

Historicizing Interest Groups and Lobbying in Nigeria’s Legislative Framework

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Abstract

this article analyses the nexus between legislation and interest group inputs in shaping the course, content and the context of legislation in emerging democracies with particular emphasis on Nigeria. It is within the purview of the paper that legislation is usually a process undergoing input-output experimentations and political diagnosis. Utilizing secondary data, the article historicizes the contributory roles of interest groups in legislation in Nigeria. Since participatory democracy thrives on robust deliberations on public policies, the article pinpoints the potency as well as the importance of interest groups in a democracy. It avers that interest groups play a very important role in democracy as champions of groups and public interests.

Key Words: *Democracy, Legislature, Legislative Assignment, Interest Groups, and Representatives.*

Introduction

The return of democracy in Nigeria on 29th May 1999 raised the relevance of representative democracy. Legislature as an arm of government is what largely differentiates democracy from other types of government. Military regimes have always subsisted without a legislative body. Where there is Supreme Military Council (SMC) or Armed Forces Ruling Council (AFRC) that cannot suffice for Legislature in the sense for which it applies in democracy. Though both these can make laws (decrees) under military regime and law and act under democratic regime, the legislature under democracy is constituted by members elected to represent different constituencies within the federal republic of Nigeria. Therefore representing the people’s interests becomes fundamental in the conceptualization of legislative framework. On this premise, legislative body can be seen as the ‘mirror of the nation’, ‘embodiment of the general will of the community’, ‘a committee of grievance’ ‘a congress of opinions’, etc. Norman and Philip (1968:509) posited that a legislature, most commonly known by the name of parliament, forms the first important organ of a political organization. The word-‘parliament’ that originally meant ‘a talk’ is derived from the French word *parler* (to speak or parley) and the Latin *parliamentum*. In the later form, it is applied to the after-dinner conversation held by the monks in their clusters. These ‘talks’ are no longer tolerated. Applicable only in some absolute monarchies, deliberations that affect the concerns of the people must be discussed by those elected through popular election else their discussions or resolutions can be rebuffed. This raises a critical question about the processes through which the members of the legislature are elected? Whose opinion are they representing? And how are they able to do that? However, it is important to note that answers to these questions are not the focus of this article. But the article touches on them especially the last two questions since it is to examine the role of interest groups and lobbying in legislative assignments.

Great limitation is placed on direct democracy because of the increase in population and technical knowledge required for governance. However, this does not nullify the view that democracy is *for the people*. But when we consider democracy also as *by the people*, we are confronted with the question of explaining what we mean by *the people*. It is on this basis that representative democracy and political participation set the contours of academic discourse. Budge (2006: 595-596) has a position on direct democracy that is worth noting. He argued that without intermediary institutions (parties, legislatures, and governments) no coherent, stable, or informed policies will be made. Direct democracy undermines intermediary institutions including parties and opens the way to the tyranny of a shifting majority. This position supports a selection or participation of that segment of the society with adequate knowledge of governance. Pettit (2009: 61-89) noted that a representative performs three major functions: standing for someone, acting for someone, and speaking for someone. The representatives must inevitably make decisions concerning matters about which the electorates, either as

individuals or as collectivities, have no established preferences. In this case he/she *speaks for* the represented and engages in interpretative representation. The problem here is that the selection of party candidates is largely outside the control of the masses. However, this article contextualizes the legislative functions against the backdrop of the influence of interest groups in Nigeria. The paper is situated within the context of system theory which locates the function of the legislature with other arms of government whose roles are to ensure effective system maintenance and stability. System theory shows a collaboration of the various arms of government such as the legislature, the executive, and the judiciary but recognizes the principle of separation of powers that still specify areas of competence for each of the arms of government. It also shows that the three arms of government can be judged inefficient or incompetent in case of system failure or when the system is under stress because collaboration is required of the three for effective decision making (Charlesworth 1967, Easton 1971, Shepsle and Bonchek 1997). Limited observation and secondary data provided the methodology for the article.

1. Historicizing legislative process in Nigeria.

Historicizing of issues often helps to enrich the contemporary corpus of knowledge. At best the present is largely a manifestation of the past. It will be highly problematic to give a time frame for the origins of legislatures in Nigeria, but historical record showed that the process was largely deployed during the pre-colonial era (Onwubiko 1982, Coleman 1958). The Sokoto Caliphate, Igbo Society, Oyo Empire, Jukun Kingdom in Northern Nigeria, though substantially different in the processes had effective legislative processes that were used to regulate human relations. For instance, in Oyo Empire, the *Alaafin* (the king) and the *Oyo mesis*'s (the chiefs) in a legislative fashion known as the *Oba-in-Council* constitute the legislature. The *Oyo mesis* are the representatives of the people. The idea of constituency is embedded in selection of the *Oyo mesis*. They are to consult before laws are made in the council. Representation in Igbo society differs in the sense that rules which later transform to laws are made in the village circle where all the adult males, including youths and in some cases women, assemble to deliberate on issues of importance (Ejiofor 1981). The Igbo model showcases a consensus approach to collective decision-making but that does not rule out dissension within or between groups of individuals or families. These dissenting groups constitute the pressure groups which mount pressures on the entire assembly or lobby some families for support. Since the *Oyo mesis* are able to depose the *Alaafin* in case of wrong doing refusal to heed to advice shows that *Oyo mesis* are able to exact serious pressure on the king.

The modern legislature is highly formalized. Modern legislature in Nigeria can be traced to 1861/1862 A Legislative Council was established in Lagos after it was ceded to the British (Karibi-Whyte 1987; Bugaji 2003). The 1914 amalgamation of the northern and southern protectorates spurred some reaction which made Lord Lugard, then Governor-General, to form a body which he called the Nigeria Council, to deliberate on the reactions to the amalgamation of 1914. As posited by Niven (1958: 74), the Nigeria council did not hold many meetings and in 1922 a new Constitution was drawn up. The subsequent legislative bodies constituted produced different constitutions for Nigeria which were all experimental in the sense that there were various agitations after the enactment of the previous resolutions. For example, Sir Arthur Richards brought in a revised constitution in 1946. There was the 1951 constitution of Sir John Macpherson and big changes were made in 1954. At least the position of Speaker was provided in 1954 and all members of House of representative elected directly from the country unlike the previous provision when they were elected by the House of Assembly and Chiefs of the Regions (Niven 1958: 79). The 1957 Conference in London also ushered in fundamental change by setting a Senate for the Federation and recommending that the House of Representatives should be increased in 1960 to 320 members, one for every 100,000 people. The modern Houses of Assembly both at the state and national level reflects this scenario of the past. Therefore dynamism and conflict resolution define the characteristics of legislation.

The Ondo State House of Assembly like other State Houses of Assembly relies for its existence in Section 4 (6) of the Federal Republic of Nigeria Constitution 1999 (Ajuzieogu 2008). The legislature is the sole law making body in the state. It is unicameral, being a one Chamber (House) legislative body unlike the Federal Legislature that is bicameral, that is, having two Chambers, the Senate which is the Upper Chamber and the House of Representatives is lower Chamber. The legislative work of the State House of Assembly goes beyond making laws for the State. It incorporates such other normative attributes as representing the aspirations of their people. The 1999 constitution in Section 4 and or part 1 and 11 of the Second Schedule enumerated numerous functions of the legislature. However, focusing on the areas closely bearing on our subject of discussion, we draw from Ajuzieogu (2008:2) and articulate that the roles of the legislature include the following:

1. The legislator owes a duty to his constituency, party and his conscience
2. The legislator owes a duty to public enlightenment and education of his constituency
3. The legislator owes a duty of laundering his public and constituency image through maintenance of good rapport with the mass media
4. The legislator owes a duty of promoting the presidential system of government and democracy in Nigeria through awareness campaigns and by highlighting those factors that negatively affect the roles of and effective performance of the legislature.

These tasks are most germane and when it is carried out with utmost understanding we establish that governance is science that requires systematic approach and analysis, and then system stability through conflict resolution (O'Brien, Stapenhurst and Johnson, 2008) which is a critical function of the legislature can be achieved.

2. Contextualizing Interest Groups in a Democracy

The need for broader participation in governance created the emergence of social formations that express their interests through several means. Some of these groups express their interest in 'tangible resources' and others in 'symbolic resources' (Ogene 1983: 1). Interest group is encapsulated under the discourse of civil society (Edwards 2011). It covers a wide range of organizations such as labour unions, non-profit organizations, grassroots associations, and other non-governmental organizations (NGOs) that operates at the local, national and international level. The development of interest groups in Nigeria can be traced to the introduction of wage labour. The movement away from subsistence economy to the subsequent commercialization of labour by the colonial economy created consciousness of disparities between employers of labour and workers (Coleman 1986). The consciousness of disparity even within workers who were working for their local 'lords', was accelerated by seasonal or migrants labourers who, when they returned to their villages, brought back new ideas, tastes, and habits, thereby causing for development of interest groups at the local level.

As far back as World War II the Nigeria of Civil Servants and Nigeria Union of Teachers were already existing. Early in the war, the number of labour unions rose from five to seventy and Nigeria Trade Union Congress was organized as a central coordinating body (Coleman 1986: 255-256). Three reasons were adduced for this development:

1. The decision of the British government to encourage and sponsor labour unionization. This was a result of pressure as early as 1930 through the activities of the International Labour Organization. As a result the Colonial Development and Welfare Act of 1940-included at the insistence of the Labour party that no grants would be made to a territory under British control unless reasonable facilities existed to the establishment of trade unions.
2. The most positive stimulus was the large wartime increase in the cost of living. During the period 1939-1940 the cost of living rose by 50 to 75 per cent in urban centers. In 1940 considerable unrest developed among railway workers and by 1942 the idea of unionization had spread rapidly to many other occupational groups (Coleman, 1986).

3. The government in October 1942 enacted an order under the Nigeria General Defence Regulations, which made strikes and lockouts illegal for the duration of the war. Nigeria labour leaders interpreted it as a calculated and arbitrary, even if temporary curb upon their efforts to organize the workers.

This shows that interest groups are ‘often’ suspicious of government policies and can be used to support historical roots for their agitation. By 1944 these interest groups had established international contacts which helped to shape their ideology and objectives. For example the Nigeria Trades Union Congress which got the recognition of the Secretary of the State for the Colonies as representative of the Nigeria labour force were able to establish May Day celebration and the establishment of a ‘Workers Week’ in the same year after having been influenced by left-wing party in London. The congress corresponded with the Negro Labour Victory Committee and the Council on African Affairs in New York; the Fabian Society in London through the local branch in Nigeria; the British Trades Union Congress; and the World Federation of Trade Unions (WFTU), then in Paris. Though their leaders are supposed to be non-partisan the National Council of Nigeria and the Cameroons (NCNC) campaign tour to raise money from the provinces to send delegates to London in order to protest against the Richards constitution were accompanied by Pa Michael Imoudu-‘Nigeria labour leader No.1- and two others. This historical record shows that interest groups can be influenced by both internal and external factors and more importantly that their leaders can be influenced by the politics of the moment.

4. Interest Group and the Legislatures

An interest group is as an organized group of individuals who share common objectives and actively attempt to influence policy-makers in all three branches of the government and at all levels. The attempt by the interest groups to influence the passage, defeat or contents of legislation is referred to as lobbying. Because interest groups claim to champion the opinion or beliefs shared by some individuals or proportion of the society their activities are usually handled with caution. Though interest groups pursue varied interests and therefore are likely to be numerous some scholars (Schmidt, Shelley and Bards 2000), have categorized interest groups into four different types such as:

- a. Economic interest groups
- b. Environmental interest groups
- c. Public interest groups, and
- d. Special interest groups

These groups bring solidarity and material incentives to their members. Therefore their purposive incentive is actualized through collective struggle. Economic interest groups may comprise of Nigeria Manufacturers Association (MAN), Nigeria Chambers of Commerce (NCC), Nigeria Farmers Association (NFA) and other affiliated bodies. Environment interest groups are those groups formed on the basis of protecting the environment. Many of these groups are found within the Niger Delta area agitating against pollution, soil degradation and other ecological problems. Public interest groups are very difficult to define because rather than a particular interest favouring the entire population what we observe is that the interest pursued may favour a few sections of the population. Like in public opinion we may hardly see opinions held by every member of population but rather a public within the public. Therefore it is more correct to talk of opinion public rather than public opinion because opinion is seen to be held by few and not all. The notion of public as emasculated in the concept of public interest makes every interest group to deploy the concept of public even when the interest is narrow. However, the Consumer Protection Council (CPC) of Nigeria can be cited as championing the interest of consumers of public service. Such other organizations like Doctors without Borders (DWB), Nigeria Legal Aid Council (NLAC), can claim to be working for the public interest.

No doubt the Nigeria Labour Congress and its affiliate members have always argued that the reason for engaging the State is for the public interest. We can argue that it is almost impossible for one particular public policy to benefit everybody especially in a population of over 170 million people. While the Nigeria Bar

Association (NBA), Nigeria Medical Association (NMA), Nigeria Society of Engineers (NSE), Academic Staff Union of Universities (ASUU), etc can cite public interest as the basis of their struggle against State policies, such positions can be contested. Special interest groups are more narrowly focused groups. Being narrow they are able to call more attention to their respective causes because they are simple and straightforward goals and because their members tend to care intensely about the issues. Thus such groups can easily motivate their members to contact legislators or organize demonstrations in support of their policy goals. Most groups discussed under public interest groups can also be located within special interest groups. However, to get support from the masses, their leaders have often drawn on analysis that tends to link public interest to their struggle. In Nigeria, the Retired Pensioners Association of Nigeria (RPAN), Ethnic based association like O'dua Peoples' Congress (OPC), Ohaneze Social Cultural Groups and Arewa peoples' Congress etc have championed a more narrow interest and are able to mobilize their members to lobby members of the legislatures for legislation concerning their needs.

5. Interest Group Strategies

It is important to analyze strategies adopted by interest groups because of the covert operations of the members of the society who often masquerade their narrow objectives under one form of registered association or the other. Interest groups employ a wide range of techniques (mostly short term approaches) or strategy (mostly long term approaches) to promote their policy goals. Few of these interest groups are able to successfully persuade members of the legislatures to endorse their programmes completely, but more are able to prevent or at least weaken legislative injuries to their interest from happening. Schmidt, Shelley and Bards (2000: 259) posited that:

The key to success for interest groups is the ability to have access to government officials. To achieve this, interest groups and their representatives try to cultivate long-term relationships with legislators and government officials. The best of such relationships are based on mutual respect and cooperation. The interest group provides the officials with excellent sources of information and assistance and the officials in turn give the group opportunities to express its views.

The techniques interest groups use to influence members of the legislators can be categorized into two. One is direct techniques and the second is indirect techniques.

a. Direct Techniques

Direct techniques involve lobbying, publicizing ratings of legislative behaviour and providing campaign assistance. The term *Lobbying* comes from the activities of private individuals regularly congregating in the lobbies of the legislative chambers before a session to petition legislators. Public gallery now provides opportunities for members of the public to listen to debate while the House is in session. The debate further stimulates how member of the interest groups can change their tactics of persuasion. The Press which usually attends plenary session of the chamber often serves as an immediate channel through which interest groups can first express its opinion. Interest groups therefore take advantage of open gallery to listen to debate concerning their interest and through observation can identify any member of the legislature who may be more instrumental to their pursuit. Nine critical areas are identified as a means through which lobbying can be carried out.

1. Engaging in private meetings with the legislators to make their interest known. Since certain interest groups may not possess strength to lobby directly, they may engage the services of a lobbyist. The lobbyist being influential knows where and when most appropriate to present his/her client interest to the legislators.
2. Testifying before Committees of the House against or for a proposed legislation being considered. This is possible because sitting in the gallery affords members of the interest groups to know stages of

debate on issues of importance and can start early peaceful protest that might warrant summon by Committee of the House.

3. Testifying before an existing Commission set up by the executive arm of government responsible for or against matters of interest under debate in the legislature.
4. Assisting legislators in drafting bills, legislation or prospective regulations. Often lobbyists furnish members of legislatures with legal advice on the specific details of legislation.
5. Inviting legislators to social occasions such as cocktail parties and conferences at exotic locations. Those who drink or womanize are usually targets of invitation to social occasions.
6. Providing political information to legislators. Often leaders of interest groups may have better information than political party leaders that legislators need.
7. Supplying nominations for federal appointments to executive branch. Often legislators fall prey to this technique because some leaders of interest groups are connected to the executive branch then legislators see them as channel to accomplish some of their campaign promises to some members of their constituencies.
8. The rating game. Many interest groups attempt to influence the overall behaviour of legislators through their rating systems. Each year an award is given to legislators on the basis of type of motion or bills sponsored in the House. The entire House can be promoted for effective legislation by interest groups so as to court for their favour on intended lobby, and
9. Campaign assistance. Interest groups recognize that the greatest concern of the legislators is to be reelected they focus on legislator campaign needs. Some time it could be financial support through fund raising or direct donations. Often through secret assurance that the member of the groups will give bloc votes to them. As argued by Welsh (1973) a politician who spends money and that money did not transform into votes has not spent real money, legislators are aware of cost effectiveness of caving in to pressures from interest groups. However, we can argue that emerging trend of vote selling in Nigeria is eroding this patron-clients agreement.

b. Indirect Techniques

Interest groups often find indirect techniques more effective than direct techniques. This is usually carried out through third party. It could be through the general public, constituents, or other groups. Indirect techniques masks interest group's own activities and make the effort appear to be spontaneous (Schmidt, Shelley and Bards, 2000: 262). Often therefore, legislatures are more impressed by contacts from constituents than from interest groups. We examine the three frames highlighted above, that is, interest groups carrying out indirect techniques through general public, constituents or other groups as follows:

1. Interest groups can generate 'groundswell' of public pressure to influence the legislature through advertisement in national magazines and newspapers, television, radio internet, demonstrations and social media. This effort is highly enhanced now through information technology that can deploy picture images and audio to generate more attention from the public. For example interest groups championing for government attention on increased attention to farmers' plight might post the picture of a farmer with torn clothes, hoes hanging around his neck etc, and a government official living in luxury. The public will quickly draw a conclusion that the poor farmer is the one producing food for the government officials and may support or join in demonstration against government policy not in conformity with the farmers demand. Such indirect techniques will likely prevent legislators from making laws that will not take into cognizance the agitations from farmers' association. For example the plight of farmers in Nigeria as captured by Olayide, Eweka and Bello-Osagie (1980:xv) shows that the legislatures can be influenced by what is previously written about farmers. The work posited that:

In all the studies, some general characteristics of Nigeria agriculture appear very common. These include smallness of farm size-scale, rudimentary farming systems, hoe-cutlass technology, low capitalization, low yield per hectare and atomistic producers.

Interest groups on the area of environmental pollution and recently those championing the release of the kidnapped *Chibok* School Girls have used images to generate a groundswell of pressure for attention and to influence legislation on the issues about climate and environment and matters surrounding the *Chibok* Girls and their parents (The *Nation*, October 13, 2016:1).

2. Using constituencies as channels of lobbying

Using constituents as a lobbying channel has been one of the most effective means through which interest groups influence legislature. What is referred to as ‘shotgun’ approach, interest groups tries to mobilize large members of constituents of legislatures to write, phone, or send email to their legislators. Often the groups provide postcards or form letters for the constituents to fill out and mail. Powerful individuals from legislator’s constituencies are often used in this situation. Legislators know the influence of such individuals at mobilizing for or against their future political ambitions. Not only individuals could matter in this situation, some micro groups can also be used. Interest groups often aim at such powerful individuals by the award of ‘grand patron’ status in their association.

3. Building Alliances

Interest groups often have cross-cutting interest. Groups fighting for resource control might enter into alliance with groups fighting for local content utilization. Members of such an alliance share expenses and multiply the influence of their individual groups by combining their effort. The alliance often looks as if larger public interest is at stake, and blurs the specific interest of the individual groups involved. These alliances are efficient devices for keeping like-minded groups from duplicating one another’s lobbying effort (Schmidt, Shelley and Bards, 2000: 264).

6. Conclusion

This article examines the role of interest groups in lobbying legislators in Nigeria. It shows that interest groups play a very important role in democracy as it champions groups and public interests. These activities pave way for robustness because it promotes and enhances participation in the policy process. However, there is need for caution because the indirect techniques employed show that there could be room for politically motivated agitations since it is usually difficult to establish what is of public interest in societies that have so many social cleavages. Thus there could be external influence on the operations of interest groups. These external influences may be too subtle that even the legislators may not be aware of their intricacies. These external influences must be properly decipher and managed productively for good governance. Towards achieving this, collaboration is required between the legislature and other arms of government especially the executive that is usually privileged with having most of the intelligence information about the political system. It is within the purview of this article that there is need for synergy between legislature and the executive in democratic governance. Amidst the fact that most interest groups operate on the premise that democracy allows for formation of groups and freedom of expression, such democratic opportunity should not be abused. Finally because elections into the executive cadres of interest groups are usually marred by complex politicking and because election periods are usually selected by interest groups for agitating for policy changes, legislators should exercise more caution in their interaction with the interest groups.

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