

CONSTITUTIONAL FRAMEWORKS FOR LEGISLATIVE OVERSIGHT IN WEST AFRICA: A COMPARATIVE ANALYSIS OF NIGERIA, GHANA, AND SOUTH AFRICA

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Abstract

In a democratic society, the legislature is empowered with the responsibility of checks and balancing the actions of the government. This system makes sure that public funds are spent expeditiously and that the laws and policies made in a state is duly obeyed. This article undertakes an analytical constitutional comparison of legislative oversight in Nigeria, Ghana and South Africa. These trio is a reflection of African democracy which fundamental design is represents a separate approach to the pattern and enforcement of legislative scrutiny. Referencing from constitutional texts, judicial precedence, and academic opinion, this article examines how the fundamental design of oversight powers, committee systems; enforcement authority, enforcement mechanisms, and administrative independence have an influence the functional value of statutory accountability in Nigeria, Ghana and South Africa. The analysis reveals that while all three constitutions vest notable oversight powers in their legislatures, the existence of these powers has not translated into a constant responsibility in practice. This is shaped by political culture, administrative capability, and judicial attitude to enforce

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constitutional limitations. The article argues that for an effective oversight, what are required are not only strong constitutional provisions but also autonomous institutional infrastructure, clear and accessible procedures, mandatory sanctions and enforceable punitive measures for non-compliance by the executives. This comparative insights offer actionable guidance for reforming the legislative insight, as the lessons drawn are pertinent to Nigeria where there exist both political and administrative deficit and consistently have allowed for the constraint of an effective scrutiny at the Federal and state levels respectively.

Keywords: Legislative Oversight, Constitutional Democracy, Nigeria, Ghana, South Africa, Accountability, Comparative Constitutional Law, Committee System

1. INTRODUCTION

The doctrine of separation of powers is accredited to the famous scholar *Baron de Montesquieu* in the *Spirit of the Law*, posits that government power must not reside in a single body but that it must be shared among the three arms of government as each arm bears it's own sphere of a defined power and at the same time performs the act of checks and balances on the others¹.

At the heart of this is the arrangement is the oversight function of the law making arm of government: the institutional capacity of elected representatives to monitor, probe and oversee the executive conducts and ensure accountability for the exercise of public power and the management of public funds. In constitutional democracies across the African continent, this oversight role has a formal recognition as it has the backing of their constitution, yet it's practical performance varies

¹ Montesquieu, *The Spirit of Laws*, trans. Thomas Nugent (New York: Colonial Press, 1899).

relatively on how the constitution is design, institutional capacity and the political context in which such oversight is carried out².

This article chooses to compares how the legislative arm of government operates in Nigeria, South Africa and Ghana because of their contrasts. Each of these jurisdictions has a written constitution that provides for a formal legislative oversight and each also has a committee set up to carry-out this function, yet we can see obvious gaps in practice. Ghana and Nigeria share same location in the Western Africa. South Africa by contrast, operates a Parliamentary system of government and constitutionally operated court system known for its activist approach to enforcing it's constitutional constraint. Its oversight mechanisms are generally considered more robust, which makes it a valuable point of comparison for understanding what works and what does not³.

The comparative method applied here follows the functional tradition of comparative constitutional law. It does not simply list the constitutional provisions; rather, it is an examination of how these constitutions operate in practice, what institutional and political factors shape their effectiveness and the lessons that can be drawn for corrective purpose⁴.

² K.O Opalo, *Legislative Development in Africa: Politics and Governance* (Cambridge University Press 2019); O. Fagbadebo and F. Ruffin (eds), *Perspectives on the Legislature and the Prospects of Accountability in Nigeria and South Africa* (Springer 2019)

³ O. Fagbadebo and F. Ruffin (eds), *Perspectives on the Legislature and the Prospects of Accountability in Nigeria and South Africa* (Springer 2019); O. Fagbadebo, 'Interrogating the Constitutional Requisites for Legislative Oversight in the Promotion of Accountability and Good Governance in South Africa and Nigeria' (2019) 11(1) *Insight on Africa* 38; E. Gyimah-Boadi, 'The Challenges of Democratic Consolidation in Ghana' (2009) 17(1) *African Affairs* 1.

⁴ F. Bignami, 'Formal versus Functional Method in Comparative Constitutional Law' (2016) 53(2), *Osgoode Hall Law Journal* 442, DOI: <https://doi.org/10.60082/2817-5069.2993>, <<https://digitalcommons.osgoode.yorku.ca/ohlj/vol53/iss2/3>>, accessed 3 July 2026.

This article is divided into six parts. Part one draws inferences from Chohan's definition of legislative oversight as "*legislative oversight of bureaucracies refers to the set of activities that legislatures perform in order to evaluate the performance of bureaucratic institutions and the implementation of policies by bureaucrats*"⁵ and examines the observation of *Osunkoya and Basiru* where they highlighted that oversight 'entails the informal and formal watchful, strategic and structured scrutiny exercised by legislatures in respect of the implementation of laws, the application of budget, and strict observance of the statute and the constitution'⁶. Part two of this article proceeds with the analyses on Nigeria's constitutional framework; it also included the scope of investigating powers, the performance of the committee and Judicial decisions which define the boundaries of the oversight. Part three borders on the examination of Ghana's legal framework and the practical operations of its Parliamentary committees. Part four did an analysis of South African's constitutional model. In part five, this article performs a systematic comparison, identifying the similarities and differences, while in part six, we have reforms and recommendations.

2. NIGERIA: CONSTITUTIONAL DESIGN AND INSTITUTIONAL CHALLENGES

2.1. The Constitutional Framework

The Constitution of the Federal Republic of Nigeria 1999 (as amended) vests legislative powers of the federation in the National

⁵ U. W. Chohan, 'Legislative Oversight of Bureaucracy' in *A Farazman, Global Encyclopedia of Public Administration, Public Policy and Governance* (Springer 2017).

⁶ Osunkoya O. and Basiru A.S., 'The Legislatures, Legislative Oversight and Crisis of Governance in Democratizing Nigeria: A Prebendalist Perspective' (2019) 11(1), *Inkanyiso* 13, 14.

Assembly and of each state in the respective House of Assembly⁷. The constitutional basis for oversight is found principally in sections 88 and 89 (for the National Assembly) and sections 128 and 129 (for State Houses of Assembly), which together constitute one of the most explicit constitutional articulations of legislative oversight authority in Anglophone Africa.

Section 88(1) empowers each House to investigate 'any matter or thing with respect to which it has power to make laws' and 'the conduct of affairs of any person, authority, Ministry or government department charged, or intended to be charged, with the duty of or responsibility for executing or administering laws enacted by the National Assembly, and disbursing or administering moneys appropriated or to be appropriated by the National Assembly'⁸. This investigative jurisdiction is broad but expressly purposive: section 88(2) confines its exercise to enabling the legislature to 'make laws with respect to any matter within its legislative competence' and to 'expose corruption, inefficiency or waste in the execution or administration of laws within its legislative competence'⁹. Section 89 supplements this with coercive powers, including the authority to summon witnesses, compel production of documents, and take evidence on oath¹⁰.

A similar framework applies at state level by virtue of sections 128 and 129, which confer equivalent investigative and coercive powers on State Houses of Assembly in respect of matters within their legislative competence¹¹. The conferral of oversight powers at both federal and state levels reflects Nigeria's federal constitutional structure, in which

⁷ CFRN 1999 (as amended), s 4(1) and (6).

⁸ *ibid*, ss 88(1)(a)-(b).

⁹ *ibid*, s 88(2).

¹⁰ *ibid*, s 89.

¹¹ *ibid*, ss 128-129.

legislative, executive, and administrative functions are distributed between the federation and the thirty-six states.

2.2. Judicial Interpretation of Oversight Powers

Nigerian courts have played a significant role in delineating the constitutional boundaries of legislative oversight. In *Attorney-General of Ogun State v Attorney-General of the Federation*¹², the Supreme Court affirmed the primacy of federal legislation over state laws in cases of concurrent competence-a structural backdrop to the limits of each tier's oversight jurisdiction. More directly on oversight, the Supreme Court held in *A-G. Abia State v. A-G. Federation*¹³ that the National Assembly cannot invoke its oversight functions in respect of matters within the exclusive law-making powers of State Houses of Assembly. This confirms that legislative oversight in Nigeria, while constitutionally robust, is bounded by the jurisdictional limits of each legislative tier.

The supremacy of the Constitution as the grundnorm- confirmed in *Mohammed v. F.R.N.*¹⁴ -provides the normative foundation upon which the validity of all oversight activities rests. Any exercise of oversight transcending the constitutional boundaries of sections 88, 89, 128, and 129 is liable to judicial invalidation. The Court of Appeal further clarified in *S.P.D.C.N. Ltd. v. Ajuwa & Anor*¹⁵ that the legislature's powers, while extensive, do not include the authority to award compensation or damages-such relief remaining the exclusive province of the courts. This establishes a significant limit on the practical impact of oversight outcomes: legislative recommendations are formally non-binding, rendering the legislature unable to impose legal consequences directly for executive non-compliance.

¹² (1982) 3 NCLR 166 (SC).

¹³ (2006) 16 NWLR (Pt 1005) 265.

¹⁴ (2018) 13 NWLR (Pt 1636) 229.

¹⁵ *S.P.D.C.N. Ltd. v. Ajuwa & Anor* (2015) 15 NWLR 413 (CA).

In *Togun v. Oputa (No. 2)*¹⁶, the court reaffirmed that Nigeria operates under a constitution that clearly delineates the legislative powers of the National Assembly and State Houses of Assembly, and that it is the function of the courts to ensure that each legislative arm operates within its constitutional sphere. These judicial pronouncements collectively establish a framework of bounded oversight authority in which the legislature exercises significant but constitutionally circumscribed powers of scrutiny.

2.2.1 Institutional Challenges

Despite the constitutional robustness of Nigeria's oversight framework, its practical effectiveness has been significantly constrained. Executive dominance is the most pervasive challenge: legislatures frequently operate under the influence of the executive, driven by party discipline, control of legislative funding, and the prevailing culture of patronage politics¹⁷. Fatile and Adejuwon observe that while the legislature is entrusted with extensive constitutional powers, the exercise of those powers is too often shaped by partisan loyalties rather than institutional imperatives¹⁸.

The committee system-the primary institutional vehicle for oversight-is weakened by inadequate technical capacity, insufficient research support, and limited access to timely information from Ministries, Departments and Agencies (MDAs)¹⁹. Olaogun and others note that

¹⁶ (2001) 16 NWLR (Pt 740) 597.

¹⁷ K. B. O. Ejumudo and F. A. Ikenga, 'The Problematic of Legislative Oversight in Nigeria: A Study of Delta State' (2021) 3(2), *The Indonesian Journal of International Clinical Legal Education* 125, 130.

¹⁸ J.O. Fatile and K.D. Adejuwon, 'Legislative Oversight as Accountability Mechanism: The Nigerian Perspective' in O Fagbadebo and M.O.A Alabi (eds), *The Legislature in Nigeria's Presidential Democracy of the Fourth Republic* (Springer 2023).

¹⁹ M.S. Olaogun, I.J. Iwuoha and others, 'Legislative Oversight in Nigeria's Democracy: Roles, Challenges and Way Forward' (2024) VIII(XIV), *International Journal of Research and Innovation in Social Science* 629, 633.

oversight activities frequently assume a reactive rather than proactive character, responding to crises rather than systematically monitoring programme implementation²⁰. The absence of robust enforcement mechanisms-particularly the lack of sanctions for non-compliance with legislative resolutions-further diminishes the practical impact of oversight findings²¹.

At sub-national level, these challenges are compounded by financial dependence of State Houses of Assembly on the executive for their operational budgets. Despite constitutional and policy efforts-including the Fifth Alteration to the Constitution-to achieve financial autonomy for state legislatures, implementation has been slow and uneven²². The result is a system in which the constitutional promise of independent legislative oversight remains, in many states, largely unrealised in practice. Ejumudo and Esiso, examining Delta State specifically, found that public policies consistently suffer not from poor design but from persistent weaknesses in implementation processes-a gap that effective legislative oversight is constitutionally designed, but practically failing, to address.²³

3. GHANA: CONSTITUTIONAL DESIGN AND PARLIAMENTARY PRACTICE

3.1. The Constitutional Framework

The Constitution of the Republic of Ghana 1992 established a Presidential system with a unique unicameral Parliament which exercises both legislative and oversight functions. The constitutional

²¹ O Nnajofofor and D Nnajofofor, 'Legislative Oversight and Institutional Accountability in Nigeria' (2025) 7(2) *International Review of Law and Jurisprudence* 52, 55.

²² National Institute for Legislative and Democratic Studies (NILDS), *Legislative Oversight Manual* (2022) <<https://www.nilds.gov.ng>> accessed 28 March 2026.

²³ K.B.O. Ejumudo and K.T. Esiso, 'The Problematic of Public Policy Implementation in Delta State' (2023) 13(1), *International Journal of Innovations in Arts and Humanities* 1, 5.

framework for oversight is centred on Article 103, which empowers the Parliament to appoint committees 'for any special or general purposes as in its opinion would be better regulated and managed by means of such a committee'²⁴. Article 103(4) grants parliamentary committees the power to 'compel the attendance of witnesses and examining them on oath and compel the production of documents'²⁵. This constitutionally entrenched coercive authority is broadly equivalent to the Nigerian model under sections 89 and 129 of the CFRN 1999.

Notably, a feature of Ghana's oversight architecture is Article 187(6), which requires Parliament to 'debate the Report of the Auditor-General and appoint where necessary, in the public interest, a committee to deal with any matters arising from it'²⁶. This provision institutionalises the role of Parliament in reviewing external audit findings, creating a constitutional linkage between the external audit function and legislative oversight of public finance. This constitutional requirement that funds may not be withdrawn from the Consolidated Fund except by an Appropriation Act passed by Parliament²⁷ has further positioned the legislature as a primary gatekeeper of the public funds, lending constitutional weight to its oversight of expenditure.

3.2. The Public Accounts Committee and Oversight Practice

The Parliamentary system of Ghana has developed a well-regarded tradition of public accounts oversight through the Public Accounts Committee (PAC). This Committee conducts a regular examination of the Auditor-General's reports and holds public hearings to scrutinise government expenditure. This is a distinct feature of Ghanaian parliamentary practice- the broadcast of significant cases in public,

²⁴ Constitution of the Republic of Ghana 1992, Art 103.

²⁵ *ibid*, Art 103(4).

²⁶ *ibid*, Art 187(6).

²⁷ *ibid*, Art 178.

broadcast character of PAC hearings, which enhances transparency and citizen engagement²⁸.

This approach directly addresses one of the most persistent criticisms of legislative oversight in sub-Saharan Africa—the opacity of committee proceedings and limited access afforded to civil society and media. By opening PAC hearings to public scrutiny, Ghana's Parliament has operationalized the accountability theory's emphasis on transparency as a condition of effective oversight: as Pujari and Joshi observe, transparency in public sector governance is a fundamental principle of democracy and a precondition for meaningful accountability²⁹.

Nevertheless, Ghana's oversight framework faces challenges. Partisan alignment between the legislative majority and the executive, resource constraints affecting committee capacity, and varying levels of institutional independence among committees have been identified as limitations³⁰. Like Nigeria, Ghana is also faced with the challenge of translating formal constitutional powers into a sustained and effective scrutiny. The constitutional requirement in Article 103 that committees may compel attendance and production of documents³¹ provides a strong legal foundation, but enforcement depends on the political will of the House to exercise its coercive authority.

²⁸ Ghana Audit Service, 'Public Accounts Committee to Hold Sitings' (22 June 2020), <<https://audit.gov.gh>>, accessed 30 May 2026.

²⁹ R. Pujari and P. Joshi, 'Transparency in Public Sector Governance: The Role of the Right to Information Act' (2024) 5(6), *ShodhKosh: Journal of Visual and Performing Arts* 187, 191.

³⁰ A. J. R. Ayee, 'Governing in an African Context: The Role of Accountability Mechanisms' (2020) 28(1), *African Governance Review* 75, 83.

³¹ Constitution of the Republic of Ghana 1992, Art 103(6).

4. SOUTH AFRICA: A MODEL OF INSTITUTIONALISED OVERSIGHT

4.1. The Constitutional Framework

The Constitution of the Republic of South Africa 1996 represents the most sophisticated and explicitly accountability-oriented constitutional framework among these three compared jurisdictions. A mandate is on the National Assembly to provide mechanisms to ensure that all Executive organs of state in the National sphere of government are accountable to it and to also maintain an oversight of the exercise of National Executive Authority, including the implementation of legislation, and any organ of state³². Unlike the Nigerian and Ghanaian constitutions, which cast oversight as a power to be exercised, the South African Constitution frames it as a duty-a positive obligation imposed on the National Assembly-thereby elevating oversight to a constitutional imperative rather than a discretionary function. It is conferred on the National Assembly and its committees the authority to summon any person to appear before it to give evidence on oath or affirmation, or to produce documents: to require any person or institution to report to it; and also to receive petitions, representations or submissions from any persons or institutions who have interest³³. This is a remarkably comprehensive set of constitutional oversight tools, giving the National Assembly a quasi-judicial investigative powers backed by the authority to compel compliance. The Constitution further require members of Cabinet to be accountable to Parliament and to act in accordance with the Constitution and law³⁴, and also to provide a constitutional basis for individual ministerial accountability-a dual accountability structure-institutional accountability of executive organs under section 55(2) and individual

³² Constitution of the Republic of South Africa 1996, s 55(2).

³³ *ibid*, s 56.

³⁴ *ibid*, s 92(2) and (3).

accountability of ministers under section 92-that has no direct equivalent in the Nigerian or Ghanaian frameworks.

4.2. The Committee System and Institutional Capacity

South Africa's parliamentary committee system is widely regarded as one of the most developed on the African continent, characterised by high levels of specialisation, professional research support, and a tradition of independent engagement with executive agencies. Portfolio committees monitor the expenditure, administration, and policy implementation of specific government departments, conducting regular hearings, reviewing annual reports and budget votes, and producing detailed reports with findings and recommendations³⁵.

The Standing Committee on Public Accounts (SCOPA) plays a central role in financial oversight, examining Auditor-General reports and holding departmental officials accountable for financial irregularities. SCOPA hearings are notable for their rigorous cross-examination of senior officials and public accessibility, creating a model of financial accountability oversight that combines legislative authority with public transparency³⁶. A particularly commendable feature of South Africa's parliamentary committees is their accessibility-including conducting hearings in remote locations to overcome geographic barriers to participation-setting a benchmark for inclusive oversight.

The South African Constitutional Court has also played a very active role in enforcing constitutional accountability norms, affirming that no

³⁵ K .M. Matebese-Notshulwana, *'A Critical Analysis of the Oversight Role and Function of the Standing Committee on Public Accounts (SCOPA) in Promoting Accountability in South Africa's Public Sector'* (University of Pretoria Repository 2022).

³⁶ Standing Committee on Public Accounts (SCOPA), *'Creating Oversight and Accountability Mechanisms in the Local Sphere of Government'* (13 September 2022), <<https://www.gpl.gov.za>>, accessed 30 June 2026.

organ of state may place itself above the constitutional framework and that oversight obligations carry enforceable constitutional force³⁷. This Judicial activism in support of constitutional accountability distinguishes the South African model from the Nigerian experience, where courts have been comparatively restrained in enforcing the positive dimensions of legislative oversight obligations.

5. COMPARATIVE ANALYSIS

5.1. Constitutional Design: Powers versus Duties

A fundamental structural distinction between these three frameworks concerns the nature of oversight as constitutionally conceived. In Nigeria and Ghana, legislative oversight is constituted primarily as a power-an authority to investigate, summon, and scrutinise-exercisable at the discretion of the respective legislature³⁸. In South Africa, by contrast, section 55(2) frames oversight as a duty-a mandatory obligation imposed on the National Assembly to maintain oversight of executive action. This distinction carries significant consequences: a discretionary power may be exercised or withheld without constitutional breach; a constitutional duty cannot be abdicated without attracting potential judicial intervention.

The purposive limitation on oversight in Nigeria-confining it to the purposes of law-making and exposing corruption or inefficiency under sections 88(2) and 128(2)-has been interpreted by courts in a manner that circumscribes the scope of legislative inquiry, as illustrated in the decided case of *A-G. Abia State v. A-G. Federation*³⁹. Also, Ghana's constitutional framework does not impose a comparable explicit

³⁷ Centre for Child Law v Minister of Justice and Constitutional Development (2009) (6) SA 632 (CC).

³⁸ Constitution of the Republic of South Africa 1996, ss 55-56; Constitution of the Republic of Ghana 1992, Arts 103, 187; Constitution of the Federal Republic of Nigeria 1999 (as amended), ss 88, 89, 128, 129.

purposive limitations, while South Africa's broad mandate under section 55(2)-encompassing oversight of any organ of state-is the most expansive of the three. The South African model thus provides the widest constitutional space for legislative scrutiny, while Nigeria's framework is the most constrained in stated purposes.

5.2. The Committee System: Specialisation and Capacity

All three constitutional frameworks vest the committee system with a central role in operationalising oversight⁴⁰. However, the level of institutional development varies significantly. South Africa's portfolio committees benefit from dedicated professional staff, research resources, and a tradition of independent sustained engagement. This institutional infrastructure supports rigorous, evidence-based oversight that goes beyond procedural compliance to substantive the assessment of the rule and programme performance.

Ghana's committee system, while more modestly resourced, demonstrates a notable strength in its Public Accounts Committee practice, particularly the combination of the Auditor-General's reports and public broadcasting of it's hearings⁴¹. Nigeria's committee system, by contrast, suffers from clearly identified deficiencies in technical capacity, research support, and independence from executive influence. Notably, Washington, Ekang, and Ekpo found that Nigerian oversight committees, despite exposing it's financial irregularities and compelling some level of MDA compliance, are consistently undermined by political interference, weak enforcement powers, and inadequate institutional independence⁴².

⁴⁰ Constitution of the Federal Republic of Nigeria 1999 (as amended), s 103; Constitution of the Republic of South Africa 1996, s 56; Constitution of the Republic of Ghana 1992, Art 103.

⁴² B.U. Washington, A.E. Ekang and E. E. Ekpo, 'Appropriation to Accountability: Assessing the Effectiveness of Legislative Oversight Committees in Nigeria's Budget

A common thread running across all these three jurisdictions is the difficulty of partisan alignment between the legislative majority and the executive. Cox and McCubbins have identified partisan politics as a structural feature of presidential systems⁴³, and all three systems exhibit this challenge. However, the institutional checks built into South Africa's committee system-including the involvement of opposition parties, mandatory reporting requirements, and constitutional accountability obligations-provide greater structural resistance to partisan capture than the equivalents in Nigeria and Ghana.

5.3. Enforcement Mechanisms and Judicial Oversight

All these three jurisdictions possess constitutional authority to compel attendance and production of documents⁴⁴ however, the enforcement of it's legislative recommendations-the power to require executive compliance with oversight findings-is notably weaker in Nigeria and Ghana than in South Africa.

In Nigeria, the ruling in *S.P.D.C.N. Ltd. v. Ajuwa & Anor*⁴⁵ that legislative resolutions cannot confer rights to compensation establishes a clear limitation on the legal effect of oversight outcomes. This renders Nigerian legislative recommendations formally non-binding, and in the absence of any statutory sanctions for non-compliance, the executive may ignore oversight findings without legal consequence.

Implementation' (2025) 9(1), *International Journal of Advanced Research in Accounting, Economics and Business Perspectives* 215, 220.

⁴³ G.W. Cox and M. D. McCubbins, 'Legislative Leviathan', in U E Okolocha and M D Aluko, 'Challenges to the Committee System Under the Nigerian Presidential and British Parliamentary Constitutions' (2025) 3(2), *KB Law Scholars Journal* 1, 8.

Ejumudo and Ikenga have observed that this enforcement weakness has historically undermined the credibility and practical impact of oversight in Delta State and the broader Nigerian system⁴⁶.

Ghana's constitutional framework is broadly similar in its enforcement limitations, though the mandatory PAC engagement with Auditor-General's reports provides a structural mechanism for follow-up. The South Africa's model amongst these three is the most developed in enforcement: the constitutional obligation of executive accountability to Parliament under sections 55(2) and 92, combined with the Constitutional Court's willingness to enforce constitutional accountability norms, creates a normative and legal environment in which executive non-compliance carries greater risk of judicial intervention⁴⁷.

5.3.1. Access to Information and Transparency

The effectiveness of legislative oversight is fundamentally dependent on the availability of accurate, timely, and comprehensive information from the executive and implementing agencies. All three constitutional frameworks provide mechanisms for compelling information, yet all three face challenges of executive reticence, delayed reporting, and incomplete disclosure.

Nigeria's oversight system is particularly hampered by poor information flows: MDAs frequently fail to provide timely financial reports and performance data. Farazmand and others have identified corruption and lack of transparency as systemic factors that compromise the information base upon which effective oversight depends⁴⁸. Sani, Peter, and Ibrahim also confirm that the Nigerian

⁴⁷ Constitution of the Republic of South Africa 1996, ss 55(2)(a)-(b), 92.

⁴⁸ A. Farazmand and others, 'Corruption, Lack of Transparency and the Misuse of Public Funds in Times of Crisis' (2022) 22(3), *Public Organization Review* 497.

legislature's use of oversight as an accountability mechanism is compromised by this information deficit⁴⁹.

Ghana's practice of public PAC hearings and South Africa's committee transparency-including the accessibility of committee reports and the public character of proceedings-represent more advanced approaches to overcoming information asymmetry through transparency and public engagement. These practices operationalize the accountability theory's insight that effective oversight is strengthened by openness and citizen participation, and align with the World Bank's emphasis on reliable data and independent research capacity as prerequisites for effective oversight⁵⁰.

6. RECOMMENDATIONS FOR LEGISLATIVE REFORM

The comparative analysis yields a number of concrete recommendations for strengthening legislative oversight, with particular relevance to Nigeria.

Firstly, constitutional reform should consider reconceiving legislative oversight in Nigeria from the angle of a discretionary power to a constitutional duty, drawing on the South African model in section 55(2) of the 1996 Constitution. Such a reform would subject legislative inaction-the failure to exercise oversight-to potential judicial scrutiny, creating a structural incentive for proactive engagement.

Secondly, enforcement mechanisms require strengthening. The inability of legislative resolutions to bind the executive, confirmed in

⁴⁹ T.M. Sani, A.M Peter and A. Ibrahim, 'Oversight Functions of the National Assembly in Nigeria: Issues and Challenges' (2024) 13(3), *Abstra International Journal of Psychology and Humanities* 85, 89.

⁵⁰ World Bank, 'Public Sector Governance and Accountability Series: Performance Accountability and Combating Corruption', <<https://internationalbudget.org>>, accessed 13 June 2026.

*S.P.D.C.N. Ltd. v. Ajuwa & Anor*⁵¹, underscores the need for statutory provisions mandating compulsory executive responses to oversight findings within defined timeframes, with clear sanctions for non-compliance. Such provisions would transform oversight outcomes from advisory recommendations into enforceable accountability instruments.

Thirdly, the committee systems of Nigerian legislatures require substantial investment in technical capacity and professional research support. The experience of South Africa's portfolio committees demonstrates that effective oversight is only possible where committees possess the analytical tools to evaluate complex policy and financial data. The adoption of professional committee staff and expert advisory panels, as recommended by the National Institute for Legislative and Democratic Studies⁵², is an urgent institutional reform requirement.

Fourthly, the urgency for transparency, which must be institutionalised as a condition of oversight practice. Referencing on Ghana's model of public PAC hearings and South Africa's accessible committee proceedings, Nigerian legislatures should adopt mandatory requirements for the public conduct of oversight hearings, publication of committee reports, and broadcast of significant investigations. As the rule and Legal Advocacy Centre observes, effective oversight requires not merely the existence of mechanisms but the political will and institutional capacity to use them openly and consistently.⁵³

Fifthly, financial independence for state legislatures in Nigeria must be effectively implemented. Without an independent control over their

⁵³ Policy and Legal Advocacy Centre (PLAC), *Guide to Legislative Oversight in the National Assembly* (2019), accessed 14 March 2026.

operational budgets, State Houses of Assembly cannot exercise genuine oversight. The Fifth Alteration to the Constitution of the Federal Republic of Nigeria 1999 (as amended) provides the constitutional foundation; rigorous enforcement at the state level is now required.

Finally, a framework for structured inter-institutional coordination between legislative committees, the Auditor-General, anti-corruption agencies, and civil society organisations should be established. Such coordination-exemplified by Ghana's mandatory PAC engagement with Auditor-Generals reports under Article 187(6)⁵⁴, would significantly enhance the information base available to the legislature and improve the quality and depth of oversight activities. Omanbayevich observes that parliaments that embrace digital governance tools and inter-institutional coordination are significantly better positioned to respond to societal needs⁵⁵.

7. CONCLUSION

This article has undertaken a comparative constitutional analysis of legislative oversight in Nigeria, Ghana, and South Africa. It examines how constitutional design, institutional capacity, enforcement mechanisms, and transparency practices shape the effectiveness of legislative scrutiny in each jurisdiction. The analysis reveals that, while all three constitutions provide a formal framework for oversight, the translation of constitutional provisions into practical accountability is uneven and conditioned by institutional, political, and structural factors operating beyond the constitutional text.

South Africa's constitutional framework, together with its explicit duty of oversight, comprehensive committee powers, and Constitutional

⁵⁵ J. S. Omanbayevich, 'Transforming Parliamentary Oversight: Emerging Trends in Parliamentary Oversight and Digital Governance' (2026) 55, *World Bulletin of Management and Law* 5, 6.

Court enforcement-represents the most institutionally and developed model, offering important lessons for constitutional design and institutional reform in the broader region. Ghana's practice of transparent public accounts oversight provides a model of procedural openness that enhances accountability and citizen engagement. Nigeria's constitutionally robust but practically constrained framework underscores the limits of constitutional design alone: formal powers require institutional capacity, political will, and enforceable consequences to become effective accountability mechanisms.

The comparative lessons point toward a reform agenda for Nigeria that combines constitutional reconceptualization of oversight as a duty, strengthening of enforcement mechanisms, investment in committee capacity, institutionalisation of transparency, and implementation of legislative financial autonomy. The achievement of effective legislative oversight is not merely a legal or institutional project-it is a democratic imperative, fundamental to the accountability and legitimacy of government in any constitutional democracy. As observed by Dele-Dada, Gberevbie, and Owolabi, strengthening oversight mechanisms will not only improve the implementation of government programmes but also enhance public trust in the institutions of democratic governance.⁵⁶

⁵⁶ M. Dele-Dada, D. Gberevbie and F. Owolabi, 'Mitigating Structural Violence through Legislative Oversight: Examining Poverty Alleviation Programmes in Nigeria' (2024) 10(1), *Cogent Social Sciences* 1, 7.