Oversight Functions of the Legislature in Nigeria’ (Being a Paper Presented. at t African Network of Constitutional Law Conference on Fostering Constitutionalism in African in April 2007 at Nairobi, Kenya).

⁵ M. Gidado, The Const. Role of the Legislature viewed from a Nigerian Prism, UniJos Law Journal Vol. 1 2015.

⁶ N. Nwogwugwu and A. Ishola, Legislators and their Oversight Functions in Policy (International Journal of Humanities Social Sciences and Education) vol.6.

⁷ A. Malapane, Parliament as the Beacon of Hope of the People.<ttp://ulspace.u.c.ac.za/bitstream/handle/10386.malapane-holding-2016.pdf> accessed 14th August, 2025.

⁸ Ibid.

⁹ Dr. A. Singn, Introduction to Jurisprudence, Lexis Nexis, 4th Edition

the normative standards against which the performance of oversight should be measured. This study examines the efficacy of legislative oversight in Nigeria. To move beyond a mere listing of concepts, this section constructs a synthesized theoretical framework. It argues that the effectiveness of legislative oversight is not a function of any single variable but is an emergent property of the interaction between four core pillars of governance: Transparency, Accountability, Democracy, and the Rule of Law.

This framework integrates principles from Agency Theory, Democratic Theory, and Institutional Theory to provide a coherent analytical lens for understanding the systemic weaknesses and strengths of oversight in the Nigerian context. To build this framework, the four core concepts must be clearly defined not as abstract ideals, but as operational variables that can be observed and measured.

1 Theory of Transparency

The theory of transparency, as applied to legislative oversight in Nigeria, is rooted in the constitutional intent to create an "open, clean and clear" government. The oversight powers of the National Assembly are not merely punitive; they are primarily epistemic they are designed to generate and publicize knowledge about governmental actions. This foundational principle is operationalized through the constitutional expectation that the two arms of government will scrutinize one another, thereby illuminating the affairs of governance for public view. This constitutional imperative is buttressed by the Freedom of Information (FOI) Act, a key piece of legislation initiated by the National Assembly itself. The FOI Act serves as the statutory mechanism that transforms the abstract constitutional ideal into a justiciable right, mandating that public records and information be made more freely available. In this sense, the FOI Act is the legal embodiment of the theory, designed to institutionalize the flow of information from the state to the citizen.¹⁰

The theory posits that transparency is achieved when governmental processes, decisions, and data are not merely available, but are open, visible, and understandable to the public. This manifests in observable practices: public committee hearings, open plenary sessions, accessible budgets, and laws and decisions that are subject to public discourse.¹¹ When these conditions are met, the theory predicts a corresponding reduction in the opportunity for the abuse of power.¹²

This pillar serves several critical, interrelated functions that are necessary for effective oversight:

1. As a Deterrent to Corruption (The "Disinfectant" Function): Transparency acts as a powerful ex-ante control mechanism. The theory holds that the probability of malfeasance (embezzlement, bribery, fraud) decreases when government spending and contracts are exposed to public scrutiny. The "sunlight" of transparency makes it more difficult for officials to hide illicit activities.
2. As a Builder of Public Trust and Legitimacy: Transparency fosters a relational dynamic between the state and the citizenry. Openness signals a commitment to public service and generates trust, whereas secrecy breeds suspicion and cynicism.

¹⁰ J.O. Arowosegbe, (2024) 'Implementation of the access to information law in Nigeria', *AfricLaw*, 24 June. Available at: < <https://africlaw.com/2024/06/24/implementation-of-the-access-to-information-law-in-nigeria/> > accessed on 19 February 2026, 6:30pm

¹¹ A.M Florin, *The Right to Know: Transparency for an Open World* (Columbia University Press) 2007

¹² Yusuf, H.A., Idris, M.M. and Mohammed, M.S. (2014) 'Legislative Oversight and Public Accountability in Nigeria: Challenges and Prospects', Department of Public Administration, Ahmadu Bello University, Zaria. Available at: < <https://kubanni.abu.edu.ng/handle/123456789/13108> > accessed 19 February 2026, 6:30pm.

Furthermore, decisions reached through a transparent process are endowed with greater legitimacy and are more likely to be accepted by the public, even by those who disagree with the substantive outcome.

3. As a Mechanism for Performance Evaluation: By making data on government performance (e.g., project timelines, budget implementation) public, transparency enables a crucial feedback loop. It empowers external actors' journalists, academics, and civil society watchdog groups to analyze governmental output, identify inefficiencies, and differentiate between effective and ineffective programs. This function transforms oversight from a purely political exercise into an evidence-based one.
4. As a Prerequisite for Informed Citizenship: The theory of democratic governance relies on an informed electorate. Transparency is the mechanism that provides citizens with the information necessary to participate meaningfully in public life, evaluate their representatives, and advocate for their interests.

While the normative case for transparency is clear, its practical application in Nigeria faces significant impediments. For the theory to hold, information must not only be available but accessible. The following challenges represent points of failure where the transparency pillar is weakened, thereby compromising the overall oversight framework:

- i. The Problem of Over-Classification: The executive and legislative branches may excessively invoke national security or confidentiality to shield information that is merely embarrassing or reveals misconduct. This practice weaponizes secrecy, undermining the constitutional intent of openness.¹³
- ii. The Data Dumping Problem: Transparency is not achieved by releasing vast amounts of raw, uncontextualized data. If information is released in a format that is incomprehensible to the average citizen or lacks the necessary context, it creates an illusion of transparency while effectively obscuring the truth. True transparency requires accessible information, not just available data.
- iii. The Privacy-Security Paradox: The drive for transparency must be balanced against the legitimate need to protect citizens' private information (e.g., health records) and critical national infrastructure. An overzealous application of transparency could violate privacy rights or create security vulnerabilities, creating a tension that must be carefully managed.

In summary, the pillar of transparency provides the initial analytical lens for this study. It establishes that the quality of legislative oversight is fundamentally dependent on the quality of information available. When the constitutional and legal frameworks for transparency are subverted by the practical challenges of over-classification or obfuscation, the information flow necessary for accountability is severed, rendering subsequent oversight mechanisms ineffective. This pillar, therefore, serves as the logical starting point for diagnosing the health of the entire oversight system in Nigeria.

2 Theory of Accountability

Accountability denotes the obligation of those in power to take responsibility for their actions, explain and justify their decisions, and be subject to sanction for failures or unlawful

¹³ Bamgbose, O.J., Ijiwoye, O.A., Abah, J. and Adeniran, S. (2025) 'Challenges Confronting the Implementation of the Freedom of Information Act (FOIA) in Nigeria', *International Journal of Legal Information*, Cambridge University Press. Available at: <https://www.cambridge.org/core/journals/international-journal-of-legal-information>

conduct. This theory is the very engine of legislative oversight. Oversight functions, such as budget defense sessions and investigative hearings, are the mechanisms through which the National Assembly holds the executive accountable. This can be understood through the lens of the Principal-Agent Theory, where the citizenry (the principal) elects the legislature (an agent) to oversee the executive (another agent). The legislature, in turn, uses its powers to ensure the executive acts in the best interest of the principal. As one study notes, effective oversight is critical to ensuring both the constitutionally appropriate use of political power and the efficient implementation of policy.¹⁴ Accountability ensures that power is checked and that public resources are managed for their intended purpose.¹⁵

Accountability refers to the obligation of government and its agencies to answer for their actions. It requires those in power to take responsibility for their decisions, explain and justify them to the public, and face sanctions for failures, corruption, or unlawful conduct. At its core, accountability is the principle that power must be checked that public officials must be answerable not only for their actions but also for their adherence to moral and ethical standards. It demands transparency in public finance, ensuring citizens know what funds enter the treasury and how they are used.¹⁶ Accountability operates in two primary forms within a democratic system:

- i. Vertical Accountability: This is the direct relationship between citizens and the state. It is operationalized primarily through elections, where voters can reward or punish incumbents based on their performance. Other mechanisms include constituency briefings, where legislators account for their stewardship, and civic engagement that allows the public to demand justifications from their leaders.
- ii. Horizontal Accountability: This involves the oversight that state institutions exercise over one another. It is operationalized through constitutional checks and balances, such as courts reviewing executive actions or a legislature scrutinising the conduct of other branches to ensure they remain within their constitutional bounds.

In Nigeria's constitutional framework, legislative oversight serves as the primary engine of horizontal accountability. The National Assembly operationalises this form of accountability through a range of constitutionally mandated functions that ensure the executive branch remains answerable to the people's representatives.¹⁷ This oversight is not a single act but a system of interlocking mechanisms designed to secure specific accountability outcomes:

- i. Preventing the Abuse of Power: By exercising its constitutional authority to investigate the executive, the legislature operationalises the principle that no one, including the highest officials, is above the law. The knowledge that actions will be scrutinised and that officials can be held to account discourages arbitrary exercises of authority and self-dealing.
- ii. Ensuring Fiscal Discipline: Through its power of the purse the authority to approve, appropriate, and scrutinise government spending the legislature operationalises financial accountability. This function safeguards public resources by ensuring that taxpayer money is used for its intended purpose and by highlighting waste or corruption in publicly funded services.

¹⁴ C. Abonyi, Legislative-Executive Relations and Public Policy Formulation and Implementation in Lagos State, Nigeria. (OIDA International Journal of Sustainable Development Vol.. 10, No.6. 2006).

¹⁵ J. Akintayo, Legislation in Democratic Governance in Nigeria. African Humanities Monograph 11 (Humanities Research Center, Ibadan 1999)

¹⁶ Ibid.

¹⁷ A. Akinsanya, Four years of presidential democracy in Nigeria. In Akinsanya, A.A. and Ijang. G. J. (ed), Nigerian Government and Politics (1979-1983),(Calabar Wusen Publishers 2002).

- iii. Upholding the Rule of Law: When the legislature reviews executive actions to ensure they comply with legislative intent and constitutional limits, it operationalises legal accountability. This reinforces that the government must govern according to established laws, not personal preference.
- iv. Enhancing Government Performance: By gathering information to assess whether policies are achieving their desired impact, the legislature operationalises performance accountability. This creates incentives for agencies to perform efficiently and forces corrective action when programs fail.
- v. Legitimising Government Action: By publicly holding the executive to account, the legislature strengthens the legitimacy of the government itself. This visible process of scrutiny increases public trust, demonstrating that power is being exercised in a transparent and responsible manner.

Ultimately, legislative oversight translates the abstract ideal of government accountability into concrete, enforceable practice. It ensures that the executive's exercise of power remains constitutionally appropriate and that the implementation of policy aligns with the purposes defined through the legislative process.¹⁸ In doing so, it transforms the promise of good governance from a mere aspiration into an enforceable standard, ensuring that power serves the people.

3 Theory of Democracy

Democracy, at its most foundational level, is a system of government where sovereign power ultimately resides in the citizenry.¹⁹ This power is exercised either directly by the people or, more commonly in modern states, through their elected representatives within a framework governed by the rule of law. While the concept has evolved significantly from its origins in the city-state of ancient Athens, the core principle of popular rule remains.²⁰ However, the practical challenge of translating this principle into a stable and effective government for a large and diverse populace has been a central concern of modern democratic theory. It is within this theoretical landscape that the function of legislative oversight emerges not as an optional extra, but as a structural necessity for maintaining democratic control.

Modern democratic thought has grappled with the inherent tensions of self-governance. A key framework for understanding the design of democratic institutions is found in the work of theorists like James Madison, Joseph Schumpeter, and Robert Dahl, who, despite their differences, all point to the need for mechanisms that check and channel power.

The Madisonian perspective, articulated in the Federalist Papers, responds directly to the fear of tyranny not just from a monarch, but from an overbearing majority or an overreaching faction within the government itself.²¹ Madison's solution was not to rely on the goodwill of those in power, but to structure the government so that ambition must be made to counteract ambition. This is achieved through a system of separated institutions that share power. By creating distinct branches, the executive, legislative, and judicial each with its own powers and constituencies,

¹⁸ Akomolade, Legislation As a Tool For Good Governance In Nigeria. Legal Matters Arising, (*European Journal of Business and Social Sciences*, Vol. 1, No. 6, 2012)

¹⁹ S. 14(2)(a) CFRN, 1999, Sovereignty belongs to the people

²⁰ K. Bello, The resurgence of Democracy and its Impact on Good Governance (*in Africa Journal of Arts, Science and Commerce II (2)*. Benton 2011).

²¹ Madison, J. (1788, February 8). *Federalist No. 51: The Structure of the Government Must Furnish the Proper Checks and Balances Between the Different Departments*. The New York Packet. [Citations for the document itself are found in multiple sources, including The National Constitution Center

Madison created a framework where each branch has both the incentive and the constitutional means to resist encroachments by the others. In this model, the legislature's power of the purse, its authority to confirm appointments, and its capacity to investigate the executive are not mere administrative tools; they are the very engines of this "checks and balances" system, designed to prevent the accumulation of arbitrary power in any single set of hands.

Later theorists refined this focus on institutional competition. Joseph Schumpeter²², in his influential work *Capitalism, Socialism and Democracy*, offered a more minimalist, "realist" theory. He defined democracy not as an ideal of popular participation, but as an institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people's vote. This "elite competition" model shifts the focus from a romanticized "will of the people" to the practical mechanisms that ensure accountability. For Schumpeter, the democratic character of a system lies in the competition between elites for leadership. The legislature, therefore, serves as the primary arena where this competition is institutionalized and where the winning elite (the executive) is held accountable by the competing elites who constitute the opposition and the broader legislative body. Oversight becomes the formal process through which this competition is continuously enacted, forcing the executive to defend its decisions and exposing its performance to public scrutiny.

Building on both these traditions, Robert Dahl²³ advanced a pluralist theory of democracy, which he termed polyarchy. Dahl argued that modern democracy is characterized by the continuous interplay between multiple organized interests or groups, none of which can dominate the others permanently. For a system to be a polyarchy, it must guarantee certain institutional prerequisites, including freedom of expression, access to alternative information, and, crucially, institutions that ensure government policies depend on votes and other expressions of preference. In this view, the legislature is a critical site for pluralist bargaining and conflict resolution. Its oversight function is vital for ensuring that the executive branch, a powerful actor in its own right, does not become insulated from these societal groups and interests. Through hearings, investigations, and budget reviews, the legislature provides a public forum where different voices can challenge executive action, ensuring that policy remains responsive to the diverse composition of society.

Taken together, these theoretical threads Madisonian checks and balances, Schumpeterian elite competition, and Dahlian pluralism converge on a single, crucial point: oversight is a functional requirement of democratic control.

In a presidential democracy, where the executive and legislature are independently elected, the potential for conflict and executive overreach is high. The legislature's oversight function is the primary constitutional tool to curtail the executive's use of excessive power and prevent a slide toward dictatorship. It operationalizes the abstract principle of checks and balances. It provides the institutional arena for the ongoing competition between governing and opposing elites. And it creates a crucial point of access for pluralist interests to influence and scrutinize the policies that affect them. By ensuring transparency, demanding responsiveness, and enforcing accountability, legislative oversight transforms the theoretical ideal of democratic control into a daily, functioning reality. It is the mechanism that ensures the agents of the people the executive branch remain

²² Schumpeter, J. A. (1942). *Capitalism, Socialism and Democracy*. Harper & Brothers. [This classic work is cited in the preface to *Powers of Theory* and is the subject of Medearis's analysis]

²³ Dahl, R. A. (1989). *Democracy and its critics*. Yale University Press.

ultimately subordinate to the sovereign will of the people, as expressed through their elected representatives in the legislature.

The oversight function of the legislature is part of constitutional requirements of ensuring transparency, responsiveness and accountability in democratic governance²⁴. In a Presidential democracy, the legislature uses its oversight function to curtail the executives from the use of excessive power and dictatorship. In a representative democracy, the legislature is the primary institution through which the people's will is translated into governance. The oversight function is intrinsic to this theory, as it is the tool that ensures the government remains responsive to the electorate. By curtailing executive excess and preventing dictatorial tendencies, the legislature acts as a guardian of democratic principles. The increasing global demand for executive accountability is a direct consequence of the democratic expectation that power must be continually justified and scrutinized.

4 Theory of Good Governance

The theory of good governance is a central concept in political science, public administration, and development studies.²⁵ It is one of the basic theories underpinning the constitutional oversight functions of National Assembly in Nigeria. It refers to the framework of rules, institutions, and practices that dictate how a state or organization is run, with a strong emphasis on quality, effectiveness, and public trust. It is the processes of governing, the institutions, processes and practices through which issues of common concern are decided upon and regulated²⁶.

The theory of good governance provides a foundational, yet often critically interrogated, framework for understanding the role of the legislature. It is the normative lens through which the constitutional oversight functions of Nigeria's National Assembly are ideally viewed. However, to understand the persistent failures in Nigeria, this theory must be applied not as a static checklist, but as a critical diagnostic tool that exposes the gap between constitutional promise and political reality.

Theory of good governance shifts the focus from the mere existence of governmental institutions to the quality of the processes and outcomes they deliver. It defines governance as the processes of decision-making and implementation, emphasizing that how a state is run is as important as what it does. For a legislature like Nigeria's National Assembly, this translates into its constitutional mandate to oversee the executive, ensuring that governance is not autocratic or opaque but is instead a shared enterprise involving the state and, ideally, civil society. The theory posits several core principles as essential pillars²⁷:

- i. Participation: Requiring that citizens, both men and women, have a voice, either directly or through legitimate representatives.
- ii. Rule of Law: Demanding fair legal frameworks, enforced impartially by an independent judiciary and a trustworthy police force.

²⁴ L. Hamalai, Legislative Oversight of the Executive. In the National Assembly and Democratic Governance in Nigeria. Edited by Hamalai L. & Suberu R. Publication of NILS. Huntington, P. S. (1991). The Third wave of democratization, (University of Oklahoma Press. 2014).

²⁵ M.S. Grindle, Good enough governance: Poverty reduction and reform in developing countries. *Governance*, 17(4), 525–548. (2004) <<https://doi.org/10.1111/j.0952-1895.2004.00256.x>> accessed 24 August, 2025.

²⁶ <www.ohchr.org> accessed 24 August, 2025.

²⁷ D. Kaufmann, and A. Kraay, and M. Mastruzzi, *The worldwide governance indicators: Methodology and analytical issues*. (World Bank Policy Research Working Paper No. 5430. The World Bank. 2010).

- iii. **Transparency:** Ensuring that information is freely available and directly accessible to those affected by decisions.
- iv. **Responsiveness and Consensus Orientation:** Mandating that institutions and processes serve all stakeholders and mediate differing interests to reach a broad consensus on what is in the best interest of the community.
- v. **Effectiveness and Efficiency:** Requiring that processes and institutions produce results that meet societal needs while making the best use of resources.
- vi. **Accountability:** Holding decision-makers in government, the private sector, and civil society accountable to the public and institutional stakeholders—a cornerstone that cannot exist without transparency and the rule of law.

While this framework is a global standard for evaluating public institutions, a critical perspective reveals its limitations when applied to a context like Nigeria's. The theory often presupposes a level of institutional autonomy, political will, and civic engagement that may not exist. It describes an ideal end-state without fully accounting for the deep-seated political, economic, and social forces that subvert these principles. This theoretical gap is starkly illuminated when applied directly to Nigeria's legislative oversight failures. The Nigerian Constitution vests the National Assembly with robust powers of oversight appropriation, confirmation, investigation, and impeachment to ensure executive accountability and good governance. However, the application of good governance theory exposes a systemic failure to translate these constitutional provisions into practice:

- i. **The Failure of Accountability and Transparency:** The core principles of accountability and transparency are routinely undermined. Legislative oversight is often perverted into a tool for "legislative blackmail," where the threat of investigation is used to extract personal rents from executive agencies, rather than to ensure efficient and effective use of public resources. This creates a culture of impunity where the overseen (the executive) and the overseers (the legislature) collude to share the spoils, completely subverting the constitutional goal of accountability.
- ii. **Institutional Constraints and the Absence of Rule of Law:** The principle of the rule of law is compromised by institutional weaknesses. The National Assembly's oversight committees often lack the technical capacity, independent research support, and financial resources to conduct meaningful audits of complex executive budgets and projects. Furthermore, the judiciary, which should be the final arbiter in enforcing constitutional boundaries, is itself often constrained by procedural delays and perceptions of vulnerability to executive or legislative pressure, making it a weak check on power.
- iii. **Participation Subverted by Elite Capture:** The constitutional promise of representation and participation is undermined by the dominance of political party machinery and elite interests. Legislators are often beholden to party leaders and financial backers rather than their constituents. This "elite capture" means that oversight agendas are frequently driven by partisan political calculations or personal enrichment, rather than a genuine commitment to serving the public interest. The voices of civil society and citizens are marginalized, rendering the principle of meaningful participation largely theoretical.

The theory of good governance serves as a powerful, if idealistic, benchmark. Its direct application to the Nigerian context reveals a profound disjuncture between the constitution's framework for legislative oversight and the political reality of its operation. The failures are not merely administrative but are a fundamental violation of the theory's core tenets. The persistence of legislative blackmail, institutional weakness, and elite capture demonstrates that without a

determined effort to enforce accountability, transparency, and the rule of law, the constitutional promise of good governance through legislative oversight will remain an unfulfilled aspiration.

Legislative oversight is an indispensable pillar of good governance. It ensures that decision-making processes are participatory (through public hearings), that the rule of law is upheld (by checking executive action against legal standards), and that outcomes are effective (by evaluating policy implementation). When the oversight function is performed well, it contributes to a governance framework that is accountable, transparent, and responsive to the needs of the people. International organizations view a strong legislature as a key indicator of a country's commitment to good governance.

5 Theory of Rule of Law

The doctrine of the rule of law provides the essential constitutional architecture within which legislative oversight powers must be understood and exercised. Rather than serving as an unchecked tool of political control, oversight is both empowered by the rule of law to ensure governmental accountability and constrained by it to prevent the legislature itself from becoming a source of arbitrariness.

The classic formulation by A.V. Dicey²⁸ establishes the core tenets of this doctrine: the absolute supremacy of regular law over arbitrary power, the equality of all citizens and officials before the law, and the idea that constitutional protections are ultimately derived from judicial determinations of individual rights. This foundational view posits that where unfettered discretion exists, so too does the potential for arbitrariness, which undermines legal security. Modern constitutional scholars have built upon this, refining the rule of law not merely as a requirement of formal legality that government action must have legal authorization but as a substantive doctrine demanding that the law itself be structured to curtail the scope for governmental arbitrariness, especially when individual interests are at stake²⁹. As Black's Law Dictionary³⁰ affirms, it is the supremacy of regular law as opposed to arbitrary power. This principle creates a theoretical blueprint for an ideal legal system, synthesizing normative values and processes to promote formal justice and legitimize governmental action. In a democratic context, it is inseparable from constitutionalism, requiring a government based on a supreme constitution that typically includes a bill of rights to provide the environment for civil rights to thrive.

Crucially, for legislative oversight, this means its powers are not absolute. The rule of law provides the justification for the legislature to hold the executive accountable to ensure the executive acts within its legal bounds and does not exercise arbitrary power. However, it simultaneously imposes limits. The legislature, in conducting oversight, must itself adhere to the law. It cannot act arbitrarily, must respect the rights of individuals (including those summoned or investigated), and its actions are ultimately subject to review by the courts, whose constitutional jurisdiction must remain intact.

This dual role of the rule of law as both a sword for accountability and a shield against overreach is vividly illustrated in Nigerian jurisprudence. The principle that the rule of law demands equality and transparency was affirmed in *Shugaba v. Minister of Internal Affairs*³¹. More fundamentally, the Supreme Court in *Governor of Lagos State v. Ojukwu*³² grounded the entire

²⁸ A.V. Dicey. Introduction to the study of the Law of the Constitution, 10th Edition, 1885, p.199.

²⁹ B.O. Nwabueze, (n. 79)17.

³⁰ A. Garner, (n. 3).

³¹ (1981) 1 NCLR, P 125.

³² (1986) LPELR-3186(SC)

Nigerian constitutional order in the rule of law, defining its primary meaning as the requirement that everything must be done according to law. This applies equally to the government and to all state institutions. The Court emphasized that government itself must operate within a framework of recognized rules and principles that restrict discretionary power, and that the law must be applied even-handedly between the government and citizens. This reasoning directly applies to legislative oversight: parliamentary committees, when exercising powers of investigation or summons, are bound by this principle. Their discretion is not unlimited but must be exercised within the legal framework, respecting fair hearing and the rights of those appearing before them.

The corollary to this is that the rule of law guarantees access to the courts to check any abuse of power, including by the legislature. In *Safekun v. Akinyemi & Ors.*³³, the Supreme Court underscored that in a constitutional democracy, the protection of citizens' rights and the guarantee of the rule of law including the right to a fair trial demand that the jurisdiction of the courts be kept intact and unfettered. The Court highlighted the constitutional prohibition against any law that would oust the jurisdiction of the courts. This principle ensures that if a legislative body oversteps its bounds in the name of oversight for instance, by acting *ultra vires* its powers or violating an individual's fundamental rights the affected party has a judicial remedy. The courts serve as the ultimate guarantor of the rule of law, ensuring that the legislature, in its role as overseer, does not itself become a source of the very arbitrariness the rule of law seeks to eliminate.

Sections 88 and 89 of the 1999 Constitution grant the National Assembly powers to investigate, but these powers are not absolute. As highlighted by Senator Ita Enang and affirmed in cases like *DHL International Nigeria Ltd v. Senate of the Federal Republic of Nigeria*³⁴, these powers extend only to matters within its legislative competence and to government bodies, not to private companies arbitrarily. This legal boundary ensures that the legislature itself operates within the framework of the rule of law, preventing oversight from becoming an arbitrary exercise of power. The courts play a crucial role in enforcing these limits, thereby upholding the principle that even the overseers must be subject to the law.

In sum, the rule of law does not simply grant the legislature a power of oversight; it constitutes a framework of mutual accountability. It empowers the legislature to demand that the executive conform to the law, while simultaneously constraining legislative action within legal bounds and subjecting it to judicial scrutiny. It is this balance that prevents oversight from degenerating into anarchy or the arbitrary use of power.

Conclusion and Recommendations

The theoretical perspectives of the National Assembly's oversight powers, is rooted in constitutional law and the doctrine of the rule of law, paints a picture of a powerful, independent institution acting as the people's watchdog against executive excess. However, the practical reality reveals a system tarnished by politicization, monetization, and institutional weakness. The preceding theoretical analysis particularly regarding the separation of powers and the rule of law has exposed critical deficiencies: oversight is often paralyzed by partisan loyalty (undermining the independence required by separation of powers) and is frequently exercised arbitrarily or corruptly (violating the rule of law's core tenet that all state power, including legislative power, must be constrained and exercised without arbitrariness). Therefore, bridging the gap between theory and practice requires more than generic pleas for reform; it demands targeted interventions that address these specific theoretical failures. To this end, the following prioritized and institution-specific recommendations are proposed:

³³ (1980) 5-7 SC, P.25

³⁴ (2018) LPELR

1. The National Assembly should amend the FOI Act to include strict timelines for the de-classification of documents and establish an independent tribunal to review executive claims of national security or confidentiality to prevent the abuse of secrecy. The National Assembly should enact a standing order requiring all oversight reports and budget proposals to be accompanied by a citizen's version a simplified, graphical, and publicly accessible summary. This transforms raw data into usable information, operationalizing true transparency.
2. The Corrupt Practices and Other Related Offences Act should be amended to explicitly define the solicitation of bribes or personal benefits during oversight functions as a specific category of corruption, with stringent penalties including automatic forfeiture of legislative seat upon conviction. In addition, there should be a mandatory requirement that the Office of the Auditor-General for the Federation conduct an annual, independent audit of funds allocated to National Assembly committees for oversight tours and investigations. This report should be published to expose discrepancies between funds drawn and the value of oversight conducted.
3. Amend the Standing Orders of the Senate and House of Representatives to mandate that key oversight committees (e.g., Public Accounts, Finance, Petroleum Upstream) must be chaired by members of opposition parties to insulate them from executive pressure and codify rules that guarantee the minority party's right to summon witnesses or request specific investigations, preventing the majority party from unilaterally shutting down inquiries that might embarrass the executive.
4. Amend the Legislative Houses (Powers and Privileges) Act to require that all major investigative hearings include provisions for accredited Civil Society Organizations (CSOs) to submit *amicus curiae* briefs and have observer status. CSOs should be granted the right to petition committees to investigate specific issues. The National Assembly should establish a publicly searchable digital "Oversight Recommendation Tracker" that lists all recommendations made by committees, the government's response, and the current status of implementation. This creates a feedback loop and exposes inaction.
5. The National Assembly should pass a clarifying law or amend its Standing Orders to explicitly define the boundaries of its investigative powers, strictly adhering to the principle established in *DHL* that its powers under Sections 88 and 89 are limited to matters within its legislative competence and primarily concern government bodies, protecting private citizens from arbitrary legislative harassment. And in addition, the National Assembly must develop a clear, graduated, and legal protocol for dealing with executive officials who defy lawful summons. This should include referral to the Attorney-General for prosecution, court action to compel attendance, and ultimately, consideration of contempt proceedings, ensuring that the legislature's own processes are backed by the force of law.

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