

The Legislature and Foreign Policy in Nigeria's Fourth Republic

Atah Pine

Department of Political Science,
Benue State University, Makurdi, Benue State.

Abstract

The legislature is one of the institutional tripods of any modern democracy and it has threesome institutional responsibilities: law making, representation, and oversight. Since the return of democratic governance in Nigeria in 1999, after sixteen years of Machiavellian military praetorianism (1983-1999), the Nigerian legislature has been involved in the execution of these constitutional remits with mixed results. Being an essentially law making institution, theoretically speaking, seldom does the intellectual imagination visualize the role of the legislature in the foreign policy architecture. And yet, the legislature is central in foreign policy making. The objective of this paper, therefore, is to examine the place, role, involvement, and contributions of the legislature to the foreign policy mechanism in Nigeria's fourth republic. The questions to be addresses in the paper are: what is the constitutional responsibility of the legislature in foreign policy making? How did it go about this responsibility? What were/are the contributions/ achievements recorded, the short comings, the prospects, and the future trajectories? In order to provide a perspectival orientation to our interrogations, we adopted the Montesquieuan separation of power and functionalism as the frameworks of analysis (Hussein, 2009). The philosophical presupposition is that though the legislature is institutionally autonomous and functionally differentiated, it is also intricately intermingled with the other organs of government in delivering the public goods in a democracy. Finally, the paper makes recommendations that would enhance and strengthen the institutional mandate of the Nigerian legislature broadly and her contributions to foreign policy making, in particular.

Keywords: Legislature, National Assembly, Nigeria Foreign Policy, Parliamentary Diplomacy, Fourth Republic

Introduction

The legislature in any modern democracy plays a central role in the development process. While in the advanced democracies, the

longevity of democratic practice, institutional stability, and the entrenchment and the consolidation of a virile civic political culture ingrains in the consciousness of the citizenry the importance of the legislature in public policy and administration, in developing societies on the other hand, the role of the legislature is less appreciated. Beyond the lack of visualization, the legislature also suffers from the dire straits of institutional underdevelopment as a result of political decay foisted on the polity by political militarism (Pine, 2010).

The Nigerian legislature in the fourth republic though afflicted with these inadequacies has nonetheless played a crucially significant role in the democratic process. More often than not, the focus of academic analysis, and not the least public commentaries, is almost always on oversight responsibilities to the neglect of her other functions, especially, contributing to public policy and administration. Parliamentary reports amply demonstrate this point (Bill Digest, 2007). This study purposes to fill this vacuum by interrogating a less trod path in contemporary legislative studies in Nigeria: the legislature and foreign policy.

Often, whenever mention is made of foreign policy, what comes to mind are the iconoclastic emblems of conventional international relations practice: ambassadors, consular activities, peace-keeping operations, and for those who are academically oriented, international relations theories. The centrality of the legislature in the foreign policy enterprise is less conceptualized. And yet, in a democratic system the legislature occupies a very important position that calls for critical analysis. In the specifically Nigerian case, what has been the legislative experience in foreign policy making? This question is the problem of the study of this paper.

At the domestic level, the constitution of Nigeria which is the legal ground norm of the third republic —the 1999 Constitution — specifically empowers the legislature to be involved in foreign policy. Internationally, the Nigerian legislature, like other legislative bodies world-wide, participates in global public

discourse through the instrumentality of inter-parliamentary relations.

In both frameworks, the Nigerian legislature is involved in foreign policy. How has the legislature acquitted this remit? What are the issues, perspectives, successes, limitations, prospects, and future trajectories? To effectively undertake this exercise, this paper is divided into seven parts: Introduction, The Legislature: Theory and Practice, The Legislature and Foreign Policy in Nigeria, Analysis, Recommendations, challenges, and Conclusion.

The Legislature: Theory and Practice

The legislature is one of the three organs of government. The two others are: executive, and judiciary. Theorizations on separation of powers have its conceptual origins in the classical disquisitions of Polybius (c. 200 BC - c. 118 BC), a Greek historian. He it was that first mooted the proposition that the success of Roman imperialism and its governmental solidity is attributable to its mixed form of government as against unmixed modes of governance frameworks like aristocracy and monarchy. This topic was later broached in the political analysis of later classical writers.

However, the modern intellectual and ideological provenance of the doctrine of separation of powers is rooted in the Enlightenment Revolution (1650-1800) of the 17th and 18th century Europe. Provoked by the Thirty Years' War (1618-1648), which was characterized by profound destructions and bestiality, this war set the stage for the criticisms of tradition, nationalism, and warfare. The Enlightenment was not a set of ideas as it was a set of values. At the core of its intellectual fermentation was the critical interrogation of tradition, faith, customs, and morals. Its accent was on rationality and individualism.

The political ideals of the Enlightenment are pivotal to modern political development. Baron de Montesquieu (1689-1755), one of the philosophes of the French Enlightenment and the propounder of the theory of separation of power is a product of this intellectual

climate. Building on the Lockean foundations of social contractarianism and institutional analysis, he proposed a tripartite governmental division of labour — with each tripod being of no less importance, *pace* Locke — that would conduce to the realization of the fundamental objectives of the state without an iota of predisposition to governance authoritarianism and institutional tyranny.

Montesquieu, a French jurist expounded this doctrine in his magnum opus: *Espirit De Lois* (the spirit of Laws) published in 1748. Justifying the importance of the separating governmental powers; he stated the dangers of fusion of powers in these words (Anne et al, 1989:124):

When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty... there is no liberty if the powers of judging is not separated from the legislative and executive... there would be an end to everything, if the same man or the same body... were to exercise those three powers.

In practice, however, modern democracies rather than cling to the postulations of theoretical rigidity to institutional autonomy are interdependently interwoven. In other words, the praxis of contemporary democratic engagement is in reality premised on the fusion of powers. It is in view of this that the three organs of government are all involved in public policy making. The bottom line is that such institutional engagements are all geared towards the promotion of public goods. It is for this reason that the legislature is involved in shaping foreign policy of modern democracies.

Institutionally, the legislature in a modern democracy is saddled with three major responsibilities: representation, law-making, and oversight. The effectiveness of how any legislative organ of government performs these functions are dependent on many factors such as; political culture, longevity of practice, legislative professionalization and institutionalization, social and political climates, among others. In Nigeria, for instance, the

legislature has suffered from institutional underdevelopment largely as a result of military rule. The legislature is the first arm of government that comes under the battering ram of military intervention in politics thus making it difficult for it to develop like the other organs of government.

Despite the disparities in institutional sophistication and capacities, and institutional interdependence of the organs of government, there is immanent functionality. It is on account of this that the functional theory is the most suitable epistemological framework of analysis in interrogating the role any one organ of government in public policy. The father of functionalism is the French sociologist, Ivmile Durkheim (1858-1917), whose intellectual prodding lay in theorizing on social stability and order in society.

In its wider theoretical ambience, functionalism looks at how each component of society contributes to the organic development of the society. Within the prism of this analysis, functionalism is deployed to demonstrate that the legislature performs functionally specific responsibilities that contribute to the realisation of not just the democratic ideals, but the philosophical mandate of the State, and society. The legislature is not just an organ of government, promoting harmonious intergovernmental relations, but a crucially organic part of the society.

Within the framework of international relations/functionality is anchored on the pursuit of global integration. It sees the cobwebs of social, economic, political and cultural relationships that take place in the international arena as functional prerequisites that lubricate the wheel of the international system. Bennett (1988:13) captures the functionalist turn in international relations in these words:

The functionalist believes in the efficacy of a gradualist approach to world order that an ever-reaching amount of economic and social cooperation will eventually build habits of interaction and a broader base of common values that will spill over into the

political arena. Thus, according to the theory, the obstacles to political integration will gradually be eroded and world unity will be achieved.

The Legislature and Foreign Policy in Nigeria

Institutionally speaking, foreign policy is a sphere of influence of the executive. Again, due to the interwoven nature of governmental functions that we have aforesaid, the Nigerian legislature has been involved in foreign policy in the Fourth Republic. The official nomenclature of the legislature in Nigeria is: National Assembly. It is a bicameral legislature made of the Senate (one hundred and nine members (109) and House of Representatives (made up of three hundred and sixty members (360)). The National Assembly in Nigeria's Fourth republic is established in Part 2 of the Constitution, section 4, subsection (1-2) as follows:

The National Assembly shall have powers to make laws for the peace, order and good governance of the federation or any part thereof with respect to any matter included in the Executive List set out in Part 1 of the Second Schedule to this Constitution.

The constitutional authorization of the legislature's involvement in foreign policy is expressly stated in Chapter II of section 13 of the Constitution under the heading: Fundamental Objectives and Directive Principles of the State:

It shall be the duty and responsibility of all organs of government, and of all authorities and persons, exercising legislative, executive or judicial powers to conform to, observe and apply the provisions of this Chapter of the constitution.

Section 19 outlines the foreign policy objectives of Nigeria as per the Fundamental Objectives of Directive Principles of the State to be:

- a. Promotion and protection of the national interests;
- b. Promotion of African integration and support for African unity;

- c. Promotion of international cooperation for the consolidation of universal peace and mutual respect among all nations and elimination of discrimination in all its ramifications;
- d. Respect for international law and treaty obligations as well as the seeking of settlement of international disputes by negotiations, mediation, conciliation, arbitration and adjudication; and
- e. Promotion of a just world economic order.

In order to actualize these lofty goals, both chambers of the National Assembly have Standing Committees' on Foreign Policy, and Inter-parliamentary Affairs. The Standing Rules outlines the functions of the Senate Committee on Foreign affairs as (2003, 85-86):

- a. Relations of the federal Republic of Nigeria with foreign nations generally;
- b. Foreign loans;
- c. International conferences and congresses;
- d. Measures relating to diplomatic services;
- e. Intervention abroad and the declaration of war;
- f. Neutrality;
- g. Protection of Nigerian citizens abroad and repatriation;
- h. Measures relating to international economic policy;
- i. Trading with friendly nations;
- j. Measures to foster commercial intercourse with foreign nations and economic/geographical groupings to safeguard Nigeria's business interest;
- k. International commodity agreements for co-operation;
 - 1. Pilgrimage;
- m. Repatriation of destitute Nigerians;
- n. Technical assistance to foreign countries;
- o. Extradition;
- p. Reparation;
- q. Annual budget estimates.

The Committee on Inter-parliamentary Affairs also involves itself in international relations and foreign policy engagements. In section twenty-four, subsection one, of the Standing Rules of the House of Representatives (2003, 87-89); the functions of the Committees are outlined to be:

- a. Study, analyze and suggest improvement of the charters of all inter-parliamentary co-operative groupings;
- b. Initiate good policies on parliamentary research and documentation and ensure an efficient data banking on National and State Assemblies;
- c. Recommend to the House the formation of, and entry by the House into, any new parliamentary grouping;
- d. Ensure the maintenance of harmonious and productive relations between the National Assembly and all world parliaments;
- e. Ensure the maintenance of harmonious and productive relations with and in all international parliamentary associations such as Inter-Parliamentary Union(IPU), Commonwealth Parliamentary Association(CPA), Union of African Parliaments(UAP), African-Caribbean and Pacific/EEC Joint Assembly;
- f. Co-ordinate national and international parliamentary exchange, hospitality and courtesies on reciprocal basis;
- g. Make recommendations to the House as to the desirability of the House sending delegation to specific inter-parliamentary events;
- h. Initiate the organization of national and international conference, seminars, workshops and other for the dissemination of parliamentary education and experiences;
- i. Represent the National Assembly in specific international parliamentary associations or groupings on terms agreed to between the House and the Senate;

- j. Oversight any House foreign office dedicated to inter-parliamentary relations work;
- k. Ensure good relationship between the National Assembly and State Houses of Assembly;
- l. Ensure the execution of the House resolutions on inter-parliamentary relations;
- m. Annual budget estimates.

In turn, these broad functions are expected to symmetrically conflate with the enunciated objectives and principles of Nigerian foreign policy in order to picturesquely visualize the contributions of the National Assembly to the foreign policy process. The philosophical foundations of Nigeria foreign policy were laid by the Prime Minister, Tafawa Balewa, who on the 7th of October, 1960 in delivering Nigeria's inaugural address at the United Nations General Assembly posited thus (Lamido, 2000:xiii):

It is the desire of Nigeria to remain on friendly terms with all the nations and to participate actively in the work of the United Nations Organization. Nigeria, a large and populous country, has absolutely no territorial or expansionist ambitions. We are committed to uphold the principles upon which the United Nations is founded. Nigeria hopes to work with other African countries for the progress of Africa and assist in bringing all African countries to a state of independence.

Arising from these philosophical foundations the objectives and principles of Nigeria foreign policy are rooted and they are (Lamido, xiii-xiv):

- i. the protection of the sovereign and territorial integrity of the Nigerian State;
- ii. the promotion of the economic and social well-being of Nigeria;
- iii. the enhancement of Nigeria's image and status in the world at large;
- iv. the promotion of unity as well as the total political, economic, social and cultural liberation of Nigeria and Africa;

- v. the promotion of the rights of Black people and others under colonial domination;
- vi. The promotion of international cooperation conducive to the consolidation of world peace and security, mutual respect and friendship among all peoples and states;
- vii. Redressing the imbalance in the international power structures which has tended to frustrate the legitimate aspirations of developing countries;
- viii. respect for the sovereignty, independence and territorial integrity of all nations; and
- ix. The promotion of world peace based on the principles of freedom, mutual respect and equality of all persons of the world.

Analysis

How has the National Assembly grappled with these onerous responsibilities? We would address this question from two perspectives: one, from the point of view of inter-parliamentary relations, and two; foreign policy principles and objectives. First, the inter-parliamentary relations perspective. In the fourth republic, one major area that the National Assembly has made significant impact on Nigerian foreign policy is participation in international parliamentary activities and the domestication of resolutions arising thereto.

The involvement of the legislature in international parliamentary activities is what we term as parliamentary diplomacy. Simply stated, parliamentary diplomacy is the sum total of activities that parliamentarians acting through the instrumentality of international parliamentary organizations carry out with the express view of contributing to world peace, unity, mutual respect, fraternal understandings and the general promotion of the ideals of our common humanity.

There over fifty international parliamentary organizations throughout the world, of which the Inter-Parliamentary Union is

the apex body. The major parliamentary organizations that Nigeria belongs to are: Commonwealth (CPA), African Parliamentary Union (APU), Afro- Arab Parliamentary Association (AAPA), Association of Senates, Shooraa and Equivalent Councils in Africa and the Arab World (ASSECA). We also have regional parliamentary assemblies such as the ECOWAS Parliament, Southern Africa Development Parliamentary Forum (SADC-PF).

The National Assembly since its inception in 1999 has played very active roles on the international parliamentary arena. Nigeria, it was that spearheaded the formation of the Association of Senate Shooraa and Kquivalent Councils in Africa and the Arab World (ASSECA).

The Nigerian parliament has also been central in agenda setting by the raising of domestic Nigerian issues to the front burner of the international arena and also drawing global inter-parliamentary attention to such issues as they portend to be inimical to world peace, stability, and security.

The National Assembly has also domesticated international parliamentary resolutions through the passage of legislations.

It is pertinent to note that, the National Assembly has passed some legislations arising out of their commitment to international parliamentary resolutions. The policy thrust and capacity of some of these domesticated legislations to the task of the socio-economic and political development of Nigeria are of incalculable proportions. For instance, the Child Right Act of 2003, the National Poverty I eradication Act, National Agency for the Prohibition in Traffic in Persons Act 2004, the Nigeria-China Parliamentary Friendship Group, the Nigeria-Saudi Arabia Parliamentary Friendship Group, were all inspired by international parliamentary dialogues and resolutions (Pine, 2010).

Two, foreign policy principles and objectives perspectives. The most visible areas that the National Assembly have made immediate contributions on Nigeria foreign policy principles and objectives are: screening and confirmation of Ambassadors and

High Commissioners, approval of the annual budget estimates of the Ministry of Foreign Affairs, approval of military contingents for participation in international military operations, Diaspora interventions, and general oversight of the Ministry of Foreign Affairs and its agencies, such as Technical Aides Corps, Foreign Service Academy, etc.

The National Assembly has also made significant contributions in the areas of objectives ii, iii, vi, ix, which deals with the following 'the promotion of the economic and social well-being of Nigeria; the enhancement of Nigeria's image and status in the world at large; the promotion of international cooperation conducive to the consolidation of world peace and security, mutual respect and friendship among all peoples and states; *and*, the promotion of world peace based on the principles of freedom, mutual respect and equality of all persons of the world'.

In these areas, the involvement of the National Assembly is materially intangible for the reason that the issues they impact upon cannot be immediately felt. The effect of the domestication of resolutions through law-making has been to create a sustainably enabling environment for the fertilisation of public policy goals and objectives. Again, through the domestication of resolutions arising from inter-parliamentary relations, the objective of promotion of international cooperation and principles of freedom, world peace, security, mutual respect, and global friendship of peoples and states is actualized. This harks back to the proposition of functionalism which we adumbrated above.

More importantly, the National Assembly through its myriads of engagements with its functions and responsibilities — domestically and internationally — have contributed significantly in the restored and reconstructed Nigeria's battered image, honour, integrity, and respectability. The present democratic dispensation was preceded by a poor image, reputation, and respectability at the international level arising from the consignment of Nigeria to a pariah status due to the military authoritarianism.

It is a measure of the repositioning of Nigeria's image that Nigerians have been either nominated or elected to lead different parliamentary organizations. Some examples would suffice at this point: The Speaker of the Economic Community of West African States— ECOWAS Parliament is Senator Ike Ekweremadu, the Deputy President of the Senate, while the President of the Pan-African Parliament, the foremost continental parliamentary association is headed by Hon. Bethel Amadi, a member of the Federal House of Representatives. Previous to this, Senator Jonathan Zwingina and Mr. Livinus Osuji were elected and appointed Vice-Chairman and Secretary-General of ASSECA, respectively. Also, in 2006 Nigeria won the hosting right of ASSECA international conference in Abuja.

Generally, the National Assembly has effectively mobilized its goodwill in the international level to promote Nigeria's image and honour on the global stage. At the broader national level, the other veritable instrumentalities that Nigeria has employed in enhancing her image and prestige is the medium of soft power and cultural diplomacy (Nye 1990, 2004, Pine 2014). These instrumentalities are all powerful instruments of contemporary international relations practice. On the whole, the National Assembly has made significant impact on Nigeria foreign policy in the fourth republic within the very short period of its inauguration, and in the face of a plenitude of institutional limitations.

Challenges

Notwithstanding the impact and contributions that the National Assembly has made on the foreign policy scene, it is nonetheless, encumbered by some challenges such as, lack of institutional capacity, dearth of professional skills and expertise, the disjuncture in executive-legislature relations in the fourth republic, the dearth of legislative institutionalization and professionalization (Squire, 1992), and misperception of functional responsibilities, among many other factors.

A good example of how a foreign policy adventure by the National Assembly turned sour is the 2002 visit by a nine-member joint Committee of the House of Representatives on Foreign and Interparliamentary Affairs to the Indian sub-continent on a mediation mission on the Kashmir conflict between India and Pakistan. In the wake of the visit, the then Foreign Affairs Minister, Sule Lamido had in a letter entitled: *The Role of the National Assembly in Nigerian Foreign Affairs Management* addressed to the then President of the Senate, Anyim Pius Anyim, drawn the (Akinterinwa 2003:12): kind attention to the visit to Islamabad, Pakistan on 25th April 2002, of a nine-member Joint Committee of the House on Foreign and Inter-parliamentary Affairs to the Indian sub-continent, apparently on a mediation mission on the Kashmir conflict between India and Pakistan... As the Minister charged with the conduct and management of Nigeria's foreign relations, I am all the more concerned because of the complexity of the issues, which have, for long been recognized as diplomatic minefields, trod with great care by friends of both countries...

But rather amicably resolve this issue that had the potentials of significantly affecting Nigeria-India and Nigeria-Pakistan relations, the then Chairman of the House Committee on Foreign Affairs, Sadiq Yar'Adua queried the observations of the Minister of Foreign Affairs. In an interview with the Guardian newspaper, he said (Akinterinwa 2003:12):

The truth is that nobody is here as an appendage of Sule Lamido's Ministry. We are not his boys; we are not bound by his whatever foreign policy strategy. We are here as representatives of the people and we are the ones to determine the way Nigeria's foreign policy should go. If he doesn't understand what democracy is all about, let him go and check how advanced democracies are organized. Congress is never under the tutelage or the direction of the executive arm. It is we who will determine whose Nigeria's friend should be.

This confrontational posture was the dominant form of executive-legislature relations in the immediate post-military period. This was counterproductive to any form of harmonious intergovernmental relations. As a result it affected the legislature broadly in the pursuit of its functions, and particularly in the domain of foreign policy. Indeed, the most emblematic representation of these poor executive-legislature relations was the gale of impeachments of the leadership of the National assembly. This also led to institutional instability thus further scuttling the legislature's ability to undertake its functions and responsibilities. The Citizen Diplomacy foreign policy thrust of the Olusegun Obasanjo suffered from this bout of disharmonious relations. In spite of all these challenges, the future trajectory of the prospects of the national assembly involvement in the foreign policy processes of Nigeria is bright.

Recommendations

What therefore needs to be done if the legislature in the fourth republic is to make meaningful inputs in the foreign policy process? We propose some recommendations. One, the Ministry of Foreign Affairs should fill the skills gap of the National Assembly by deploying its vast arsenal of intellectual capital, technical expertise, and diplomatic acumen in the training of parliamentarians on issues of foreign policy and diplomacy. The Ministry should also set up a Parliamentary Affairs Directorate expressly charged with the responsibility of giving guidance and direction to international parliamentary delegations. Very importantly, the National Assembly should domesticate a protocol their rules that stipulates that members of the National Assembly before embarking on any international assignment must receive adequate briefings from the Ministry of Foreign Affairs.

Two, the rate of the turnover of parliamentarians is very high in Nigeria. What this causes is that experienced hands are often lost. This is unlike advanced democracies where parliamentarians

stay for considerable long period of time on the job garnering professional experience that enhance their work. The democratic culture of Nigeria must change from rotationalism/zonalism to an accent on meritocracy so that issues of competence and not accident of geography should be the basis of seeking elective positions into the legislature, and indeed, all elective positions.

Three, membership of parliamentary committees on foreign relations and inter-parliamentary affairs should be based on professional capacity and cognate experience. Foreign affair is a highly specialized area whose committee's membership should be based on professional competence and cognate abilities. Another important issue that needs to be stated is that the leadership of the National Assembly should eschew the existing practice whereby the choice of parliamentary delegations to international parliamentary activities is premised on patronage and political considerations rather than competence. Again, there should be continuity and consistency of parliamentary delegations to ensure continuity.

Conclusion

This paper has argued that the legislature as an organ of government plays a functionally significant role in the foreign policy machinery of any modern democracy. The Nigerian experience demonstrates no less the importance of the legislature in foreign policy making. Since the advent of the fourth republic in 1999, the Nigerian legislature the National Assembly has made important contributions in the area of international inter-parliamentary activities, the domestication of resolutions' arising from such engagements, and more importantly, acquitting its constitutional remit of contributing to the realization of Nigeria foreign policy principle and objectives. The limitations confronting the National Assembly in the discharge of its institutional responsibilities is due to a plethora of factors such as lack of diplomatic skills, institutional underdevelopment of the legislature,

and high turnover of legislators as a result of the political culture of Nigeria which is premised on rotationalism/zonalism rather than meritocracy among many others. Consequently, the national assembly has been constrained in effectively making major contributions to Nigeria's foreign policy. To stem this tide, the paper advances recommendations that would enhance the National Assembly's contributions to foreign policy making and implementation in Nigeria's Fourth Republic.

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