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**بعث أفريقيا الغد في سياق التحولات المعولمة :**

**رهانات و آفاق**

**National Legislative Assemblies and African Regional Integration: The Role of  
the Nigerian Parliament in ECOWAS**

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**ORJI**



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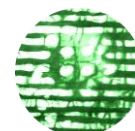
## **Abstract**

Existing analyses of the formation and consolidation of regional integration institutions in Africa have concentrated on the role of the executive branch of government in formulating and implementing integration policies. The role of the legislature in promoting regional integration in Africa has largely been side-stepped. This study examines the role, if any, of the national legislative assemblies in promoting regional integration in Africa based on the analysis of Nigeria's National Assembly. It contends that four issues provide the justification for greater involvement of the legislature in African regional integration: 1) the widening effects of globalization on governance and the fact that the distinction between foreign or international and national or domestic has become increasingly blurred, 2) the growing recognition of the role of the legislature as the defender of the people's interests, in this case, in the integration process; 3) the continuous expansion of the role of legislative assemblies beyond their traditional mandate of representation, lawmaking and oversight; and 4) the need to create checks and balances within supranational institutions justifies the increasing role of national legislative assemblies in regional integration. In conclusion, the study acknowledges that the quest for deepening of democracy at the national level has triggered a corresponding demand for democratization of supranational institutions.

## **Introduction**

Existing analyses of the role of Nigeria in the formation and consolidation of the Economic Community of West African States (ECOWAS) have concentrated on the activities of the executive in the making and implementation of the country's West African policy (Bach 1978 & 2007, Ojo 1980 & 1990, Gowon 1984, Olaniyan 1986). The role of the other arms of government, especially the legislature, in promoting regional integration in West Africa has not been given adequate attention. This is perhaps because the executive branch of government has traditionally been at the heart of Nigeria's external relations. Military governments ruled Nigeria for about 29 years (from 1966 – 1979 and 1983 – 1999). During this period, the legislature did not exist or existed alongside a military dictatorship, and Nigeria's foreign policy was framed and implemented by the military ruling councils. However, since 1999 following Nigeria's return to democratic rule, the executive has ceased to be the exclusive player in Nigeria's foreign relations. Legislative and judicial bodies are increasingly becoming involved in international affairs (Mélégue 2013a, Hettmann and Mohammed 2008, Banjo 2007). The involvement of these institutions in international affairs therefore deserves to be examined.

Nigeria's role in the formation and consolidation of ECOWAS has, historically, been directed almost exclusively by the executive branch of government. The country's Legislative Assembly has played only a minimal role in promotion of integration in West Africa. One major explanation for the minimal engagement of the legislature with West African integration asserts that integration process is a technical one, involving high level of negotiation and secrecy. Yakubu Gowon, Nigeria's Head of State between 1966 and 1975





who was involved in the formation of ECOWAS, claims that “the technical nature of the issues involved, and the complexity and high level of negotiations, all tended to confine the discussion for the most part to specialists, administrators, those responsible for government” (Gowon 1984: 199). This kind of mind set has continued to shape the role of the different branches of government in the conduct of ECOWAS affairs.

A range of historical and structural factors also limit the involvement of the Nigeria’s National Assembly (NASS) in West African integration. Like many legislatures in Africa, NASS was “established as a deliberative body rather than as an institution for the making of public policy” (Barkan 2009: 10, Thomas and Sissokho 2005). Established during the colonial period, the National Assembly was designed to perform roles that were “entirely advisory and [advice] could only be given within certain limits, in accordance with strict rules that were set out, in considerable detail” (Salih 2005: 8-9). The National Assembly was still attempting to adjust its role after independence in 1960 when it was ousted via a military coup in 1966. The long years of military rule in Nigeria, which spanned the period between the mid-1960s and late-1990s, saw a significant weakening of the Nigerian legislature, leading to its underdevelopment vis-à-vis the executive and the judiciary<sup>1</sup>. The period of the underdevelopment of the Nigerian legislature coincided with the period of formation and consolidation of ECOWAS. So, in a sense, the Nigerian National Assembly has only had a limited engagement with ECOWAS affairs.

However, considering that Nigeria returned to democratic rule in 1999 and that the country’s legislature has witnessed a rebirth since then, it is interesting to examine the influence, if any, of the National Assembly on the conduct of the country’s relations with ECOWAS. Since Nigeria’s transition to democracy, there have been efforts by local and international agencies to scale up the institutional capacity of the National Assembly, including the capacity of the Assembly to scrutinize policies, exert oversight, promote its autonomy, and provide effective representation (Nijzink, Mozaffar and Azevedo 2006: 6, Afari-Gyan and Glentworth 2011). With an expected increase in the capacity of the National Assembly, it is pertinent to ask: to what extent has the Assembly contributed to the promotion, or otherwise, of regional integration in West Africa? In addressing this question, this chapter will be guided by the assumption that notwithstanding the passage of time and efforts to strengthen the capacity of the National Assembly, the Assembly has not yet played a significant role in the promotion of ECOWAS integration.

### **Nigeria’s interests and views on ECOWAS**

Nigeria has played a prominent role in the promotion of regional integration in West Africa. The role of Nigeria in the formation and consolidation of ECOWAS (the region’s main regional integration body) is defined by a combination of security, economic, and socio-

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<sup>1</sup> Note that Nigeria’s National Assembly existed for four years in the early 1980s (from 1979 to 1983) and for another four years in the early 1990s (from 1989 to 1993).





political considerations. As observed by many, the military and diplomatic support offered to the secessionist Biafra during the Nigerian civil war (1967-1970) by Ivory Coast and Gabon, and the French use of bases in Benin and Cameroon to provide supply to Biafra, were sources of immense security concerns to the Nigerian leadership in the post war period (Ojo 1980, Bach 1983, Olaniyan 1986). The activities of these countries revealed gaps in Nigeria's relations with its neighbours and raised fears that the francophone countries that encircle Nigeria could pose threats to the country's security and political stability (Osuntokun 2008). Nigeria's post war West African policy has, therefore, focused on stabilizing and controlling its immediate environment, and discouraging the solidarity of francophone states against the country's interests, through the creation of benign rapprochement with these countries and promotion of integration in the West African region (Bach 1983).

Over the years, Nigeria has used ECOWAS as a platform to address the problem of trans-border crime, which took a disturbing dimension and posed serious security concerns to the country since the 1980s (Onwuka 1982, Meagher 2008). Nigeria is a major hub of Transnational Organized Crime (TOC), serving as a source, transit and destination of human and drug trafficking (UNODC 2005). Consequently, national agencies such as the National Drug Law Enforcement Agency (NDLEA), the National Agency for the Prohibition of Trafficking in Persons (NAPTIP), and the National Agency for Food and Drug Administration and Control (NAFDAC) have initiated trans-border operations that has extended all over West Africa (Alli 2012). Coordination of regional security by Nigeria also involves regular meetings of heads of different security agencies of ECOWAS member states. These meetings have created rapport among security agencies in the region and provided the framework for harmonization of policies on wide range of issues, including intelligence sharing.

Besides security issues, Nigeria has tried to realize specific economic interests through its sponsorship and membership of ECOWAS. Nigeria's war economy and the oil boom that occurred in the 1970s expanded the country's business sector by creating indigenous national and transnational contractors and entrepreneurs (Ojo 1990: 348). The indigenization policy<sup>2</sup> adopted by the federal government in the early 1970s further expanded the Nigerian business class. The government was convinced that regional integration would offer new markets and wider opportunities to the budding Nigerian business sector. Nigeria's former Head of State asserts that "it had long been our government's policy to encourage Nigerian and African enterprise and industry – not only by providing a larger regional market and reducing and eventually eliminating existing discriminatory measures discouraging trade within the region, but also by policies aimed at indigenization" (Gowon 1984: 202). The government maintained that one of the reasons why it promotes regional integration was to "assist 'the agents of socio-economic activity' and to develop the Nigerian economy, making it the industrial heart of an African Common Market" (cited in Ojo 1990: 350).

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<sup>2</sup> This entails involving local investors in the ownership of foreign business in Nigeria.



Nigeria's role in the formation and consolidation of ECOWAS is further driven by specific socio-political considerations. Nigeria's former Minister of External Affairs, Ibrahim Gambari, summarizes these considerations as follows: "a West African integration scheme would offer 'a rational outlet' for external aid to African nations and provide an institutional framework for Nigeria's leadership and the erosion of France's political and economic influence" (cited in Ojo 1980: 584). Nigeria's oil wealth as well as its geographical and demographic size led the country's leaders to perceive her as a regional power and a "natural" leader. Thus, Nigerian leaders see ECOWAS as a framework for offering assistance to the country's West African neighbours, thereby increasing the country's influence among them. Nigeria's diplomatic initiatives towards the establishment of ECOWAS were anchored on philanthropy, or what has been described as "spraying' diplomacy" (Ojo 1980: 593). Since the formation of ECOWAS, "successive administrations [have] built a case for Nigeria to fulfil its own 'manifest destiny' and be considered the 'champion' of Africa...The term champion used but rarely defined, implied that Nigeria was a country that the Western powers would listen to, and that could champion causes that other nations were too weak to defend" (cited in Bach 2007: 303). Although faced with a lot of challenges, Nigerian leaders have continued to project the country as a regional power in West Africa.

As part of efforts to uphold its status as a regional power in West Africa, Nigeria has played a decisive role in expanding the scope of ECOWAS' mandate beyond its economic objectives to include issues of security and governance<sup>3</sup>. Following the escalation of hostilities between government forces and rebels in Liberia, Nigeria persuaded other ECOWAS members to set up a Standing Mediation Committee (SMC) in May 1990. Based on Nigeria's influence, the SMC agreed to form an ECOWAS Cease-Fire Monitoring Group (ECOMOG) in August 1990. The mandate of ECOMOG in Liberia was to order a cease-fire, establish an interim government and conduct a general election within one year (Bach 2007: 307). However, the Liberian conflict lingered for seven years, before it was eventually resolved in August 1997. While the Liberian conflict was on, hostilities broke out between government forces and rebels in Sierra Leone. In many respects, the Sierra Leonean conflict was an overflow of the Liberian war (Adebajo 2008). The ouster of the democratic government in Sierra Leone by renegade soldiers in May 1997 forced the country's deposed President, Ahmed Tejjan Kabbah, to seek the assistance of ECOWAS. The ECOMOG mandate in Liberia was expanded notwithstanding the difficulties faced by the force and the financial burden the military operations placed on ECOWAS members, especially Nigeria. Nigeria provided at least 80 per cent of the troops and 90 per cent of the funding for the ECOMOG operations in Liberia and Sierra Leone (Adebajo 2008).

ECOWAS' decision to intervene in the Liberian and Sierra Leonean wars was a major shift away from the economic focus of the organization. That decision was influenced by Nigeria's

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<sup>3</sup> For an informed insight into the philosophy behind the formation of ECOWAS, and the original objectives of the organization, see Akinyemi, A.B., S.B. Falegan and I.A. Aluko (1983) *Readings and Documents on ECOWAS*. Lagos: Nigerian Institute of International Affairs.



military leaders who were keen to portray the country as an indispensable regional power ready to intervene and restore order in the region, especially at times when the Western powers were unwilling to do so. Nigeria's former Head of State, General Ibrahim Babangida, whose regime was confronted with the Liberian conflict, explained why Nigeria supported military intervention in the warring West African countries:

We believe that if the events are such that have the potentials to threaten the stability, peace and security of the sub-region, Nigeria in collaboration with others in this sub-region, is duty bound to react or respond in an appropriate manner, necessary to either avert the disaster or to take adequate measures to ensure peace, tranquillity and harmony (cited in Bassey 2011: 7).

Due to the human and financial costs of the ECOMOG operation to Nigeria, the country's leadership reconsidered its support to ECOWAS military engagements. In 1998, Nigeria decided not to contribute troops to the ECOMOG mission in Guinea Bissau, and in 1999, the country began a phased withdrawal of its troops from Sierra Leone (Alli 2012: 52). Nigeria argued for multilateral regional security architecture in West Africa. To formalize the multilateral framework for military operations in West Africa, ECOWAS adopted a Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security in 1999<sup>4</sup>. The Protocol draws lessons from the ECOMOG experience and puts an end to *ad hoc* military engagement in the region.

The close of the 1990s coincided with the termination of military rule in Nigeria. As has been demonstrated, Nigeria's military regimes pursued security, economic, and socio-political interests within the framework of ECOWAS for nearly three decades. The transition to democratic rule in Nigeria has been accompanied by changes in the structure of Nigeria's foreign policy making and implementation, particularly with the rebirth of the country's Legislative Assembly (Alao 2011). The rest of this study examines the role of the National Assembly in regional integration in West Africa since 1999. To provide a proper background to the discussion, I will present an overview of Nigeria's Legislative Assembly in the following section.

### Nigeria's Legislative Assembly

Nigeria received a Westminster model of parliamentary government from Britain at its independence in 1960. Four elements of the Westminster tradition have had long-term effects on the capacity of the Nigerian legislature to engage in policy making and implementation. First, the Legislative Assembly was "established as a deliberative body rather than as an institution for the making of public policy" (Barkan 2009: 10). Second, the work of legislative committees, which enabled legislators to effectively oversee government operations, was highly controlled (Akindele 1990). Third, cabinet ministers were entirely drawn from the

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<sup>4</sup> Earlier Instruments of security cooperation in the ECOWAS region included the 1977 Non-Aggression and Defence Agreement, the 1978 ECOWAS Protocol relating to Non-Aggression, and the 1981 ECOWAS Protocol relating to Mutual Assistance and Defence.





ranks of the legislature, limiting checks and balances. Fourth, the role of the legislature in the budgetary process was minimal, since the executive and legislative powers were fused. As a result of the above, the legislature in Westminster model serves as an arena for policy debate rather than mechanism for translation of policies into laws (Greenstein and Polsby 1975). The Nigerian Legislative Assembly in the 1960s conceived its role in line with the Westminster tradition as basically debating policies and questioning the government (Akindele 1990). This shaped the way it approached its work; at that time, policy issues were agreed within the party and members of the assembly were not expected to challenge agreed positions or initiate independent policy positions.

Nigeria's parliamentary government was toppled in 1966, and the military rulers concentrated power in the executive for several years. In 1979 when the military handed over power to civilians, the parliamentary system was replaced with American-style presidential system following the constitutional changes that accompanied the transition. Under the new arrangement, Nigeria's Legislative Assembly began to see passage of laws and oversight as its main function in line with traditions of the presidential system. As Nigerian politicians were attempting to adjust to this new system, the military intervened again in 1983. Since the end of military rule in 1999, Nigeria's Legislative Assembly has tried to brace up with its law making and oversight duties. While there are still significant challenges, particularly in terms of policy making and representation functions, the Assembly is evolving into an independent counterweight to the executive.

Nigeria's 1999 Constitution sets out the functions and powers of the National Assembly as well as its relationship with the executive in Chapter V, Part I, Sections 47-89. The Constitution provides for a bicameral legislature, composed of the Senate and House of Representatives. The Senate has 109 seats, three per state plus one for the Federal Capital Territory (Abuja). The House of Representatives has 360 seats, allotted to the 36 states and the Federal Capital Territory on the basis of population. Members of the House of Representatives are elected from single member districts, with elections held every four years concurrently with presidential polls. The People's Democratic Party (PDP) is the majority party in the National Assembly, and has also won the presidency in every election since 1999.

The Constitution stipulates that a bill may originate from the Senate or the House, but the president has to give assent to it for it to become law. Most bills, however, originate from the executive. The number of bills introduced by National Assembly members has grown steadily from less than 50 per cent to 80 per cent of the total, while the percentage introduced by the presidency has declined. Despite this, a higher proportion of the bills that actually passed were initiatives of the executive - 64 per cent versus 36 per cent during the period 2003–2007 (Brittany 2012: 28). The President is obliged to signify that he assents or will not assent to a bill within 30 days. The National Assembly is empowered to override the presidential veto regarding a bill by a two-thirds majority of members of both houses passing the bill in a joint sitting. The National Assembly has powers to impeach the president if he or she is involved in



“a grave violation of the Constitution” or “a misconduct of such nature as amounts in the opinion of the National Assembly to gross misconduct” (Sec. 143). The Constitution requires that public spending shall be done only as stipulated by the Constitution or through the Appropriation Act or any other Act of Parliament.

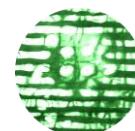
The Constitution in Sections 88 and 89 specifies the oversight powers of the National Assembly to include powers to conduct investigations, to take evidence and summon any person in Nigeria to give evidence, and to confirm appointment to high public offices. The oversight capacity of the National Assembly seems to have grown significantly since 1999. The Assembly exercises its oversight function with regard to the budget, particularly scrutinizing allocations and monitoring expenditures. It has done this by visiting government departments to monitor budget implementation and has challenged the presidency on non-implementation of the Appropriation Acts (Fashagba 2009). Yet, this has not led to a significant improvement, as implementation of the budget has remained at a minimal level since 1999.

A key element of the National Assembly’s oversight role is the conduct of public hearings and committee investigations. The expansion of the committee system, in terms of the number of committees, staffing, resources and experience has led to inquiries into government activities. A number of Assembly probes received significant national attention. These include probes into alleged misuse of funds for the rehabilitation of the national electricity system; the finances of the Nigerian National Petroleum Corporation; and the use of constituency project funds by legislators and governors (Fashagba 2009). The inability of the National Assembly to ensure that the recommendations of its investigations are implemented has created disillusionment among the public. Nigerians have witnessed a barrage of revelations about the misuse of funds, but have seen limited consequences for those responsible.

An important feature of the Nigerian Legislative Assembly under the presidential system is that it adopts a committee system in performing its responsibilities. There are four categories of committees: the special committees, standing committees, *ad hoc* committees and committee of the whole house. There are also joint sittings of the two chambers of the National Assembly. The special committees and the standing committees are the life wires of the Assembly. The number of legislative committees in the National Assembly has increased rapidly since 1999. The number of Senate committees increased from 44 in 1999 to 56 in 2013, while the number of House committees increased from 42 in 1999 to 91 in 2013<sup>5</sup> (Fashagba 2009: 458). Legislative committees are expected play specific roles, including information gathering and dissemination to the public, informing policy debate, contributing to policy agendas, holding government to account, and bring the legislature closer to the people (Burnell 2002: 302). However, the committees of the National Assembly have not

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<sup>5</sup> Current figures were calculated based on the data in National Assembly website: <http://www.nassnig.org/nass/committees.php> and <http://www.nassnig.org/nass2/committees.php>.







been entirely effective in discharging these responsibilities, notwithstanding their efforts and the internal reforms they have undertaken. The legislative committees require more expertise, funding and enforcement capacity in order to effectively carry out their responsibilities.

### **The National Assembly and regional integration in West Africa**

Legislative assemblies in West Africa did not play a prominent role in the formation of ECOWAS. In fact, the founders of ECOWAS did not envisage any major role for legislative assemblies in the regional integration process beyond ratification of treaties and conventions (Mélégue 2013a). As a result, legislative assemblies in the region were left out of the structure, functioning and interventions of the organization. However, since the adoption of the Protocol that established the ECOWAS Parliament in 1994, leaders of ECOWAS member states have begun to recognize the importance of legislative assemblies in regional integration and assign roles to them. National and supranational legislative bodies are now involved in West African integration process, albeit to a minimal level. Nigeria's National Assembly engages the process of West African regional integration at two levels, namely, through its legislative functions and by participating in ECOWAS Parliament.

#### NASS' legislative functions and West African integration

Law making and oversight are the core legislative functions of the National Assembly tailored towards integration in West Africa. Through these functions, legislative assemblies ensure that all laws on integration are appropriate and effective. Laws that require the legislative input of the National Assembly are those that authorize ratification of treaties, conventions, agreements, and protocols. To effectively legislate on integration issues, legislative assemblies need to demonstrate an acceptance and ownership of the regional integration project. The National Assembly has done this through the establishment of specific Legislative Committees to handle integration matters. The Committees on Cooperation and Integration in Africa in Senate and House of Representatives are the lead Committees on regional integration issues. The mandate of the Committees include to coordinate the activities of and liaise with regional bodies (that is ECOWAS and African Union (AU)), to coordinate the activities of the New Partnership for African Development (NEPAD), and to handle any other matter relating to regional cooperation in Africa. These Committees collaborate with other related committees in the Senate and House of Representatives, such as committees on foreign affairs, treaties and agreements, and justice to scrutinize bills before they are passed into law. Although the number of laws enacted by the National Assembly on issues of West African integration has been negligible<sup>6</sup>, the Assembly has established a framework for legislating on regional integration issues in the future.

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<sup>6</sup> The National Assembly passed a total of 205 bills into law between 1999 and 2013. Out of this number, 12 Acts relate to issues of international relations, of which only one has to do with West African integration. See [www.nass.gov.ng/nass2/acts.php?pageNum\\_bill=1&totalRows\\_bill=205](http://www.nass.gov.ng/nass2/acts.php?pageNum_bill=1&totalRows_bill=205).



The role of the National Assembly in regional integration appears to be more pronounced with regards to the oversight function. There are four key mechanisms with which this function is carried out: receipt and handling of public complaints/petitions, oversight of diplomatic missions, receipt and response to briefing from government agencies, and budgetary controls. The National Assembly has a mechanism through which it receives complaints and petitions from the public. Through this framework, the Assembly has received and investigated complaints from Nigerians visiting or residing in ECOWAS states. The Assembly has also received petitions from Nigerian officials on consular matters. Although no public action has resulted from this process, it has created opportunity for the National Assembly to engage with relevant government agencies on issues relating to the complaints and petitions received<sup>7</sup>. As part of their routine oversight visits to Nigerian missions abroad, the National Assembly members examine various aspects of Nigeria's external relations, including participation and protection of Nigeria's interest in the regional integration process. The National Assembly has used the opportunity provided by the regular briefing from the Ministry of Foreign Affairs to pose questions to the government regarding various aspects of the integration process, especially regarding the extent of implementation of treaties ratified by the Assembly. The National Assembly, like other national legislative assemblies in West Africa, does not play any direct role in the approval of the budget of ECOWAS<sup>8</sup>. However, it controls the cost of Nigeria's participation in the structures and activities of the organization. For instance, the activities of parliamentarians who are members of ECOWAS Parliament or Conference of Speakers of West African Parliament are sponsored through the budget of the National Assembly. Through budgetary control mechanism, the National Assembly can support regional integration activities by allocating funds.

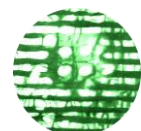
### Participation in the ECOWAS Parliament

The ECOWAS Parliament was established based on Articles 6 and 13 of the 1994 Revised ECOWAS Treaty. In August 1994, the Authority of Heads of State and Government of ECOWAS signed the Protocol which defines the structure, composition, mandate and competence of the Parliament. The protocol which came into force in March 2000, conceives the Parliament as "a forum for dialogue, consultation and consensus for representatives of the peoples of the Community" with the aim of effectively promoting integration (Uzoehina and Garba 2011: 79). This notion informed designation of the Parliament as "Community Parliament" in Article Three of the Protocol. The first Parliament was inaugurated in November 2000. It held its first session in January 2001. In June 2006, a supplementary protocol which re-designated the Community parliament as the "ECOWAS Parliament" was signed. The powers of the ECOWAS Parliament are laid down in Article 6 of the Protocol A/P2/8/94, signed by the Heads of State of ECOWAS member states. The Article provides

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<sup>7</sup> This information is based on my conversation with Mr. Salisu Umar, Clerk Senate Committee on Foreign Affairs, 18.02.2014, Abuja.

<sup>8</sup> See the Protocol relating to the Conditions for Application of the Community Levy, Official Journal of ECOWAS, Vol. 31 July 1996, pp. 1-8.



that the Parliament may consider any matter concerning the Community, in particular issues relating to human rights and fundamental freedoms and make recommendations to the institutions and organs of the Community.

The ECOWAS Parliament has a total of 120 seats; with each member state allocated a guaranteed minimum of five seats, while the remaining 40 seats are shared on the basis of population. Currently, the ECOWAS Parliament consists of 115 seats (the five seats reserved for Mauritania remain unoccupied following the withdrawal of the country from ECOWAS in 2000). Consequently, Nigeria, with about 48 per cent of the population of the community, has 35 seats, followed by Ghana with eight seats, Côte d'Ivoire with seven and Burkina Faso, Guinea, Mali, Niger and Senegal with six seats each. Benin, Cape Verde, the Gambia, Guinea-Bissau, Liberia, Sierra Leone and Togo have five seats each. Pending the election of members of the ECOWAS Parliament by direct universal suffrage, the members are selected from their respective national legislative assemblies and serve a four-year term.

The ECOWAS Parliament operates a committee system, which for better synergy between the Parliament and other institutions of ECOWAS, reflects the areas of competence covered by the specialized technical commissions established under Articles 6 and 22 of the Revised Treaty of 1994 (Uzoehina and Garba 2011). Based on Rule 29(2) of the Parliament, 13 standing committees were created to address issues such areas as administration and finance, agriculture and environment, information and communication technology, as well as education, gender, health services. The specific duties of the committees include considering all matters coming within their competence as well as related documents, acts and discussions referred to them by the conference of committee chairmen.<sup>9</sup>

The engagement of the National Assembly with the ECOWAS Parliament has been defined by three major issues. The first issue is the financial support which Nigeria offered to the Parliament to ensure its successful take-off<sup>10</sup>. At its inception stage, the ECOWAS Parliament encountered serious financial difficulties which affected the take-off of its operations. However, following Nigeria's intervention through provision of grants and loans, the Parliament's financial challenges were addressed. The financial support from Nigeria created a basis for future collaboration between the ECOWAS Parliament and the National Assembly.

Nigeria's participation in the ECOWAS Parliament has also been shaped by the friendly working relations that have developed between the National Assembly and the Parliament. A recent example of the synergy by the two legislative bodies is their co-hosting of a meeting of the Conference of Speakers of West African Parliaments (CSWAP) in Abuja in September 2013. CSWAP was first created in March 1998 but was abandoned since 2001 (Mêlégué 2013b). CSWAP brings together Speakers of national and regional parliaments in West Africa to discuss ways of speeding up integration and deepening democracy in the region. The

<sup>9</sup> Rule 43, Rule of Procedure of the ECOWAS Parliament.

<sup>10</sup> Information based on interview with Dr. Kabeer Garba of the Bureau of Parliament, ECOWAS Parliament, Abuja, 19.02.2014.





meeting of CSWAP in 2013 was used as a platform to transform the body into a permanent, operational platform for inter-parliamentary dialogue on issues of integration. It also offered the platform to strengthen the capacity of national and regional parliaments to effectively contribute to regional integration. At the end of the meeting, CSWAP adopted a resolution seeking the enhancement of the powers of ECOWAS Parliament. The successful co-hosting of the CSWAP meeting by the National Assembly and ECOWAS Parliament opens diverse opportunities for future collaboration between the two assemblies.

Lastly, the National Assembly has used the ECOWAS Parliament as a platform to deepen its parliamentary diplomacy in West Africa. Many observers agree that parliaments and parliamentarians can play a leading role in promoting democracy and preventing or resolving conflicts – the idea of pursuing dialogue to solve problems (Malamud and Stavridis 2011: 105). Parliamentary diplomacy occur at different levels. Parliamentarians can engaged directly or indirectly in international affairs; the engagement can be formal or informal, secret or open, and conducted with or without the blessing of national executives. Under the auspices of the ECOWAS Parliament, the National Assembly has been involved in peace and fact-finding missions as well as election observation missions. These missions have been conducted in the Mano River Union area (comprising Sierra Leone, Liberia and Guinea), Cote d'Ivoire, Guinea Bissau, and Togo (Hettmann and Mohammed 2008: 73).

### **NASS and ECOWAS integration: obstacles to effective engagement**

There are three key issues that limit effective engagement of the National Assembly in West African integration. The first is that most of the legislators have minimal knowledge and experience in issues of regional integration, including a limited understanding of their role in the process<sup>11</sup>. One of the main reasons why Nigerian legislators do not have sufficient knowledge and experience in issues of regional integration is the high turnover rate among the legislators. The number of senators re-elected in the past three consecutive elections (that is, 2003, 2007, and 2011 elections) has not exceeded 36 (or 33 per cent), while the number of members of the House re-elected has not surpassed 100 (or 28 per cent). Of 109 senators, 36 senators were re-elected in 2003, 26 in 2007, and 36 in 2011. Of the 360 members of the House of Representatives, 48 members were re-elected in 2003, 89 in 2007, and 100 in 2011<sup>12</sup>. After every new election, the newly elected legislators would have to be trained on the mechanisms of regional integration, and most times, the authorities are not be able to conduct the required training. High turnover rate of legislators affects capacity development and creates an unending need for training of legislators.

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<sup>11</sup> Information based on interview with Mr. Salisu Umar, Clerk Senate Committee on Foreign Affairs, 18.02.2014, Abuja.

<sup>12</sup> Figures computed based on Joseph Y. Fashagba (2009) Legislative Oversight under the Nigerian Presidential System. *Journal of Legislative Studies* 15(4), p. 451, and information on the National Assembly website: [www.nass.gov.ng](http://www.nass.gov.ng).





Even when the legislators acquire the required capacity, they are often confronted by limited access to information and great difficulty in obtaining needed information from government agencies. Like in many other African countries, government establishments in Nigeria have poor record-keeping capability, and institutional memory in these agencies is almost non-existent<sup>13</sup>. In April 2008, the Speaker of the House of Representatives complained about the absence of records on Nigerian oil exports since the 1970s (Fashagba 2009: 452). The difficulty in collecting information from government agencies in Nigeria can be attributed to poor information storage system used by these organizations, as well as the reluctance by government officials to release information. The failure of the legislature to sanction government officials for withholding information has left the situation unchanged.

The capacity of the National Assembly to carry out its responsibilities, including engagement with regional integration in West Africa, is further limited by incessant bickering and conflicts among legislators. The frequent fights in the Assembly undermine its capacity to perform its legislative functions. Since 2007, there has been steady decline in the number of legislations passed by the National Assembly,<sup>14</sup> perhaps due to the distractions caused by persistent conflicts in the Assembly. Some observers have alleged that the internal conflicts in the Assembly are instigated by the executive as a way of weakening the legislature, but no substantial evidence is available to support this view (Fashagba 2009).

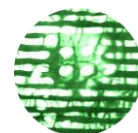
### **The case for increased participation of the legislature in ECOWAS integration**

Four issues provide the justification for greater involvement of the legislature in West African integration. The first is the widening effects of globalization on governance and the fact that “the distinction between foreign or international and national or domestic has become increasingly blurred” (Karuombe 2008: 20). In this case, the legislature must rise above geographical boundaries and take more interest in how issues that occur beyond national boundaries affect the people they represent. The activities of the government at the international arena, therefore, require greater scrutiny. As David Beetham (2006: 157) has advised: “parliaments must therefore step beyond the traditional executive prerogative in international affairs, and subject governments to the same degree of oversight as in domestic policy arena”. This demands that legislative assemblies should be abreast with the progress and outcome of international negotiations, make concerted efforts to influence their respective countries’ policy on matters dealt with international relations, and contribute actively to the implementation of foreign policies and international agreements.

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<sup>13</sup> For detailed analysis of the challenge of information gathering and management in Nigeria, see Wolfgang Stolper (1966) *Planning Without Facts: Lessons in Resource Allocation from Nigeria's Development*. Cambridge: Harvard University Press, and Paul Mosley (1992) *Policy-Making without Facts: A Note on the Assessment of Structural Adjustment Policies in Nigeria, 1985-1990*. *African Affairs* 91(363): 227-240.

<sup>14</sup> The National Assembly has passed a total of 205 legislations between 1999 and 2013. In 2013, the Assembly passed only five legislations. See [www.nass.gov.ng/nass/acts.php](http://www.nass.gov.ng/nass/acts.php).





The second justification for greater involvement of the legislature in regional integration is the growing recognition of its role as the defender of the people's interests (Beetham 2006). Against the backdrop of increasing movement of persons, goods and services across national borders, legislative assemblies should be actively involved in protecting the interests of their people. The legislature should scrutinize and approve treaties and agreements, and monitor their implementation. The legislature should also create more opportunities to engage the executive and express their views on their countries foreign relations.

The third justification for greater involvement of the legislature in regional integration is the continuous expansion of the role of legislative assemblies beyond their traditional mandate of representation, lawmaking and oversight. In the light of the challenges of authoritarianism and political instability faced by many countries in the region, legislative assemblies are beginning to assume greater role in democracy promotion and conflict management. Many of the legislative assemblies in the region have also adopted new concepts such as shared governance or governance continuum, linking state-centered and societal-centered governance. To this end, they are increasingly taking up more profound roles in anticorruption campaigns, gender auditing, observance of social justice, and conflict management. In positioning themselves as important actors in regional and international policy matters, legislators and legislative assemblies are becoming increasingly involved in parliamentary diplomacy. This entails creating friendship groups, embarking on occasional visits, holding regular meetings or simply participating in regional or international parliamentary meetings. It has been argued that greater engagement in parliamentary diplomacy has resulted in the proliferation of regional and international parliamentary bodies, as well as an increased international role for national and regional parliaments in international affairs (Malamud and Stavridis 2011). Through parliamentary diplomacy, legislators and legislative assemblies have tried to promote regional integration and cordial inter-states relations by encouraging tolerance, pluralism and mutual understanding.

Finally, the need to create systems of checks and balances within supranational institutions justifies the increasing role of legislative assemblies in regional integration. The quest to deepen democracy at the national level has triggered a corresponding demand for democratization of supranational institutions. This explains the revisions in ECOWAS' institutional setting leading to the creation of ECOWAS Parliament and ECOWAS Court of Justice in 1994. The advent of the Pan-African Parliament (PAP) further underscores the need for the involvement of the legislature in supranational institutions. The Protocol in Article 3(9), 11(7) and Article 18 envisages a greater role for regional parliaments, which are designed to be the building blocks of the PAP. Article 18, for instance, provides that PAP:

[s]hall work in close cooperation with the Parliaments of Regional Economic Communities and the National Parliaments or other deliberative organs of member states. To this effect, the PAP may, in accordance with its Rules of Procedure, convene annual consultative fora [sic]





with the parliaments of the Regional Economic Communities and the National Parliaments or other deliberative organs to discuss matters of common interest.

The growing emphasis on the role of the legislature in supranational institutions has stirred the interest of national legislative assemblies in international affairs and provided them with a renewed understanding of the role they can play in international relations.

For legislative assemblies in West Africa to sustain and advance their role in regional integration, they must carefully consider and implement the following measures suggested by Beetham (2006: 158) as prerequisites for effective participation of legislative assemblies in regional and international affairs:

1. Having a clear legal basis for a parliamentary involvement;
  2. Being informed sufficiently in advance of government policies and negotiating positions together with accurate information about the policies and their background;
  3. Having the necessary organization and resources to address the issues, including sufficient expertise among the individual parliamentarians involved through their work in specialized committees;
  4. Being afforded an opportunity to put questions to ministers and negotiators, and thus be able to express its political (though not necessarily legally binding) views to the government; and
  5. Being included as a matter of course in governmental delegations to international forum.
- National legislative assemblies should devote efforts towards ensuring that these prerequisites are met. This would then ensure that the gains made so far in involving legislative assemblies in West African regional integration are sustained.

## **Conclusion**

Existing analyses of the formation and consolidation of regional integration institutions in Africa have concentrated on the role of the executive branch of government in formulating and implementing regional integration policies, leading to a failure to recognize and highlight the role of the legislature in promoting regional integration. Situating its analyses on Nigeria, since the country's return to democratic rule in 1999, this chapter examined the role of the National Assembly in promoting regional integration in West Africa.

The chapter notes that although the contributions of the National Assembly to the promotion of regional integration in West Africa has been very minimal, the foundation for a more robust involvement in the integration process has been established, especially in two key areas. Firstly, through its routine law making and oversight functions, the National Assembly has tried to intervene and influence the regional integration process. The mechanisms adopted by the National Assembly in this regard include ratification of treaties, conventions, agreements and protocols; receipt and handling of complaints/petitions, oversight of





diplomatic missions, receipt and response to briefing from government agencies as well as budgetary controls. The second area where the National Assembly has attempted to intervene in the process of West African integration is through active participation in the ECOWAS Parliament. The National Assembly has provided financial support to the Parliament, developed and sustained cordial working relations with the Parliament (especially through joint projects), and had been active in parliamentary diplomacy under the auspices of the Parliament.

This chapter identifies three key issues that limit the effective involvement of the National Assembly in the West African integration process. These include the low level of knowledge and experience of legislators in issues of regional integration, limited access to needed information, and distractions caused by incessant conflicts in the Assembly. It suggests that the National Assembly should devote sustained efforts towards addressing these challenges.

Finally, the chapter makes a case for increased participation of legislative assemblies in regional integration, maintaining that the widening effects of globalization on governance (particularly the fact that the distinction between foreign or international and national or domestic has become increasingly blurred), the growing recognition of the role of the legislature as the defender of the people's interests, the continuous expansion of the role of legislative assemblies beyond their traditional mandate of representation, lawmaking and oversight, and the need to create checks and balances within supranational institutions, justify the need to scale up the role of national legislative assemblies in regional integration.

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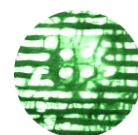
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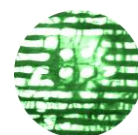


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