

ESTABLISHING GRASS-ROOT PARTICIPATION IN PUBLIC HEARING OF THE NATIONAL ASSEMBLY AND INCLUSIVENESS IN LEGISLATIVE MATTERS

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Abstract

The legislature can be regarded as the fulcrum of democracy owing to its ability to give the people the opportunity of actually taking control of their own affairs through their elected representatives. It therefore becomes imperative that the people must be adequately engaged and involved in the process of legislation. As a representative assembly, the legislature in a democratic government enacts the general rules of society in the form of laws. This cannot be done without eliciting the views of the people regarding a proposed legislation. It is in keeping with this that the legislature across the world holds public hearings to ensure that citizen's views are taken into the process of legislation. However, the conduct of public hearing by the National Assembly are mostly for the elites to be heard, while a vast majority of the populace are shut out. This study is descriptive in nature and adopted the secondary data which have qualitative baseline orientation. The objective of this paper is to identify the nature and importance of public hearing in Nigeria as well as to identify the reasons behind the exclusion of most citizens from the process. The paper adopted the Elite theory as its theoretical framework and make adequate recommendations towards ensuring inclusive public hearing in the country.

Keywords: Grass Root, Participation, Public Hearing, National Assembly, Inclusiveness, Legislature

Introduction

Universally, it is generally acceptable that the political powers of the State are functionally divided into three broad categories. The Executive, the Legislature and the Judiciary, the concern of this paper is the Legislature. The legislative power which according to Kapur, (2006, p.56) formulates and expresses the will of the state, as a representative assembly, the legislature in a democratic government enact the general rules of society in the form of laws. Secondly, there exists a power that ensures the laws of the state as enacted by the legislature are obeyed. This power resides in the executive; the judiciary power on the other hand, determines the manner in which the work of the aforementioned arms of government has been done in strict adherence to the subsisting laws of the land.

The legislature occupies a superior and prime place in the functional distribution of state power. As argued by Hamalai, (2016, p. 99), one of the hallmarks of democratic governance is the principle of representation embodied in the legislature. Given its functionality of representation, lawmaking and oversight, the parliament is charged with the task of ensuring good governance and providing a forum for grass-root representation and participation. As the representation of the people, the legislature in the course⁴ of its activities conducts public

hearing to obtain inputs from the public; this is in keeping with the age-long maxim that the voice of the people is the voice of God. It is in recognition of the importance of the people's views on issues affecting them that societies and nations devised various means and mechanisms for gauging and feeling the pulse of the people especially as regards governance.

The mechanisms such as referendum, elections, rallies, public hearings etc., ensure that the people contribute to weighty socio-political and economic issues. In the universal declaration of fundamental human rights, the United Nations recognized the rights and freedom of man to self-expression. Even though it is enshrined in Chapter 4 section 39 of the 1999 constitution of Nigeria as amended that "every person shall be entitled to freedom of expression including freedom to hold opinions and to receive and impart ideas and information without interference", nobody can accuse us of taking this all-important right seriously in this country. What with the way our leaders carry on with issues of national interest and concern with little or no regard to the opinion of the people who their actions affect most. A special reference is hereby made to the nature of public hearing in the country that is generally elitist, urban-based and male dominated.

Conceptualization of relevant concepts

Democracy

This is one of the basic concepts in political science with many definitions by scholars. The term is derived from the two Greek words, *demos* and *kratos*, wherein the former means people and the latter power. Democracy thus, means "government of the people by the people and for the people", for the purpose of this paper, democracy will be defined as a system of government in which every citizen is equally free to express his views and desires upon all subjects in whatever way he wishes, and to influence the majority of his fellow-citizens to decide according to those views and to influence those desires. Democracy is all about the participation of the people in the political administration and governance of the society Onyekpe, (2019, pp.78-80)

Public Hearing

Public hearing is a common medium through which public agencies especially the legislature, receive the input of the citizens on a proposed action, bill, etc., Public hearing typically provide the public with an opportunity to offer their thoughts and views on a policy, proposal, bill or special matters that are before the legislature for action. The goals of the legislature in public hearing is to hear and consider public opinion on matters and bills before the legislature and bring it to bear on legislative processes.

Public hearing is the most common means of ensuring public participation in legislative business. Here, the legislature gives a presentation on proposed bills and then the public are asked to make suggestions indicating their thoughts and opinion and proposal. By so doing, legislature can get a feel of public and even elicit support for proposed bills.

Public participation

Public participation has no acceptable universal definition, Igbuzor, (2018, pp. 55-56), but participation as used in this paper refers to a process by which the government and civil society open dialogue, establish partnerships, share information and otherwise interact design, implement and evaluate development programmes, policies, projects, laws etc. that

require the involvement and commitment of all interests parties including among others, the poor and traditionally marginalized groups. Some scholars see participation as a continuum ranging from information sharing to consultation, negotiation/ collaboration and then to delegation (Igbuzor, 2018).

Participation according to (Igbuzor, 2018) is to be guided by certain principles like inclusiveness, comprehensiveness of scope of participation, adequacy of timing, appropriateness of information, fairness and legitimacy of the process, openness and transparency of the process, coordination and efficiency of the process.

Democracy is functional when there is effective public participation in all levels and matters of governance. For the citizens to effectively participate in the political process there must be an unfettered access to information. Public hearing is a form of public participation.

Theoretical framework

This study adopted the Elite theory. In its general sense the Elite denotes a group of persons who in any society hold positions of eminence. One of the advocates of Elitism Pareto believes that society consists of two classes: a higher stratum, the elites, which are divided into governing elites, and a non-governing elites, and the lower stratum, the non-elites, Varma, (2006, p. 80), In politics it denotes specifically those who exercise preponderant political influence in a community. They are political entrepreneurs; the establishment, the governing minority. The ruling elite are known by high degree of elite consciousness or organization which they possess. They may be a caste, a ruling class, in aristocracy of some form or they may be lacking in any conscious linkages other than occupation of authority positions. In the British society those who occupy authority positions are designated as the establishment. In Nigeria, they may go by the designations Leaders of thought, the Very Important Personality (VIP), the Heavy Weights, Men of Timber and Caliber, the Kingmakers, who in general feature as prominent in social and political affairs Okeke, (2017 p.32). This explains why politics is always perceived as the “MADNESS OF MANY AND THE GAME OF THE FEW”.

Politics is seen in terms of a small group dominating the whole society and taking the important decisions (big decisions) which make the mark and history in politics. Even when there is a mass participatory democracy, consensus is generally brought about by a few or supported by few people who constitute an informal exclusive group Lenin, (1924 p.32).

Elitism is discriminatory, pre-emptive, preventive, and saviours of a divine right to say what politics ought to be. Claim the political office and trend to disregard and snob mass opinion and competence. The elite claim and retain powers by perpetuation until circumstances eject them from power. *“They are either born to rule or made to rule”*. Democracy is to them, an uneasy political nomenclature. Given a choice the elite constitute themselves into a caste.

Among the outstanding elite theorists are Roberto Michels, Vilfredo Pareto, Gaetano Mosca, Wright Mills as well as St Simon among others Varma, 2006). As an analytical tool the concept of elite was popularized by V. Pareto. They are substantive which designate what society respects and supports at anytime. They may be flamboyance, social recognition, affluence, industry, wealth, prodigal conviviality, leadership, learning, etc. The elite are powerful because they possess a four combination of social preferences. The theory attempts a realistic explanation of the source of policy by predicating it in the elites rather than the masses. Elite

theorist however have tended to see elite power as cumulative and pervasive in all aspects of society. To them, the same few wield power in all areas (Angelo, 2008 p.39).

This theory classifies societies into two classes of people appear. The class that rules and a class that ruled. The ruling class is always minority, and it performs all political functions, monopolizes power, maximizes its enjoyment of socially available values. The class of ruled or the mass is controlled by the rulers and supplies the rulers with their means to dominance. The divergences of elite theorists notwithstanding, the following are the synopsis of elite theorists (John, 2006 p.19). People in the society fall into two divisions: those who have important or decisive political power and those who have none and who as a result cannot exercise any decisive power over government output functions.

Elite theorists work on the assumption that elites are internally homogenous and self-conscious. Hans (2013 p.21). There is also the assumption that resources are cumulative and also transferable from one institution to another. That is to say, that one who is powerful in one position can extend it to other areas of life.

There is also the assumption that the masses are disorganized and therefore the interest of small elite will be normally accepted in the society. It is assumed that the elites normally control access into their ranks. That is, they control recruitment into their ranks (Olaniyi, 2011 p.13).

Elites believe that political power like other social values is distributed unequally. Meaning that we can place people by their share of any good wealth, skill or political power. (Adiwe, 2017 p.40).

Robert Michel's theory of the elite is focus on organization, particularly. He enunciated the "Iron Law of Oligarchy" which he described as "one of the iron laws of history, from which the most democratic modern societies and within those societies, the most advanced parties, have been unable to escape". He asserts that "who speaks organization, speaks Oligarchy. Michel pontificates that "imminent Oligarchy tendencies exist in the every kind of human organization which strives for the attainment of definite ends".

Michel argued that leaders or elites usually take advantage of the fact the majority of human beings are pathetic, indolent, slavish, susceptible to flattery, servile in the face of strength and force, and are permanently incapable of self-government. in the case of Nigeria, political leaders take advantage of the harsh economic state of the country where over 70 percent of the people live below poverty level. The elites make promises prior to their emergence and distribute "peanuts" to the people. for instance, prior to the 1999, 2003, 2007, 2011, 2019 and 2019 general elections, elites under the umbrella of their different political parties distributed rice, salts, money, etc, to the people in order to get their mandate and support

The working of the theory

The elite are an inevitable lot whose emergence are consequent upon certain inherent deficiencies in the mass as an organization. The following are some of the deficiencies. According to Nimmo, (2002 p.16)

1. The mass hardly ever reflect on what difference they have with the elite. The ulterior motives of those in power are concealed from their superficial comprehension.
2. The mass suffers from inertia or relative inactivity and is frequently at the receiving end. Note, however, that we refer to the mass as a collectivity.
3. Even granted that the need for organization is generally and simultaneously felt, there is hardly any wieldy forum for communication or mobilization.
4. Pragmatic and progressions hence they live to reckon with all circumstances and come to terms with every eventuality. They know when the vehicle is moving. They develop common consciousness. They are alert to the same problems and issues in politics and they tend to seek solution in uniform manner as elites. Udo, (2011 p.32)
5. The mass is most often encased in values impressed on them by the elite through a “mobilization of bias”. Many issues in politics are intricate, basically sophisticated and time consuming to analyze. Elements of the mass who must go about their business depends on those who know and can do their work to direct them where and how to get on. They saw in the elite condition knowledge and information. Omotola, (2007 p.69)
6. The mass is unorganized, each going his way. They are more in number this is the more amorphous it is and less coherent its members. The mass are large enough to constitute a political society would be so heterogeneous that divergent aims and objectives would become almost impossible to harmonize. Without an established aim, a defined leadership and a defined following, organization cannot stand. Therefore a band of elite is necessary.

The Legislature

No form of human organization can function effectively without any rules of behaviour. Legislatures are usually elected bodies which have the primary responsibility of making laws for the whole society. Although, practically everywhere, the universal duty of legislative bodies is law-making, yet they do more than simply write laws. The legislature in Nigeria is also called the parliament. It is made up of the President, the Senate and the House of Representatives. In Britain, the legislature is also called the parliament. It is also made of the Queen, House of Lords and House of Commons. Its laws are therefore supposed to determine what is the acceptable behaviour in the community. Modern legislatures do not perform the same type of functions. Their functions vary according to the type of political system existing in the country.

Functions

1. **Law-making:** The primary function of the legislature is to make laws, for the country;
2. **Amendment of the Constitution:** The legislature amends the constitution in every country. Whether such constitution is rigid or flexible, it is still the function of the legislature to effect the necessary amendment.
3. **Control of the executive:** The legislature controls all the executive actions. It also creates government departments, ministries and supervises the activities of government departments. The executive action can come under questioning in the parliament. This is done during the question time. Question time is a forum to air grievances about the executive.
4. **Control of finance and public expenditure:** The legislature approves annual budgets. The money being spent by the government is public money. The legislature being the

representatives of the people has to approve any money raise or to be spent by the government or the executive.

5. **Expression of grievances:** The forum created by the legislature enables the peoples' representatives to air their political grievances and other matters of public interest. It enables honourable members to debate and criticize policies made by the government; problems of the citizens, the electorate, are brought for government consideration too.
6. **Training ground:** The legislature provides a training ground for the practice of politics. Although, today in Nigeria, there is a centre for democratic studies that helps to train elected members of legislature. In the legislature, there are practice political activities.
7. **Final Court of Appeal:** In Britain, the House of Lords (which is equivalent to the senate in Nigeria) is the final court of appeal.
8. **Control of other Arms of government:** The legislature controls other organs of government. This control is exercised through the removal of judges. It can also impeach the lead of state. This is especially the case in a presidential system of government. in a cabinet or parliamentary system of government, the executive could be removed by the legislature through a vote of no confidence. In that case the entire executive will resign.

Apart from this form of control, legislature exercises supervision and control over government agencies such as public corporations. It also approves appointment to top and important government posts. It can probe activities of government departments and institutions. Finally, through the legislature the electorates participate in running of the government.

How the Legislature pass bill into law

A bill is a proposed law. The following are the different stages through which a bill is passed into law in a cabinet system of government.

Drafting stage: This stage involves the wording of bill which is usually carried out by the initiator of the bill. The draft will then be sent to the parliament for discussion.

First Reading: After the drafting of the bill the legislator or a member of the executive as the case maybe presents the bill to the parliament. He states the nature and purpose of the bill. Members of the legislature will then decide whether the bill should be brought before it. When members agree that the bill should be brought before the House, a date is fixed for the second reading. At this stage, members are given copies of the bill to study for the second reading.

Second Reading: After the second reading members are allowed to discuss the principles of the bill, its short-coming and merits. Members are also allowed at this stage to make necessary suggestions for amendments. After deliberations, the bill is referred to a special committee of the house.

Committee stage: After the second reading the bill is referred to one of the standing committee of the legislature. These committees are made up of specialists in various fields. This committee examines the bill clause and makes suggestions for amendments both to its substance and wording.

Reporting stage: After the special committee of the House has scrutinized the bill, it now reported back to the parliament its deliberations and amendments on the bill. This stage affords the whole House the opportunity either to reject or accept the bill is therefore prepared for the final reading if it has been accepted by the members.

Third Reading: This involved the final reading of the bill. No major debate is held here. Only verbal or minor amendments may be introduced. Bill is then sent to the president for his signature before it becomes finally a law. If he vetoes or refuses to sign the bill into law, the bill is returned to the House. It will only become a law if two third (2/3) majority of the members of the parliament vote in support of it. In this case, the signature of the president will no longer be necessary.

Supremacy of Parliament: This can be described as the exclusive right of parliament to make and unmake laws without external control.

The Nature of Public Hearing in the National Assembly

The parliament anywhere in the world operates successfully if it is being fed relevant and adequate information. The parliament is an omnibus institution that performs functions of policy design and analysis, oversight, representation and law making. Each of these functions relies on a deep reservoir of knowledge and information. There is no better place to source such information than from the people. Such information is obtained from public hearing conducted by the legislature. According to Nnamani, (2016, pp. 87-89), each chamber of the National Assembly usually conducts at least three public hearing in a week and also entertain petitions from the public.

However, public hearing in Nigeria is largely class-based and elitist in nature and highly urban based. This ensures a systematic exclusion and discrimination of about 70 percent of the population most of who are in the rural areas. Most public hearings conducted by the National Assembly in the past have been held in Abuja and sometimes in some state capitals. This goes to show that public hearing are perhaps, held with pre-determined outcomes.

In view of the above, it can be stated that public hearing in Nigeria only serve to emasculate the voice of the people. As noted by Ake (1989, p. 88) there is no democracy where there is no liberty for self-expression or choice. Having abandoned democracy for political repression, our leaders are delinked from our people. Operating in a vacuum, they proclaim their incarnation of the popular will, hear echoes of their own voices, and reassured, pursue with policies that have nothing to do with the aspirations of our people and which cannot mobilize them. As their alienation from the people increase, they rely more and more on coercion, and become even more alienated (Ake 1989)

It becomes very necessary and imperative at this juncture, to identify some of the problems that deny Nigeria of the benefits derived from legislative hearing. These include and not limited to the following:

- a) **Poverty:** This is the most serious factor that hamper effective public hearing in Nigeria. It is estimated that about 70 percent of the Nation 140 million people live below one US dollar (₦120) per day. A large chunk of Nigeria's poor is concentrated in the rural

areas. If we accept Ake's (1990) treatise that the economic need of man is his most important needs, it follows that man must eat before he can attend public hearing. Therefore, most Nigerians, especially in the rural areas will prefer to be in their farms where they work out a living than being in public hearing.

- b) **Illiteracy:** Ignorance is said to be a disease. In Nigeria, illiteracy, this is a relative of poverty, has also ensured that most Nigerians especially those in the rural areas, do not know their political rights, let alone exercise them. As a result of high level of illiteracy in the country, public hearing again are left for the educated elites who cease the opportunity to project their selfish interests as that of the majority.
- c) **Lack of information:** Information as we know in power. Often times, notices of public hearings are either short or not available. Again, information and data on the issue slated for hearing are not made available. So, a lot of people are kept in the dark and even those who attend public hearings do not make any meaningful contribution for lack of adequate information.
- d) **Low political culture:** Nigeria has a subject – parochial political culture that does not encourage public participation in the political process. In societies with such a low level of political culture, the people feel inferior to the political process and strongly believed that their views and opinions do not matter in the least. In such a society, public hearing is only but a procedural formality.
- e) **Weak institution/CSOs:** Nigeria has a weak and poorly developed institution in both the government and civil society organizations. Civil society organizations are either poorly organized or weak or are established to curry favour from the government. Hence, they fail to perform the function of mobilizing public opinion in the society, with this regard, is also the failure of political parties most of which lack basic principles and can hardly articulate and aggregate public opinion and interest.
- f) **Male chauvinism:** The paternal nature of Nigerian politics also ensures that women don't get to participate in public hearings. This is because through cultural and religious practices and beliefs, women are confined to household chores and forbidden from political participation.

Institutionalizing a platform for grass-roots participation in Legislative hearings and business:

Getting the grass-root people involved in public hearings will entail that the issues outlined above be adequately addressed. In a bid to suggest ways through which public participation in legislative hearings can be strengthened and institutionalized, it is important to do this by looking at the qualities of an effective public hearing. These include the following:

- a. Inclusive
- b. Informed
- c. Influential.

A: For inclusive public hearings: Public hearings are often attended by the vocal few. Many voices in the communities are not heard from at the public hearings, even when they have interest at stake. Striving for more inclusive participation at public hearings will lead to better decisions and more support for the decisions or laws that are ultimately adopted. It will also add to the democratic skills and practices of Nigerians.

B: For informed public hearings:

Basically, honest disagreements will always occur, many residents who attend public hearing may be poorly informed about the proposed policy or action. Additionally, the nature of the communication at these hearings can shed more heat than light. Public hearings will be more effective and useful when participants are better informed on the issues at hand, and when reasoned and knowledgeable presentations and exchanges take place at the hearing. As with more inclusive and influential public hearings, more informed hearings would lead to better decisions and more support for those decisions or policies that are ultimately adopted.

Initial presentation(s) should clearly described the agenda, frame the issue(s) and clarify the process and procedures for the meeting, including how citizen input will be managed and captured. There should be materials at the hearing that suggest how participants should structure their comments guiding them to express not only positions but reasons and perhaps the values behind their reasons.

To ensure good communication, the presiding official must manage the peaking time of hearing participants. However, through prepared materials, introductory remarks and actions, demonstrate that public officials wish to listen and learn as well as enforce time limits. Showing fairness and respect will enhance communication at all levels and advance hearing goals.

A facilitator, who is not a member of the public body convening the hearing, should be used to help design group process and manage the meeting. This is especially important if an interactive hearing component is designed to encourage dialogue among attendees, or between officials and the public. Participants should be encouraged to identify and express the values that drive their feelings and opinion on an issue. There are few problems facing agencies that don't entail choices in values. Listen for those values in public testimony; ask about them; and help clarify speakers' intents and interests and improve communication and understanding in hearings.

C: For influential public hearings

Public decisions often involve hard choices and trade-offs on issues and values that community members care deeply about. Public hearings that confront these choices and trade-offs will better inform final decision-making

Public trust is eroded if hearing appear to be just "going through the motions". An ideal result of any public hearing is that participants believed decision-makers have respectfully heard and carefully considered their perspectives, whatever the final decision. This approach will lead to better decisions and more support for the decisions or policies that are ultimately adopted.

Conclusion

Democracy only becomes meaningful when the people are allowed to take the driver's seat. However, as revealed by the findings, Nigerians, most of who are in the rural areas, have long been emasculated and alienated from the democratic and political processes.

The people therefore do not participate in their own governance. Even when opportunities for participation are provided through the conduct of legislative public hearings, such hearing eventually become elitist, predetermined and urban based.

Hence, a lot of people are excluded from participating. In order to reverse this trend, issues of poverty, illiteracy, gender discrimination, political repression and suppression need to be effectively tackled.

Recommendations

The following Recommendations will help to achieve increased public participation in public hearings and ensure the fullest expression by participants.

- a. **Preparation of informative materials:** The National Assembly should always prepare and distribute informational materials ahead of public hearings. Such publications could be translated into our local languages and should explain the purposes and objectives of the hearing, the subjects to be covered, details of time and location as well as guidelines for participation.
- b. **Provide early notice:** Early notices should be provided to public hearing interest groups, businesses, neighbourhood groups and other stakeholders who are likely to be concerned about the topic for hearing.
- c. **Use of local media:** Hearings should be publicized through multiple media outlets, including those media reaching ethnic, younger and any typical less involved populations and communities. Notice should be in local languages used in the communities.
- d. **Be disabilities conscious:** Adequate efforts should be made for the needs of those with disabilities.
- e. **Convenient timing and places:** Hearings should be scheduled at time and places that are convenient for target participations
- f. **Use of community intermediaries:** Communities with special interests in the topic for public hearing but with little experience in such participation should be provided with instruction through respected intermediaries on how to prepare and participate in the public hearing process.
- g. **Translation services:** This should be provided in order to capture the views of those who may not speak or understand English language.

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