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LEGISLATIVE - EXECUTIVE CONFLICTS IN NIGERIA'S FOURTH REPUBLIC: IMPLICATIONS FOR DEMOCRATIC CONSOLIDATION

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ABSTRACT

Modern democracy can only be made possible through the instrumentality of representation that is provided by the legislature. Presidentlalism however offers to a very large extent the full operation of principles of separation of powers and checks and balances. In the course of these arms of government performing their constitutional functions, chances are high that conflict would arise especially between the legislature and the executive. The Nigeria's Fourth Republic experience has been dotted with series of inter-arm conflict between the executive and the legislature. This phenomenon has not provided the needed grounds for the consolidation of Nigeria's democracy. It is against this backdrop that this paper investigated the causes of conflicts between the executive and legislature; and the impacts of such conflicts on democratic consolidation of Nigeria's Forth Republic. The study relied on secondary sources of data for review. The study however discovered that harmonious and peaceful working relationships between the executive and legislature is but a necessary factor for democratic consolidation. It concluded by emphasizing the importance of legislative- executive cordiality as the most important factor to ensure the engendering of good governance, democratic dividends as well as consolidating the nascent Nigeria's democracy. It went further by offering as suggestions for the strengthening of democratic institutions and structures as well as continuous capacity building and training for members of both arms as possible escape route for damaging inter arm conflict in Nigeria Forth Republic democratic experiment.

Keywords: Democracy, Consolidation, Legislature, Executive, Conflict

Introduction

Nigeria's Fourth Republic was greeted with high hopes and aspirations by politicians and electorate alike. This is because the country has whimpered under the repressive rule of seven different military juntas for a cumulative number of 29 years between her independence in 1960 and the beginning of the Fourth Republic in 1999. Between the periods of military intervention in the Nigeria political space in 1966 and her eventual return to civil rule in 1999, two previous but failed attempts were made to democratize Nigeria political arena (1979-1983, 1992-1993). A common denominator of all these democratic experiments is that they were a product of military conjecture which allowed for little or no inputs from the civil populace; the resultant effects of this phenomenon is a contrived and warped constitutional engineering process, distorted and

disjointed political culture as well as poor political participation. The Fourth Republic democratization process is not any different from the previous ones. It lasted for only 12 months. The Abubakar Abdulsalam transition programme was the shortest and most hurriedly packaged transition programme in Nigerian history. The death of the duo of Late General Sani Abacha and Late MKO Abiola (the former was the then maximum ruler who had put machinery in motion to transform himself to an elected leader; while the later was the acclaimed winner of the annulled June 12 mandate) put an end to the struggle for the actualization of the June 12 mandate and the contrived transition programme of Abacha. The Abubakar Abdulsalam led regime bequeathed a constitution seating on a three legged table which came into force on the 29th of May, 1999, setting off the beginning of Nigeria Fourth Republic democratic experiment

Legislative- Executive relationship in Nigeria's Fourth Republic has being consistently dotted with conflicts, acrimony and disputes of varying measures across the various administrations and tiers of government in the period under review. The conflict often times reached an unimaginable height that the machineries and processes of governance are slowed down and are sometimes brought to a halt (Obidinma and Obindinma, 2015). However, the interactions and relationships that exist among the arms of government have great implications in attaining good governance and development (Momodu and Matudi, 2013). Robust and healthy relationship between the legislature and executive arms is a sin qua non in the quest for national development and engendering democracy in a nascent democratic environment like Nigeria's Fourth Republic. This view is corroborated by Momodu (2012), the executive and legislative arms are vehicles for engineering good governance for the purpose of delivering democratic dividends to citizens in an elective democracy in the world.

Conflict as an attribute of human nature has consistently come to play in the interactions between the two arms in the Fourth Republic; the relationship has been conflictual rather than harmonious as reflected in the high rate of executive arm influenced turn-over in the National Assembly (especially the Senate) during the first 8 years of the republic(Fatile, 20017). Anazodo 2015 however acknowledged the fact there is a decline in the rate of altercations between the two arms of government especially starting from 2007. One can trace the continuous feud between the two organs to the long period of military occupation of the political realm of the country and the personality of the heads of these arms of government (Igbokwe-Ibeto & Anazodo, 2015).

Notable however is the fact, all is not yet uhuru not withstanding Anazodo (2015)'s submission about the decline in the legislative –executive rifts, there continues to exist prevalent inter-arm conflicts in the Fourth Republic. There were instances when the leadership of the parliament is controlled by a different party from the one in charge of the government. This in itself is a huge source of conflict. Situation like this has a great threat for legislative- executive harmony in Nigeria's Fourth Republic. Legislative- executive conflict is one of the many dangers associated with presidential system of government which creates three distinct organs that are dully separated and are expected to function independently of one another and may be in disagreement (Lijphart, 1984 cited in Fatile, 2017).

In spite of all these, the needed political and economic development as well as democratic consolidation is largely dependent on the level of cordiality that exists between these arms of government and that would be elusive in an atmosphere of continued conflict between the two arms. It is in view of this that this paper seeks to query the rationale behind the incessant friction that takes place between legislative and executive arms; what are the implications of legislative- executive conflict on democratic consolidation? How can this ugly trend be curtailed?

Legislative-Executive conflict and democratic consolidation: Literature review

Conflict

Conflict is an action or a behavior by a person or group that inhibits the attainment of goals by another group(s) or person(s) (Riggio cited in Bassey &e'tal, 2013). Human social interactions have always being marked by conflict from time immemorial; this is because variation in opinions exists just as much as humans. Flippo (1999) holds a view that a total absence of conflict would be most unbelievable, boring and a clear indication at conflicts are being suppressed. To Wolff (2006), conflict describes a state of two or more individual(s) pursuing incompatible just goals but from their individual perspectives. Wolff went further to posit that conflict emanate from the struggle over power and economic benefits by both leaders and the led. The individuals involved (conflict mongers) would most time settle for 'privileged violence over negotiation' and 'conflict over cooperation' because of their vested interest. In understanding conflicts and conflicts situations, Wolff went further to prescribe that one must understand the actors and factors responsible for conflicts (Wolff, 2006). Conflict is a demonstration of displeasure about a situation or person that antagonizes one's interests.

Democracy

Conflicts are an inseparable component of human interactions, how such conflicts are resolved is the concern of many. The society is naturally compelled to put in place mechanism for leadership and conflict resolution. Such mechanism may vary from place to place and age to age. In recent times, the most widely accepted leadership and conflict resolution mechanism is democracy. What therefore is Democracy? The concept of democracy has assumed a variegated usage over time; According to Erunke (2012) cited in Adeosun (2014), "democracy is a fluid concept that has received many definitions by scholars either in the classical political studies or in the contemporary world of scholarship". The very essence of democracy goes beyond mere conceptualization; just as Lively (1975) posits that democracy is a mechanism through which the society maintains its equilibrium. The term however appears to be the most widely globally used across social and political strata. It is differently used, but it points to a government mechanism that recognizes participation of people, choice and freedom in their own affairs.

Johari (2002) views democracy from 4 varying perspectives: 1) as a form of state, 2) as a form government, 3) as a form of society and 4)as an ethical ideal or a way of life.

1. **Democracy as a form of state**: this is first Johari categorization of democracy, to him, irrespective of the form of government in practice in any

country, so long as power resides in the people and the sovereign authority is vested in the masses with such notion as liberty and equality embedded in the constitution of the state; Johari (opcit) asserted that such state is democratic. The defunct USSR was deemed democratic in spite of the absence of democratic government. Suffice to mention that the above notion exists majorly in the theoretical realm.

2. **Democracy as a form of government**: Practically, a democratic government is one that is constituted based on the constitution of the land, acts according to the will of the people and is accountable to them in everything. It promotes all democratic values (as would be seen subsequently).
3. **Democracy as a society**: this notion of democracy is sociological in origin and thinking. A society is seen to be democratic if its operation and administration (be it traditional, cultural or political) is anchored on the principle of liberty, equality and natural justice.
4. **Democracy as way of life:** this categorization of democracy is psychological, social and emotional. It refers to how individual, group and organizations see themselves as against the other(s). An individual (or group) who is constantly egoistic, chauvinistic, tribalistic or biased in his view and dealings with his neighbours cannot be said to be democratic. Such a person will at every given opportunity betray the cause of natural justice, liberty and equality. Bryce in contributing to this sub classification of democracy as a way of life wrote that in some advance countries like the US, UK, Canada and Australia "democratic individuals is one that has "acquired association of social and, indeed almost a moral character" further, Bryce asserted that "a democratic person is one that is friendly, genial, or a good mixer, regardless of his wealth or social status"

For the purpose of this paper, the Johari's view of democracy is a form of government is mostly apt and thus is adopted; to him a democratic government most possess the following features: 1) it must constituted based on the constitution of the land, 2) it must always act according to the will of the people and 3) it must always be accountable to them in everything (Johari 2002). Okolie(2006) quoted by Okonkwo &Unaji(2016) sees democracy as a way of life in a society whereby individuals is believed to have equal right and liberty concerning the issues of freely participating in the values of that society they belong. The duo of Harvey and Harvey (1974) hold the view that democracy goes beyond the notion of periodic election and 'one man one vote', to them, democracy encompasses the following among other things:

i. Doing things according to the constitution and set rules of government
ii. Accommodation of minority views
iii. Periodic elections
iv. Freedom of speech and largely
v. Observance of the rule of law.

Ajayi (2003 cited in Adebayo 2016), provided further insight into the qualification of a democratic state. To him, for any state to lay claim to being democratic, there must be popular

participation, competitive choice, the presence and enjoyment of civil and political liberties by citizen in all climes, and accountability of the government. According to Almond and e'tal.(2004), democracy simply refers to a political system where the citizenry enjoy a number of basic civil and political rights; in which the selection of their most important political leaders are done in free and fair elections, the leaders are held accountable under the rule of law. Democracy therefore refers to a system of government that built on the following features: recognition and respect citizen rights, liberty and rule of law; promotion of citizens' participation in governance through periodic, free and fair elections; and operating based on the dictates of the constitution.

Democratic Consolidation

Democratic consolidation aptly falls in the category of topical concepts that has attracted the attention of scholars since the inception of the '3rd wave of democratization in Africa (Adeosun, 2014). The concept does not allude itself to an acceptable definition, just like many in social science. In the view of Schedler (1998), *democratic consolidation* is "an omnibus concept, a garbage-can concept, a catch-all concept, lacking a core meaning that would unite all modes of usage." Adeosun (2014) while relying on the views of Linz and Stephan (1998) and Venezuela(1992) classified democratic consolidation into two: 1) democratic consolidation as avoiding democratic breakdown (Linz and Stephan1998) and 2) as evolving from a diminished sub-type of democracy to a consolidated liberal democracy (Valenzuela, 1992). In providing further explanation to the above classifications, Shedler (1998) cited in Adeosun(2014) holds the view that the latter classification focuses on the process of engendering, completing, organizing and institutionalizing democratic practices; while the former is majorly concerned with the processes involved in the stabilization as well as maintenance of new democracies. Nascent democracies are faced with numerous challenges and threats of relapse into status quo or the growth of such democracy easily comes under the threat being retarded or better still regressing into authoritarian regime. Deliberate measures must therefore be put in place to ensure that nascent democracies are consolidated in the fastest possible time.

In the views Schmitter (1992) and Lee (2007) reviewed in Akubo and Yakubu, (2014), Democratic consolidation is viewed from two perspectives; one is a "minimalist conception", which lays emphasis on procedural or formal democracy. Minimalist view of a consolidated democratic regime is "the process of transforming the accidental arrangements, prudential norms, and contingent solutions that have emerged during the transition into relations of cooperation and competition that are reliably known, regularly practiced, and voluntarily accepted by those persons or collectives that participate in democratic governance (Schmitter, 1992)." The other conception is the "maximalist view, which focuses on the outcomes of politics, such as institutionalization of political institutions, social justice, and economic equality (Lee, 2007).

Shedler in his own conceptualization of democratic consolidation opined as follows:

> *The term "democratic consolidation" was initially described as the "challenge of making new democracies secure, of*

> *extending their life expectancy beyond the short term, of making them immune against the threat of authoritarian regression, of building dams against eventual "reverse waves." To this original mission of rendering democracy "the only game in town," countless other tasks have been added. As a result, the list of "problems of democratic consolidation" (as well as the corresponding list of "conditions of democratic consolidation") has expanded beyond all recognition. It has come to include such divergent items as popular legitimation, the diffusion of democratic values, the neutralization of anti-system actors, civilian supremacy over the military, the elimination of authoritarian enclaves, party building, the organization of functional interests, the stabilization of electoral rules, the routinization of politics, the decentralization of state power, the introduction of mechanisms of direct democracy, judicial reform, the alleviation of poverty, and economic stabilization* (Shedler,1998)

In the opinion of Okeke (2015), democratic consolidation is simply a feature of democracy and the process of growing and strengthening thedefence mechanisms of democracy. The need for building the defence mechanisms of democracy however seems to be more pronounced in emerging democracies, it should however be noted that all democracies are susceptible to attacks. This necessitates the conscious fortification of democracy against such attacks. It includes among others the strengthening of certain government institutions; such as the electoral system, party system, judicial independence and respect for human rights (Valenzuela, 1990) cited in (Akubo and Yakubu 2014). Democratic consolidation is the process of institutionalization of democratic culture and norms (freedom of choice of citizen in leadership recruitment, respect for human right and liberty, periodic free, fair credible elections as well as accountability of political leadership) that guarantees the survival and flourishingof democracy.

Executive-Legislative Conflicts

The most convenient point of discussion of executive-legislative conflict is a good understanding of the meaning, functions, roles, powers as well as the limitations of the two arms of government under review. An in-depth understanding of the operations of the legislature and executive will provide us with the bases for conflict between these arms of government.

Legislature

The term legislature has being awarded different nomenclature across different nations of the world. It is called the Congress in the United States of America, Parliament in Britain, while the legislature at the national level in Nigeria is called the National Assembly (Lafenwa, 2009 cited in Fatile, 2016). Some countries have unicameral legislature like China, United Arab Emirate, Poland, Denmark, Finland, Israel, Spain, Cote 'd voire, Senegal, New Zealand, Tanzania and Sierra Leon (Okoli, 2003 cited in Usman, 2017), while other operate bicameralism like in Nigeria, Britain and the USA. In the view of Okoosi-Simbine(2010),in Fatile (2017), legislature is " the law-making, deliberative and policy

influencing body working for the furtherance of a Democratic political system ". To Benick and Benick, 2008 in Fatile 2017, legislature is the arm of government the singular role of articulating and expressing the collective will of the citizens. Going by the above views, legislative body is central to the effective functioning of government in democracy. The 1999 Constitution of the Federal Republic of Nigeria empowered the National Assembly to perform three roles. These are Lawmaking (legislation), budgeting (appropriation) and supervision (oversight function). The legislation function empowers the parliament to make and unmake law. Under appropriation, they approve the executive expenditure such as Budget and in oversight, they are required to provide supervision, regulation and control the Ministries, Departments and Agencies of government (Agbo, 2012 in Usman, 2017). The legislative arm is therefore the branch of government charged with the responsibilities of law-making, supervision of the executive arm, aggregation of the interests of the people and ensuring equitable distribution of scarce resources through its budgetary function.

Executive

Executive on the other hand is that second branch of government that is responsible for the application of the authoritative rules and policies of the society (Anifowose, 2008). The executive arm is concerned with formulation of government policies, running of government machinery and ensuring that the policy formulated are implemented (Abonyi, 2006 in Fatile, 2016). The executive arm is strategically important to the functioning of democracy and attainment of democratic good as they coordinate government the activities of various departments. It initiates policy and programmes and ensures the implementation of them after such (programmes and policies) have being passed into law by the parliament (Fatile, 2017). Executive arm is the 'brain box' of the state, just as Heywood(2007) echoed by Fatile(2017) submitted that it is" the irreducible core of government ".

For effective functioning of the machinery of governance, there must be a continuous interaction among and between the organs of government. This interaction could be coloured with conflict, cooperation, negotiation, bargaining, and reconciliation (Bassey e'tal, 2013). Conversely, the situation in Nigeria seems to be in the opposite direction of Bassey's view. In the words of Fatile in ruminationof Hammond and Buttler(2003)'s view, he started as follows:

> "*The concomitant effects of the institutional arrangement of presidential system often pose the crucial problem of relationship between the executive and legislature which is pejoratively referred to as 'deadlock', 'gridlock' or 'stalemate'*".

Executive- legislative conflicts

According to Bassey (2000)in Bassey e'tal, 2013) executive- legislative conflict is a state of partial or absolute incompatibility where an arm is in constant confrontation with the other. It is manifested through a situation in which the legislature is opposed to then executive and vice versa in the area of public policy and their view of good governance. These conflicts could be as a result of each organ performing its constitutional duties; it could sometime be ascribed to personality clash between the heads of the organs. Rockman(1983) cited

in Bassey, et'al (2013) identified four main features of legislature-executive relations. He pointed out that values and perspectives of governance; the major players, action and institutions; and legislative control and supervision of the executive actions and behavior (oversight function). He posits further that they four key areas are breeding grounds for conflict between executive and legislature, noting further that effective management of these elements dictates the level of cordiality or otherwise that would exist between these organs. Obidinma and Obindinma(2015) identified the functions of the legislature to include law making, oversight, investigation, representation, control of the executive arm(impeachment) and management of public funds. The function of the executive includes execution and maintenance of the constitution, execution of laws and resolutions of the legislature, budgetary function, and diplomatic representation, granting pardons to offenders among others (Obidinma and Obindinma, 2015). The performance of these constitutional roles by organs of government usually creates tension and conflict. Ihemeje &et'al (2016) highlighted a number of grounds of confrontation between the executive and legislative arm in Nigeria; they include: constitution provision, conflict of roles, perceived executive dominance, and oversight function of the legislature. Legislative-Executive conflict refers to the disputes, confrontation and altercations that emanate between the two arms of government (legislative and executive) in the course of the performance of their duties. Such confrontations could emanate as a result of one arm asserting the role ascribed to by the constitution, which the other arm could consider as over bearing or excessive. As the saying goes that absolute power corrupt absolutely; conflicts between the arms are sometimes advisable, insofar as such will lead to the arms keeping to dictate of the law of the land.

Fourth Republic's Legislative-Executive Conflicts: A Retrospective Analysis

The Senate

The emergence of the leadership of the National Assembly at the beginning of the Fourth Republic in 1999 was a preoccupation of the president, Chief Olusegun Obasanjo (Obidinma and Obindinma, 2015). Dr. Chuba Okadigbo had indicated interest in the presidency of the Senate, but Obasanjo felt he was too smart and outwardly ambitious, as such was unfit for such exalted and powerful office. That singular act would later mark the beginning of several and incessant legislative- executive clashes that characterized Obasanjo's eight years administration.

Evans Enwerem emerged the President of the Senate upon inauguration in June 1999. Chuba Okadigbo never gave up his ambition of becoming the head of the upper chamber; he constituted himself into an intellectual and legislative menace to the Senate leadership. Soon, his plan yielded as Enwerem was accused of high handedness, falsification of age and result recklessly and, was subsequently impeached (CNN.com/African News, November 19th, 2019). The lot of the senate presidency eventually fell on the smart and ambitious Chuba Okadigbo whose leadership was very uncooperative with the executive arm. Okadigbo was later impeached under very controversial circumstances bothering on gross inflation of contract sum after (African News, August 9th, 2000). Okadigbo abducted the mace from the National Assembly and kept same in Okija

shrine. There have been allegation and counter between the presidency and Okadigbo about allegation regarding plot to unseat the president and Okadigbo(CNN.com/African News, August 9th, 2000). Pius Anyim came to complete the tenure. His tenure did not bring about the much anticipated harmony between the two organs of government. Under the watch of Anykim the Nigeria's senate rejected the nomination of Prof Babalola Borishade on three occasions. The continuous rejection of Aborishade shot Ekiti State out of the Federal Executive Council in gross violation of section....of the constitution of the Federal Republic of Nigeria.

The second term of Obasanjo saw Adophous Wabara elected as the senate president in 2003. His coming, it was thought that the legislative-executive rivalries witnessed in the previous senate would have abated. The first few months of the administration witnessed harmonious working relationship between the two arms until the Senate President was accused of taking bribe from the then Minster of Education, Mr. Fabian Osuji.(Vanguard, 23 March 2005) The accusation strained the relationship between him and president Obasanjo. The situation compelled him to resign as the Senate President on the 22nd of March and was to take effect from 5th of April, 2005. The resignation of Adolphus Wabara paved way for the emergence of Mr. Kenechukwu Nnamani as the fifth Senate President in years. Mr. Ken Nnamani was faced with the daunting responsibility of reviewing the Constitution of the Federal Republic of Nigeria; major areas that agitated for review were resource control, states creation, and third term tenure for president and governors. The constitution amendment ushered in another round of strained legislative-executive relationship under Obasanjo. The presidency was interested in the passage of the constitution (inclusive) of the tenure extension; majority of the Senators were against the tenure extension game plan. The National Assembly was factionalised sharply into pro third term and anti-third term groups. The pro third term faction was coordinated by Senator Ibrahim Mantu(Deputy Senate President) and ant third term group was led by .....in the Reps.... It was coordinated by ...for. The constitution amendment under which the tenure elongation was packaged was thrown out by Nnamani led Senate in ....2006. It was a well celebrated epoch as the president; Chief Olusegun was forced to make a national broadcast. The injury the rejection inflicted on the relationship between the National Assembly and the Presidency never got healed till the administration wind down in May 2007.

Relationship between the National Assembly under the leadership of David Mark (Senate) 2007- 2011 was largely cordial as there were no known conflicts that snowballed into the media place like the previous ones. One could conveniently adduce that period marked the most harmonious executive-legislative relationship and interaction in the Fourth Republic.

Between 2011 and 2015, Mr David Mark and Dr Goodluck Ebele Jonathan continued as Senate President and President of the Federal Republic of Nigeria respectively. Not much changed in term of the harmony and cooperation that was brought to play in the previous administration 2007-2011). The Presidency continued to get everything done in the Senate with ease and reasonable level of alacrity.

The 2015 general elections introduced a new twist in Nigeria political history, a

candidate under the platform of an opposition party- All Peoples Congress (for the first time) defeated a seating president. Not only was the incumbent defeated, his party failed to secure its 16 years hold on the National Assembly. The then ruling party (Peoples Democratic Party) failed to secure the needed majority to enable it continue to hold on to the leadership of both Houses of the National Assembly.

The massive win of APC at the national level threw up lots of political arithmetic in the camp of the victors. The party leadership had queued behind Dr Lawan Ahmed (Yobe North) as its preferred candidate for the Senate President, but another candidate Dr Bukola Saraki (Kwara Central) insisted on trying his luck. He did, and won under a controversial circumstance that later led to criminal charges of falsification of Senate Rules was pressed against him. Under an arrangement that secured him the win, a PDP Senator Bar. Ike Ikeremadu was elected defeating an APC candidate in an APC dominated Senate.

The high wired politicking that returned Bukola Saraki (APC) and Ike Ikeremadu was detested by the new ruling Party (APC) it was considered as a political gimmick that was laced with betrayal and treachery which was never forgiven by the party and the Presidency. The ascendency of Saraki and Ikeremadu as the leaders of the Senate (2015-2019) sparked up an unresolved conflict that between the Senate and the Presidency that lasted for the whole of the tenure.

The relationship between the Saraki led Senate and the Presidency continued to be sour even to the end of the tenure. For instance, the senate under Saraki rejected the confirmation of Mr Ibrahim Magu, presidential nominee for the chairmanship of Economic and Financial Crime Commission (EFCC)(The Conversation, May 9, 2017).

The House of Representatives

Alh Salisu Buhari became the pioneer Speaker of the House of Representatives upon it's inauguration in 1999. He lost his position as the Speaker on allegations of age falsification and certificate forgery. He was tried, convicted and later granted state pardon by the administration of Chief Olusegun Obasanjo.

Alh Ghali Umar Na'Abba took over from Buhari as Speaker in year 2000. Na'Abba's tenure as the Speaker was characterized by protracted and unresolved conflict as he feuded with Obasanjo led executive for his entire tenure as the Speaker. The feud got to the climax with the Na'Abba making impeachment move against Obasanjo in 2002. The Speaker became too hot for Obasanjo that his failure to secure reelection in 2003 was said to be orchestrated by the Presidency (Adelaja, 2012 cited in Ihemeje et'al, 2016)

The House of Representatives during the second term of Obasanjo (2003-2007) was headed by Mr. Aminu Masari, a fairly old man, gentle, conservative and urbane. Obasanjo could not have made a better choice than Masari as the House under him was cooperative with Obasanjo's presidency. The House however feuded with Obasanjo on the constitution amendment bill (tenure elongation) as the bill was thrown out like its Senate counterpart.

The Musa Yar'dua and Goodluck Jonathan's Presidency between 2007 and 2011 and the House of Representatives under the Speakership of Mrs. Patricia Etteh and later Mr. Dimeji Bankole were largely very peaceful, friendly and cooperative. Rather what we had was intra-house crises in the

House of Representatives where Mrs. Patricia Etteh was removed on the ground of mismanagement of House funds and some of her loyalists were slammed with suspension. There were cases of exchange of fisticuffs on the floor of the House.

In 2011, Mr. Aminu Tambwal had rebelled against his party's (PDP) decision by contesting against the party proffered candidate (Mrs. Mulikat Adeola) for the Speakership position. It was a massive rebellion and the first person to have openly rebelled against the party on its choices for the leadership of the National Assembly since the inception of the Fourth Republic in 1999. A section of the PDP members sponsored by Alhaji Atiku Abubakar who had lost to Dr. Goodluck Jonathan in the presidential primary teamed up with APC members to frustrate the plan of the PDP to install Mrs. Adeola as the Speaker. Bar. Tambuwal leadership and the presidency's relationship were strained from the beginning of the tenure to the end. The strained relationship later climaxed in the decamping of Tambuwal from PDP to the APC. PDP made spirited attempt to haven the court declare his seat vacant for abandoning the party that sponsored his candidacy to the House. Tambuwal completed his tenure as the sole speaker for the 2011 and 2015 administration. He later became governor of Sokoto in 2015 under the platform of his new party- APC.

Similar scenario above played out in 2015, when Bar. Yakubu Dogara successfully mobilized some members of APC to team up with the PDP members to frustrate the plan of APC from installing its preferred candidate. The party had settled for Bar Femi Gbajabiamila as the Speaker. PDP played the same joker APC played in 2011. Yakubu Dogara emerged the Speaker in rebellion to his party decision. The issue continued to breed mutual distrust and strained relationship between the Speaker, Yakubu Dogara, the APC and the presidency.

Impacts on Democratic Consolidation: Some Selected Cases

The theories and practices of separation of power as well as checks and balance are germane to the survival and consolidation of (Nigerian) democracy. All arms of government are expected to act independently of one another (separation of powers), while they are equally expected to act as watchdogs to each other, putting to checks (other arms) when acting outside their powers (checks and balances). In advocating for the necessity of checks and balances and separation of powers, Jackson stated as follows:

> *"Ambition must be made to counteract ambition. It may be a reflection of human nature, that such device should be necessary to control the abuses of government. The government itself is but the greatest reflection on human nature. If men were angels no government will be necessary. If angels were to govern men, neither external nor internal control on government would be necessary. In framing a government which is to be administered by men over men, the difficulty lies in this, you must first enable the government to control the government; and in the next place, oblige to control itself".* (Jackson, 1995).

Omotola (2008), re-echoed by Fatile (2017) agrees that there cannot be democracy where constitutionalism is not deeply rooted and institutionalized. In a similar argument, Nwokeoma(2011) in Fatile

(2017)submitted that the ability of any democratic government to deliver democratic dividends and good governance to the electorate is determined by, and is a function of smooth functioning of the three arms of government namely executive, judiciary and legislature, stressing further, he advocated the very need for due adherence to the theory of separation of powers which according to him is the best way to prevent tyranny, arbitrariness and recklessness in governance. The previous republics were truncated because the governing elites blatantly refused to play by the rule of the game. Executive- legislative conflicts has dangerous implications for the consolidation of Nigeria's forth republic, just as it did on the previous republics (Ajayi, 2007 and Nwosu, 2008 cited in Fatile (2016). One of the dangers of presidential system of government lies in the incessant crises that arise between the executive and the legislative arms (Fatile, 2016), which is increased by temporal rigidity thatPresidentlalism promotes.

Possibilities are high that an arm could get drunk in power and as such attempt, the usurpation of the powers of the other arms, or may go out of the constitutional bond as reflected under former president Chief Olusegun Obasanjo, when he scrapped of Petroleum Trust Fund (PTF) established through decree no. 25 of 1994, without recourse to the National Assembly for a bill to repeal such decrees as required by law (Ihemeje and et'al (2016). Recourse must be made to the constitution to resolve such crises.

The relationship that exists between the executive and legislature in Nigeria's Fourth Republic has, as its main feature, dysfunction conflicts which results (usually) in policy making and implementation deadlocks; the result of these conflicts between these two arms is further manifested in ineffective government and lack of good governance (Momodu and Matudi, 2013).

Violence and break down of law and order is a recurrent episode that characterizes the legislative and executive conflicts in Nigeria since 1999. Kogi State House of Assembly came under attack upon the assumption of Mr. Yahaya Bello as governor, in 2016. The leadership of the Assembly(which was under the control of Peoples Democratic Party) was factionalised into two groups of 15 PDP lawmakers being led by Alh Momoh Jimoh Lawal and 10 other members predominantly APC lawmakers being lead by Alh Iman Alfa. The governor was comfortably relating with the Speaker produced by 10 lawmakers and he was backed up with state apparatus. The rage continued for nine months. The Alh Momoh led faction was barred from assessing the Assembly Complex. He later resigned as the Speaker of the Assembly under a peace accord giving way to Imam Alfa on the 3rd of June, 2016. A cold war between the governor and the new Speaker Alh Imam Alfa was climaxed with thugs' inversion of the Assembly Complex on the 31st of July, 2017 with members scampering for safety, a particular law maker Elder Friday Sanni sustained serious injury. The Speaker resigned on the 3rd of August, 2017.

The National Assembly's gate was barricaded by personnel of the Department of State Security Services (DSS) on the 7th of August, 20018(Vanguard, 7th of August, 2018). Lawmakers were prevented from assessing their offices; hence there was a breakdown of law and order in the National Assembly.

Gridlock in government activities and delay in policy implementation as epitomized by

the Edo State House of Assembly crises which caused by selective inauguration of some lawmakers. The state governor, Mr. Gaius Obaseki had inaugurated 9 lawmakers while 13 other members were not invited (Premium Times, June 20th, 2019). The crises had crippled governance in Edo State, with the governor not being able to constitute his cabinet as required by the constitution of the Federal Republic of Nigeria. Similar scenario played out in Bauchi State where 11 out of 31 members were inaugurated, they went ahead to elect a Speaker (Leadership, June 26th, 2019)

Delay in the appropriation bills and refusal of confirmation of appointments sent to the Senate by the executive is a recurrent decimal in the Fourth Republic. The strained relationship between the executive and legislature during the reign of Chief Olusegun Obasanjo (1999-2003) was climaxed by the refusal of the senate to confirm Prof Babalola Borishade's appointment as a minister of the Federal Republic of Nigeria (www. Allafrica.com, 17th July, 2017). The Senate has since the inception of this Fourth Republic rejected ministerial nominees on three different occasions (The Will, July 12th, 2011).The Senate under the leadership of Bukola Saraki had withheld its confirmation of Mr. Ibrahim Magu as the Chairman of the Economic and Financial Crime Commission.

Deliberate violation of the constitution, abuse of rule of law, growing culture of impunity that has reduced good governance has being largely noticeable among the executive and legislature alike in the Nigeria's Forth Republic (Momodu and Matudi, 2013). The growing culture of impunity is manifested in the series of executive linked frequent change of headship of the National Assembly (Fatile, 2017). Fatile and Adejuwon(2016) agreed that the trend of legislative-executive clashes as well as increased disregard for the rule of law resulted in the impeachment of some state governors in Nigeria. Diepreye Alamieyesiegha(Bayelsa) was impeached on the 9th December, 2005;Mr. Ayo Fayose (Ekiti) followed on 16th of October, 2006; Mr. Peter Obi(Anambra), was removed from office on the 2nd of November, 2006; Rasheed Ladoja(Oyo) lost his seat to impeachment on the 12th January, 2006 and Joshua Dariye(Plateau) was impeached 13th November, 2006. Lately Murital Nyako(Adamawa) July, 2014(Fatile and Adejuwo, 2016, cited in Fatile, 2017). Among all the impeached governors above, only Diepreye Alamieyesiegha(Bayelsa) and Ayo Fayose (Ekiti) did not have their impeachment quashed by the law court. This confirms the fact that the impeachments were manifestations of ego between the executive and the legislature.

The executive arm of government in retaliation of it perceived ill-treatment by the legislature has on many occasion resulted in veto of bills passed by the legislature. For instance Buhari had vetoed a total of 41bills passed by the 8th National Assembly (The Guardian, May 8th, 2019). The executive arm is also in the habit of disrespecting the resolutions of the legislature. Mrs. Oruma Otteh a former Director General of Security Exchange Commission was recommended for termination by the House of Representative and the Senate in 2011(Vanguard,18th Oct, 2012) but Dr. Goodluck Jonathan ignored the resolution of the House and Senate. The President retained Mrs. Otteh in spite of the recommendation of the National Assembly. The former Police boss Ibrahim Idris had on three different occasions refused to appear

before the senate in person in line with its (senate) resolution, stating that he had no reason to do so(Premium Time, 9th May, 2018). The National Assembly later passed vote of no confidence of the police chief (Sahara Reporters, 5th June, 2018). In a similar vein, the Comptroller General of the Nigeria Custom Service Col Hameed Alli(rtd) refused to appear before the senate in uniform(Premium Times, March 22, 2017). The Senate later through a resolution asked the president to sack the Custom boss.

Corrupt practices perpetrated by members of the nation's parliament has increased the level of animosity between the legislative and executive arms. Since the return to democratic practice in 1999, conscious efforts have being made by successive government to ride the country of the ugly scourge of corruption in the country.

The Upper chamber (Senate) was allaged to be in the habit of demanding for gratification from ministerial nominees to ensure smooth clearance at the Senate. These allegations were blown out when Mallam Nasir El-Rufai a Ministerial Nominee during the era of President Obasanjo, alleged that Senator Ibrahim Mantu and Senator Jonathan Zwingina demanded the sum of N54 million bribes to facilitate his clearance at the Senate. Also, another Ministerial Nominee, Miss Funke Adedoyi was allegedly demanded to N100 million bribe. A part of this money was paid by an official in the Presidency then, who was very close to Adedoyin. , Prof. Babalola Borishade, a former Minister of Education was equally approached by some Senators to pay them N50 million to facilitate his clearance (Akintunde, 2003 in Usman, 2017).

Senator Bukola Saraki the Senate President in the last dispensation (2015- 2019) was tried for alleged violation of Nigeria's Money Laundering laws, false declaration of assets among other corruption related charges (Usman, 2017). The implication of this prosecution of (senators) for corrupt offences are seen as an affront of the legislature, hence they assume cantankerous posture against the executive, sometime, grinding governance and government procedures.

In 2011, the House of Representative , law-makers were allegedly given the sum of $10 million dollars to pass the PIB in favour some Oil companies operating in the country who wanted the bill passed in their favour. The sum of N600 million was alleged demanded still by members House of Representative before they would agree to pass the Sovereign Wealth Bill (SWB), (Suleiman, 2011 in Usman, 2017).

Conclusion and Recommendations

The paper haven traced the relationship that exists between legislative and executive arms in the Nigeria's Forth Republic, concludes that the relationship has been more of conflict than cooperation, dispute as against harmonious relationship which is a sin qua non for consolidation of the young but growing democracy and the entrenchment of good governance. Harmonious relationship between the two arms (especially when the doctrine of separation of powers is upheld) offers good ground for democratic consolidation, good governance and democratic dividends in no small measure. Conflict however, is not in itself unhealthy for democratic growth, especially in the context of democratic ethos, as the arms have the responsibility of putting each other to checks (checks and balances); but when it assumes an alarming rate as espoused above, there cannot be democratic growth and good governance will be elusive.

It is therefore recommended that the arms of government must relate with each other on the bases of the constitution taking into account the spelt out roles and responsibilities for each arms. Politicians must make themselves amenable to the dictates of the law, purging themselves of ego that is capable of threatening the needed peace for democratic growth and political development of the country.

Institutions and structures must be strengthened to guarantee the respect for the rule of law and the rule of the game of politics. The judiciary must continue to offer itself as an uncompromised arbiter, who can offer needed resolution in the event of conflicts between the executive and legislature arms. Legislative rascality as well as executive impunity must be thrashed.

Constant training and capacity building should be organized for those in government to constantly acquaint them with the roles, responsibilities, powers and limitations of the arms they operates.

References

Adebayo, E.(2016): Intra-Party Conflict and Democracy in Nigeria: A case study of Southwest Geo-Political Zone .@https://ideas.repec.org.

Adeosun, A. B. (2014) :"Democracy and Democratic Consolidation in Nigerian Fourth Republic: Issues and Challenges", *IOSR Journal Of Humanities And Social Science (IOSR-JHSS) Volume 19, Issue 10, Ver. VI(Oct. 2014), PP 05-10e-ISSN: 2279-0837, p-ISSN: 2279 @0845.www.iosrjournals.orgwww .iosrjournals.org*

Akubo, A. A. and Yakubu, A.(2014) : "Political Parties and Democratic Consolidation in Nigeria's Fourth". *Global Journal of Political Science and Administration Vol.2, No. 3*

Almond, G.A.; Powell, G.B.; Strom, K. & Dalton, R.J. (Eds) (2000): "*Comparative Politics Today: A World View*". Singapore: Pearson Education, Inc.

Anazodo, R.O. (2015): "Managing Executive-Legislative Working Relationship fo Good governance and Service Delivery in Nigeria". *Review of Public Administration and Management. Vol. 4, No. 8*

Bassey, A.O. , Rapheal, P.A., Omono, C. E., Bassey U. A.(2013):"An Examination of Causes and Consequences of Conflict Between Legislature and Executive in Cross River State, Nigeria" , *Academic Journal Interdisciplinary Studies*

Fatile, J. O. (2017): "Legislative- Executive and Public Policy Formulation and Implementation in Lagos State Nigeria", *OIDA International Journal of Sustainable Development http://www.ssrn.com/link/OIDA-intl-Journal-sustainable-Dev.html*

Flippo, A.(1999): *"Conflict Management in Schools"*. London. Mcgraw-Hill

Jackson, K.T.(1995): *The encyclopedia of New York: the New York Historical Society*. Yale: University Press.

Igbokwe-Ibeto, C. J and Anazodo, R. O. (2015): "Managing Executive-Legislative Working Relationship for Good Governance and Service Delivery in Nigeria", *Review of Public Administration and Management, Vol.4, No. 8.*

IhemejeChidiebere, C.D., Zaid B.A.Jayum A. (2016): "Factors Influencing the Executive and Legislative Conflict in Nigeria Political Development". *IOSR Journal off Humanities and Social sciences, Vol 21, Issue 8,*

Ver.7

Johari: J.C. (2002): *Principle of Modern Political Science*, New Delhi: Sterling Publishers Private Limited.

Momodu , A.J.(2012): " Legislature and Good Governance in Nigeria's Democratic System: Implication on Delivery of Dividends of democracy": *Journal of Pedagogical Thought, Vol. 8*

Momodu, A. J. and Matudi, G. I.(2013): "Implications of Executive-Legislative Conflicts on Good Governance in Nigeria", *PublicPolicy and Administration Research. Vol.3, No.8.*

Obidinma, A. E. and Obindinma, O.C. (2015): "The Legislative-Executive Relations in Nigeria's Presidential Democracy", *International Journal of Business and Law Research, 3(1)*

Okeke, R. C. (2015): "Democratic Consolidation In Nigeria: Progress And Challenges", *Arabian Journal of Business and Management Review (OMAN Chapter)Vol. 5, No.5*

Okonkwo, C.N. &Unaji, F., Iheduru O.M. (2016): "Re-fixing the 'Clog in the Wheel'; An appraisal of Democratic Consolidation and Voting Behaviour in the 21st Century Nigeria". *IOSR Journal Of Humanities And Social Science (IOSR-JHSS) Volume 21, Issue 6, Ver. 8.*

Usman D. U.(2017): "Corruption and Legislative Functions in Nigeria". *IOSR Journal of Economics and Finance (IOSR-JEF), Volume 8, Issue 1 Ver. I @ www.iosrjournals.org*

Shedler, A (1998): "What is democratic consolidation?" *Journal of Democracy, 9(2),* pp 91-107(https://muse.jhu.edu/article/1688)

Wolff S. (2006): *"Ethnic Conflict: A global Perspective"*. New York: Oxford University Press

https://www.iol.co.za/news/africa/nigerian-senate-president-impeached-20118

http://edition.cnn.com/2000/WORLD/africa/08/09/nigeria.senate.reut/

http://theconversation.com/behind-buharis-standoff-with-the-senate-over-nigerias-anti-corruption-czar-76877

www. allafrica.com, 17th July, 2017

CNN.com/African News, November 19th, 2019

News Paper

Premium Times, March 22, 2017

Sahara Reporters, 5th June, 2018

Premium Time, 9th May, 2018

Premium Times, June 20, 2019

Vanguard,18th Oct, 2012

Vanguard, 7th of August, 20018

The will, July 12th, 2011

The Guardian, May 8th, 2019

The Conversation, May 9, 2017

Vanguard, 23 March 2005

African News, August 9th, 2000

Leadership Newspaper, June 26th 2019