



## **PARLIAMENTS IN FOREIGN POLICY AND DIPLOMACY: THE NIGERIAN EXPERIENCE, 1999-2011**

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### **Abstract**

The study examines the involvement of the parliaments in foreign policy and diplomacy, particularly, the Nigerian National Assembly, from 1999-2011. From a protracted military interregnum, Nigeria returned to democratic governance in 1999; and thence on the Nigerian National Assembly has stamped its feet on the conduct of Nigeria's foreign policy and diplomacy. This study investigates the extent to which the Nigerian National Assembly has influenced and complemented the executive authority in the conduct of the Nigerian external affairs. The study adopts qualitative approach, anchored on constitutional provisions, parliamentary debates, committee reports, motions, resolutions, judicial decisions and secondary sources. The findings shows that the Nigerian constitution provides the National Assembly considerable powers in foreign policy and diplomacy, particularly in: confirmation of appointments of Ambassadors and others that are foreign related, including the minister of foreign affairs, treaty ratification, budgetary approval, oversight and declaration of war and deployment of troops on peace-keeping. Despite these clear involvements of the National Assembly, the executive dominance still persists, while the paper argues that the Nigerian experience is a reflection of broader bottlenecks facing parliaments across emerging democracies. This paper contributes to a deeper understanding of the role the Nigerian National Assembly is expected to play in Nigeria's foreign policy, and diplomacy.

### **Keywords:**

*Parliaments, foreign policy, diplomacy, National Assembly, parliamentary.*

### **Introduction**

The necessity of the involvement of the Nigeria National Assembly in foreign policy and diplomacy stems from the theory of separation of powers and checks and balances. The major feature of democracy is the institutional compartmentalization of governmental powers to ensure that power is not concentrated in one individual or arm which may breed authoritarianism or tyranny (Omotoso and Oladeji, 2019). Governmental powers and functions are shared among distinct institutions and personnel with each performing different but inter-related and overlapping functions. (Edosa and Azelama, 1995). In their separate and interrelated functions, the legislature makes law, the executive implements such law while the judiciary interprets the law.

In the opinions of Ojo, these arms of government are alien to Nigeria because they displaced the traditional culture of administration in Nigeria. (Ojo, 2025). Ojo's opinion serves as a catalyst to trace the emergence of legislature in Nigeria.

But in the interval, Nigeria has experienced parliamentary system of government which major characteristic is fusion of powers between the executive and the legislature, while the military, when in power, subsumed both the executive and the legislative power in the Head of the Federal Military Government, who ruled by decrees. The attention of this study on presidential system of government with separation of powers and checks and balances, in the period from 1999-2011.

When Nigeria returned to democratic governance in 1999, the world had become highly globalized with complex inter-dependence, and interrelationships (Omonife, 2021, p.2). The complex nature of global integration of the 21<sup>st</sup> century created by hybrid in socio-economic and political boundaries have enlarged the scope and responsibilities of parliaments with foreign policy and diplomacy included.

During the last couple of years, parliaments have changed their traditional rule of law-making to include vested interest in foreign field. Issues of foreign policy and diplomacy have frequently been subject of discussion, either at committee level or during parliamentary plenary sessions. (Wald, 2019). The wider role of parliaments in the system of a country's foreign policy and diplomacy vary, depending on its political system and the overall position in the international arena. The form of government that defines roles and authorities of various institutions is crucial for the involvement of the legislature in foreign policy and diplomacy.

Foreign policy and diplomacy have been viewed by many analysts as the exclusive responsibility of the executive arm of government, especially in presidential system where constitutional authority over external relations is highly centralized. However, global democratic governance from the 20<sup>th</sup> century has given impetus to the role of legislature in foreign matters, and parliaments are increasingly recognized not as merely ratifying bodies but as institutional actors capable of shaping the content, direction and legitimacy of a state's foreign policy and diplomacy. Speaking at UN Headquarters, in a Resolution of the Second World Conference of Speakers of Parliaments, (Barbara, 2005) opined that:

We underline that parliaments must be active in international affairs not through inter-parliamentary cooperation and parliamentary diplomacy but also by contributing to and monitoring international negotiations, overseeing the enforcement of what is adopted by governments, and ensuring national compliance with international norms and the rule of law. Similarly, the parliament must be more vigilant in scrutinizing the activities of international organizations and providing in part into their deliberations (Bambara, P. 2005).

The platform upon which parliaments get involved in foreign policy and diplomacy is the Inter-Parliamentary Union (IPU) which is an international organization, consisting of parliaments of sovereign states. Many parliaments have used the IPU to advance the interest of their countries. For instance, during the vigorous foreign policy goal of debt relief for

Nigeria, the Nigerian National Assembly utilized the opportunity provided by the platform to complement the executive arm under President Olusegun Obasanjo to achieve the objective in 2005.

This article examines the roles of the Nigerian National Assembly in foreign policy and diplomacy from 1999-2011, which covers the administrations of President Olusegun Obasanjo and Umaru Musa Yar'Adua, which were considered as formative phase of Nigeria's democratic consolidations, during which the legislature gradually developed institutional capacity and assertiveness. Relying on legislative debates, committee reports, constitutional and legal documents, judicial pronouncement and other relevant secondary sources, the study adopts a qualitative analytical approach. The paper argues that while the National Assembly has demonstrated its mettle in the said field, executive dominance still persist due largely to: structural, political and institutional hurdles.

The questions thus are: to what extent has the Nigerian National Assembly been able to exercise tangible influence over foreign policy? To what degree has the National Assembly gone beyond procedural approval to substantive engagements in diplomacy? What factors have shaped its capacity to assert itself compared to the executive arm? And how does the Nigerian experience reflect broader patterns of parliamentary involvement in foreign policy and diplomacy in the emerging democracies such as ours?

Addressing the questions raised above is central not only in understanding Nigeria's foreign policy process but also providing academic ground for comparative debates on executive – legislative relations in international environment. This article contributes to understanding of the challenges and possibilities of democratizing legislative involvement in foreign policy and diplomacy.

## **Overview of Executive-Legislative Relationship on Foreign Policy and Diplomacy**

Foreign policy is the set of strategies and actions a state employs in its interactions with other states. It includes a wide range of objectives bordering on defence, security, economic benefits as well as humanitarian assistance. It is a critical area of study in international relations that seeks to explore how a state interacts with other states and non-state actors in the global arena (Researchgate.com 2021).

Diplomacy on the other hand is described as the activity of managing relations among different countries or skills in dealing with other people in difficult situations without upsetting them (Oxford Learners Dictionary 6<sup>th</sup> ed). Therefore, diplomacy encompasses peace, understanding and giving concessions where and when necessary to avoid severing of relations (Omonife, 2021). Diplomacy is the engine that carries the foreign policy of a state to the front burner of international politics.

These descriptions establish the basic meanings of the concepts and equally establish how the executive and the legislature relate in this critical area. Fundamentally, the executive is strategically and constitutionally positioned to wield considerable power over foreign policy and diplomacy than the legislature but that does not mean the legislature is out of the picture of foreign policy. For instance, section (5)(1) (a) states that:

The executive powers of the federation shall be vested in the president and may be exercised by him directly or through the Vice President, Ministers of the government of the Federation, or officers in the public service.

Plainly, this constitutional provision has given the executive the control over foreign policy and diplomacy. Similarly, section (4) states that: The legislative powers of the Federal Republic of Nigeria shall be vested in National Assembly.

Through this law-making power of the legislature in Nigeria, it influences foreign policy and diplomacy.

The powers of both arms on foreign policy and diplomacy are clearly stated in section (19) of the 1999 Constitution thus:

Promotion and protection of the national interest, promotion of African integration and support for African unity, promotion of international corporation for the consolidation of universal peace and mutual respect among all nations and elimination of discrimination in all its manifestation respect for international law and treaty obligations as well as the settling of international disputes by negotiation, mediation, conciliation, arbitration and adjudication, and promotion of a just world economic order.

It is a fact that both the executive and the legislature have a stake in foreign policy and diplomacy, given the constitutional provision indented above.

In the view of Pine, “it is in pursuit of these lofty objectives that both the Senate and the House of Representatives set up Standing Committees on Foreign Affairs and Inter-Parliamentary relations” (Pine, 2019).

The Senate Standing Rules of 2003 specified the jurisdiction of the Committee on Foreign Relations as follows.

- (a) Relations of the Federal Republic of Nigeria with foreign nations.
- (b) Foreign loans
- (c) International Conferences and Congresses
- (d) Measures relating to diplomatic services
- (e) Interventions abroad and declaration of war
- (f) Protection of Nigerian citizens abroad and expatriation
- (g) Measures relating to international economic policy
- (h) Trading with friendly nations
- (i) Measures to foster commercial intercourse with foreign nations and economic/geographical groupings to safeguard Nigeria’s business abroad
- (j) International community agreements for cooperation
- (k) Pilgrimage
- (l) Repatriation of destitute Nigerians
- (m) Technical assistance to foreign countries
- (n) Extradition and
- (o) Reparations (Pine, 2009).

Similarly, the Standing Order of the House of Representatives captures the scheduled duties of the House Committee on Inter-Parliamentary Relations thus:

- (a) Study, analyse and suggest improvement of charters of all inter-parliamentary cooperative groupings of which the House is a member as well as find other ways by which the Nigerian legislatures shall exert itself thereon.
- (b) Initiate good policies on parliamentary research and documentation and ensure an efficient data banking on National Assembly and State Assemblies.
- (c) Ensure the maintenance of harmonious and productive relations between the National Assembly and all world parliaments.
- (d) Recommend to the House, the formation of, and entry by the House into new parliamentary groupings.
- (e) Ensure the maintenance of harmonious relations with and in all international parliamentary associations such as Inter-Parliamentary Union (IPU) etc.
- (f) Co-ordinate national and international parliamentary exchanges, hospitality and countries on reciprocal basis.
- (g) Make recommendations to the house as to the desirability of the House sending delegation to specific inter-parliamentary events.
- (h) Initiate the organization of national and international conferences, seminars, workshop and others for the dissemination of parliamentary education and experiences.
- (i) represent the National Assembly in specific international parliamentary associations or groupings on terms agreed to, between the House and the Senate.
- (j) Oversight any foreign office dedicated to inter-parliamentary relation work.
- (k) Ensure good relationship between the National Assembly and State Assemblies.
- (l) Ensure the execution of the House Resolutions on Inter-parliamentary relations, etc (Standing Orders, 2023).

These Standing Rules of the Senate and the Standing Orders, of the House of Representatives in addition to the Section 19 of the 1999 Constitution, are the bases for the involvement of the Nigerian National Assembly in foreign policy and diplomacy.

The most obvious synergy and concurrence between the executive and the legislature In the period under study is on foreign policy and diplomacy. For instance, there was a concerted effort at the foreign policy goal of Debt Cancellation and repatriation of Nigerian stolen funds starched in foreign banks and other financial institutions in Europe and America during President Olusegun Obasanjo administration. On the 2<sup>nd</sup> August, 2000, President Olusegun Obasanjo wrote to the National Assembly, informing it that Nigeria had negotiated a Standby Agreement (SBA) which would enable Nigeria to approach the Paris Club of Creditors, the Nigeria's leading external creditor in order to forgive Nigeria's debt. The letter referenced PRES/134 dated July, 26<sup>th</sup>, 2000, titled "Nigeria's Standby Agreed (SBA) with IMF, read thus:

... the purpose of having an IMF approved SBA therefore is to engender international confidence in the management of the economy which is required to... pave the way for our formal approach to the Paris Club for talks that may eventually lead to the reduction of our external debt... the indication that have been given by the Heads of States of most of the developed countries to which Nigeria owes her external debt under the Paris Club

arrangement is that the debt owed to them by Nigeria belongs to their citizens. The government of the creditor countries, therefore, need to convince their electorate that Nigeria is running a viable system of sound economic management required to place her economy on the path of sustained growth.... During the beginning of the medium term programme, Nigeria external debt is expected to qualify for reduction by not less than 67 percent of its net present value under the Naples Debt Reduction initiative (Ngara, 2016).

The letter was in line with certain constitutional provisions that require the President to inform the National Assembly on major developments regarding the economy and foreign debt. Using the platform of Inter-Parliamentary Union (IPU), the National Assembly accorded the letter, the needed priority as a clarion call, when it brought the issue to the 105<sup>th</sup>, 106<sup>th</sup>, 107<sup>th</sup> and 112<sup>th</sup> Inter-Parliamentary Union (IPU) Conferences in 2000, 2001, 2002 and 2005 respectively (Ngara, 2016).

In March, 2005, the House of Representatives passed a resolution describing Nigeria's debt as illegitimate, saying that as of 1985, Nigeria's external debt profile stood at about \$19 billion but from then up to 2005, Nigeria had repaid a total of \$37 billion to all her creditors including Paris and London Clubs of Creditors; the House called for total cancellation of Nigeria's external debt and urged the Federal Government to stop further payment of foreign debt to external creditors (Ngara, 2016). The Senate followed suit when it in March, 22<sup>nd</sup> 2005, in collaboration with Debt Management Office (DMO) organized a Roundtable Conference on debt cancellation for Nigeria. The Conference resolved *inter-alia* that combined National Assembly delegation undertook a tour of creditors nations to canvass for total cancellation of Nigeria's external debts. The tour was undertaken in two phases: the first phase of the trip was from 24<sup>th</sup> of April to 7<sup>th</sup> May, 2005; the delegation visited United States, United Kingdom, Germany and Italy and the second phase from 16<sup>th</sup> to 22<sup>nd</sup> May, 2005 was to France and Japan (Senate Votes and Proceedings, 2005 – 2006, p. 376).

In the United States, the delegation met with Sheila Jackson Lee, a member of the House Committee of the U.S Congress on judiciary, Sanford Bishop, a member of the House Committee on Appropriation and three Senators: Barack Obama, Chuck Hagel and Christopher Smith, who indicated their interest to advance the course for the National Assembly (Senate Votes and Proceedings, 2005 – 2006, p. 376). Sheila Jackson personally wrote to the then US Secretary of State, Ms Condoleezza Rice and the US Treasury Secretary at the time, John Snow to help Nigeria push for debt relief (Ngara, 2016).

The tour was targeted to meet up with the G8 summit scheduled to hold between 6<sup>th</sup> and 8<sup>th</sup> July, 2005, at Gleneagles, Scotland, in order to possibly include the issue on the agenda. So far, it is pertinent to note without fear or favour that in foreign policy and diplomacy, the executive and the legislature in Nigeria have not had major conflicts. In spite of obvious conflicts between President Olusegun Obasanjo administration and the National Assembly, they always found a common ground on foreign policy and diplomacy.

## Screening and Confirmation of President's Nominees

The legislatures play a crucial role in the appointment of cabinet members and other key government officials. In Nigeria, any appointment to the office of minister of the government of the federation can only be made by the President, if the nomination of any person to such office is confirmed by the Senate. This was stated in both the 1979 and 1999 constitutions. Section (147) (2) of the 1999 Constitution states that:

Any appointment to the office of minister of the government of the federation shall, if the nomination of any person to such office is confirmed by the Senate, be made by the President.

The President cannot make major appointments without the confirmation of the Senate. Similarly, any appointment to the office of Ambassador, High Commissioner; or other Principal Representatives of Nigeria abroad cannot have effect unless the appointment is confirmed by the Senate. Section (171) (4) captures that:

An appointment to the office of Ambassador, High Commissioner or other Principal Representatives of Nigeria abroad shall not have effect unless the appointment is confirmed by the Senate.

The role of the Senate in confirmation of the appointment of the executive is enormous. It is an impeachable offence if the president refuses to submit his nominees to the Senate for confirmation. Even though such has never been a case between the President and the legislature in Nigeria, a perfect example was the impeachment of Balarebi Musa as executive governor of Kaduna State in 1981. The usual practice is that the President will send the names of persons nominated by him for the post of cabinet Ministers or Ambassadors or High Commissioners, or other Principal Representatives of Nigeria abroad, to the Senate for approval (Omonife, 2021). The Senate then examines the nominees' Curriculum Vitae and holds Special Hearing Session during which the nominees will appear before it to answer some questions put before them. Where a candidate is found qualified, his nomination will be confirmed, where otherwise, his nomination will be rejected (Abubakar, 2024).

It has never been practiced in Nigeria where the National Assembly (Senate) has rejected the nomination by the President except on few occasions when the President might have changed his mind about the nominee, leaving the National Assembly to do the job for him. The 1979 confirmation of the ministerial nominees and the subsequent confirmations from 1999 are good examples. This has pushed (Arowosegbe and Akomolife, 2016) to submit that:

The snag here in Nigeria is that rarely would the Senate reject a President nominee as the Presidency has a way of getting around any objections raised by the Senators.

Even if the Senate is not satisfied with nomination of the President, the senate still does the will of the President. When the Senate has ratified the Presidents nominees, it can longer withdraw its consent or revoke the appointment; doing so will amount to the

usurpation of the powers of the President; the Senate does not have power to remove or sack a President appointee from office. In that light, Section (171)(1) states that:

Power to appoint persons to hold or act in the offices to which this section applies and remove persons so appointed from any such office shall vest in the President.

That means that after the Senate has confirmed nominees, It has no such power to remove the person so appointed.

However, the Senate may, through its oversight functions by resolution, recommend the sack of any President's appointee and such a resolution could be complied with by the President where the Senate is credible, responsible and effective.

Section (147) (6) however, provides that where the Senate fails to take a decision and communicate same to the President within 21 working days of the receipt of the name(s) of person(s) nominated for appointment as minister(s), the appointment is deemed to have been made.

In the colonial era, there was no such legislative organ vested with such powers to screen and confirm the appointment made by the Governor or Governor-General. The legislative institution was handicapped to question the authority of the colonial government on any matter including the appointments into various government functionaries; even if they were given the privilege to discuss such appointments, the veto of the Governor – General superceded the decision of the House.

In the parliamentary era, the Regional Assemblies nominated from its members, to be either Federal or Regional Ministers. Both Federal and Regional legislators were members of the Executive Councils, and where necessary, the President could appoint Ministers other than the members of the legislatures at both levels, on the advice of the Prime Minister. Other appointments were made by the President but on the advice of the Prime Minister after such appointment might have been collectively debated in the House.

The Military Head of the Federal Government was the sole pillar of power. He had lieutenants to consult before making appointments but they lack power to overturn his decision, they could only proffer advice. Even under Ibrahim Babangida as Military President, the legislature was strictly regulated in its activities by the President.

The analyses thus far have demonstrated the differences among the systems of administration practised in Nigeria in terms of confirmation of appointments by the President as one of the bases of the relationship between the executive and the legislature which by extension include foreign policy and diplomacy.

### **Budgetary Relationship and External Debts**

Budget outlines a government proposed spending and revenue for a specific period of time, usually a year. It is an integral part of a country's development strategy and it is considered one of the most important public documents. it is a political expression of

government's decisions on how to raise revenue and allocate public resources. It is used to fund policies and activities that support government priorities (<https://study.com>).

In the end, the budget would be submitted to the President, who performed ceremonial functions for assent; he was not given the provision to review the budget before him as passed by the Parliament.

In the military era, we have seen how the Head of the Federal Military Government spearheaded both the executive and legislative activities through decrees. He was the source through which power flowed. The legislature of the era made laws which were translated into decrees as signed by the Head of the Military Government. Just like today's legislature under Presidential System of government, the legislature of the era controlled the public funds of the central government and no penny of the Consolidated Revenue of the Federation could be spent without its approval (Eweluka, n.d).

The three systems as described above, had no clear cut boundary between the executive and the legislature in budgetary processes, presentation, debate, passage and execution, as it is the Presidential System of government.

In the Presidential System of government as practiced in Nigeria from 1979 to 1983, and from 1999 to date, there were and still are constitutional provisions that have implications for both the executive and the legislature in the budget preparation, passage and execution. Koni asserted that "if the President is the power of the sword then at least in theory, the power of the purse belongs to the Congress" (Koni, 2006). This relationship in budgetary aspects is captured in the stages of the budget.

The first phase of budget is preparation of the budget itself. The President decides the overall budget plans and strategies on the basis of the administration's policies in view of the micro-economic environment (Ngara and Dasat, n.d). The President provides the Budget Office with a plan of action for implementing the strategy and acquaints it with a more detailed version of the plan. The Budget Office in line with what the President has brought before it, issues circulars to the various Ministries, Departments and Agencies (MDA's) inviting them to prepare and submit their financial estimates for the succeeding financial year; once this is done by the MDA's, the Budget Office and the Ministry of National Planning will collate and analyse the proposed income and expenditure for necessary inputs or adjustments (Ngara and Dasat n.d). The MDA's are once again called upon to defend their estimates before an Inter-ministerial Committee on budget, headed by a Permanent Secretary; when the proposed estimates by MDA's are scrutinized and adjusted, the draft budget will then be presented to the Federal Executive Council to study, analyse and interpret (Onyekere, 2024). When the executive is satisfied with the draft budget, the President writes to the National Assembly to lay the budget before it. At this stage, the National Assembly has no input. However, (Ngara and Dasat) state that:

Although, the National Assembly does not have constitutional role in the budget process at this stage, the administrative initiative of the President to invite the leadership of the National Assembly to discuss the draft budget estimates is for political expediency such measures are usually meant to create a sense of

partnership between the two arms of government which is necessary for the smooth, prompt consideration and passage of the Appropriation Act, when the estimates is eventually submitted to the National Assembly.

Budget is a collective functions of both the executive and the legislature. Once the President secures a date from the National Assembly, he will then lay the budget before a Joint Session of the National Assembly where he (the President) gives a detailed explanation and a breakdown of the draft budget to the legislators. The National Assembly after receiving the draft budget from the President undergoes its own legislative processes and passed the budget, after which the clean copies are forwarded to the President for his assent, which he could refuse or give. In case the President refuse assent, the procedures to override him are discussed in the law-making segment of this research.

The last stage of the budget is execution of the budget. The National Assembly has wide scope in the processes of budget but when it is passed and signed by the President, the execution lies on the shoulders of the executive arm. Elementarily one arm (legislature) makes laws while the other (executive) executes the laws made by the former; a budget being passed and assented becomes law which the execution is the responsibility of the executive but that does not mean that the legislature has no role to play to that effect. Relationship between the executive and legislature in budgetary terms are captured in sections 4, 59(4), 80 – 81 of the Constitution: s. 4 states that: “the legislative powers of the Federal Republic of Nigeria shall be vested in a National Assembly for the Federation, which shall consist of a Senate and a House of Representatives”. s. (59)(4) states that “where the President, within thirty days after the presentation of the bill (appropriation bill) to him, fails to give assent or where he withholds assent, then the bill shall again be presented to the National Assembly sitting at a joint meeting, and if passed by two thirds majority of members of both Houses at such joint meeting, the bill shall become law and the assents of the President shall not be required”.

Section (81) states that “the President shall cause to be prepared and laid before each of the National Assembly at any time in each financial year, estimates of the revenues and expenditure of the Federation for the next following financial year”. Section (80)(2) states that no money shall be withdrawn from the Consolidated Revenue Fund of the federation except to meet expenditure that is charged upon the fund by this Constitution or where the issue of those moneys have been authorized by an Appropriation Act. Section (80)(3) says that no moneys shall be withdrawn from any public fund of the federation, other than the Consolidated Revenue Fund of the federation, unless the issue of those moneys has been authorised by an act of the National Assembly. In the like manners, section (80)(4) states that no moneys shall be withdrawn from the Consolidated Revenue Fund or any other public fund of the federation, except in the manner prescribed by the National Assembly.

Section (80) ss (2) (3) and (4) of the 1979 and 1999 Constitutions as analysed above were the reasons the National Assembly rejected the appointments of PLO’s in 1979 because their payments were illegal since their salaries were not appropriated by the National Assembly. Again, the Debt Relief or Debt Cancellation foreign policy of President Olusegun Obasanjo paid off in 2005, but despite the clear provisions of the Constitution, President Olusegun Obasanjo withdrew the sum \$12.4 billion to the Paris Club of Creditors to fulfil its

part of debt exit agreement before approaching the National Assembly and the National Assembly complained bitterly over his action. According to (Bugaje, 2015) “the withdrawal by the President, from the Consolidated Revenue Account before approaching the National Assembly, contravenes the law.”

Through its budgetary powers, the National Assembly can influence foreign policy priorities by approving funding for foreign missions and embassies, international organizations’ dues, as well as peace-keeping and diplomatic activities.

## **Oversight Relations**

Legislature, apart from its primary function of law-making, is strategically positioned to check the excesses of the executive arm, to ensure probity and accountability. In other words, legislative oversight, simply puts, is the act of ensuring that all actions of the executive are done properly, with transparency and accountability of public resources. Oversight involves checking, verifying, examining, criticising, censoring, challenging, questioning and calling for accountability of Ministries, Departments and Agencies (MDA’s).

The system that has oversight as its core responsibility is the Presidential System of government due to its inherent separation of powers, and checks and balances among the three arms of government. In this system, the Constitution is supreme and there is individual responsibility. In a little comparison, in the Parliamentary System, the legislators can make and unmake law (Okolo, 2024) when they have the quorum to do so but the legislators in the Presidential System do not have such freedom. Legislative oversight is a veritable instrument of the legislature in the Presidential System to whip the executive to line and it is constitutional.

The oversight functions of the National Assembly are captured in both 1979 and 1999 Constitutions. For instance, these oversight functions are captured in section (88), sub-section 1 (a) (b) and 2 (a) – (b) which state that:

Each House of the National Assembly shall have power by resolution published in its journal or in the official gazette of the Government of the Federation to direct or cause to be directed an investigation into (a) any matter or thing with respect to which it has power to make laws; and (b) the conduct of affairs of any person, authority, ministry or government charged, or intended to be charged, with the duty of or responsibility for (i) executing or administering laws enacted by the National Assembly, and (ii) disbursing or administering money appropriated or to be appropriated by the National Assembly (Telumun, 2020).

These provisions demonstrate a wide range of oversight functions of the legislature on the executive.

Sub-section 2 (a) – (b) further stipulate that:

The powers conferred on the National Assembly under the provisions of the section are exercisable only for the purpose of enabling it to (a) make laws with respect to any matter within its

legislative competence and correct any defects in its existing laws; and (b) expose corruption, inefficiency or waste in the execution or administration of laws within its legislative competence and in the disbursement or administration of funds appropriated by it (Telumun, 2020).

It is clear from these provisions of the Constitution that presidential democracy has afforded the National Assembly the chance to carry out oversight on the MDA's and other matters upon which it has power to legislate. The questions thus are, how has the legislature been able to discharge this responsibilities conferred on it by the constitution? Even if it does this work, how effective are the recommendations from its oversight functions? What factors militate against the smooth running of its oversight assignments?

Oversight is a genuine insertion in the Constitution to ensure that through the legislative branch, the executive could be brought under effective control, but the legislature in Nigeria is yet to demonstrate its capacity and willingness in that regards (Abubakar, 2024). The only time the legislature stands to the occasion of its oversight is when the executive might have accused it of corruption and wrong doing. On some occasions, the resolutions of the legislators on certain issues are not accorded the needed attention by the executive. For example, in 1979, President Shehu Shagari had informed the National Assembly of its intension to appoint Presidential Liaison Officers (PLOs). The National Assembly debated exhaustively in the House and resolved, and communicated to the President, its position; it passed a resolution that the idea be mute (Ukase, 2014), given several reasons like political and economic reasons but the President went ahead to make such appointments.

The National Assembly apart from non-implementation of its resolutions by the executive, slept on their right of oversight until the executive accused them of corruption or refused them of their financial remunerations. This was the case in the first quarter of the Fourth Republic. C. Anyanwu, reported that:

... as a result of improper budget implementation in the first year, the Senate gave directives to all Senate Committees to invoke its powers of investigation (oversight) and assess the level of implementation of Constituency Projects (Anyanwu, 2015).

It is true from the above, that the legislature is its own problem when it comes to oversight functions. The report of the various Committees indicted the executive. They reported that the performance of the budget was low and that there were irregularities in the management of funds. Thus, the Senate invited the Minister of State for Finance, Jabril Martins-kuye, Accountant – General, Auditor – General, Governor of the Central Bank (CBN) and top management and officials of the NNPC, for questioning, in order to ascertain the extent to which the executive had performed in managing the economy. So many factors are responsible for the under-performance of the National Assembly in its oversight duties. As one source puts:

Corruption has beclouded the oversight functions of the National Assembly. They carry out the functions for financial incentives, when they are given anything in the brown envelop, they stop

any investigation no matter how important the investigation; infact, the matter will die a natural death (Moses, 2024).

Much has been said about the corruption in the National Assembly. These allegations are undeniable. Another source further notes:

The leadership and the Committees get rich through oversight. They never published any resolution of any important investigation. Sometimes, they would abort investigation along the line and we cannot blame the executive arm for this (Adekunle, 2024).

Clearly, the National Assembly did not take up the challenge of its democratic oversight. Section (89) of the 1999 Constitution empowers the legislature to procure evidence, summon persons to give evidence and require such evidence to be given on oath through examination of witnesses. The National Assembly has the power to summon persons to procure additional document or oral evidence and where necessary issue a warrant to compel attendance by any person so required, on the pain of punishment if they fail to attend. It has the constitutional responsibility to supervise and regulate the activities of the executive arm of government of the Federation to eschew waste and ensure fiscal discipline, observance of the rule of law and strict compliance in implementing laws as passed by the legislature, and execution of development programmes and policies. If the National Assembly loses faith in an agency, it can pass a law to overrule the agency's decision and/or to narrow the agencies jurisdiction (Terlumun, 2020).

(Victor Ndoma-Egba, 2024) views equally correspond with the above view when he said that:

Legislative oversight refers to the power of the legislature to review, monitor and supervise government agencies, programmes, activities and policy implementation strategies of the executive arm of government. This is to ensure that the arm sustains the principles of good governance, remains responsible, transparent and accountable to the electorate.

As important as the oversight powers of the legislature are, their incompetence and corrupt attitude have them redundant in Nigeria.

Legislative oversight function, ensures that activities of the executive arm of government and its agencies are kept under constant check by the legislature.

As lofty as the oversight functions are, there are a number of factors militating against them, such as: in-subordination of the legislative arm to the executive; absence of constitutional provisions to enforce resolutions of the legislature and corruption. The National Assembly can oversee, through its oversight function, the conduct of the executive in foreign policy, summon minister or other representatives of the Federal Ministry of Foreign Affairs, for questioning and investigates foreign policy decisions, and international commitment of the executive.

## Negotiation and Domestication of Treaties

Another area of collaboration between the executive and the legislature in foreign policy architecture of Nigeria is the process of treaty ratification and confirmation. A treaty is a legally binding agreement between two or more countries, or other sovereign powers, that is governed by international law. According to Britannica, treaty is a binding formal agreement, contract, or other written instrument that establishes obligations between two or more subjects of international law (<https://www.britannica.com>).

From the definitions, it is clear that the executive leads the negotiation of treaties but the legislature, especially the Nigerian National Assembly has a great deal in its domestication. There are countries where if the executive has negotiated and ratified any treaty, it automatically becomes part of their domestic law, such countries are: USA, France, Holland, Switzerland, etc., but in Nigeria, the legislature must scrutinize such treaty, through legislative process before it becomes law (Ngara, 2017).

No treaties entered into by the executive automatically become part of local law except otherwise ratified by an Act of the National Assembly as stipulated in section (12) (1) (2) (3):

- (1) No treaty between the Federation of Nigeria and any other country have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly
- (2) The National Assembly makes laws for the Federation or any part, thereof with respect to matters not included in the exclusive legislative list for the purpose of implementing a treaty, and
- (3) A bill for an Act of the National Assembly passed pursuant to the provisions of subsection (2) of this constitution shall not be enacted unless it is ratified by a majority of all the Houses of Assembly in the Federation.

The National assembly occupies special place in the treaty obligation of the country. Examples of treaties which the executive has negotiated and ratified by the National Assembly are:

The World Court judgment on Bakassi Peninsula, 10<sup>th</sup> October, 2002; the Extradition Treaty between Nigeria and South Africa; treaty to establish African Union; protocol to prevent, suppress and trafficking in persons, especially women and children; UN Convention against transnational crimes and convention against torture, and other cruel inhuman and degrading treatment or punishment etc (Senate Votes and Proceedings, 2006). There were instances where the judiciary has given effect to the legislative role in domestication of treaties. *Abach V. Fawehim* (2000). This case emanated from Nigeria ratification of the African Charter on Human and Peoples Rights whether it could possibly override domestic laws or executive actions. The Supreme Court ruled that:

Treaties ratified by the executive do not automatically have the force of law unless such treaties are domesticated by the National Assembly under section 12 of the constitution (NWLR, 2000).

What this portends is reinforcement of legislative supremacy in treaty obligation of Nigeria, and restricted executive monopoly in foreign policy and diplomacy

## **Declaration of War and Deployment of Troops**

War and deployment of troops on peace-keeping mission abroad are critical tools of foreign policy and diplomacy. In this regard, Section (218) (1) (2) and (3) state:

(1) The powers of the President as the Commander-In-Chief of the Armed Forces of the Federation shall include power to determine the operational use of the Armed Forces of the federation.

(2) The powers conferred on the President by Sub-Section (1) of this section shall include power to appoint the Chief of Defence Staff, the Chief of Army Staff the Chief of Naval Staff, the Chief of Air Staff and heads of any other branches of the Armed Forces of the federation as may be established by an Act of the National Assembly.

(3) The National Assembly shall have power to make laws for regulation of -

(a) the powers exercisable by the President as Commander-In-Chief of the Armed Forces of the Federation; and

(b) the appointment, promotion and disciplinary control of members of the armed forces of the federation.

The relationship between the executive and the legislature in this foreign policy and diplomacy of declaration of war and deployment of troops is captured in section (5) (4):

The President cannot declare war on another country without a resolution from both Houses of the National Assembly.... The President cannot deploy members of the armed forces for combat duty outside of Nigeria without the prior approval of the Senate.

War or peace-keeping is a delicate issue that requires the input of the legislature as the representative of the people.

However, Section (5) (5) states:

Provisions of Section (5) (4) notwithstanding, the President in consultation with the National Defence Council, may deploy members of the armed forces of the Federation on a limited combat duty outside Nigeria if he is satisfied that the National Security is under imminent threat or danger.

But in a nutshell, the President can only do this provided that he within 7 days of actual combat engagement seeks the consent of the Senate and the Senate must thereafter give or refuse the said consent within 14 days (Okeke, 1997).

For instance, in 2003, President Olusegun Obasanjo wrote a request to the National Assembly to deploy two battalion of Nigerian Army to Liberia as part of an international peace-keeping force ahead of the planned exit of President Charles Taylor. On the 16th of July, 2003, the Nigerian Senate approved the President's request, which eventually led to the exit of Charles Taylor from Liberia and his reception in Nigeria on asylum, on the 11th of August of 2003.

The success of this peace initiative by President Olusegun Obasanjo, with the collaboration of the Nigerian National Assembly led to the return of peace to Liberia and West African Sub-region in general.

## Law-Making

The primary duty of the legislature is law-making while the execution of the law made by it lies with the executive branch. For instance, Section (4) (1) of the 1999 Constitution states that: The National Assembly has the power; “to make laws for the peace order and good government of the federation”.

According to (Igbokwe-Ibeto and Anazodo, 2015)

The legislature and the executive collaborate in law making despite the fact that the Constitution assigned such powers to the legislature... By virtue of presidential assent ... to bills, such powers are being shared by the two organs... if such collaboration does not exist, the legislature would simply do all the readings on all bills and passes it and say it has become a law. But after a bill, is passed the legislature must give it to the President... who is the head of the executive for his assent before it becomes law... in this context, law making is not strictly the business of the legislature.

As Igbokwe-Ibeto and Anazodo observed, the executive arm has a fundamental role to play in law-making wider than a mere assent to the bill before it becomes law. Assent to the bill by the President to make it a law, is the final process of law making stages. They equally argued that unless the President signs the bill, it cannot become law, but they did not add that there is a constitutional provision that allows the legislature to bypass the assent of the President and make a bill to become law.

Both the legislature and the executive can introduce or initiate bills. Public bills are bills usually proposed by the executive to address certain issues confronting the country. “Private members” bills are initiated by the members of the legislature while money or appropriation bill which contains information about raising and spending (budget) money is initiated by the executive (Chris, 1999). All the bills undergo various legislative processes and stages, and the clean copies will be sent to the President for his assent. It is asserted earlier that a bill is not a law until it is signed by the executive; it is a proposal of action discussed in the Parliament.

If the President is satisfied with the bill after going through it, he appends his signature, but if otherwise, he will refuse its assent. But the legislature can as well override the assent of the President and pass the bill into law by themselves. This is captured in Section (58) (5) thus:

If the President withholds assent to a bill passed by the National Assembly, the National Assembly can override the refusal by passing the bill again with a two thirds majority in both houses. Once the bill is passed again, it becomes law and the President’s assent is longer required.

A practical example was the Niger-Delta Development Commission (NDDC) Bill sent to the National Assembly. After delays in its passage by the National Assembly and President Obasanjo disappointment with them over the passage of the bill, the National Assembly eventually passed it but with some modifications and amendments which President Obasanjo frowned at. The President therefore, sent fresh amendments to the bill but the National Assembly insisted that bill should be assented to as passed while amendments followed later. According to (Ukase, 2014)

The President decided to withhold his assent to the bill inline with the position of the law, which states that President has 30 days from the day a bill is submitted to him within which to assent to it. If he declines to do so, it is taken as a presidential veto, such bills that are vetoed go back to the National Assembly for ratification by each chamber which takes a form of final passage.

In line with the above, if the National Assembly does not accept the President's amendments, they can override his veto with fresh two thirds majority votes by each House of the Assembly acting independently. But in the money bill, it requires joint sitting of the two chambers to override the veto of the President (Arome, 2024). In the case of the NDDC Bill, President Olusegun Obasanjo vetoed the bill while on May 18, 2000, the National Assembly invoked Section 5 (5) of the 1999 Constitution and passed the NDDC Bill into law, thereby bypassing the assent of President Olusegun Obasanjo.

The legislature and the executive equally collaborate in law making through delegation legislation. When a Parliament, or any legally constituted legislative body delegates some of its powers to a Minister, a Department of government, a local government authority or any other institution, the resulting regulations are described as delegated legislation (Study.com). A delegated legislation is therefore, a kind of law made not by the regular legislative body but by an extra-legislative machinery. Usually, the regulations are made according to the terms of a statute or an act of Parliament which lays down in general terms, the subjects on which the Minister is empowered to issue regulations, and the maximum penalty which the courts may impose for any infraction. These are equally called statutory regulations issued by Ministers, Companies, government Departments, Corporations, etc.

This is made possible because the volume of legislation in modern times is so wide that Parliament alone cannot find time to do all the work but the Parliament stands as a watchdog against the abuse of power by these extra-legislative bodies, which have to report back their legislations to the National Assembly (study.com).

Executive Order is another aspect in which the executive can participate in law making. An Executive Order is a legally binding instruction issued by a government's executive administrative agency. The order is usually issued by the President to set government policies, directives and common action related to the executive functions (study.com). Once it is signed, the Executive Orders have the same effect as other laws. However, the President's power to issue Executive Orders is not absolute as the National Assembly can overturn an Executive Order with a two thirds votes; equally the Supreme

Court can declare an Executive Order unconstitutional if it contradicts with the extant law of the land. A successor of the President can also revise an Executive Order (study.com). The legislature enacts laws which regulate: trade and customs, diplomatic relations, immigration and nationality, extradition and mutual legal assistance; and international organizations and corporation.

This means that the relationship that exists between the executive and the legislature in law-making could neither be over nor under-emphasized in foreign policy and diplomacy. The executive initiates foreign policy while the legislature legitimizes it, by providing the legal framework for foreign policy implementation.

## **The Judiciary**

The judiciary is that arm of government that interprets the law. In their connections, the legislature makes law; the executive implement the law, while the judiciary interprets the law. Notwithstanding these basic functions, the three arms of government play much more role in governance. The judiciary and its powers and functions are in the various courts of competent jurisdiction, ranging from Supreme Court to the Appeal Court. The judiciary performs such functions as: settlement of disputes between private individuals and government; prevention of wrongful acts by means of writ and restraining order, courts act to prevent violation of law and protection of the Constitution. The judiciary has the power to determine whether the Constitution has been violated or not; above all, the judiciary is vested with the power to review the activities of the executive and the legislature. Its power to maintain the Constitution, settle disputes and review the activities of the other arms has made it a strong pillar in the relationship between the executive and the legislature.

According to (Olushola, 2024)

The three arms of government are independent but work in synergy to bring about good governance. The executive and the legislature are more closely related than the judiciary. The judiciary makes sure that the law reigns supreme. The two arms are expected to obey the judgment of the court.

The functions of the judiciary as it relates to settlement of disputes between the executive and the legislature is wide. The judiciary reminds both arms of their constitutional limitations and powers.

(Olushola, 2024) further asserts that:

Because the executive and the legislature are politicians, which judiciary is not, there is very high tendency of conflict between them, when such incidence occurs, the judiciary wades in to adjudicate on the conflict. Law that is made cannot interpret itself, and whatever interpretation given by the judiciary is the law.

Law cannot speak for itself, except interpreted by the judiciary. The interpretation by the judiciary is the law.

The powers of the judiciary as explained above are stated in Section (6) (1) thus:

(1) the judicial powers of the federation shall be vested in the courts to which this section relates, being courts established for the country. The term judicial powers used in this section is defined in the Constitution but according to justice Miller, quoted in Mowoe, “it is the power of the court to decide and pronounce a judgement and carry it into effect between parties and persons who bring a case before it” (Mowoe, 1991).

In other words, the judicial powers granted to the courts in Section 6 includes, among others, the power of the court to adjudicate in matters between persons, governments and authorities and determine question as to the civil rights and obligations, of persons. It relates to pronouncements on these civil rights and obligations as contained in the Constitution and statutes made by the legislature in relation to the items listed on exclusive legislative list. It is worthy of note that “persons” as used here include: corporate, unincorporated and natural persons while authorities relate to individual like a minister, or a body like an agency, a commission etc, to whom the powers of the executive in relation to a particular purpose is being delegated. In line with the powers of the judiciary above, it has mediated between the executive and the legislature in foreign related disputes such as Attorney-General of the Federation V. National Assembly (Foreign Loans Cases). The case is whether the executive could obtain foreign loans without the prior approval of the National Assembly. The court ruled that external borrowing required legislative authorization. The decision of the court strengthened legislative control over international financial diplomacy and by extension, checked executive dominance in foreign economic relations.

(Olushola, 2024) concluded that justice are meant for there interests: (1) justice to the complainants (2) justice to the defendants and (3) justice to the society; and it is on this note that the research concludes that the judiciary generally, is the guardian of our constitution, the protector of our cherished governance under the rule of law, the guardian of our fundamental rights, the enforcer of all the laws without which the stability of society can be threatened, the maintainer of public order and public security, the guarantee against arbitrariness and the only insurance for a just and happy society.

The executive and the legislature’s relationship is due to their interrelated functions provided for in the constitution. Both arms are supposed to be partners in ensuring that the society is stable and prosperous. This article establishes how the executive and the legislature relate in the discharge of their functions constitutionally and administratively.

The judicial interpretations and intervention have played a stabilizing role in executive-legislative relations on foreign policy and diplomacy in Nigeria: It has clarified constitutional boundaries prevented executive overreach and protected legislative law-making authority in foreign related conflicts.

## **Conclusion**

This study has examined the role of the Nigerian National Assembly in foreign policy and diplomacy between 1999 to 2011 which coincided with Nigeria’s return to democratic governance. Contrary to the popular opinion that foreign policy and diplomacy are exclusive reserve of the executive arm, this study has shown that the parliament has a great deal in foreign related engagements. Through its constitutional functions, as demonstrated in the work: ratification of treaties, budgetary approval, confirmation of appointments, declaration

of war and deployment of troops, oversight, etc. The National Assembly has contributed in shaping Nigeria's external relations in both formal and informal ways. Both the executive and the legislature participate in foreign policy and diplomacy but in different and complementary ways. In most democracies, especially Nigeria, the USA etc, the executive takes the lead while the parliament provides oversight, authorization and legitimacy.

It is important to note that the National Assembly is crucial institutional machinery for the transmission of the Nigerian foreign policy goal but it is findings indicate that the role the legislature is expected to fully play is hampered by executive dominance, inadequate technical capacity, weak institutionalization of foreign oversight, and the politicization of executive-legislative relations.

In all, the Nigerian experience from 1999-2011 showcases the important role of legislative participation in foreign policy and diplomacy within emerging demarcates across the globe.

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