

# Bridging the Gap in Law-Making, Representation and Accountability: Lessons from Nigeria's National Assembly for Legislative Trust-Building in Emerging Democracies

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## Abstract

Nigeria's National Assembly is constitutionally mandated to enact laws, represent citizens, and perform oversight over the executive. Yet, a persistent gap exists between this constitutional design and its institutional delivery, with declining public trust as the principal consequence. This paper adopts a doctrinal methodology, drawing on the Constitution of the Federal Republic of Nigeria 1999 (as amended), statute, case law, and comparative material from South Africa and Kenya, to examine how the National Assembly can build citizens' trust through the effective performance of its constitutional functions. It advances the argument that the National Assembly holds legislative power as a constructive public trustee of citizens under Section 14(2)(a) of the Constitution, owing corresponding equitable duties of loyalty, prudence, and accountability. Applying this framework, the paper finds that executive dominance, weak oversight, limited public participation, budgetary opacity, and under-utilisation of technology are the principal drivers of the trust deficit. Drawing on the South African and Kenyan constitutional models of institutionalised public participation, it recommends constitutional entrenchment of citizens' participatory rights, systematic utilisation of existing legislative research institutions, and a governed digital transformation programme as essential reforms for restoring democratic legitimacy. The paper contributes a doctrinal account of the National Assembly as a constructive trustee, a conception not previously applied in the Nigerian legislative scholarship.

**Keywords:** National Assembly; Public Trust; Legislative Oversight; Public Participation; Constructive Trust Doctrine; Nigeria.

## 1.0 Introduction

The Nigerian National Assembly comprises the Senate and the House of Representatives, all elected across the 36 states of the federation and the Federal Capital Territory (FCT), and they serve as intermediaries who articulate the concerns of their constituents, thereby fostering a sense of inclusion and participation in the democratic process.[ R Aiyede, *The Role of Elected Representatives in Nigeria's Development* (University of Lagos Press 2017).] Each state of the federation is divided into three (3) senatorial zones and multiple Federal Constituencies with 109 Senators and 360 Members of the House of Representatives[ CFRN 1999, ss 48 and 49.] elected into the National Assembly.[ CFRN 1999, s 71.] These representatives engage with their constituents, understand their needs, and advocate for policies that address local concerns.[ E Ojo, 'The Role of Constituency Allowances in Legislative Representation in Nigeria' (2020) 6(2) *African Review of Politics* 101.] Section 14(2) of the Constitution of the Federal Republic of Nigeria (CFRN) 1999[ Hereinafter referred to as 'the Constitution', 'CFRN' or 'CFRN 1999'.] confers sovereignty on the people and since the National Assembly is the representative of the people, it therefore means that it exercises sovereign power that expresses the will and aspiration of the constituents whom they represent.[ CFRN 1999, ss 4, 5 and 6.]

The central research question is whether the constitutional and institutional framework governing the National Assembly is adequate to enable the discharge of its legislative, representative, and oversight functions in a manner that builds citizens' trust, and if not, what legal and institutional reforms are required. The paper approaches this question through a doctrinal lens, examining the tension between the extensive constitutional powers of the

National Assembly and the legal and institutional constraints that impede their effective exercise. The paper proceeds as follows. Section 2.0 examines constituency representation. Section 3.0 analyses the law-making function. Section 4.0 addresses legislative oversight and accountability. Section 5.0 considers public engagement and participation. Section 6.0 examines technology and innovation. Section 7.0 sets out the conclusion and recommendations. Finally, Section 8.0 outlines the policy relevance of the research.

### **1.1 Theoretical and Conceptual Framework**

Three complementary jurisprudential theories underpin this study. The social contract theory, associated with Hobbes and developed by Locke, Pufendorf, and Rousseau, holds that citizens surrender a measure of their collective sovereign authority to the legislature, which holds that authority on their behalf as an act of public trust. The social control theory, drawing on Pound, Ross, and Weber, illuminates how the National Assembly exercises legislative power in the regulation of social conduct within constitutional bounds and the continuing consent of the governed. The public interest theory, drawing on Pigou, Posner, and Feintuck, holds that the National Assembly's law-making and oversight functions must be directed towards citizen welfare, eschewing legislative conduct serving narrow or partisan interests.

The conception of representation adopted here draws on Pitkin's account,[ HF Pitkin, *The Concept of Representation* (University of California Press 1967).] which distinguishes the delegate model, in which representatives mirror constituents' immediate preferences, from the trustee model, in which representatives exercise independent judgment in the constituents' best interest. Burke precisely canvasses the trustee conception when he stated that elected representatives owe good judgment to their constituents, not just subservience to constituents' desires.[ Edmund Burke, 'Speech to the Electors of Bristol' (3 November 1774) in Philip B Kurland and Ralph Lerner (eds), *The Founders' Constitution* vol 1 (University of Chicago Press 1987) <<http://press-pubs.uchicago.edu/founders/documents/v1ch13s7.html>> accessed 16 June 2026.] This paper positions the National Assembly constitutionally as a trustee rather than a mere delegate. Nigerian legislators are presently trapped between two competing pressures. They remain beholden to constituents for patronage-type deliverables yet are insulated from genuine accountability by weak feedback mechanisms, a caricature of the trustee model and a primary driver of the trust deficit.

The concept of public trust is used in two analytically distinct senses. In its political sense, it denotes citizens' confidence in legislative institutions, shaped by perceptions of competence, integrity, and responsiveness.[ MJ Hetherington, *Why Trust Matters: Declining Political Trust and the Demise of American Liberalism* (Princeton University Press 2005) 1.] In its legal sense, it denotes the relationship this article proposes between Section 14(2)(a), which provides that sovereignty belongs to the people from whom government derives all its powers, and the constitutional responsibilities of the National Assembly. Read together with Section 4 (vesting legislative power in the National Assembly) and Section 14(2)(b) (making citizen welfare the primary purpose of government), these provisions may be understood as creating a relationship analogous to a public trust: citizens as beneficiaries, the National Assembly as trustee, and legislative power as the trust property. On this basis, this article proposes a constructive public trust framework comprising three equitable duties: loyalty (legislating in the public interest), prudence (evidence-based deliberation), and accountability (transparency and meaningful citizen engagement). These duties are employed here as an analytical and normative framework rather than as independently enforceable equitable obligations already established under Nigerian constitutional law. Transparency is prospective, requiring accessible processes; accountability is retrospective, requiring justification and consequences for discharge. These duties supply the normative standard applied throughout this paper.

### **1.2 Methodology and Scope**

This study adopts a doctrinal methodology, examining the Constitution of the Federal Republic of Nigeria 1999 (as amended), particularly Sections 4, 6(6)(c), 14, 58, 80–89 and 305; relevant statutes including the Legislative Houses

(Powers and Privileges) Act 2017, the Freedom of Information Act 2011 and the Not Too Young to Run Act 2018; and decisions of Nigerian superior courts. Secondary sources include books, journal articles and institutional reports. The temporal scope is the Fourth Republic from 1999 to the present. State Houses of Assembly are excluded. South Africa and Kenya are referred to as jurisdictions that share Nigeria's post-authoritarian constitutional history but have gone further in constitutionalising legislative public participation. Finally, no empirical fieldwork is undertaken in the course of this research.

## 2.0 Constituency Representation

The concept of constituency representation is essential in comprehending the intricacies of governance in the National Assembly. Constituency representation refers to the obligation of elected representatives to advocate for the interests and welfare of their constituents. Constituency representation in Nigeria is fundamentally rooted in the democratic principle of ensuring that the voices of citizens are heard in the legislative process. This representation is complicated by the interplay of political, economic, and social factors that influence the effectiveness of lawmakers in fulfilling their roles.[ A Ibrahim, 'Constituency Representation in Nigeria: An Analysis of Legislative Performance' (2019) 8(1) *African Journal of Governance and Development* 23.]

The structure of the Nigerian National Assembly is designed to facilitate representation at multiple levels. Members of House of Representatives are elected to represent specific constituencies, whereas Senators represent a broader range of geopolitical zones referred to as senatorial zones. The aim of dual representation is to ensure that varied interests are expressed in the course of the legislative process.[ *ibid.* ] However, the efficacy of this representational arrangement is often weakened by systemic challenges including: electoral malpractices, party interference, limited funding, and lack of accountability mechanisms.[ A Adebayo, 'Electoral Malpractices and the Crisis of Representation in Nigeria' (2020) 12(3) *Journal of African Politics* 45.] In order to enhance citizens' trust and development, each elected legislator is given certain budgetary allocations, known as 'constituency allowance', towards the execution of infrastructural or developmental projects for the benefit of their constituencies. Constituency allowances are funds allocated to lawmakers to facilitate engagement with constituents and support local development initiatives.[ J Nwankwo, 'Constituency Allowances and Legislative Accountability in Nigeria' (2020) 43(5) *International Journal of Public Administration* 412.] The purport of these allowances is to enable representatives to perform their roles effectively. However, this has attracted significant controversy and criticism.[ *ibid.* ]

Successive budget cycles from 2016 to 2025 have attracted allegations of significant insertions: BudgIT and Tracka documented that the 2025 budget contained over 11,000 projects valued at N6.93 trillion inserted with limited justification, with 238 projects each exceeding N5 billion and totalling N2.29 trillion lacking specific locations or demonstrable public purpose.[ G Okeowo, 'National Assembly Inserted Projects Worth N6.93 Trillion in 2025 Budget' *The Guardian* (Lagos, 20 May 2025) <<https://guardian.ng/news/national-assembly-inserted-projects-worth-n6-93-trillion-in-2025-budget-budgit/>> accessed 16 June 2026.]

## 3.0 Law-making Function of the National Assembly

The Constitution vests the National Assembly with primary legislative authority over the Federation, the exercise of which defines the boundaries of government powers, establishes institutional conduct, and structures the rights and duties of citizens. [ CFRN 1999, s 4(1).] Section 4(2) of the Constitution extends such powers to the enactment of laws for the peace, order, and good government of the Federation or any part of it with respect to any matter in the Exclusive Legislative List. [ *ibid.*, pt I, Second Schedule.] This gives the National Assembly general jurisdictional power to pass laws on everything from national defence down to aviation, telecommunications, currency, immigration, and foreign affairs. The Constitution[ CFRN 1999, s 58(2).] expressly provides that the law-making powers of the National Assembly can be exercised by bills passed by the National Assembly and assented to by the President. The Constitution[ CFRN 1999, s 9.] also empowers the National Assembly to alter any of its parts, provided that the

necessary support of the Houses of Assembly in two-thirds of the states of the Federation is obtained.

Only the legislature competently represents the will of the people in the form of legislation.[ Policy and Legal Advocacy Centre, 'Guide to Lawmaking in the National Assembly' (2017) <<https://placng.org/i/wp-content/uploads/2019/12/Guide-to-Lawmaking-in-the-National-Assembly.pdf>> accessed 18 June 2026.] However, this power carries a corresponding duty to ensure that law-making reflects a sound process responsive to society's needs. The National Assembly can be a force of reform, particularly on issues of mass public concern, and serves as the primary forum for deliberation between competing political forces in a democracy. The National Assembly has on various occasions done things that have resulted in the amendment of several legislations as well as the Constitution itself. Beyond the substance of the laws enacted, the National Assembly must ensure compliance with prescribed legal procedure on enacting laws.

The Court of Appeal, in the case of *National Assembly v President of the Federal Republic of Nigeria*,[ (2003) 9 NWLR (Pt 824) 104; (2003) LPELR-10151(CA).] held that due legislative process must be rigorously adhered to and motions or resolutions cannot replace substantive law. In this case, INEC challenged the constitutionality of Section 15 of the Electoral Act 2002, claiming it encroached on its exclusive power to set election dates under the CFRN 1999. After the President vetoed the Bill, the National Assembly purportedly overrode the veto via a simple motion rather than re-passing the Bill through full legislative procedure with fresh readings and quorums as required by Section 58(5) CFRN 1999. The court held that the override procedure by simple motion was constitutionally defective. Furthermore, that a motion or resolution cannot substitute for the re-passage procedure required by Section 58(5) CFRN 1999. Notwithstanding this procedural finding, the court held the Electoral Act 2002 had been lawfully enacted by the time of the proceedings, and invalidated only Section 15 on the ground that it unconstitutionally encroached on INEC's autonomy to fix election dates. In essence, the case affirms that legislative procedure is justiciable, and that the National Assembly cannot circumvent constitutional requirements through informal motions.

In terms of internal procedures, Section 60 CFRN 1999 authorises each House of the National Assembly to regulate its own procedure, including the establishment of standing or ad hoc committees to scrutinise proposed bills.[ M Aliyu, 'Legislative Committees in Enhancing Legislative Governance in Nigeria: A Study of the House of Representatives' (LLM thesis, University of Benin 2022) 22.] The Public Accounts Committee, Appropriation Committee, and Rules and Business Committee are also critical in scrutinising appropriation bills, estimates of expenditure, and compliance with procedure. The committees also offer an avenue for civil society involvement in law-making through attendance at committee meetings and input. Yet, the effectiveness of committee work appears to be undermined by low attendance, executive domination, and the absence of technical personnel, thus weakening the quality of bills passed.[ *ibid.*]

Aside from the formality of law-making, the content and quality of legislation enacted by the National Assembly have also been highly criticised. Some legislations that have been passed have become redundant, outdated, or do not tackle burning national issues.[ NJ Okafor, 'The Challenges and Prospects of Legislative Control over Subsidiary Legislation in Nigeria' (LLM thesis, University of Benin 2022) 50.] For instance, the Petroleum Industry Act (PIA), which had been pending before the National Assembly for nearly two decades, was finally signed into law in 2021 following years of delays and stakeholder frustration. The delay undermined investment in the oil sector and encouraged fiscal uncertainty. Conversely, the bills that were passed into law like the Freedom of Information Act 2011[ The Human Rights Law Service, 'Background of the Freedom of Information Request in Nigeria' (2019) <<https://hurilaws.org/background-of-the-freedom-of-information-request-in-nigeria/>> accessed 18 June 2026.] and the Not Too Young to Run Act (2018) are indicative of the ability of the National Assembly to translate public sentiment into legislative reform.

Other legal systems possess more active and inclusive law-making machinery. In South Africa, for instance, the Constitutional Court in *Doctors for Life International v Speaker of the National Assembly*[ [2006] ZACC 11; 2006 (12) BCLR 1399 (CC).] ruled that public participation in the legislative process is a constitutional necessity. The Constitution of Nigeria, however, does not expressly provide for the involvement of the public, although public

hearings and consultations with stakeholders are taken at the discretion of the National Assembly. This is an area where reforms are needed to institutionalise participatory law-making.

#### **4.0 Legislative Oversight and Accountability**

The CFRN 1999[ CFRN 1999, ss 80, 88 and 89.] empowers the National Assembly to conduct legislative oversight, a function through which executive accountability to the citizenry is given institutional expression. These powers not only confer the ability to enact legislation but also to investigate their implementation and oversee how public funds are expended. However, the effectiveness of this exercise has been met with constitutional limitations, institutional vulnerabilities, and the executive's reluctance to submit.[ JY Fashagba, 'Legislative Oversight under the Nigerian Presidential System' (2009) 30(3) Journal of Legislative Studies 296.] For analytical clarity, this section distinguishes legislative oversight as the broad constitutional function under Sections 80 and 88–89 of the Constitution; investigative powers as the specific mechanisms through which that function is exercised, including summons, document production, examination of witnesses, and warrant; and accountability or sanction as the legal consequences that oversight may produce, including compliance orders, impeachment proceedings, and referral to prosecutorial authorities.

Despite the broad language of the CFRN 1999, Nigerian courts have played a key role in defining the limits and jurisdiction of the powers of control by the National Assembly. Different landmark judicial statements have made these powers less uncertain in scope. In the Senate of the National Assembly v Tony Momoh,[ (1983) 4 NCLR 269.] the Court of Appeal held that while the legislature has powers of investigation, they are not inquisitorial and are intended to be linked with the performance of legislative duties. The court warned against trespass by the legislature into the judicial and executive arms of government.

In El Rufai v House of Representatives,[ (2003) FWLR (Pt 173) 162.] the Court of Appeal held that the oversight powers should be exercised in good faith and within legislative jurisdiction. In that case, Malam Nasir El-Rufai, who was then the Director-General of the Bureau of Public Enterprises (BPE), challenged his summons, and the court held that the National Assembly could not use the power of oversight to witch-hunt or pursue political vendettas. These cases cumulatively uphold the proposition that as much as legislative oversight is constitutionally guaranteed, it must be within the confines of legality, relevance, and respect for other constitutionally based provisions.

The proper province of the legislature is to perform the watchdog function and act as control mechanism for the government, considering that its activities are largely open to public glare. [ BO Nwabueze, Presidentialism in Commonwealth Africa (C Hurst 1974) 272.] In proper cases where it becomes apparent that a public officer under investigation has abused office or is in breach of the CFRN 1999 or any existing law, the National Assembly is conferred with the powers to command compliance or expel such person from office in appropriate cases. For instance, the National Assembly is conferred with impeachment powers against the President and Vice President of the Federation under CFRN 1999.[ CFRN 1999, s 143.] This is a provision of the Constitution that the National Assembly can effectively employ to hold the head of the executive to account. The power of impeachment, theoretically, is one of the most effective oversight tools worldwide. It is a powerful legislative armoury in ensuring governmental accountability.[ N Udombana and PA Okparavero, 'Impeachment Power of the Legislature and Executive Unaccountability in Nigeria: Between Rhetoric and Practice' (2020) 6(6) International Journal of Law 252.] However, the definition of executive action or inaction that may warrant impeachment of the Commander-in-Chief is not specific but vague. Section 143(11) of the Constitution defines gross misconduct as 'a grave violation or breach of the provisions of this Constitution or a misconduct of such nature as amounts in the opinion of the National Assembly to gross misconduct.' The equivalent provision for State officeholders is section 188(11). This expression is wide enough to accommodate any action which the National Assembly considers amounting to gross misconduct. It gives wide discretionary powers to the National Assembly to define specific conduct as gross misconduct. In Inakaju v Adeleke,[ (2007) 4 NWLR (Pt 1025) 423.] the Supreme Court did not enumerate an exhaustive list of substantive grounds of gross misconduct. Rather, the case is the leading authority on the procedural rigour required

once an allegation of gross misconduct is raised. The Supreme Court held that any material departure from the prescribed procedure, including improper venue, insufficient signatories, or defective service of notice, renders the resulting removal a nullity irrespective of the merits of the underlying allegation. This procedural rigour does not fetter the National Assembly's substantive discretion to characterise conduct as gross misconduct in the first instance. For instance, the Rivers State House of Assembly has attempted to impeach the governor for spending public funds without the enactment of budgetary appropriation.[ C Ndujihe and others, 'Rivers Crisis: Assembly Serves Gov Fubara, Deputy Notice of Misconduct' Vanguard (Lagos, 18 March 2025) <<https://www.vanguardngr.com/2025/03/rivers-crisis-assembly-serves-gov-fubara-deputy-notice-of-misconduct/>> accessed 16 June 2026.] Indeed, unauthorised expenditure of public funds strikes at the very foundation of the appropriation power vested in the legislature by Section 80 of the Constitution, and there is no principled basis for excluding it from the constitutional definition of gross misconduct simply because it did not arise in the Inakoju Case. However, that is not the reality at the federal level. Since the assumption of the democratic dispensation from 1999 to date, the National Assembly has never employed its impeachment powers to bring the Executive to account, notwithstanding the plethora of alleged violations of the Constitution and breach of Oath of Office by Presidents and Vice Presidents of different dispensations.[ M Lawal, 'Abuse of Powers of Impeachment in Nigeria' (2010) 48(2) Journal of Modern African Studies 311.] The persistence of this pattern points to a structural rather than incidental explanation: executive dominance over the legislature, sustained by the concentration of political and financial leverage in the presidency, has consistently constrained the independent exercise of legislative oversight. Where the political fortunes of legislators remain tied to executive patronage, the conditions necessary for the impartial deployment of impeachment powers are difficult to sustain. This structural imbalance, rather than any absence of constitutional authority, is the principal impediment to the National Assembly's effective discharge of its oversight function and its capacity to hold the executive accountable to the people.[ T Ogunleye, 'Partisanship and Accountability in the Nigerian National Assembly: An Analysis' (2023) 10(1) Nigerian Journal of Political Studies 67.]

## 5.0 Public Engagement and Participation in the Law-Making Process

Law-making, being the primary constitutional function of the legislature, ought to reflect not just the interests of the governing class but also the hopes, aspirations, needs, and concerns of the masses at large. Public participation in the law-making process makes legislation not only legitimate but realistic, fair, and well-adopted. In developed democracies, participatory mechanisms such as public hearings, petitions, stakeholder consultation, and online feedback tools have become integral parts of legislative governance. But in Nigeria, public participation in law-making is primarily discretionary and, in many instances, ceremonial.[ Law Pavilion, 'Public Participation in the Legislative Process in Nigeria: A Case of Constitutional Deficiency' <<https://lawpavilion.com/blog/public-participation-in-the-legislative-process-in-nigeria-a-case-of-constitutional-deficiency/>> accessed 16 June 2026.] This limited participation subverts transparency, reduces legislative effectiveness, and excludes citizens from the decisions that govern them.

Another critical point is that Section 14(2)(c) of the Constitution is part of the Fundamental Objectives and Directive Principles of State Policy, which, according to Section 6(6)(c) of the Constitution, is not justiciable. The implication is that an action cannot be maintained by any section of the public, irrespective of their interest, to invalidate a law lawfully enacted by the National Assembly simply because they were not consulted. Consequently, no court may compel the National Assembly to facilitate public participation in the legislative process as a condition of legislative validity, since the constitutional obligation to do so remains non-justiciable under Section 6(6)(c). The position is otherwise only where the National Assembly has itself enacted legislation expressly prescribing public participation as a procedural requirement for the making of a specific category of law, in which case non-compliance with that statutory obligation may ground a legal challenge.

The National Assembly Standing Orders, which draw their mandate from the CFRN 1999,[ CFRN 1999, s 60.] confer on the National Assembly the mandate to regulate their own procedure, including public hearings and consultations

with stakeholders. In practice, most National Assembly committees, especially those handling sensitive bills (e.g., electoral reforms, constitutional amendments, and national budgeting), hold public hearings and invite memoranda from professional organisations and civil society organisations.[ A Audu, 'Public Hearing and Citizen Participation in Law Making in Nigeria: A Study of the Senate Committee on Judiciary, Human Rights and Legal Matters' (MSc thesis, University of Benin 2021) 19.] Such initiatives are, however, often irregular, poorly publicised, and more of a ritual than genuine fora for civic engagement. This erodes the deliberative nature of legislation and promotes elitism in law-making. Moreover, members of the public cannot institute an action against the National Assembly to compel them to hold public hearing before enacting a law. Besides, the Standing Orders only bind the members of the National Assembly and do not confer a right of action of third parties.

Though the Nigerian judiciary has rarely addressed the issue of direct public engagement in legislation, the courts have acknowledged the greater constitutional significance of participation in government. In *Centre for Oil Pollution Watch v NNPC*,[ (2019) 5 NWLR (Pt 1666) 518.] the Supreme Court held that public-spirited individuals and organisations have standing to compel public authorities to comply with their statutory obligations, reflecting a broader judicial recognition of participatory accountability in the exercise of public power. Even if not directly related to parliamentary involvement, such decisions provide a normative basis for the argument that participation contributes to democratic legitimacy. Moreover, in the case of *Okogie v Attorney-General, Lagos State*,[ (1981) 2 NCLR 337.] the court acknowledged that the Fundamental Objectives and Directive Principles of State Policy identify the ultimate objectives of the nation and the policies expected to be pursued in realising national ideals, albeit falling short of attributing them binding force.

Section 59(1) of the South African Constitution requires its National Assembly to facilitate public involvement in its legislative processes and to conduct its business in public, permitting exclusion only where reasonable and justifiable in an open and democratic society. Article 118(1) of the Kenyan Constitution similarly requires Parliament to conduct its business openly and facilitate public participation in all legislative business, subject only to narrowly justified exclusions determined by the relevant speaker.

There are judicial precedents in support of this constitutional provision in South Africa and Kenya. In *Doctors for Life International v. Speaker of the National Assembly*,[ *Doctors for Life International* (n 26).] the Parliament was held to have been derelict in its constitutional duty to make provision for public input when it passed legislation without adequate public hearings. The ruling was unprecedented in cementing tradition that public participation is not something to be granted by the legislature, but something to be protected and respected. Similarly, in *Robert N Gakuru & Others v Governor Kiambu County & 3 Others*,[*Robert N Gakuru & Others v Governor Kiambu County & 3 Others* [2014] eKLR, affd *Kiambu County Government & 3 Others v Robert N Gakuru & Others* [2017] eKLR.] the High Court declared the Kiambu County Finance Act 2013 null and void for want of public participation, expressly relying on the South African authority of *Doctors for Life International* in reaching that conclusion. On appeal, the Court of Appeal dismissed the county government's appeal and upheld this finding. The case illustrates the judicially enforceable character of public participation within Kenya's constitutional framework. Nigeria's judiciary, while more conservative, can be convinced to follow this enlightened path if constitutional reform puts public participation under the rubric of legally enforceable rights.

The limits of procedural reform alone are illustrated by the Afrobarometer data. A survey conducted in Kenya in April–May 2024 found that only 44 per cent of Kenyans trust Parliament 'somewhat' or 'a lot', representing a ten-percentage-point decline over the preceding decade, despite fifteen years of constitutionally enforced public participation under the 2010 Constitution.[ Afrobarometer, 'In Kenya, Public Trust in Institutions and Leaders Is on a Downward Slide' (Afrobarometer Dispatch No 1052, September 2025)

<<https://www.afrobarometer.org/publication/ad1052-in-kenya-public-trust-in-institutions-and-leaders-is-on-a-downward-slide/>> accessed 16 June 2026.] This finding underscores that justiciable participation requirements, while necessary, are not sufficient to build and sustain citizens' trust in the legislature. Substantive improvements in representation, oversight, and fiscal transparency must accompany procedural reform.

## 6.0 The Role of Technology and Innovation

Technology and digital innovation are no longer optional extras for legislative business in contemporary times. They are institutional drivers of representative legitimacy, legislative quality, transparency and citizen participation. A well-designed and properly implemented digital transformation can turn many of the National Assembly's current weaknesses into enduring strengths. Some of these weaknesses include limited public access to committee business, opaque budgets, inadequate legislative research and weak constituency feedback loops. Conversely, poorly designed or directed digital change can deepen inequality, introduce new security threats, and create opaque algorithmic decisions that further marginalise citizens. Digitalisation should be understood as an enabling instrument capable of supporting transparency, participation, legislative capacity and accountability, not as an independent source of institutional legitimacy or public trust in itself.[Inter-Parliamentary Union, 'World E-Parliament Report 2024' (IPU 2024) <<https://www.ipu.org/resources/publications/reports/2024-10/world-e-parliament-report-2024>> accessed 16 June 2026.] This underscores the relevance of technology in legislative affairs and the various constraints to its utilisation by the National Assembly.

The National Assembly can leverage parliamentary knowledge hubs and Artificial Intelligence (AI) research tools in undertaking its function. A library with searchable Hansard full texts, comparative law databases, and AI summarising software (with human-in-the-loop validation) will accelerate high-quality legislative drafting and committee analysis. The Inter-Parliamentary Union (IPU) anticipates an increasing adoption of cloud computing and AI utilisation by parliamentary bodies around the world.

A critical distinction must be drawn between institutional reforms and technological tools. Establishing the National Assembly Budget and Research Office as a well-funded institution with statutory independence is an institutional reform; deploying an online budget portal is a technological mechanism to support it. Both are necessary, but they are not interchangeable: technology amplifies institutional capacity but cannot substitute for it. The recommendations in this section are accordingly framed as institutional reforms that technology enables, not as technological solutions that institutions may adopt without corresponding structural change.

Nigeria's legislative support infrastructure includes dedicated institutions established to strengthen the National Assembly's research and knowledge base: NABRO, NILDS, and NALTF. These are adequately established in law and staffed with expert personnel; the challenge is not resources but utilisation. Members have tended to rely on personal staff and private consultants rather than systematically engaging these bodies, leaving institutional research capacity largely untapped while incurring separate consultancy costs. What is required is an administrative framework normalising consultation with these institutions, comparable to the Library of Congress in the United States or the House of Commons Library in the United Kingdom, where institutional research services are the primary source of legislative analysis.

The deployment of AI-assisted research tools within the National Assembly also requires a corresponding governance framework addressing, at minimum: accuracy standards with mandatory human expert validation before any AI output informs a legislative decision; transparency in disclosing AI use in legislative analysis; data protection consistent with the Nigerian Data Protection Act 2023; bias audits to prevent AI tools from disadvantaging rural, minority, or linguistically marginalised communities; and clear institutional accountability within the National Assembly Service Commission. Without such governance, AI adoption risks amplifying, rather than correcting, the accountability deficits identified in this paper.

Nigeria has already taken tentative steps toward legislative digitalisation. The National Assembly's official website provides citizens with access to legislative documents like bills, order papers, and votes and proceedings of the National Assembly. [National Assembly of Nigeria, 'National Assembly Portal' ([nass.gov.ng](http://nass.gov.ng)) <<https://nass.gov.ng>> accessed 16 June 2026.] However, the website's coverage of committee proceedings remains incomplete and is frequently not current. The House also shares recent information through social media handles and a House of Representatives Broadcast WhatsApp Group, which has about 1,000 members. While this is a progressive effort to bridge the citizens engagement gap, more ought to be done to reach the majority of Nigeria's large and growing

population. The NALTF also provides up to date information on legislative progress through its social media handles and official website.[ National Assembly Library Trust Fund, 'About Us' (NALTF) <<https://naltf.gov.ng/about-us/>> accessed 16 June 2026.]

This gap between what exists and what is institutionally embedded illustrates the broader argument of this section: technology without institutional ownership and governance does not generate durable transparency or public trust. The three duties arising from the constructive public trust framework, loyalty, prudence, and accountability, require not only that the National Assembly deploy digital tools but that it does so in a manner that is governed, inclusive, and constitutionally purposive.

## 7.0 Conclusion and Recommendations

This paper has examined the legal and institutional framework governing the National Assembly's legislative, representative, and oversight functions, applying the constructive public trust framework developed in the introduction above. The central research question was whether the constitutional and institutional framework is adequate to enable the National Assembly to discharge these functions in a manner that builds citizens' trust, and if not, what reforms are required. The findings may be summarised as follows.

First, Sections 4, 14(2)(a), 58, 80–89 and 305 of the Constitution encompass a constitutional framework for the operations of the National Assembly. Read together, these constitutional provisions may be understood as creating a relationship analogous to a public trust, providing a normative basis upon which the National Assembly's legislative, representative and oversight responsibilities may be evaluated. These provisions empower the National Assembly to discharge all three dimensions of its trust obligation: the duty of loyalty through participatory and public-interest legislation; the duty of prudence through rigorous oversight and evidence-based deliberation; and the duty of accountability through transparency in its own financial affairs. The institutional machinery, comprising the National Assembly Service Commission, the National Assembly Budget and Research Office (NABRO), the National Institute for Legislative and Democratic Studies (NILDS), the National Assembly Library Trust Fund (NALTF), and the committee system, is also provided. The constitutional framework is substantially developed in relation to the National Assembly's legislative, representative and oversight powers. However, it contains a significant normative and enforceability gap regarding public participation in the legislative process. Accordingly, the principal deficiencies identified in this study arise both from the under-utilisation of existing constitutional and institutional mechanisms and, in the specific context of public participation, from the absence of an express and justiciable constitutional obligation.

Second, the operationalisation of this framework has fallen materially short of the constitutional design. The paper has identified five principal drivers of the trust deficit. Executive dominance has compromised the independence of the oversight function, as demonstrated by the absence of any successful impeachment proceeding at the federal level since 1999 and by reported patterns of executive influence over legislative leadership. The underutilisation of existing institutional capacity, particularly NABRO, NILDS, and NALTF, has limited the technical quality of legislation and the rigour of budget scrutiny, notwithstanding the expert personnel and mandates these bodies already possess. Allegations of budgetary opacity, including reported insertion of projects into appropriation bills that are poorly justified or unverifiable in location and cost, have corroded public confidence in the appropriation process. Limited and largely discretionary public participation has reduced the deliberative quality and democratic legitimacy of legislation. Finally, the under-utilisation of available technology has constrained access to legislative information and participation by citizens, particularly outside the Federal Capital Territory.

Third, the comparative experience of South Africa and Kenya demonstrates that constitutionalising public participation transforms participation from a predominantly discretionary political practice into a legally cognisable and judicially enforceable constitutional obligation. Depending on the applicable constitutional framework, the nature of the legislative process and the degree of non-compliance, failure to satisfy that obligation may carry legal consequences, including, in appropriate cases, the invalidation of legislation. As the Afrobarometer data presented

in Section 5.0 above demonstrates, procedural reform alone is nevertheless insufficient to sustain public trust: it must be accompanied by substantive improvements in representation, oversight, and fiscal transparency of the kind this paper has proposed.

The paper's contribution to knowledge is the application of the constructive public trust doctrine to the constitutional relationship between the National Assembly and the Nigerian people under Section 14(2)(a) of the Constitution. The constructive public trust doctrine has not, to the best of the authors' knowledge, previously been applied to the constitutional relationship between the National Assembly and the Nigerian people, nor deployed as a normative standard for assessing law-making, oversight, and representative performance in Nigerian legislative scholarship. On this basis, this article proposes a constructive public trust framework through which the National Assembly's constitutional responsibilities may be assessed by reference to the analogous duties of loyalty, prudence and accountability. These duties are employed here as an analytical and normative framework rather than as independently enforceable equitable obligations already established under Nigerian constitutional law.

The following reforms are recommended, in order of priority. First, a constitutional amendment should entrench the right of citizens to participate in the legislative process, establishing a justiciable duty on the National Assembly to facilitate public participation, modelled on Section 59 of the South African Constitution and Article 118 of the Kenyan Constitution. The reform should specify whether it establishes an individual participatory right, a procedural duty, or both, and should identify the applicable standard and consequences of non-compliance. Second, the Standing Orders of both Houses should be amended to require legislative committees to publish a summary of public submissions received and the reasons for accepting or rejecting the principal recommendations made therein, especially in the consideration of bills of grave national importance. Third, a governed digital transformation programme, anchored to the National Digital Economy Policy and Strategy 2020 to 2030 and subject to the AI governance framework recommended in Section 6.0 above, should be implemented to open committee proceedings, make appropriation data machine-readable, and enable e-petition filing by citizens. Fourth, the National Assembly should enact operational legislation giving effect to the Fundamental Objectives in Chapter II of the Constitution, as the principal legal mechanism through which its duty of loyalty to citizens may be discharged.

Resuscitating the National Assembly is not primarily a technical endeavour but an exercise of political will. Rebuilding public trust in the National Assembly is therefore not solely a matter of constitutional redesign. With the important exception of the identified gap concerning enforceable public participation, the existing constitutional and institutional framework provides substantial foundations for effective legislative governance. What is principally required is the institutional and political commitment to deploy those mechanisms purposively, transparently and in the genuine interests of the citizens in whose name legislative power is exercised.

## 8.0 Policy Relevance

This paper has three direct implications for policymakers and institutional actors. First, for the National Assembly leadership as an institutional actor: the constitutional amendment recommended in Section 7.0 will not advance without a legislative champion from within. The presiding officers of both Houses are best placed to initiate the required constitutional bill, to convene cross-party support, and to frame the reform publicly as an exercise of the National Assembly's own commitment to its constructive trust obligations rather than as an externally imposed constraint. The specific design of the amendment, whether it establishes an individual participatory right, a procedural duty on the legislature, or both, and what standard of consultation it prescribes, are matters that the National Assembly itself should determine in consultation with constitutional law experts and civil society before the bill is introduced.

Second, the National Assembly should formalise its digital transparency commitments by institutionalising the official National Assembly website as a comprehensive, regularly updated legislative information service covering bills, votes, committee proceedings, and appropriation data in machine-readable format. The AI governance framework recommended in this paper should apply as a mandatory condition of any AI-assisted parliamentary

programme adopted under this initiative. Policymakers overseeing the National Digital Economy Policy 2020–2030 should treat legislative digitalisation as a co-priority alongside executive agency transformation.

Third, the Revenue Mobilisation, Allocation and Fiscal Commission and the Code of Conduct Bureau should engage with the National Assembly on disaggregated public disclosure of legislative remuneration structures, anchoring public discourse in accurate data and giving institutional expression to the duty of accountability established by the constructive trust framework in this paper..

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