

## Review

# The legislatures in Africa: A trajectory of weakness

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The paper examined the historical underpinnings of the under-development of representative institutions in Africa. The author noted that notwithstanding its worldwide prevalence, the legislature had been involved in struggles for political power and relevance across political systems. Specifically, he viewed the African parliaments as products of specific historical experiences, notably of colonialism and militarism, that not only stultified their growth and development but also left legacies that continued to constrain their capacity to serve as effective checks on the ever-growing powers of the executive arms of post-independence governments. Accordingly, the legislatures of Africa had not been placed in vantage positions akin to those of their counterparts in the advanced democracies, and their capacities as effective agents of limited government were seriously constrained. In the circumstances, the workings and challenges of representative institutions in Africa had to be understood within the context of the historical forces that shaped and continued to shape their emergence and contemporary relevance. It identified people-centred constitutional re-engineering, more proactive posture on the part of legislators themselves and capacity-building supports as the irreducible minimum for strengthening the legislatures and creating responsive and citizens-friendly environments for sustainable democracy and good governance in Africa.

**Key words:** Legislature, colonialism, military rule, African politics.

## INTRODUCTION

The prevalence of the legislature, the ubiquitous representative institution of the Twentieth Century, does not exclude Africa. Since the end of the World Wars and the attendant increase in nationalist activities, which hastened the tempo of the decolonization process, Africa has witnessed significant increase in the number of legislative houses across the continent. The legislature is, indeed, the earliest of the three state institutions of governance (legislature, executive and judiciary) to enjoy considerable African representation.

In many African states, particularly the British and the French colonial territories, the rapid access to the reign of power through the legislative assemblies predated the slow and often reluctant absorption of the indigenous peoples into executive positions. The executive offices of government were indeed the last symbols of authority and power that remained with the departing colonial powers, and relinquished only with independence.

Yet, three-quarters of a Century since the emergence of modern representative institutions on the African continents, 'parliaments' have remained relatively weak compared to both the executive and the judicial arms of

government. Legislative institutions have remained, against constitutional prescriptions and pretence to the contrary, the most junior in the tripartite arrangement of governmental powers, in Africa. While it is appreciated that a worldwide decline in parliamentary power, privileges and prestige seems symptomatic of the growing power of 'executive government' in many countries, the parliamentary system of the United Kingdom and other advanced democracies inclusive, the peculiar conditions of the representative institutions of Africa requires deeper reflection for better understanding.

In Africa, the legislature was never designed, neither has it been allowed to play, the kind of role that similar institutions have and still plays in other political systems. Proceeding from a global scan of the rise and fall of this most important institution of the tripartite government powers in democratic governance, the paper highlights the specific historical and contemporary underpinnings of the inability of the legislatures in Africa to function in a manner consistent with the dictates of representative government. While it notes a worldwide 'decline' of the legislatures, identifying the social and political forces that shape

such developments, it brings to the fore the specific problems of the legislatures of Africa in their relationships with other centers of political power, notably the executive.

It underscores those historical experiences and conditions that compromised and continue to threaten the ability of the legislatures to serve as effective instruments of popular sovereignty and limited government. The powers and problems of the legislatures are discussed within the framework of the dynamics of the struggle for power and influence in the domestic politics of and the challenges these pose for the independence and relevance of the legislative institutions in, contemporary African nation-states.

### A GLOBAL DECLINE?

Although the common modern usage of the term 'legislature' is traceable to Britain (the 'Mother of Parliaments') and some Scandinavian countries (Allen, 2002), the origin of the idea of representation cannot be so exclusively limited. Prehistoric and ancient civilizations did not preclude consultations between the absolute rulers and their subjects and the idea of limited government found some expression in the pre-colonial systems of Africa (Alabi, 2006). Early history of Europe also points to the fact that the Roman tribunes and similar institutions of ancient and medieval Europe as well as those of the oriental world were 'representative' in some sense (Ray, 2003).

The necessity for an assembly of representatives has become the logical course of action since the collapse of the Greek city-states and their notion of direct democracy. The appropriation power of the legislature, however, preceded its representative function by several decades. Even in Britain, the Parliament originated as an extension of the King's Court, but later "took a life of its own" (Roskin, 2001). It had to engage in a running battle with the monarchy until the Glorious Revolution and later the Industrial Revolution catapulted it into a position of significance and pre-eminence in British politics. The supremacy of Parliament has not, however, been a perennial feature of contemporary British politics. While the Parliament continues to be regarded as supreme, it is in reality supreme only to the extent that its functions and decisions reflect the policies and programmes of the government in power as represented by the Prime Minister and his cabinet.

Indeed, since the evolution of the cabinet system, the Prime Minister has grown in power and influence to the detriment of Parliament, and has remained, notwithstanding the so-called collective responsibility of the cabinet and individual ministerial accountability to the Parliament or the internal democracy of the Party, the focus of political power in Britain (Barber, 1991). In the circumstances, the notion of legislative supremacy of the British parliament has become a mirage (Lakin, 2008).

Nowhere else in Europe did Parliament get a fascinating history of growth (and decline) as in Britain. The

French legislative institution, the National Assembly, did not acquire the power of making and unmaking governments until the Third and the Fourth republics. Even then, the instability in the French political system prompted a 'demotion of parliament' under the Gaullist Constitution of the Fifth Republic (Pickles, 1972). Since then, the President and not the National Assembly, has remained the key political figure, and in conjunction with the Prime Minister, holds the ace political power in contemporary politics of France. Indeed, the President de la Republique sets the agenda of the legislature, can by-pass the parliament through referendum and often "substitutes himself for parliament" (Tiersky, 1994).

Elsewhere in Europe, the notion of 'parliamentary supremacy' was a mirage throughout history. Italy has suffered more instability, while Germany does not have any strong tradition of parliamentary politics; successive Chancellors have virtually ignored parliament, they being the real locus of political power. The whole of Eastern states, in the grip of Soviet influence, never experienced parliamentary democracy. Neither the 'Supreme Soviet' of the defunct USSR nor the Russian Duma can legitimately answer to the appellation of representative institutions committed to the ideals of limited government. Even the democratic tradition of Japan has not placed the Diet, designated the "highest organ" under the 1947 Constitution, in any pre-eminent position in relation to other institutions of government, particularly the bureaucracy (McCubbins and Noble, 1995).

The American experience has not been particularly unique. The Congress has played significant role in the evolution of the US political system generally, having been conceived as "the most important branch of government" (Lees, 1983). As a creation of the Constitution, which vests the interpretative power of its provisions in the courts, however, it does not enjoy the 'supreme' status of the British Parliament. While it is capable of maintaining its independence and autonomy from other branches of government, the Congress has had to contend with an equally powerful President, creating enormous challenges to Congressional power. While congressmen do make considerable impact on policy-making generally, the initiatives belong to the President who also, ultimately, has the final say on matters of policy, both at the domestic and international levels. Thus, the power of the US Congress, "like all legislative bodies in the complex world of the twentieth century", has, in the words of Vile, "declined relative to that of the so-called 'executive' branch of government (Vile, 1976).

The growth of the legislative institutions in other parts of the world was less than fascinating. In most cases, the legislatures were part of the colonial governmental apparatus handed over at or before independence. They were, thus, products of constitutional instruments. In most cases, the existence of written constitutions has meant that legislative enactments have to be subjected to tests of consistency with the grundnorm. Generally, across political systems and geographical entities, the golden age of

representative institutions had passed and the idea of 'parliamentary supremacy', even in Great Britain, had lost its vitality by the time parliamentary institutions began to mushroom in the colonized territories, particularly in Africa.

As E. C. S. Wade notes half a Century ago, "the political supremacy of Parliament... has become more and more unreal" (Wade, 1959); it remains only a myth that has "veiled a mighty accretion of almost uncontrolled executive power" (Allen, 2002). The implications of this for the status and powers of colonial legislatures form the subject of the next section.

## COLONIAL LEGISLATURES

Globally, thus, the legislature as an institution of limited government, seemed to have lived past its glory at the point of its reception into the colonial systems of Africa and other parts of the developing world. The increasing distrust of and decline in relevance and significance, of the legislature, seemed to have dictated the creation of legislative institutions that were designed to be weak compared to the executive powers of the various colonial governors and administrators.

In conception, origin and creation thus, the colonial legislature were not designed to perform such enviable role as were characteristic of their precursors in Europe in limiting royal absolutism and were merely designed to compliment the work of the colonial governments by serving as agencies for articulation of views and ventilation of popular feelings that were not expected to radically change the patterns and policies of the respective colonial governments. This orientation was to have a long lasting effect on the performance of the legislature, not only during but even years after effective renunciation of colonial rule.

Modern legislative institutions in Africa grew out of agitations against non-involvement of Africans in the governance of their countries. Prior to World War I, the various colonial governments conceived of their overseas territories as mere administrative units that did not require separate legislative institutions of the type in existence in the metropolitan capitals in Europe. The balkanisation of the African kingdoms and empires, consequent upon the legitimization of colonial possessions at the Berlin West African Conference (1884) were not done with express authorization of the indigenous peoples whose leaderships were simply coerced into signing various cession treaties and agreements.

The assimilationist policies of the French, the Portuguese and the Belgians did not envisage any distinct governance structures for their respective colonies beyond the appointment of administrators to direct the affairs of the colonies under the direction of the Secretaries/Ministers responsible for colonial/overseas affairs. The closest attempt at providing avenue for involvement of Africans in the administration of the colonies was the policy of Indirect Rule introduced by the British in their colonial territo-

ries in East and West Africa. Even then, the Indirect Rule, designed to make use of the indigenous peoples in the administration of the colonies, was restricted to local administration through the traditional rulers and chiefs. The educated elites and intelligentsia, who later constituted the bulk of the opposition, were effectively sidelined.

Thus, the pre-World War I fora for gathering of local views and opinions under the British policy of Indirect Rule were not designed to be and did not function as legislatures. The first of such 'Legislative Councils', created in the Gold Coast (Ghana) in 1850 and Sierra Leone in 1863, were purely advisory bodies, with actual legislative and executive powers vested in the colonial Governors. The Nigerian Council, brought about by the Supreme Court Ordinance of 1913, was composed wholly of the European appointees of Sir Frederick Lugard and did not possess any legislative powers. It was a mere advisory body and functioned as such.

Similar institutions of the pre-World War I era existed in Kenya (1906), and the Gambia (1888). In the French territories, where no such councils existed, only Africans who had acquired French citizenship through education and cultural assimilation, including most notably Blaise Diagne who represented Dakar from 1914, could sit in the French National Assembly by virtue of the Indigenat system in operation since 1885.

The aftermath of the War, however, provoked some agitations that forced the colonial governments to make some concessions immediately after the War. The African soldiers who fought during the war, the rising crop of newly educated elites and a small pocket of enlightened local folks constituted a new batch of intelligentsia who demanded some measure of participation of Africans in the governance of their own peoples. The National Congress of British West Africa (NCBWA), formed in Accra (Ghana) in 1920, was particularly vociferous in its demand for establishment of legislative bodies in West Africa.

Other individuals and organisations of African descent – Casely Hayford, W. E. B. Du Bois, Marcus Garvey, Edward Blyden, the West African Students' Union, etc. were very active, both on the continent and in the Diaspora, in increasing the tempo of Pan-African rhetoric that hastened the emergence and growth of the legislatures as indispensable institutions of the colonial governments. Even in the French territories, the new crop of indigenous French citizens (originaires) became leading lights of anti-colonial struggles. By the 1930s, legislative councils with some African representation had been established in virtually all the British colonies while other colonial territories lagged behind notwithstanding increased decolonisation struggles particularly in Morocco (1921) and Algeria (1925). Generally, legislative councils increased in number and African representation, in response to nationalist demands locally and global developments that favour self determination.

The legislatures, thus, became the first set of institutions

that provided avenue for recruitment of Africans into the governance structures of colonial administration in Africa. But this limited unofficial African representation during the inter-War years did not materially change the nature of these institutions. In terms of establishment, composition and powers, the colonial legislatures of the pre-World War II era were severely constrained and did not compare favourably to similar representative institutions across the globe.

In the first instance, the legislative bodies were composed mainly of hand-picked appointees of the colonial Governors and Administrators. The Governors not only presided over these institutions but also possessed reserved power over their decisions. Majority of these appointees were European officials while the few Africans were not representative of the local populations but rather rewarded for their collaboration, against the wishes of the larger populations, with the colonial governments.

Generally, there were no elected representatives. But the British government was unique to the extent that it introduced some elective principle in its territories, as far back as 1863 in Sierra Leone. The franchise was however limited. For example, only four of the 46 member Legislative Council created under the 1922 Constitution of Nigeria were directly elected. Moreover, the elections took place only in Lagos (the seat of the colonial administration) and the municipal part of Calabar, two colonial enclaves populated mainly by Europeans and the emerging African educated urban elites. Additional qualifications relating to gender, citizenship, prescribed.

Also, the elective principle was not introduced in all the territories. Nonetheless, the introduction of the elective principle opened a window of unofficial African representation in the colonial institutions. In the French West African territories, representation in the French National Assembly remained restricted to the four communes of Goree, Dakar, Rufisque and Saint-Louis, all in Senegal. The assimilation policies of the French, the Belgian and the Portuguese did not permit any measure of participation geared towards eventual transfer of political power to the rising local elites.

The Legislative Councils, even after some reform of the institutions, e.g. in the Gold Coast (1916 and 1925), Uganda (1920), Nigeria (1922), Sierra Leone (1924) and Tanganyika (1926), did not possess any real legislative powers. They performed mere deliberative/advisory functions, with some limited power in the approval of budgetary provisions and other fiscal policies. They were not designed to function as effective agencies of limited government, at least as long as colonial rule lasted. Nonetheless, they provided avenue for articulation of African views, which though not binding on the colonial administrations, were taken into consideration in the series of reforms of the colonial policies, particularly after the World War II.

The World War II was a watershed in the politics of decolonisation worldwide, and a major turning point in the

development of the legislative institutions in the whole of Africa, excluding perhaps the Southern part where white supremacist regimes had sprang up after official renunciation of colonial rule. The significance of the World War II in facilitating the series of processes and developments that led to self-government and eventual independence on the continent of Africa has been well documented and need not be repeated here. Suffice it to say that for the legislatures, the impact was manifested in three major ways.

Firstly, the increased tempo of nationalist activities consequent upon the rise in the population of the educated elites facilitated more African representation on the legislative councils. Elective principle was introduced in territories, including the Gambia (1947), that had lagged behind in this regard. Indeed, by the turn of the 1950s, the legislative councils became dominated by Africans, both elected and appointed. Secondly, more powers were devolved to the legislatures. The rise in the number of political parties, run largely by nationalist leaders, could not have dictated otherwise. Lastly, the executive councils, which were hitherto the exclusive preserve of European officials were being opened up to Africans, with increased role for the legislatures in the making of the executive councils. The transition to independence was, however, not replicated in all the colonies. The French repression of anti-colonial uprisings in Algeria (1945) and Madagascar (1947), the *Mau-Mau* uprisings in the British held Kenya (1952), the riots in Belgian Congo (now Congo DRC, 1959) and the 'wars' of independence in Algeria (1954) and the Portuguese territories of Angola (1961) were frequently cited evidence of unpreparedness of the colonialists to quit.

The French colonial policy ensured that many of its colonies in West Africa (except Guinea which voted 'Non' by referendum in 1946 to remain outside the French Union) did not have national legislatures until very close to or at independence in 1960. Although the Loi Cadre (1956) granted self-governing status, the semi-representative territorial assemblies created by it functioned through the Governors-General based in Senegal (for French West Africa) and Gabon (for the French Equatorial Africa), under the Minister of Overseas Affairs in Paris. As late as 1958, each *Assemblée Nationale*, with consultative powers only, cohabited with a French appointed High Commissioner as the Head of State.

In the British territories where the legislative institutions had gained increased visibility throughout the 1950s, their powers were constrained by the presence of the European Governors/Administrators who maintained leverage over the legislature through a numbers of schemes enshrined in the emerging constitutional instruments put in place as self-governing status and independence approached. Notable in this regard was the continued vesting of the 'veto' power in the colonial Governors who could and indeed used, such powers to whip the legislatures into line.

For instance, s.26 of the Nigerian Legislative Council (Order-in-Council) of 1946 provided thus:

“If the Governor shall consider that it is expedient in the interest of public order, public faith, or good government (which expression shall, without prejudice to their generality, include the responsibility of Nigeria as component part of the British empire and all matter pertaining to the creation or abolition of any public office or appointment, salary or other condition of service of any public officers) that any bill introduced or any motion proposed for decision in the Legislative Council should have effect, then, if the Legislative Council fail to pass such a bill or motion within such time and in such form as the Governor may think reasonable and expedient, the Governor, at any time in his discretion, may, notwithstanding any provision of this Order or of any Standing Rules and Orders of the Legislative Council, either in the form in which it was so introduced or proposed with such amendment as the Governor shall think fit which have been moved or proposed in the Legislative Council or in any Committee thereof, and there upon the said bill on motion shall have effect as if it has been so passed” with these and such similar provisions, the powers and relevance of the colonial legislatures remained subsumed under the colonial Governor notwithstanding increased African representation.

Thus, the Legislatures in Africa originated as instruments of the colonial government designed to give some sense of participation to the local indigenous peoples who yearned for self rule. As part and parcel of the imperial power, the colonial governments were the sole determinants of the composition, power and relevance of the institutions within their respective colonial territories. The legislatures in the colonies did not originate as representative institutions of the native (colonized) peoples. It wasn't until the course of decolonization became irreversible that attempts were made to democratize these colonial institutions through the phased introduction of elective principle. But even then, the colonial legislatures were dominated by members appointed by the colonial authorities and their local collaborators.

They were also severely limited in power, playing mere deliberative and advisory roles in government. Where significant legislative powers were permitted, the reserved powers of the colonial Governors over enactments limited the powers of the legislatures. They therefore lacked independence and autonomy, which hampered their effectiveness. Indeed, the colonial legislatures did not have supreme legislative authority within their respective countries. Often, laws passed by them were adoptive laws which were mere re-enactment of the laws of the mother countries. The creative instincts and abilities of the legislators were further hampered by the reception of foreign laws for upward of 50 years before the legislative institutions began to take roots.

In the circumstances, legislative chambers became mere avenue for articulation of anti-colonial and nationalist

sentiments, and not platform for governmental accountability or limited government. The legislatures behaved, and were treated by the administrations and perceived by the peoples, as anti-government. It was never for once demonstrated that the legislatures could be partners in the making of good governance. These irritant perceptions and negative patterns of legislature-executive engagement was to become symptomatic of post-independence politics. They have continued to constrained the role of the legislatures in contemporary government and politics of most African states.

## LEGACY OF AUTHORITARIANISM

Although variations existed in the composition, structure, functions and powers as well as performance of the colonial legislatures of the African countries, evidence across geographical entities points to the fact that these institutions were weak on the eve of independence. The emerging legislatures remained junior partners of the executive in the politics and governments of many of these countries. The ecology of public administration and governance under colonial rule could not have dictated otherwise. They were not designed and indeed not independent of the executive arms. In design and operation, they were not empowered sufficiently enough to serve as effective watch dogs, on behalf of the people, over the executive wielders of power. As Schraeder notes of the African political systems generally, the authoritarian legacy of colonialism destroyed “traditional checks-and-balances” (Schraeder, 2000).

The challenges of governance faced by many post-independence states in Africa within the first decade of independence (‘the golden age’) further reinforced the weaknesses of state institutions, particularly the legislatures. Save for Botswana, perhaps, and the white supremacist regimes in the southern part of the continent, many post-independence states soon dissolved into all manners of authoritarian rule, with patrimonial one-party and military regimes. These system, which either put the legislature in abeyance or subjected them to control of the patrimonial executive rulers, lasted until the Third wave of democracy, which also swept across Africa in the last decade of the Twentieth Century.

Military regimes have impacted negatively on the development of the legislative institutions in Africa in more than one ways. Military rule, anywhere in the world, is not compatible with representation. Military regimes are regimes of force, and military rulers do not pretend to represent the people more the authoritarian patterns of their rule. A military regimes defines the extent of its own powers, and the existence and extent of powers of various institutions of government. Thus, among the first actions of a military regime is the dissolution of pre-existing democratic structures. The greatest casualty of such dissolution is the legislature. It is the only arm that gets permanently encumbered as long as military rule lasts.

Although the judiciary is weakened and could only blow muted triumphs under a military regime, it is still permitted to exist if only for use as part of the instrumentality of state coercion or to give a semblance of some commitment to governance under the law (Alabi, 2002). The executive arm of government exists and indeed waxes stronger under a military administration. However, the legislature is put in abeyance, and its powers merged with that of the executive military rulers who, through a supreme military governing organ, wields both the legislative and executive (and at times, judicial) powers. In such a situation, which was prevalent on the continent for more than three decades, the legislatures could not but be seriously weakened as governance institutions.

Where they were occasionally permitted to exist under schemes of diarchy, they remained within the stranglehold of the military/authoritarian rulers who used the legislature to create some sense of legitimacy for their administrations. The legislatures of Africa are therefore denied the advantage of experience which is the cornerstone of the enviable tradition of legislative supremacy and significance in the governance of the advanced democracies. Because the African legislatures were hardly permitted to make mistakes and learn from lessons of the past by the military rulers who seized every opportunity of major disagreements in parliaments to truncate democratic rule, the legislatures got weakened and remained inexperienced compared to other arms of government as soon as a return to democratic rule were permitted.

More germane, perhaps, to the discussion here is the tremendous influence which the departed military rulers have wielded in moulding the succeeding legislatures to remain subservient to executive powers even under democratic rule. In the many African countries that have transitioned from military to civil rule, the transition programmes, including the making of the civilian constitutions, were designed and supervised by the military rulers. Often, post-military constitutions are not genuinely autochthonous and represent the design of the military rulers to transform themselves into civilian rulers. Moreover, majority of those conscripted to draft such constitutions or give legitimacy to such exercise, through Constituent Assemblies or referenda that are stage-managed to serve the interest of the ruling class, tend to mould such instruments along the preferred interests of the military rulers.

The general pattern has been to designate the legislature as the first arm of the civil government, while legal provisions are used to make it subservient to executive powers. Thus, majority of the constitutions of the post-military era in Africa created strong presidency and a weak legislature. In addition, provisions are enshrined in the constitutions to expressly limit the powers of the legislatures in reviewing the acts of the previous (military) rulers. Moreover, some quasi-legislative powers are given to the executive which are often used by the latter to subvert the legislative process. The implication of this is that while

the legislature exist as veritable instruments of representative democracy, they are unable to perform their avowed role of serving as effective checks on the executive.

## DYNAMICS OF WEAKNESS

The legislative institutions of contemporary Africa perform all the basic functions of a representative assembly – legislation, oversight and representation. Specifically, their functions include law making, approval of executive policies, confirmation of appointments, budget and appropriation, oversight over government agencies, representation and education of the people, training ground for political leaders, removal of public office holders at the highest level, etc. They are, however, bedevilled by a number of problems that have continued to limit their role as effective instruments of participatory democracy and limited government. While one cannot lose sight of the historical underpinnings of the legislatures' development as distinct institutions of governance, as this paper does, there are other problems that are fall outs of the peculiarities of the legislative institutions on the one hand and the dynamics of government and politics of emerging democracies on the other hand that require close scrutiny for a better appreciation of the conditions of representative institutions in Africa.

The viability of any legislature is a function of its position and relevance, within the institutional architecture of the state, in relation to other arms of the government, notably the executive. The relevance of the legislature in any political system is, therefore, a function of the dynamics of its relationships to other arms of government. It is in the examination of such patterns of relations, both mutual and acrimonious, between these two (political) organs of government that the strengths and weaknesses of the legislature become obvious. The twin-legacy of colonialism and militarism weakened the African legislatures vis-a-vis the executive arms of the governments. Since their predecessors served merely as agencies for giving semblance of legitimacy to the several colonial administrations that created them, the patterns and development of the post-independence legislatures largely reflect these antecedents.

Also, military interventions in the politics of, and personalised one-party rule in many, countries negatively impacted on the institutional capacity of these parliaments vis-à-vis the executive arms of government which has remained strong with or without democratic rule. In many countries, constitutional provisions tend to strengthen the executive while the legislatures remain weak. In these circumstances, legislature-executive relationships in African countries remain unbalanced, with governmental powers skewed in favour of the executive to the detriment of the legislature.

As "a product of authoritarianism" (Oyovbaire, 2000), the African legislatures are unable to effectively checkmate the excesses of the executive arms of the

governments. Parliamentary control of the executive has, thus, become a major problem, particularly in small parliaments. In the words of a former Chairman of the Executive Committee of the Commonwealth Parliamentary Association (CPA, 2002),

“Parliament performed a rubber stamp function in that the government took Parliament for granted and expected rubber stamping of government Bills and other proposals which are routinely submitted to Parliament for approval.”

The ‘many failings’ of the legislature in its inability to serve as an effective counterweight to the executive have been identified by African legislators themselves. A self-assessment of the Uganda legislature did not find a positive correlation between the high academic and professional qualifications of its members and the house’s performance (Okello-Okello, 2001). The situation is not different in Nigeria where the National Assembly has been variously viewed as an ‘irrelevant talking shop’, the ‘weakest link in the making of public policy’, and ‘an unnecessary luggage that has to be grudgingly carried along’ in the business of governance (Abia, 2003; Political Bureau, 1987; Na’abba, 2000).

Generally, they are denied effective participation in financial and foreign relations as well as public policy. Attempts by the legislatures to ascertain their relevance are often viewed as indications of serious intra-governmental conflicts with the attendant stress on the entire political system.

Manipulation of parliament by the executive is not a peculiarity of Africa or of the developing world generally. What makes the situation precarious in Africa is the lack of proper institutionalization of parliaments. The legislatures in Africa lack the capacity for effective discharge of their constitutional functions. In most cases, parliament lacks adequate resources and effective procedures for scrutinizing the executive through debates, parliamentary questions, investigations, etc. Severe resource scarcity and lack of financial autonomy of the legislature, weak career service in the legislature, and moral crisis of public administration generally have reinforced the ‘relative institutional dwarfing’ of the legislature compared to the other arms of government (Onigbinde, 2000).

The legislatures are lacking in the needed infrastructures, training and capability for effective performance of the legislative duties (Babatope, 2001). Because they are not self-accounting, they are often poorly funded or starved of the needed fund by the executive. Individual legislators also depend on the executive for patronage in contracts/consultancy and for key appointments in governments for themselves and their cronies, which invariably compromise their oversight duties. Moreover, in the absence of freedom of information regimes, they are denied the needed data required for effective performance of their duties.

As a Commonwealth study shows, in greater majority

of member states, the legislatures are “weak, lacking the resources adequately to enforce government accountability” (Hatchard and Slinn, 1999). Clearly, efforts have been made in some countries to insulate the legislature from unbridled influence of the executive by granting parliament the power to control its own finances. Also, parliamentary service commissions have been sought to be established with responsibility for appointment and control of all parliamentary staff, provision of services needed for efficient and effective operation of parliament and preparation of parliament’s budget. Efforts along this line have, however, met with strong resistance from the executive, while the successes recorded so far have not materially strengthened the legislatures vis-a-vis the executive governments.

Executive influence and pressures are not the only sources of threats to parliamentary powers. The judiciary also serves as a veritable check on the excesses of the legislature. While the exercise of the power of judicial review should ordinarily strengthen democratic rule, there are instances where the judiciary have become willing collaborators in the task of limiting legislative powers. Generally, however, the judiciary is not widely perceived as a major threat to legislative powers. In fact, there are instances of the legislature itself being used to undermine constitutionalism. While the legislature often avoids direct conflict with the judiciary, the latter also adopts the policy of ‘judicial self restraint’. This situation accords with the global trends towards a cautious but firm assertion of the power of judicial review.

Like all legislative institutions, African parliaments suffer some drawbacks attendant to the nature and peculiarities of deliberative institutions generally. Bicameral legislatures are particularly susceptible to inter-chambers tussle for supremacy. Such differences/rivalry do make for little coordination, and are exploited by the executive using ‘divide and rule’ tactics. Moreover, the multi-partisan character and composition of an assembly do not make for easy consensus compared to the unified and closely-knit structure of the other arms of government. Rowdy and rancorous sessions, low participation, bench warming and absenteeism have therefore, incapacitated the effectiveness of these weak legislatures in the performance of their constitutional duties.

Also, many legislatures lack the requisite knowledge of and training in the legislative process. The lack of technical competence has also reinforced the phenomena of absenteeism, lateness, gangersterism and lack of decorum, which are gradually becoming distinctively characteristic of parliamentary assemblies in Africa and other parts of the developing world (Hardgrave and Kochanek, 1993).

The failure of parliaments in Africa to provide checks and balances on the excesses of the executive is also a function of lack of a virile opposition politics. Opposition, as the cornerstone of parliamentary democracy, is muffled in many parts of Africa. Due to a combination of colonial legacy and cultural factors, ability to question elected President is regarded by many, including parliamentarians,

as a sacrilege. This is particularly so as the legislatures also suffer from low perception of their relevance and worth among the generality of the populace.

The 'complex and fragmented' nature of the legislative process itself (Lees, 1983) makes for little understanding and appreciation of the role of parliament by the generality of the people. Because most of these institutions are new relative to the patrimonial executive rulers and military dictators, they tend to be misrepresented to and perceived by the largely poor and uneducated citizenry as irritant bodies. The fact that the government and politics of most of these states are executive-centred has deepened the crises of low perception and unfavourable public opinion/media.

As the Commonwealth Parliamentary Association (CPA, 2001) notes, the growing disillusion with the process of government weighs more on the legislature as the legislature "is perceived by the public as a subservient mouth piece of an overweening executive". Other problems have been identified to include crude majoritarianism, obstructionist opposition, marginalization of women and youth, weak internal democracy, authoritarian legacies, etc. (Gyimah-Boadi, 1998). Finally, the power of legislatures in the Commonwealth countries are limited to the extent that they are creations of constitutions which set limits to their powers.

## CONCLUSION

The legislatures in Africa are victims of the dynamics of historical exigencies. They were created to be weak, and the legacy of legislatures' subservience to executive control have remained entrenched years after independence. Post-independence political and constitutional developments in many African states further reinforced the weakness. Thus, legislative institutions have suffered outright abolition, suspension or dissolution (and put in abeyance) in the aftermath of successive coup d'état in various parts of Africa. Where they exist, their effectiveness as mechanisms for popular control of governments have been threatened by patrimonial one-party or one-party dominance rule.

In many states, they have remained visible, being the main symbol of democracy, but with reduced powers and significance in relation to the executive arm of government which has come to take the front seat in any analysis of the reality of domestic power relations. Indeed, nothing has been taken away from the traditional duties of the legislature, and the volume and duration of legislative work seem to have increased. While many possess enormous powers under the constitution, they, in reality, exercise little authority. A combination of the growing power of the executive, the resurgence of political parties with effective machinery of control and discipline, intra-legislature crises, and a hostile external environment have further reinforced the institutional weakness of the legislatures.

The worldwide resurgence of democracy since Gorbachev introduced perestroika and glasnost in the defunct Soviet Union with the attendant collapse of global communism has translated to increased visibility for the legislatures as many African dictatorships got swept away by the waves, forcing a return to democratic rule. Also, the firm positions of the African Union and other regional bodies on democracy have also underscored the importance of representative institutions. The implication of this is that the legislatures would remain increasingly relevant in the politics of many African states as democracy continues to blossom in a globalized world. Their relevance in politics is bound to rise (Barkan, 2008). However, their weakness as institutions of popular control of governments would remain a major issue to be seriously addressed if democracy must remain consolidated on the continent.

There is therefore the need to create the needed enabling environment for robust legislatures' engagement of the governments of African states. This would require a commitment to strengthening the institutional capacity of the legislatures for effective discharge of their mandate. Practical steps along this line may require a number of steps including but not limited to constitutional guarantee of the independence and separateness of the legislature, strengthening the resource base of the legislatures to make them less dependent on the executive in the procurement of basic needs, and freedom permitting of access to vital information necessary for legislative oversight of the executive.

African legislatures, especially the new ones, need to be strengthened with well-trained support staff that are outside direct control of the executive, adequate and independent means of finance, and infrastructural facilities, including high-tech reprographic equipment to meet the challenges of modern legislations.

Programmes of capacity building for the legislatures need to be expanded and reinforced in line with the needs and peculiarities of individual parliaments as well as international reform guidelines and shared experiences (not 'best practices'). Moreover, active collaboration and partnerships between the legislatures on the one hand and the civil society organisations and donor agencies on the other hand can be mutually rewarding in the efforts towards consolidating the nascent and emerging democratic ethos in Africa. At least, whatever be the powers of the legislatures, even as mere 'committee of governances' or 'congress of opinions' (Mill, 1861), they remain the only symbol of democratic power and legitimacy, and without them, governance would remain personalized, lacking in legitimacy and authoritarian.

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