ISA Journal of Arts, Humanities and Social Sciences (ISAJAHSS)

Homepage: https://isapublisher.com/isajahss/

Vol 3, Issue 5, Sept-Oct - 2026 ISSN: 3049-1827

Veto Powers and Public Participation in Lawmaking Process in the Nigeria's Eighth National Assembly

Motunrayo Akanfe KATAYE

Department of Legislative Studies, Institute of Governance and Development Studies, Federal University Lokoja, Nigeria

Received: 25.07.2026 | **Accepted:** 08.10.2026 | **Published:** 13.10.2026

***Corresponding Author:** Motunrayo Akanfe KATAYE

DOI: *10.5281/zenodo.23336528*

Abstract **Original Research Article**

Notwithstanding the doctrine of democracy that creates lawmaking a dual responsibility of the executive and legislature, this study examined veto powers and public participation in lawmaking in the Nigeria's Eighth National Assembly. The descriptive research method was used, secondary research materials were obtained from the Nigeria's 1999 Constitution, journals, unpublished research works, additional materials were acquired from internet, and analysed by comparison the veto powers provisions of USA with Nigeria's. It was noted that the veto power is an aged-long legal convention but sustains in contemporary constitutions, and deploy by the executive to set agenda, regulate the legislature on the adopted bill submitted for assent, thus section 58 (3) (4) (5) of the CFRN, 1999 is Nigeria's veto power, provides override powers for veto nullification; importance of veto powers comprises: safeguard Constitution; maintains power doctrines; partnership with other arms of government, among others; types of veto embrace absolute; line-item; pocket; qualified; regular; and suspensory, however Nigerian federal legislature implements regular veto - the executive jettison a whole adopted bill; section 14 (2) of CFRN, 1999 concerns public participation in political process that compel citizens' views, legitimises government and minimises veto powers. In conclusion, veto is the yardstick that executive deploy to limit the legislature. The study recommends that lawmakers and staff be exposed to training on vetoes; update the standing order of the legislature to encompass veto themes and related matters; enact public hearing legislation to command citizens' participation in lawmaking; collaborate with NOA to stimulate citizens' interest in lawmaking process.

Keywords: Veto, Public Participation, Lawmaking, Bill Process, Nigeria's Eighth National Assembly.

Copyright © 2026 The Author(s). This is an open-access article distributed under the terms of the Creative Commons Attribution-NonCommercial 4.0 International License (CC BY-NC 4.0)

INTRODUCTION

Veto powers provision is one of the legal instruments that form the basis of every constitutional democracy. Bulmer (2017) declared veto is a constitutional convention, political defensive weapon that the executive branch deploy to checkmate legislature, and consequently permits the head of executive to play robust role in lawmaking process and policy making. It, in addition, impacts the bill passes by the legislature, and similarly vests the executive the power of approval or otherwise of adopted legislation.

Stuessy (2016) and Bulmer (2017) enumerated that a veto power can be overridden by simple majority such as one-third ($^1/_3$); two-third ($^2/_3$) or supermajority; depends on the provision enumerated in the country's constitution. In Nigeria for instance, section 58 (3) (4) (5) of the 1999

Constitution (as altered) is a veto power provision that empowers the President to assent to bill passed by the two chambers upon their consensus. The section permits the President to "assess the constitutionality of laws". Bulmer (2017) opined that had the President not having the veto power, the President would have remained a 'figure head', and concluded that veto is not an expansion of presidential power but shields the executive from legislative encroachment. Impliedly, veto is a legal power that elected leader of government (President in the case of Federal Republic of Nigeria), relies upon to approve or decline assent to adopted bill from the legislature. Conversely, Section 58 (5) of the 1999 Constitution specifically provides two-thirds ($^2/_3$) majority as the condition for each legislative chamber to annul the veto powers of the President on a bill. Literally, veto licenses the president to 'check' the legislature through studying the bill passed by the legislative institution, and two-thirds majority to overrule or dismiss the executive on the other hand.

Public Participation refers to citizen's involvement in the lawmaking tasks in the legislature, and according to Colleen (2015) public participation is a principle of democracy that encourages citizen's contribution in the process of lawmaking at the legislative phase. Ogozy (2016) cited Malek (2005) and reiterated that public participation is required for proposed laws, constitutional amendments, and other legislative activities, usually Members of Parliament sends invites to their constituents for their views. Voting; Town Hall Meeting; Advisory Committee; and Referenda are other forms of public participation. Ogozy submitted that different methods of public participation can be combined and used together; enumerated the Universal Declaration of Human Rights (UDHR)'s Article 21 and International Convention on Civil and Political Rights (ICCPR)'s Article 25 as the legal and constitutional frameworks for public participation in lawmaking. Danwanka (2017) classified public participation under substantive standards and guidelines compulsory for lawmaking activities; similarly, Jaja (2020) viewed public participation as statutory standards that must be upheld by the legislature for lawmaking. Anyaegbunam (2021) opined that public participation as a component of lawmaking standards enables the public to view legislative body as: efficient, transparent, and accountable. And as part of substantive legislative standards, is a useful device for the determination of success or otherwise of a set goal in the legislative arm in a democratic setting. Danwanka (2017), Egwu (2011) concurred that compliance with the public participation promotes adopted bill that ultimately influenced the executive in decision making,

Hamalai (2015) argued that public participation as substantive legislative standards governed the operation of the legislature, in tasks like law amendments, constitutional alteration/amendment, investigation, hearing, among others; while Jaja, (2020) declared that public participation assist judicial arm, experts/professionals in policy adoption, interpretation of legislation, thus a vehicle for resolution of conflict and application of law.

Conversely, Okukpon (2017) equated failure of observing legislative standards like public participation in lawmaking process to violation of national and international human rights provisions and thus qualify adopted bill for rejection by the executive.

The paper examines the veto powers and public participation in lawmaking process in the Eighth Nigerian National Assembly that its legislative years that spanned from June 2015 to March, 2019.

Statement of the Problem

Jimoh 2019 wrote that the Nigeria's Eighth National Assembly passed a total of five hundred and twenty (520) bills of which the President approved seventy-five (75) (14%)} bills, and in comparison with previous bills passed prior the eighth National Assembly, indicated severe reduction in the approval granted by the President as the adopted bills that sought executive approval increases. Jimoh further adduced several factors including public participation as responsible for low assent by the executive. In view of the foregoing, there is need to investigate the contribution of public participation, among other factors that

influences the president's action on the adopted bill, and proffer suggestion(s) to mitigate the phenomenon.

Objectives of the study

The general objective of the study is to investigate the impact of veto powers on the public participation in the Nigeria's Eight National Assembly that covered June 11, 2015 to June 10, 2019, where Jimoh (2019), confirmed that the President approved seventy-five (75) (14%) out of the five hundred and twenty (520) adopted bills by the federal legislature in four years. The study's specific objectives are to:

(a) Examine the role of veto powers in lawmaking process in Nigeria's National Assembly

(b) Identify different categorizations of veto powers in democracy

(c) State the value of public participation in lawmaking process

(d) Suggest approaches to promote public participation in Nigeria's federal legislature in order to moderate the use of veto powers.

Significance of the study

The outcome of this study will educate the stakeholders - Nigerians, legislators inclusive that veto powers provisions leads to quality legislation, spur socio-economic development and promotes democracy. The study will inculcate the lawmakers about the impacts of legislative procedure; minimise the alleged lawmakers' habits of sponsoring frivolous bill. It in addition explains the influence of public participation in lawmaking process; affirm the roles of the executive in lawmaking function. Furthermore, the Legislators will learn that violation of any established legislative standards and others such as overlooking of national and international human rights provisions, lack of stakeholders' participation in lawmaking statutory functions, especially has gross consequences on the quality of legislation. Likewisely, the Civil Society Organizations (CSOs) lawmaking specialist group will understand the criteria that influence approval or disapproval of adopted legislative bill in Nigeria federal legislature by the executive. In summary, veto powers are constitutional device plugged to enforce legislative procedures thereby attaining standard legislation, international best practices, among others.

REVIEW OF RELATED LITERATURE

Conceptual Review

Veto Power

According to Bulmer (2017), veto originated from ancient Rome in the middle ages, approximately 500 to 1500 AD. McGowan (1986) in Bulmer (2017) explained that inclusion of veto power in the constitution started in England in 17th century as a constitutional convention. The then veto powers empowered the monarch to make and enforce laws to control all matters in British territory including establishment of colonies and appointment of governors.

In Nigeria, section 58 (3) (4) (5) of the 1999 Constitution of the Federal Republic of Nigeria (as altered) grants executive authority to interact with the legislative arm of government. Bulmer (2017) explained the veto powers provisions as permission to assess the constitutionality of law because presidential system of government grants the executive (President) exorbitant powers in leadership and policymaking. The President regulates the legislature by examining the bill passed for approval. Thus the President based on the section 58 (5) can approve, delay, hinder, or take other measure such as sending a message to the legislature within the constitutionally specified period of thirty days to prevent whatever considers as unconstitutional, unjust, or unwise in the bill passed to the executive. Conversely, the legislature can override the President by two-thirds ($^2/_3$) majority of each House in Nigeria by constitutional provisions. Similarly, Bulmer asserted that President can refuse assent "because of substantive policy objections without any need to demonstrate procedural or constitutional irregularities", and submitted that President can use veto as reactive

and proactive instruments. Veto is used as reactive to protect the constitution, balance the governance powers and maintains separation of powers, rather than initiating a change. To use veto as proactive, it means that the President act as policy leader and set agenda, respectively. In summary, veto is conceived a reactive instrument and meant to play significant role in executive-legislative relations.

Types of veto powers

Stuessy (2016) and Bulmer (2017) classified vetoes as: absolute; line-Item; pocket; qualified; regular veto; and suspensory. However, a veto can be overridden by simple majority one-third ($^1/_3$), supermajority, which could be ($^2/_3$) or ($^4/_5$) based on the provision stated in the country's constitution. In short, veto eliminates delay and prevents a law from coming into force. The United States National Conference of State Legislatures (US NCSL) Survey (2022) itemised different types of veto messages from the executive officer to the legislative assembly when a bill is rejected to indicate appropriate type of veto process that will be exercised on the bill, namely:

(a) Regular – this means that the executive disapproves the bill passed by the legislature, totally.

(b) Line item – this portends rejection of certain items and approval of other items in a bill.

(c) Amendatory – the executive states amendments to be effected on a bill.

(d) Reduction – this requires reduction in the line item in the bill passed by the legislature to the executive.

Public Participation

Section 14 (2) of the 1999 Constitution of the Federal Republic of Nigeria (as altered), mandates political participation. Whereas section 40, asserts citizens' right to peaceful assembly, association, and opportunity to belong to any political party, association, union, and so on, freely.

Public participation is the involvement of citizen in the political activities of the country. A form of political participation is public hearing, and confers opportunity for citizen to partake in political process in the legislature. Falade (2014) posited that public hearing seeks citizens' contributions in the political process and decision making thus recognised public participation as comprises action or inaction of a citizen in the political activity in his or her environment, which burns out of passion or personal decision and freedom to contribute to happenings in the affairs of his or her country. By the provisions of the Bill of Rights, that is, the foundation of every country practicing democracy, public [hearing] is an individual rights and freedoms guaranteed to all persons as actors in politics in a country. Falade enumerated that no law expressly states punishment or reward from participating or not in politicking. The level of political participation of the citizens influences the success of the political system.

To Ugokwe (2018), public hearing is committee's meeting that involves the members of legislative committee with public officials, citizens, stakeholders, and other interested individuals in the precinct of the legislature. Ugokwe provides the purpose of public hearing to include; obtaining opinions of the participants on the draft law so that should the draft law becomes a legislation the public will accept it; to feel the purse of the public; to communicate and clarify needs; sensitize the public on the matter at stake; to examine the other side of the draft law, among others.

Similarly, Colleen (2015) viewed political participation as one of the principles of democracy, a right and duty of every citizen to take part in government, which could be in the form of standing for elections, voting during elections, being informed, holding and attending community meetings, membership of political party, payment of taxes, and discharge of other civil duties as enshrine in the country's Constitution. Sierra and April (2019) asserted that political participation in Connecticut (USA) politics comprises: election; political parties; nominating process; campaign; choice of candidate at election time; interest groups; lobbyists; and campaigns.

Marlan (2016) opined that political participation occurs through stakeholders, thus regarded citizens as stakeholders and described stakeholders as institutions comprises: individuals, groups, patrons, supporters, or concerned persons in the decision-making process of the society. To Marlan, stakeholder analysis is essential for every bill in order to determine their interest, identify prominent stakeholders that the legislation will be affected, and the likely effects on implementation of the law. Marlan hinted failure of implementation when there is lack of stakeholders' contribution and acceptance of the proposed legislation, during the lawmaking process, warned that stakeholders should be maintained being source of information; influential; difficult persons or situations that may require special attention. Stakeholders are resourceful during the performance evaluation of the new legislation at a later stage. Consequently, suggested that Legislature should formulate the Principles of a relationship with the stakeholders. The principle should include: provision of accessible, clearly understood, and reliable information to stakeholders; selection of the appropriate stakeholders; equal treatment of stakeholders and information provided; information gather from stakeholders should be analysed, and managed specially devoid of conflict of interest and influenced; among others.

PLAC (2017) expressed that stakeholders play significant role in lawmaking process in Nigerian National Assembly; viewed stakeholders as entities that the proposed law affects; ultimately, classified stakeholders as: Government; Civil Society; and Members of the Public groups. In the government group are the three branches of governance namely the Legislature and legislative staff; the executive; and the judiciary. The civil society comprises the Non-Governmental Organizations (NGOs) owned by individuals or group of persons with purpose of promoting the interests of the citizens and ensure good governance, among other functions. In addition, the civil society group embeds the Media (Print, Electronic, and Social), Professionals, Academia, etc. The public refers to citizens, private sectors, international development partners, foreign government, members of the public having specialized skills in one way or the other and assist in the provision of information on matter of policy or draft legislation.

Lawmaking

Obasa (2016) opines that lawmaking is the primary occupation of the legislature, and the responsibility involves making, revising, amending and repealing laws for the advancement and wellbeing of the society by the elected body that represents societies Anyaegbunam (2021). Omotola (2014) added that lawmakers possess powers to control the government. These assertions concur with section 4 (1) of the 1999 Constitution of the Federal Republic of Nigeria (as altered) that vests the legislative powers in the National Assembly and section 4 (2) power to make laws for the peace, order and good government of the Federation or any part thereof set out in Part 1 of the second schedule.

Mbaya, et al (2013) declared that the Nigerian National Assembly makes laws that models USA presidential system, characterizes with bicameral [legislative] system, and that legislature is one of the three branches of government, meanwhile, the three branches uphold the doctrine of separation of powers.

Bill Process

It's the prescribed procedure of making a law in the presidential system of government. Anyebe (2016), Ajiboye (2022), affirmed that the Nigerian National Assembly Rules (Standing Orders) provides that a bill can be introduced into the bi-cameral legislative body either through the Senate or House of Representatives. The standing rules remains sacrosanct that is it cannot be violated on any ground, because the legislature updates it as at when due. In addition, the Standing Orders (Rules) of the legislative Houses are derived from sections 60 and 101 of the 1999 Constitution Danwanka (2017).

Kataye and Ogbu (2026) reiterated PLAC (2015), and Okukpon (2017) enumerated the phases of bill process in Nigeria's bi-cameral federal legislature as follows:

"1. Notice of Presentation of Bill: The sponsor (Legislator) informs the Presiding Officer (Speaker or President of the Senate) of his or her intention to present a bill on certain subject matter. Upon approval by the Presiding Officer, the Chairman Committee on Rules and Business causes the bill to be labelled HB meaning House Bill or SB (Senate Bill) (as appropriate) for publication in the relevant Chamber's Journal, and other actions like, numbering, and enlisting the proposal in the order of proceedings for presentation at the plenary (floor) at a certain day/date. Based on the approval of the Presiding Officer (Speaker/President of the Senate), the Chairman, Rules and Business/Senate Procedure Committee, informs the sponsor (Legislator) to prepare for *Lead Debate* and arrange for the seconder and other related activities.

2. First Reading: In this stage the Presiding officer directs the Clerk of the House of Representatives/ Senate as appropriate to read the short title, statement, and background of the bill. The Rules and Business Committee sets a date for its second reading.

3. Second Reading: At this stage the discussions on the general principles of the bill are conducted on the date already set by the Rules and Business Committee. If the House approve the bill at the end of the debate, the Speaker directs the Clerk to read the long title of the bill for the second time. And the Speaker subsequently refers the bill to one or more Standing Committee. However, decision could be taken to commit the bill to the committee of the whole for quick consideration.

4. Committee Stage: Upon the receipt of the Referral by the Chairman of the Standing Committee, the Committee meets and decides whether or not to conduct public hearing or use other methods like investigative or interactive session. The committee conducts its finding, and based on its findings, may approve the bill without any modification, re-write, and subsequently submit its recommendations to the House for further action.

5. Public Hearing: Where the committee identify that a bill requires public hearing, the Committee Chairman directs the Committee Clerk to arrange for the public hearing. The Clerk in conjunction with the secretariat identifies the stakeholders of the bill, prepares and distributes invitation letters for their attendance, make other necessary arrangements, and identify: place, time, duration of the public hearing, etc.

6. Report Stage: The Secretariat prepares the report and the Chairman lay (submit) the report of the Committee to the House, and if the report is approved (adopted), the bill progresses to the third reading.

7. Third Reading: If the bill was amended by the committee, a date is set by the Rules and Business Committee for the consideration of the report by the House. Given the involvement of the whole House, this is referred to as the committee of the whole often presided over by the Presiding officer. After deliberation on the committee's report, a member may move a motion that the bill be read the third time right away or on another day. The Chairman, Rules and Business Committee inform the House [thereafter] that the committee of the Whole has consider the bill and passed it with or without amendment and moves a motion that "the bill be now read the third time."

Important Note: the Clerk prepares a clean copy of the bill for both the Presiding Officer (President of the Senate or Speaker, House of Representatives)'s signature and Clerk. The Clerk sends a copy of the endorsed "Clean" bill with a covering letter to the Clerk of the other House, and request for the concurrence.

The House that prepared the first Cleaned copy of the bill sent to the other House is called Originating Chamber. Where the other House accept the amendment proposed by the originating House, the Clerk of the other Chamber retains the bill and inform the originating House in writing that "Senate or House of Representatives, as the case may be, as agreed to the bill without amendments"

8. Harmonization: Where the other Chamber disagreed with the originating chamber on the bill; or agrees to the bill, but with its own amendments; a conference or harmonization committee will be constituted comprising equal members of both chambers with the duty of reconciling differences on the bill and proposing a single position that

would be adopted by the plenary of each Chamber. On the approval of the recommendations of the conference committee, the bill is qualified or moved to the assent stage.

9. Assent Stage: At this stage, the Clerk to the National Assembly sends a copy of the "Clean copy" to the President for assent. If the President is satisfied with the bill, he signs it, however, where he rejects (vetoes) it, or communicate his assent to the bill within 30 days from the date the bill was sent to him, the National Assembly by a two-third majority vote can override the veto (1999 Constitution)."

Nigeria's Eighth National Assembly

Kataye and Ogbu (2026) avowed that the Nigeria's Constitution 1999 section 64 (1) stipulates legislative assembly as a period of four years upon successful conduct of general legislative election by the electoral management body, named Independent National Electoral Commission (INEC). The Commission power is enumerated in the underlying Electoral Act, 2015 that the election was conducted and completed. Section 76 (1) of Nigeria's 1999 Constitution (as altered) remains the legal framework for Electoral Act, and empowers INEC to conduct elections in throughout the country. Similarly, the 1999 Constitution section 48 (1) recorgnises Nigeria's federal legislature as bi-cameral and additionally in section 4 (1) vests the Representatives' body powers to "make laws for the peace, order and good government of the Federation or any part thereof". Impliedly, the eighth National Assembly, which Nigeria's political history documented to have kicked off from June 11, 2015 to June 2016 as the first legislative year; followed by legislative year two, spanned June 2016 to June 2017; the third year of June 2017 to June 2018; and finally, legislative year four covered the period June 2018 to June 2019.

Empirical Review

Audu (2021) conducted a study titled "Public Hearing and Citizens Participation in Lawmaking in Nigeria: A study of the Senate Committee on Judiciary, Human Right and Legal Matters". The objectives of the study includes ascertaining the degree of citizens' participation in the public hearings of the Senate Committee on Judiciary Human Rights and Legal Matters; identify challenges against effective participation of citizens in the public hearing organized by the Senate Committee under reference in the period of the study. Audu adopted peopled-centred or participatory development theory. Ogundele and Ezeh (2018) in Audu (2021) argued that a development project can be successful if the beneficiaries are considered and involved in the policy or programme. The approach provided beneficiaries the opportunity to contribute to the project by offering their capacities, talents, energies and other resources. The duo emphasized that policy, project, or programme fails when local experience and knowledge are not co-opted. Furthermore, people-centred development causes a vital change, slow, but have serious impact, hence citizens' participation enable people to apply their capacities and attain success in the policy, programme, etc. Audu enumerated that people-centred development theory is based on four thoughts: normative, conceptual, empirical and practical approaches.

The normative view people as supreme in the development, hence the vulnerable, weak, isolated, powerless are prioritized. They are offered opportunity to identify and request what they want and need. The conceptual level sees development as a continuous adaptation, problem solving and opportunity. The change by Lim (2018)'s accounts, focus on transformation in communities, that is, return the control of resources to the people and communities. The empirical study explains the conditions in the participatory development approach as diverse and complex. It is also asserted that our environment as dynamic. Therefore, the importance of obtaining theoretical viewpoints and empirical knowledge of local people and make use of it in the development of theory and policy.

The descriptive research design method was adopted. The total population was six hundred and forty-seven (647), while the sample size was 130 respondents. Also, purposeful sampling technique

was utilized, while the questionnaire instrument served as the data collection instrument. Furthermore, simple per cent was used to analyse data collected from the questionnaire instrument. However, pie charts, bar charts and histogram were used to present findings.

The study revealed that citizens' apathy and alienation are encouraged when legislators do not inform their constituents of government plans and actions, thus people centred or development theory is adopted in the conduct of public hearings to obtain citizens' inputs on issues that affect them. Also, involving the citizens using the public hearing guaranteed sound policy decision; legislative committees have many challenges in the conduct of sound public hearing, which include: corruption, poor conduct of public hearing; inadequate publication of public hearing which led to citizens' apathy in public hearing; poor documentation, among others.

The key recommendation in Audu's study is that the legislative committees should use different media platform to promote civic education and public enlightenment to reduce citizens' apathy and alienation; standing committees should be mandated to conduct public hearing regularly; in addition, the legislators and staff should be trained to improve their performance in lawmaking.

The research is of importance to this work because it pointed out that any law enacted without conducting public hearing, lacks legitimacy and may face implementation problem. The challenges preventing citizens' participation in lawmaking process should be eliminated. Accordingly, public hearing is essential ingredient when making any law.

Ogozy (2016)'s investigated Public Participation in Lawmaking in the Nigerian National Assembly 2007 – 2015. The broad objective was to investigate the extent of public participation in lawmaking in the Nigerian federal legislature. However, the specific objectives were to: know whether there is public participation in lawmaking process in the National Assembly; examines the role of public participation in lawmaking process; investigate the extent of public participation in lawmaking in National Assembly; and suggest ways for effective participation in law-making by the public. Ogozy cited Hartay (2011) explained participation in lawmaking process as an opportunity for the citizens, civil society organizations and other interested members to influence the development of politics and laws that affect them. By default, citizens' participation is a cardinal principle of participatory democracy. Similarly, the Centre for Non-Profit Law (2009) asserts that participatory democracy promotes government legitimacy as it permits government to exhibit their powers credibly. Conversely, Buccus (2003) opined that government actors, analysts, and activists are desirous to having CSOs, citizens' involvement in policy-making to reduce elite influence thereby overcoming marginalization and avert what Ginsberg (2002) termed "downsized democracy." Public hearing is one concept used in public participation by different countries and different countries have constitutional provisions for it. Globally, the Universal Declaration of Human Rights (UDHR)'s Article 21 and International Convention on Civil and Political Rights (ICCPR)'s Article 25 are the legal and constitutional frameworks for public participation in law-making.

UDHR Article 21 Reads:

(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of Government; this shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

ICCPR Article 25 Reads:

'Everyone shall have the right and opportunity without any of the distinctions mentioned in Article

2 and without unreasonable restriction:

(a) To take part in the conduct of public affairs, directly or through freely chosen representative

(b) To vote and to be elected at genuine periodical elections, which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of electors'

In Nigerian National Assembly, public hearing is a tool of public participation in lawmaking. The legislative committee request the citizen to submit memoranda which is discussed to obtain public inputs on issues. Legislative committee utilizes public hearing to gather information on proposed law, public policies, oversights, investigation, wrongdoings, information exchange with government departments and relevant stakeholders. Hamalai (2015) in Ogozy (2016) reiterated that public hearing in Nigeria's National Assembly is confronted by: poor staff capacity, lack of adequate resources and ineffective communication. On the limitations and challenges of public participation in lawmaking, Hartay (2011) listed obstacles to public participation as poor political support for public involvement; lack of understanding on the merits of citizens' contribution to law-making; inadequate institutional guideline for the process; difficulty to identify the relevant stakeholders, poor funding, among others. From the side of citizens, CSOs, and other parties, problems faced include: poor understanding of issues at stake; lack of communication skills to express their views; ill capacity to react to government announcement; failure to offer solution to issue having criticize the government proposal; lack of coalitions with the other levels to express their views. It is clear that deficiencies in the legislative process affects quality of legislation, a fair and transparent public participation in legislative process is important to enact legislation that is capable of bringing socio-economic and positive change.

The study was anchored on public participation theory attributed to Jean Jacques Rousseau who argued that authority over a people can be legitimate if it leaves those who are governed as free as they were prior to their submitting to that authority. Participatory democracy provides individual the right of participation in lawmaking process and obeys the outcomes. The theory is applicable in this study as it explains the situation of public participation in lawmaking process in Nigeria's National Assembly. The research method was descriptive, utilized both the primary and secondary data to collect data. In addition, document inspection method was also used to gather data. The population was 479 comprised of 109 Senators; 360 Honourable Members of House of Representatives; and 10 NGOs. The systematic sampling method was used. Closed-ended questionnaires and interviews were used as the data collection instruments. 70 questionnaires were administered: 60 for Lawmakers and 10 for NGOs. Furthermore, 9 interviews were conducted, of which 6 for Honourable Members and 3 for Distinguished Senators. The data transcription and analysis technique (DTAT) was used to analyse the data.

The study revealed that there was public participation in lawmaking process in Nigeria's National Assembly; public hearing, public petitions, public opinion polls (POP) were methods used to gather information. Poor orientation/education and poor commitment were the major challenges hindering public participation in lawmaking in Nigeria. The researcher recommended that public participation in lawmaking procedure should be encouraged by the Nigerian National Assembly to boost the quality of laws; the National Orientation Agency (NOA) need to boost awareness campaign so that citizens participates in the legislative process; and the National Assembly should organise public hearing regularly to enrich public participation in legislative activities. Finally, the study shows that public participation in lawmaking process is not so popular in Nigeria.

Ayiwartia (2016) conducted a study titled "assessment of public participation in the lawmaking process in Nigeria National Assembly 2011-2015", with specific objectives of, analysing the framework of the lawmaking process in Nigerian National Assembly; review the mechanism for public participation in the legislative process; evaluate the prospects of the participatory approach in lawmaking process; and suggest the way to

improve public participation at the legislature.

The research used descriptive method, collected data from both the primary and secondary sources using document examination, observation techniques, analysed the documentary materials through content analysis method. The results of the study were represented by statistical tables and charts. The primary data were obtained from Legislative Agenda, Bill Progression Charts, Legislative Committee Reports, and so on. Similarly, the secondary data were sourced from Textbooks, Newspapers, Journals, and Dictionaries.

The research revealed that the Standing Orders of the two Houses do not make public participation in lawmaking process compulsory; consequently, the presiding officer used discretion at Committee Stage to either invite the citizens for public hearing or not. Accordingly, the study recommended that the National Assembly should stimulate public interest in legislative activities by removing all impediments preventing citizens' accessibility to the legislature; expand public participation through citizens' education on political issues; and deploy ICT to reach out to the citizens for their participation in legislative process.

Kataye and Ogbu (2026) recounts Aulia, et al (2021)'s comparative study of Indonesia and the United Kingdom themed "Fundamental Principles of the Legislation Process", and inferred that the study, which used descriptive analytical research and comparative approach, revealed that the principles of participation; principle of publicity, among others are key basic principles in lawmaking process; concurred that violation of the principle of public participation promotes citizens involvement in lawmaking process; and had caused the Indonesia government's executive arm to veto legislative bills. According to Aulia, et al's comparative study, lawmaking process of Indonesia did not aligned with the United Kingdom's based on participation principle. Impliedly, public participation in lawmaking determines exercise of veto powers in democratic government globally, Nigeria inclusive.

Theoretical Framework

This study adopts Separation of Powers theory. Kataye and Ogbu (2026) shares Gahatraj (2021) opinions that Aristotle developed the doctrine, supports the declaration that political powers comprises the: legislature; executive; and judicial arms, respectively; and the three entities remains the components of the Constitution in democratic governance. Furthermore, each of the afore-mentioned arms have distinct authorities, roles, workforces, funds, free from one another, co-equal, and forbid domination.

The strengths and weaknesses separation of powers theory: These rests on Kataye and Ogbu (2026)'s views of Gahatraj (2021); Ogbu (2013); and Clinton (2024), which states that the political powers of the democratic States are collective and discharges by the legislature; executive; and judicial; dejects power abuse by the three-arm; allocate fund separately; recognises different workforce; promotes citizens' fundamental rights; supports democratic dividends; and mandates citizens' participation in politics; among others. The weaknesses include "domineering nature" of arriving at decision, which Glassman (2016), in Kataye and Ogbu (2026) termed "majority carries the votes, and minorities have their say", though results to delay; and Sable (2020) "partial independence; variation in policies' interpretation; and implementation from one country to country".

Justification for Adoption of Separation of Powers Theory

The theory supports power sharing in Nigeria, which divides into the legislature, executive and judicial branches. The Constitution of Federal Republic of Nigeria, 1999 distributes powers to the three branches, allocate funds, recognises respective workforces, encourage harmonious relationship, and none of the arms have ever dominate the other branches. Similarly, there have been no times in the history of Nigeria that the Head and Agent of one branch attempt to overrule public interest.

RESEARCH METHOD

The descriptive research method was used, and the secondary research materials were sourced from the Nigeria's 1999 Constitution. In addition, scholars' work, textbooks, journals, and unpublished research work, were obtained from the Internet. An in-depth of the veto development, and practices, coupled with the constitutional provisions and conventions in the United States of America's Congress were examined and compared with the veto provisions enumerated in the Constitution of the Federal Republic of Nigeria 1999 because Nigeria's democracy is modeled after the United States of America's presidential system of government.

FINDINGS, CONCLUSION AND RECOMMENDATIONS

Findings

The under-mentioned were observed from the study:

(1) Veto power was first incorporated as constitutional convention around 17th century in England and the British monarch deployed veto to wield control over all her colonies. Similarly, the constitution of the modern form of government, adopts veto power and by implication empowers the executive to use veto to lead, set policy direction, and regulate the legislature by examining the bill passed for approval or otherwise. Section 58 (3) (4) (5) of the 1999 are veto power provisions in the Constitution of the Federal Republic of Nigeria 1999 (as altered) that mandates the executive to approve, delay, hinder, or take other measure such as sending a message to the legislature within the constitutionally specified period of thirty days to prevent whatever considers as unconstitutional, unjust, or unwise in the bill passed to the executive. Typical deployment of veto powers include: safeguarding the constitution through definition of uncountable policies that adopted legislation should fulfill for consideration; smooth governance powers and upholds separation of powers, change agency; interaction with other arms of governance. Although, the constitution states conditions the legislature can override veto by two-third ($^2/_3$) majority, yet, the executive continue to use veto powers for the enforcement of other constitutional provisions like section 14 (2) of CFRN, 1999 - public participation in political process, which the Constitution stipulates involvement of the general public in governance, among others.

(2) The types of veto powers this study identified in comparison with the veto adopt in the USA Congress are: absolute; line-item; pocket; qualified; regular; and suspensory. However, from the records of Nigerian federal legislature, regular veto type is adopted and in used in recent past. The regular veto refers to disapproval of the adopted bill by the executive (President) entirely.

(3) The importance of public participation in lawmaking process in the National Assembly, includes: promotion of government legitimacy, gaining opinions of the citizens on the draft law so that should the draft law becomes a legislation (Act) the public accept it; feeling the purse of the public; communicate and clarify needs; sensitize the public on the matter at stake; understand the other side of the draft law, and so on.

(4) Some ways identify to enhance participation of citizens in the federal legislative activity to moderate arbitrary exercise of veto powers on adopted bill include: collaboration of the Nigerian National Assembly with the National Orientation Agency (NOA) to boost awareness campaign for citizens' participation in the legislative process; regular conduct of public hearing by legislative committees to enrich public participation in legislative activities; enactment of public hearing legislation to compel public participation in lawmaking function and correspondingly, review of the Standing Orders of the two Houses to mandate public participation in lawmaking process; stimulation of public interest by the legislator in legislative activities and eliminate impediments preventing citizens' accessibility to the

legislature; increase public participation through citizens' education on political issues; deploy ICT to boost participation in legislative process; among others.

Conclusion

Veto powers are the benchmark on which all statutory activities of lawmaking arm of governance are measured in constitutional democracy. This is the practiced world-wide, and Nigeria cannot be an exemption. It is the mechanism deployed to partner with the other branches of government in setting and monitoring and measuring the quality of legislation. There are several legislative standards one of these is public hearing standard. These standards are indispensable and prerequisite for the legislative bureaucrats to understand and apply them appropriately, as they cause delivery of better services in lawmaking, oversight, ratification of appointment, to mention but few. For better operation, effectiveness and efficiency of the legislative duties, it is imperative to enforce the public hearing standard appropriately to turn out effective legislation that ultimately bring about national development.

Recommendations

(1) The National Assembly Management should provide regular and comprehensive training for the legislators and legislative staff on theme of veto powers in line with the provisions enumerated in Nigeria's 1999 Constitution with emphasis on the significance of public participation in lawmaking, and effects of non-participation

(2) The Standing Orders of the federal bi-cameral legislature should emphasize types of veto adopted by Nigeria partisan system and procedure to override the veto, where necessary

(3) The federal legislature should enact public hearing legislation to encourage political actors as participants in politics and lawmaking process, enforce its implementation by the legislative committee as part of the standards in bill process, and consequently, eliminate impediments that discourage public participation in lawmaking. Furthermore, the Standing Orders of the bi-cameral legislature should enumerate public hearing procedure.

(4) The National Assembly should deploy new media in addition to the traditional methods of inviting citizens to the legislative activities; and collaborate with relevant agencies of the executive arm of government to draw wider stakeholders' involvement. Consequently, reduces presidential invocation of veto power on adopted bill due to poor public participation.

REFERENCES

Ajiboye, N. (2022) Bill Processing in National Assembly, in Essence of Process of Production of Legislative Publication, a paper presented at National Assembly Annual Training Workshop in collaboration with Periscope Consulting, 6-8 September, 2022, CBD, Abuja

Anyaegbunam, E. O. (2021) The Legislator's Companion, A Handbook for Nigerian Legislative Assemblies, 5th edition, Malthouse Law Books. ISBN 978-978-58298-7-7

Anyebe, A. P. (2016) Types of Bills In Rules and Procedures Governing Legislative Process in Nigeria, *Journal of Law, Policy and Globalization*, ISSN 2224-3259 (Online) Vol. 48. Retrieved from www.iiste.org 30 December, 2023

Aulia, Y., Abdurahman, A., and Susanto, M (2021) Fundamental Principles of the Legislation Process: Comparative Study between Indonesia and the United Kingdom. *PETITA: Journal Kajian llmu Hukum dan Syariah*. P-ISSN: 2502-8006 E-ISSN: 2549-8274 DOI: Retrieved from https://doi.org/10.22373/petita.vol 6, No.1

Ayiwartia, Y. A. (2016). An Assessment of Public Participation in the Law-Making Process in Nigerian National Assembly, 2011 –

2015. A dissertation submitted to the National Institute for Legislative and Democratic Studies/University of Benin ((NILDS/UNIBEN) Post Graduate Programmes, in Partial Fulfilment of the Requirements for the Award of Master's Degree in Legislative Studies (MLS)

Clinton, R. V. (2024) Reasons for separation of powers". Retrieve from www.uollb.com/blogs, 25 June, 2025

Dan-Azumi, J. (2015) Induction Manual for Legislators, a Publication of the National Institute for Legislative Studies, National Assembly, Rosemedia Press

Danwanka, S. A. (2017) Bill Drafting, a paper presented at a Retreat for the staff of the Legislative Scrutiny Department and Rules and Business Committee of the House of Representatives at Four Points by Sheraton Hotel, Oniru Estate, Lagos

Egwu, S. (2011) The Standing Orders as a Vehicle for Legislative Stability in Readings on Developments in the Nigerian Legislature, published by the National Secretariat of Nigerian Legislatures National Assembly, Abuja. ISBN: 13 978-978-49794-0-5

Falade, D. A. (2014) Political Participation in Nigerian Democracy: A Study of Some Selected Local Government Areas in Ondo State, Nigeria. In *Global Journal of Human Social Science and Political Science*, Volume 14, Issue 8, Version 1.0 Year 2014. Retrieved from http://creativecommons.org, 22 October, 2023

Federal Republic of Nigeria (1999) Constitution of the Federal Republic of Nigeria, Federal Government Press, Lagos

Federal Republic of Nigeria (1999) Electoral Act, 2015, Federal Government Press, Lagos

Gahatraj, D (2021) [PDF] Doctrine of Separation of Power Retrieved from www.iilsindia.com 30 December, 2023

Glassman, M. E. (2016) Functions of Government in Separation of Powers: An Overview, Congressional Research Service, 7-5700 Retrieved from www.crs.gov 1 January, 2024

Hamalai, L (2015) Legislative Practice and Procedure of the National Assembly, a Publication of the National Institute for Legislative Studies, Abuja. ISBN: 978-978-908-125-7

Jaja, T. C. (2020) [PDF] "Strategies for Improvement of the Quality of Bills and Legislative Drafting in Nigeria" Retrieved from ir.nilds.gov.ng>handle 9 January, 2024

Jimoh, O. F (2019) National Assembly Statistical Information, A publication of Statistical Department, Directorate of Research and Information, National Assembly, Abuja, Nigeria Volume 7, 2019 ISSN 1597-8699

Kataye, M. A. and Ogbu, S. O. (2026) Lawmaking Process In Effects of Legislative Standards on the Lawmaking Process in Nigeria's Eighth National Assembly, *ISA Journal of Arts, Humanities and Social Sciences (ISAJAHSS)*, Volume 3, Issue 4, July-Aug-2026 DOI:10.5281/zenodo.22069881, Retrieve from www.https://isapublisher.com/isajahss/ 19 September, 2026. ISSN:3049-1827

Marlan H. (2016) The Importance of Stakeholders Approach in Public Policy Making In Advances in Social Science, Education and Humanities Research, Volume 84, International Conference on Ethics in Governance (ICONEG 2016)

Obasa, M. (2016) The Legislature and Good Governance, *The Nation*, Retrieved from http://thenationonlineng.net/legislature-good-governance, 11 December, 2016

Ogbu, O. N. (2013) The Doctrine of Separation of Powers and the Nigerian Nascent Democracy: Theory and Practice in Focus, Faculty of Law, Enugu State University of Science and Technology (ESUT), Enugu,

Nigeria

Ogbu, D. C. (2021) Post Legislative Scrutiny, A Mechanism for Effective Legislation. A dissertation submitted to the National Institute for Legislative and Democratic Studies/University of Benin (NILDS/UNIBEN) Post Graduate Programmes in Partial Fulfilment of the Requirements for the Award of Master of Laws Legislative Drafting (LLM)

Ogozy, N. O. (2016) Public Participation in Law-Making in the Nigerian National Assembly 2007 – 2015. A thesis submitted to the NILDS/UNIBEN Post Graduate Programmes in Partial fulfilment of the Requirements for the Award of Master's Degree in Legislative Studies (MLS)

Omotola, J. S. (2014) The Legislature in Democratic Theory: Nigeria in Comparative Perspective In The Legislature and Governance in Nigeria, Volume 1, John Archers (Publishers) Limited, Ibadan, Nigeria, ISBN 978-978-52615-6-1

PLAC (2017) Lawmaking Process in Nigerian National Assembly, Published by Policy and Legal Advocacy Centre, Plot 1059, Adamu Aliero Crescent, Guzape District, Abuja

Sable, V. (2020) Critical analysis of Applications of Separation of Powers Theory in India, Symbiosis International University, India, Retrieved from www.siu.edu.in 25 June, 2025

US NCSL Survey (2022) The Veto Process in General Legislative Procedures, National Conference of State Legislature, Retrieved from https://www.ncsl.org 14 January, 2024