EXECUTIVE - LEGISLATIVE RELATIONS IN NIGERIA:

Theoretical Issues and Praxis

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Executive-Legislative Relations in Nigeria: Theoretical Issues and Praxis

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Dedication

The Book is dedicated to the major **Stakeholders and Civil Societies** for sharing the dream initiated by the Nigerian Political Science Association to deepen democratic norms and institute healthy executive-legislative relations for sustainable and inclusive development in Nigeria.

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Chapter One

FEDERALISM AND INTERGOVERNMENTAL RELATIONS IN NIGERIA

Member Euginia George-Genyi, Ph.D

Introduction

Federalism connotes a system of government where power is governed and shared between the central government and its component units such as state/provincial and local governments (Akindele and Olaopa, 2002). It is seen as a system which is designed to achieve political reality (Frederick, 2008). The system is virtually resorted to in countries with multi-ethnic and cultural diversities. It is essentially geared toward achieving a balance of power through intergovernmental relations between and among the various units and levels of government. It can only strive on consultation, negotiation, compromise, bargaining and agreement between the constituent governments and constitutionalism. The practice of federalism has its root since the 12th century in Switzerland (Saiqa, Dikko and Abbo, 2016). However, the system has gradually become institutionalised as a workable mechanism for power-sharing in states with the diversity which is currently adopted by more than 25 countries including Nigeria.

The groundbreaking work by K.C. Wheare titled, *Federal Government* has set the tone for contemporary discourse on the subject of federalism. The seminal statement he made was that:

> By the federal principal I mean a method of dividing powers so that general and regional governments are each, within a sphere, coordinate and independent (Wheare, 1943: p. 10).

He went further to state that:

> I have put forward uncompromisingly a criterion of federal government - the delimited and coordinate division of government functions - and I have implied that to the extent to which any system of government does not conform to this criterion, it has no claim itself federal (Wheare 1943: p. 34).

Ojo, A. (1981). "Separation of powers in a presidential system of government". *Public Law Journal*, 105.

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The 1999 Constitution of the federal republic of Nigeria.

Chapter Nine

STRATEGIES FOR CONSENSUS BUILDING IN LEGISLATIVE-EXECUTIVE RELATIONS IN NIGERIA'S FOURTH REPUBLIC

Hassan A. Saliu Ph.D. & Adebola Rafiu Bakare Ph.D.

Introduction

The emergence of the perceived cordial legislative-executive relations between the Buhari-led executive and the Senator Ahmed Lawan/Rt. Honourable Femi Gbajabiamila's ninth National Assembly is raising some concerns due to the fear of turning the National Assembly into a mere rubber stamp legislature and thus creating a renewed asymmetrical relationship. The fear manifested when the Senate President Ahmed Lawan declared that any request that comes from President Muhammadu Buhari in terms of legislation or appointment will be approved expeditiously because such requests are good for the country (Opejobi, 2019). The fact that the Senate President declared all requests from the President 'good' for the country and has even tempt him to resend the name of the Acting Chairman of the Economic and Financial Crimes Commission (EFCC), Ibrahim Magu for expeditious confirmation has been generating some concerns.

Going by the democratic norms and the spirit of Sections 4 (1-2) and 5 (1) of the Nigerian 1999 constitution (as amended), the legislature is expected to check the executive by scrutinising the activities of latter in the areas of appointments, policy formulation and implementation, treaty ratifications, and public funds spending, among others by ways of legislation and oversight. It should be noted that the legislature cannot perform its constitutional roles in isolation. While the judiciary only relates with the legislature at the period of appointment ratifications and dispute resolution, the executive and legislature are Siamese twins as they both have too many issues that require their joint actions. For instance, the laws made by the legislature must be assented to, before the judiciary could interpret (except when the legislature signed it into law by legislative veto, which the executive must

have declined assent in the first instance). In some cases, the Bill for legislative consideration could also emanate from the executive (known as executive Bill) making the lawmaking function a joint venture between both arms of government.

The wisdom behind the establishment of legislative oversight is to put the executive under check by the legislature. The essence is to avoid executive recklessness owing to the enormous resources under its care. The tendency for the executive to misbehave and misuse power is high if not put under scrutiny. The legislature is given constitutional power to visit any MDA or summon the officials when the need arises as provided for in sections 88 and 89 of the 1999 constitution (as amended). Although, the legislature could also oversight on judiciary, this seldom happens. Therefore, this function will always bring the two arms together in a relationship.

The legislature is seen as an assemblage of people's representatives since everybody cannot directly participate in governance. By the representative function, the legislature engages the executive to formulate and implement policies and projects that will alleviate the socio-economic and political needs of the people. While it is difficult for the people to approach the executive at will, given the distance and security checks, the legislators could be approached with little or no difficulty through their constituency offices. Thus, the legislators receive and articulate people's complaints and direct such to the executive for consideration mostly in the form of legislative resolutions and/or legislations. The legislature also receives and processes petitions against public and private agencies and gives recommendations to the executive for redress. This implies that there is need for frequent interactions between the two arms of government.

The foregoing shows that legislative-executive relations in any democratic system are inevitable and thus needed to be given special attention. Despite the fact that Nigeria has witnessed twenty years of unbroken democratic rule, there is yet to be a consistent template for legislative-executive relations. The six Assemblies (4th-9th), under the current Republic, for instance, were characterised by different models of the legislative-executive relations. This technically shows the difficulty in developing a

straight-jacket template for anticipating their future relationships. It is on this note that this paper attempts to develop some strategies which could be adopted to build a consensus in order to create an atmosphere of symmetrical cordial relations that will not jeopardise the independence of the two arms of government. In doing this, the paper is divided into six sections. The first section gives the background to the significance of legislative-executive relations and is followed by a section that outlines a number of models in legislature-executive relations as espoused by scholars. The third section reviews the patterns of legislative-executive relations in Nigeria since the advent of the Fourth Republic in 1999. Section four identifies key issues in legislative-executive relations in Nigeria with the fifth section outlining the strategies needed to promote more cordial legislative-executive relations in the country. The sixth section concludes the presentation.

Models of Legislative-Executive Relations

In all democratic settings, legislative-executive relations are inevitable. This is premised on the fact that democracy itself is built on the power distribution and relations among the three arms of government. While other forms of governance may have the executive and judiciary, the legislature epitomises the existence of democracy and the relationship between the legislature and other arms of government depicts the relationship between the people and government. On the one hand, executive's dominance of the legislature could be seen as executive-tyranny on the people especially where the legislature represents the real interest of the people and not that of elite or self-interest. On the other hand, where the legislature (representing the real interest of the people) dominates the executive, the people would seem to have control of the governance affairs and such is a picture of an ideal democracy. In view of this, people's perception of governance is usually based on legislative-executive relations and this has prompted scholars to study cases and come up with the variations and patterns or models of legislative-executive relations.

It is pertinent to note that the power relations among arms of government are usually the determinant of the relationship between the legislature and executive. Scholars such as Andeweg

and Thomassen (2003), Boyko and Herron (2009), Muller (1993) and Saalfeld (1990), among others, have given prominence to King's (1976) model of legislative-executive relations. King (1976) has identified five patterns of power relationship between the two arms of government *viz*:

(i) the non-party or private member;
(ii) intra-party;
(iii) inter-party;
(iv) opposition; and
(v) cross-party models of relationship.

The first model depicts an interactive mode in which both arms relate with one another as distinct and independence institutions in symmetrical power relations. On the other hand, the intra-party model represents situations where the executive usually collaborates with legislators from their parties to have executive requests approved with minimal interaction with the opposition lawmakers.

The third model explains the relationship between executive and the lawmakers of different parties, especially where the party that controls the executive arm does not have a clear majority in the legislature. This model is usually observed in democracies where there are need for coalitions in the parliamentary system or where the opposition parties control the legislature under the presidential system (such as the United States' experience under President Donald Trump where the Democrats control the House of Representatives and the Republicans control the Senate). The fourth which is the opposition model shows the power relations between the government and the opposition especially in areas of conflict management. The cross-party legislative-executive relations depict situations where political parties' interests take the Centre stage in decision making processes between the two arms of government. As novel as these models seem, there are a number of reservations. First, we observe that there is overlapping in the categorisations. For instance, the 'opposition' and 'cross-party' models are somewhat indifferent in the real sense. Second, we also note that political parties in some cases may not have control over their

legislators and in other cases, the floor decisions of the legislators may not reflect the wishes of their constituents. A typical example of this is the Nigerian experience.

Another model of legislative-executive relations as developed by Penning (2003) shows a balance of power relations between the two arms of government. In a similar vein, the Bernick and Bernick (2008)'s classification shares some similarities with the Penning (2003)'s perspective. They have identified three possible configurations, *viz:* the executive is dominant, the legislature is dominant and the two are competitively structured and or balanced. They observed that the first two modes are common as the third rarely occurs, on the ground that having a balanced situation where the two arms of government will symmetrically co-exist is difficult if not impossible to sustain in power relations.

To Bernick and Bernick (2008), power relations will always swing the tide to one of the first two modes depending on the circumstances prevailing in the polity. Experiences in Nigeria since 1999 have lent credence to this model. However, the model did not capture confrontational situations where neither of the two arms is able to subdue the other, as was the case between 2015 and 2019 in Nigeria. In addition, this model could be criticised on the grounds that it only described the relationship but failed to predict the outcome(s) of such interactions on governance.

While the foregoing models were developed within the specificity of developed democracies, Anyaegbunam (2010) has considered the experiences of developing democracies using Nigeria as a reference point to establish the three patterns of legislative-executive relationship, *viz*: polarised relationship, cordial relationship and mild hostility. To Anyaegbunam (2010), the polarised legislature-executive relationship depicts situations where there are antagonistic and confrontational relationships between the executive and the legislature. In this case, the legislature always takes opposing stand on executive requests and the executive also reciprocates in equal measure, leading to a polarised relationship. The second model is the opposite where both arms of government rarely engage in confrontational

both arms give mutual respect to prior discussions before taking any action. The executive usually lobbies the legislature to have easy ride on confirmation of appointments and approvals of requests.

The executive reciprocates by assenting legislative Bills since the latter has already sought the consent of the former before processing such requests for legislation. This connotes that where there are institutional disagreements over policies, confrontation is not an option, but mutual resolution through mutual understanding. The third pattern of executive-legislature relations is the mild hostility where at one point, there may be cordial relationship and at other times, there is confrontation between the two arms of government. In this case, both play what could be described as cat-and-mouse game, where friendship could turn sour at a slight provocation.

While this model captures the mood in developing democracies, it is noteworthy that the executive has a tendency to attempt dominating the legislature given the enormous resources at its disposal, coupled with the negative public perception that has characterised the legislative-constituency relations. Where there is legislative-executive confrontation, there is high tendency that the people will blame the legislature. Therefore, the second and third models mostly occur when the legislators have lost their constitutional oversight role to the overwhelming influence of the executive, thereby hampering the necessary checks and balances which should aid the social, economic and political wellbeing of the masses. Anyaegbunam (2010) seems to be aware of this possibility and he has thus argued that there is likelihood of mutual suspicion between the two arms of government which usually degenerates into a frosty relationship. This, he claimed, could happen if the executive perceived the legislature as overstepping its constitutional boundaries in the performance of its oversight functions by hindering the government from speedily meeting the needs of the public on the one hand. On the other hand, he opines that the legislature sometimes, views the frustration of its investigative role as a direct affront to the people's mandate, thus seeing the executive's uncooperative attitude as a denial of the citizenry's right to be acquainted with the executives' activities.

In another dimension, a host of other scholars believe that the patterns of legislative-executive relations in Nigeria in particular and Africa in general are tied to the dynamics of other intervening variables in the realm of politics. Onapajo (2012) and Nolte, Danjibo and Oladeji (2009), among others, have argued that ethno-religious dynamics is a major factor that influences legislative-executive relations in Africa. In view of this, Aremu, Bakare & Kolapo (2017) have attempted to blend existing models to establish a more nuanced general patterns of legislative-executive relations that could be used to explain both causal factors as well as outcome within the specificity of African socio-economic and political dynamics, which seems lacking in most previously discussed models. Table 1 shows the different patterns of relations together with their causative agents:

Table 9.1: General patterns of legislature-executive relations

		Executive Interference (Y)	
COMPOSITION OF LEGISLATURE (X)		**Executive Interference {Legislature is emasculated} (Yi)**	**Executive non-interference {Legislature enjoys high degree of autonomy} (Yii)**
	One Party Dominance (Xi)	Alignment, cooperation and deference (YiXi)	Accommodation (YiiXi)
	Divided/Plural (Xii)	Conflict, confrontation and defiance (YiXii)	Maintenance (YiiXii)

Source: Aremu, Bakare & Kolapo, 2017

Table 9.1 describes the possible patterns of legislature-executive relations that can be tested in all democracies of the world. On the upper side of the table is 'Executive Interference' which was represented by 'Y'. Under the 'Y', there is Executive Dominance (Yi) and Executive Non-Interference (Yii). On the left side, is the Composition of Legislature which was represented by 'X'. Under it is the two common patterns of compositions: One

typological modeling presented in the table shows that Yi interacting with Xi will generate 'YiXi' pattern of executive-legislature relations (alignment, cooperation and deference). On the other end of the scale, the intersection of 'Yi' and 'Xii' will yield 'YiXii' pattern of executive-legislature relations (conflict, confrontation and defiance).

This configuration according to Aremu, Bakare and Kolapo (2017), connotes that where on one hand, the executive interferes or attempts to prevail on a one party dominated legislature, there is bound to be cooperative legislative-executive relations. This is because, majority of the legislators belong to the ruling party and will tend to give allegiance to the executive that in most cases determines the leadership of the legislature. However, any attempt by the executive to interfere in a divided legislature (i.e. one equally or almost equally dominated by both ruling and opposition parties) will lead to confrontational and defiance legislative-executive relations. In this case, there is bound to be conflict as the opposition party legislators will be able to muzzle up with the ruling party legislators to reject executive dominance. On the other hand, where the executive does not interfere or attempts to subdue a one party dominated legislature, the legislative-executive relations are bound to be accommodative. In addition, should the executive refuse to attempt the subjugation of a pluralistic legislature, there is bound to be legislative-executive relations that are based on mutual respect, thus leading to 'maintenance'. In this case, both arms of government will not be interested in offending one another and needless confrontation or excessive politicking will be avoided.

Historical Overview of the Patterns of Legislative-Executive Relations in Nigeria in the Fourth Republic

The patterns of legislative-executive relations in Nigeria since 1999 are a mixture of deference and defiance. However, it is largely antagonistic because of the dominance tendency by the executive, and the resistance by the legislature. The return to democracy in May 1999 after a long period of military rule came with military superiority orientation given the fact that the transition was more or less a military affair as General Abdulsalami

Abubakar handed over power to a democratically elected retired military General (Olusegun Obasanjo), who once ruled the country under a military government. Given the fact that military rulers have no experience of power sharing, it became problematic for the new President Obasanjo to co-habit with the National Assembly as a peer institution. The Obasanjo-led executive was not comfortable with the expectation that the National Assembly as an institution would serve as a constitutional and institutional mechanism of restraint to its power. Perhaps, this could be attributed to the effort of the executive at interfering in who became the presiding officers of both chambers. While the President succeeded in planting his stooge in the Senate, the bid failed in the House. The legislative-executive relations between 1999 and 2003 especially after the ouster of Salisu Buhari's speakership witnessed a lot of confrontation and defiance as the attempts by lawmakers to check the executive was misconstrued by President Obasanjo as insubordination given his military orientation (Baba, 2019). On the other hand, the undue interference of the executive in legislative affairs was seen as an affront on their constitutional powers by lawmakers who did everything possible to ward-off the presidential dominance. The then Speaker of the House, Honourable Salisu Buhari captured this problematic in his argument that:

> The greatest challenges of Nigeria's democracy since 1999 is how to get the executive arm of government appreciate the place and role of the legislature in the governance process. The fight by the legislature to ward-off executive interference and dictatorship in the affairs of the House started under my regime but received a great boost under my successor (*ThisDay*, June 6, 2009).

At the beginning of the 4th Assembly, the Senate under the leadership of Senate President Evans Enwerem succumbed to the executive dominance but the House stood to fight for the independence of the legislature. Unfortunately, the Speaker was removed from office barely after 50 days at the helms of affairs. The same fate was extended to the Senate president installed by the executive and replaced by Senator Chuba Okadigbo. The

Okadigbo as the Speaker and Senate President respectively renewed the combat between the executive and the legislature.

However, the firepower of the executive overwhelmed the upper chamber as Senator Okadigbo could not withstand the heat. He was impeached and replaced by Senator Anyim Pius Anyim. The executive adopted several means to deal with the defiance legislators, ranging from harassments by security agents, anti-corruption agencies, party leaders and sometimes, sponsored some legislators to initiate impeachment proceedings against their leaders (Baba, 2019). This explained why each of the impeached officers was removed as a result of allegations that were politically blown out of proportion. For instance, Enwerem was impeached on allegation of outrageous furniture scandal, while Okadigbo was axed on 'Salah ram' scandal. In the House, Salisu Buhari was kicked out as a result of certificate forgery (from University of Toronto in Canada) which brought about the sobriquet of 'Toronto Certificate' in Nigeria's socio-political parlance (Saliu and Bakare, 2016*a*). Honourable Ghali Umar Na'Abba fought back through impeachment attempts of the President but the President was able to survive it and the battle was shifted to electioneering front where most of the anti-executive lawmakers were made to lose their re-election bids. Therefore, the confrontational legislative-executive relations were responsible why the 4th Senate had three different Presidents in four years, while the 4th House had two Speakers.

Throughout this period, the President usurped the powers of the legislature thereby creating 'confrontational' legislative-executive relations as the legislators especially those in the House resisted executive interferences. For instance, in 1999, President Obasanjo without recourse to the National Assembly as stipulated by the constitution deployed the Nigerian military to Odi, in Bayelsa State in retaliation for the killing of soldiers by militants (Ola and Oluwafemi, 2002). In a similar vein, two years later (in 2001), the President also repeated the same by deploying the military to Zaki Biam in Benue State for similar reasons (Obidimma and Obidimma, 2015). These actions formed the basis for the impeachment attempt by the Ghali Umar Na'Abba-led

House among other gross cases of misconduct on the part of the President as stated earlier.

The 5th Assembly witnessed what could be described as more of 'alignment' with little substance of 'accommodative' legislative-executive relations. The 2003 elections led to the emergence of the 5th Assembly that was heavily dominated by the ruling PDP having edged out most of the vibrant and focal lawmakers especially those from the South-Western Nigeria (except Lagos State). Unfortunately, the opposition lawmakers were overwhelmed by the number of ruling party's lawmakers as their voices were only heard, but the ruling party had their ways on most issues. This paved the way for President Olusegun Obasanjo to dominate the National Assembly by emasculating the institution and at the same time, allowing the members to enjoy some degree of 'autonomy'. The trend of impeachment also continued as the upper chamber had two Senate Presidents within the four-year tenure. Senator Adolphus Wabara was elected in 2003 but impeached in 2005 thus paving the way for the emergence of Senator Ken Nnamani. Between 2003 and 2007, the National Assembly was gagged by President Obasanjo to the extent that the vibrancy of the institution as witnessed under the 4th Assembly was reduced to a mere rubber stamp institution.

Two instances could be cited to validate the executive dominance argument. First, in 2006, President Olusegun Obasanjo usurped the power of the National Assembly to declare the Office of the Vice President vacant as a result of the defection of Atiku Abubakar from the ruling party to ACN. Without allowing the National assembly to impeach the Vice-President, he unilaterally impeached him in gross violation of section 143 of the 1999 constitution (as amended), only for the judiciary to nullify the action. The second instance was the secret installation of closed-circuit monitoring cameras (CCTV) in the Senate Chambers in 2007 without the knowledge of the National Assembly authorities and the lawmakers (Obidimma and Obidimma, 2015). The action of the President was not only morally unjustifiable but also legally wrong as it was an affront on the powers of the legislature and an infringement on their privacy. The intent was for the President to

under the complete control of the executive which was a violation of the autonomy of the National Assembly. Perhaps, this also contributed to why some of the lawmakers rejected President Obasanjo's third term agenda.

Premised on the aborted third term agenda, the 6th National Assembly was inaugurated to relate with a newly elected President, Umaru Musa Yar'Adua of the PDP. The legislative-executive relations in this dispensation commenced on a 'maintenance' level, as President Yar'Adua allowed the National Assembly that was pluralistic in membership, to enjoy a higher degree of autonomy. The Senate elected Senator David Mark as President with Honourable Patricia Etteh as House Speaker though in elections that were heavily influenced by the ruling PDP. The opposition legislators in the House were not comfortable with the interference of the PDP in imposing the Speaker. This led to the formation of the 'integrity group' known with their symbolic white handkerchief, headed by Honourable Farouk Lawan (PDP, Kano State). The activities of the group facilitated the removal of Honourable Patricia Etteh. She was not impeached as the group did not have the strength in terms of number but instead mounted pressure through incessant protests in the House which forced the Speaker to resign.

The House subsequently enjoyed the first independence as the opposition elements conspired with some members of the ruling party to install Honourable Dimeji Sabur Bankole against the wish of the ruling party. Perhaps, this was made possible as the Yar'Adua-led executive was not desperate to interfere in who became the Speaker. Subsequently, the legislative-executive relations became very cordial as the executive allowed the National Assembly to independently perform its legislative functions without any interference. The President shortly afterward became medically incapacitated and the country was almost thrown into a constitutional crisis as he did not transmit power to the Vice-President, Goodluck Jonathan before he travelled out of the country for medical attention. The National Assembly rose to the challenge by historically embracing the 'doctrine of necessity' to make the Vice-President become Acting President, an action that was widely greeted with praises for the National Assembly

both within and outside the country. The President later died and Goodluck Jonathan became substantive President. The new President largely maintained the cordial legislative-executive relations.

This cordiality was extended to the 7th Assembly as the new Assembly became more or less a continuation of the 6th Assembly. For the first time in the political history of Nigeria, Senators David Mark and Ike Ekweremadu (both of PDP) were re-nominated and elected unopposed as the Senate President and Deputy Senate President respectively, making it possible for the 'maintenance' relations to be sustained. The same trend as witnessed in the 6th House re-emerged in the election of the Speaker. The opposition-backed candidate, Honourable Aminu Waziri Tambuwal emerged against the PDP's preferred Honourable Adeola Akande in an election that was alleged to have been influenced by the leader of the opposition party from Lagos State, Asiwaju Bola Tinubu. Despite the cordiality, there were pockets of confrontation witnessed between the two arms of government. One instance was the much-publicised conflict over the 2013 budget.

The lawmakers refused President Jonathan's request to present the 2013 budget on the grounds that the President poorly implemented the 2012 budget. This temporarily turned the legislative-executive relationship into that of 'confrontational' and 'defiance'. The leadership of the ruling PDP and the major opposition party (ACN) led by Bola Tinubu intervened to pacify members the National Assembly before he was granted permission to present the budget (Oji, 2013). However, the President later mended fences with the National Assembly and the relationship became cordial with the Senate but somewhat still confrontational with the House. This manifested in a similar resistance by the House members in refusing to allow the President to present the 2014 budget proposals (Obidimma and Obidimma, 2015).

There was a paradigm shift in the legislative-executive relations during the 8th Assembly. The crisis started when the new ruling APC attempted to impose presiding officers under the pretext of party supremacy. The PDP members opted to pay the

the ruling party to install Senator Bukola Saraki and Honourable Yakubu Dogara as Senate President and House Speaker, respectively against the preferred Senator Ahmed Lawan and Honourable Femi Gbajabiamila. Their emergence signalled the beginning of a showdown between the legislature and the executive, to the extent that the President refused to have audience with the Senate President for almost one year on assumption of office.

The confrontation started when the Buhari-led executive decided to arraign the Senate President and others for alleged forgery of the Senate Standing Rules that enabled them win the election. In addition, the Senate President was also charged with gross violation of the Code of Conduct for public officers for his false declaration of assets. He was subsequently convicted by the Tribunal but acquitted by the Supreme Court. Throughout his tenure, both Saraki and Ekweremadu knew no peace as they were 'intimidated' and 'harassed' based on the politics of their emergence. The confrontation affected governance to the extent that it almost grounded the Buhari administration. Most of the President's appointments were not confirmed especially that of Ibrahim Magu that was twice rejected as the Chairman of EFCC by the Senate. The budget process throughout the tenure was characterised by drama ranging from budget padding to budget disappearance. The Senate President later called on the President to lobby the National Assembly before the budget could be passed. However, the executive used the opportunity to get back at the National Assembly by misinterpreting the call to mean a request for bribe and the public bought the position of the executive which represented more knocks for the Saraki/Dogara-led legislature.

Another instance was the alleged blockage of the National Assembly entrance by masked officials of the Department of State Security (an agent of the executive). The Buhari administration opted for the technique of the Obasanjo's administration by instigating security and anti-corruption agencies against the lawmakers. Not fewer than 13 Senators were dragged to court by the EFCC on corruption-related charges including the Senate President (Premium Times, May 27, 2018). In addition, the

lawmakers were alleged to be engaging in diversion of constituency projects fund (Busari, 2018).

The 2019 general elections however settled the impasse between the two arms of government as most of the deviant lawmakers lost their re-election bids as was witnessed during the 2003 general elections. This gave the ruling APC the opportunity to connive with the Buhari-led executive to perfect their plans of installing their preferred candidates as the presiding officers of the National Assembly. The PDP could not muster the strength to stop the APC as some members of the PDP also voted for the candidates of the ruling party against their party's directives (Ibileke, 2019). Since the emergence of the duo of Senator Ahmed Lawan and Honourable Femi Gbajabiamila as Senate President and House Speaker respectively, the legislative-executive relations have been more of 'maintenance'.

The relationship has been so cordial to the extent that both arms of government respect one another and the body language of the President suggests that he is willing to implement all legislative resolutions. For instance, the House once summoned the security chiefs to appear before it to explain the security situation in the country but all refused to honour the invitation. However, after the Speaker issued a verbal threat of reporting them to the President, all the service chiefs changed their minds and appeared before the House the following day. This has been the case with all invited heads of MDAs to the extent that the Speaker is now jokingly referred to as 'Mr. I will report you to the President'.

Another instance of the cordiality can be seen on the 2020 budget process. The Senate President implored the executive to present the proposal earlier to enable the National Assembly pass it before December, a request that the President not only heeded but also directed all heads of MDAs not to travel out of the country until they have defended their budget proposals at the instance of the National Assembly. Albeit, it is too early to judge or assess the situation, the experience so far seems encouraging especially as the President frequently hosts the principal officers to discuss national issues.

Key Issues in Legislative-Executive Relations in Nigeria's Fourth Republic

Several issues have characterised legislative-executive relations in Nigeria since 1999. While some are positive, given the positive impacts on the polity, others seem inimical to good governance and national development. As argued earlier, the relationship between the two arms of government could be described as that of mixed feeling as the National Assembly at some points engaged in excessive confrontational battles with the executive and at other point, too submissive to the extent that the executive determines what happens in the legislature including removal of presiding officers at will.

The first major issue that shaped the patterns of legislative-executive relations in Nigeria was the attempt by then President Olusegun Obasanjo to influence the selection of principal officers of the National Assembly in 1999. Upon inauguration on June 3, 1999, the executive did not hide its interest and conspired with the bigwigs of the ruling PDP to sponsor Senator Evan Enwerem (from Imo State) against Senator Chuba Okadigbo (from Anambra State). Due to the deployment of heavy financial inducements and lobbying, the anointed candidate of the executive emerged as the Senate President with 66 votes to 43 votes (Egburonu, Odufowokan, Adelowo, and Oguntolaon, 2015). However, little or no interest was shown in that of the House of Representatives as the executive only needed the Senate to have its way (by ensuring easy ride for confirmations of appointments) in the then young democracy. Honourable Salisu Buhari therefore became the Speaker of the House in a drama-less election.

The relationship between the two arms started on a cordial note, but lasted for a barely a year before things started falling apart. Both presiding officers were impeached and replaced by Senator Chuba Okadigbo and Honourable Ghali Umar Na'Abba respectively in a selection processes that were less influenced by the executive. Not satisfied with the development, the executive struck to instigate the impeachment of the new Senate President and was replaced with Senator Anyim Pius Anyim. Till date, the executive has cultivated the habit of influencing the elections of presiding officers though with some measure of resistance by

deviant legislators as seen in the emergence of the likes of Honourale Dimeji Bankole, Honourable Aminu Waziri Tambuwal, Senator Bukola Saraki, among others. The elections of the principal officers of the 9th National Assembly also followed this pattern as the executive ensured dominance through the instrumentality of party supremacy championed by the National Chairman, Adams Oshiomole and the National leader, Bola Tinubu, both of the ruling APC, among other party forces.

Another issue which was a fall-out of the first one was the impeachment attempt on President Olusegun Obasanjo by the House of Representatives under the leadership of Rt. Honourable Ghali Umar Na'Abah on August 13, 2002. At that period, the legislative-executive relations turned 'confrontational' as the executive interfered and attempted to emasculate the 'pluralistic' legislature. This led to fierce confrontations between the executive and the legislature. The House gave the President two weeks to resign or face impeachment for committing seventeen constitutional infractions ranging from "illegal" deployment of troops to "murder" of innocent civilians in Odi and Zaki Biam to his refusal to pay deserving States the 13 per cent derivation funds, among other offences (*The Punch*, December 23, 2002). This led to serious political battle between the two arms of government.

While the House was in tangle with the executive, the Senate which ought to serve as the stabilising factor was enmeshed in internal leadership tussles leading to frequent impeachments of the Senate Presidents which resulted in the emergence of three Senate Presidents within four years. The leadership crisis was believed to have been instigated by President Obasanjo in order to have his puppet installed as the Senate Presidents to check the relentless power intoxication of the House of Representatives. However, the confrontation was politically settled with dire consequences for the major actors in the House, as they never returned for sophomore term (Saliu and Bakare, 2016a; Saliu and Ifejika, 2016).

The 5th, 6th and 7th Assemblies witnessed 'accommodative' and 'maintenance' legislative-executive relations as the National Assembly enjoyed some degree of autonomy and

2015 (i.e., 6th and 7th Assemblies) under the leadership of Senate President David Mark. The Goodluck Jonathan-led executive seldom interfered in legislative matters and also patronised the principal officers of the legislature. The calmness was however ruptured to a level that was never witnessed in the history of government and politics in Nigeria between 2015 and 2019, as the 8th National Assembly despite dominated by the ruling APC served as an opposition arm to almost every move of the Muhammadu Buhari-led Presidency. The legislative-executive relations were not only confrontational but also hostile to the extent that it affected the governance process in the country. While the executive had its own share of the blame for its disdain attitude towards the legislative arm, the National Assembly was more blamed by the public as it was accused of deliberately frustrating the efforts of the Presidency at developing the country and fighting corruption (Aworinde, 2019).

The corruption blame trade between the legislature and the executive was also a defining moment in legislative-executive relations in Nigeria. While the executive frequently condemned the legislature for engaging in excessive corruption, the legislature on its part countered the allegation by accusing the executive of being the initiator of corruption in the legislature in particular and the country in general. A celebrated accusation levied against the legislature was that of former President Olusegun Obasanjo, who in 2016 publicly described the National Assembly as "an assemblage of thieves and rogues", giving several instances such as the Rt. Hon. Dimeji Bankole-led House of Representatives vehicle purchase scandal in 2010, the Maina's ₦195 billion Pension Scam involving Senator Aloysius Etuk, the Kerosene subsidy scam, Esai Dangabar's Police Pension Fund Fraud involving members of the Senate Joint Committees on Establishment and Public Service Matters, and State and Local Government Affairs, Stella Oduah's ₦255 million armoured car scandal, the missing ₦20billion oil money, and the Farouk Lawan's $620,000 bribe from Femi Otedola in the fuel subsidy scam, among others (Adams, 2015).

In a swift reaction, Senator Bala Ibn Na'Allah refuted

₦50 million and ₦40 million each to Senators and House members respectively for his third term bid, as such no one else except Obasanjo could be responsible for planting the seed of corruption in the legislature (Usman, 2016). These allegations and counter-allegations have continued to shape the legislative-executive relations as President Muhammadu Buhari at one time claimed that the legislators are not patriotic for holding back the budgets, while expecting him to bribe them (Aworinde, 2019). More recently, President Buhari chided the legislature for embezzling about N1trillion meant for constituency projects that could not be traced (Daka and Ogune, 2019).

Constituency Development Fund (CDF) is a common concept that is peculiar to most democracies around the globe. It started in the United States of America when constituent members, out of misconception of the role of the legislature, requested for infrastructural facilities and social services from the MPs. Despite enormous efforts at making the people realise that it is only the executive that can provide such services as the role of the legislature is to make laws and perform oversight to avoid executive recklessness, the people were adamant and vote out MPs on the basis of not providing social goods and services. This prompted the MPs to initiate CDF to enable lawmakers execute social projects in their constituencies (Patterson, 2002). However, the *modus operandi* for CDF varies across countries.

In the Nigerian case, it requires a close collaboration between the legislature and the executive to operate the fund. By tradition and regulation, a legislator is expected to identify the projects which his/her community is in need of. Such will be aggregated for all the 469 legislators and inserted into the annual budget of the relevant MDAs. Upon approval through budget assent by the President, the MDAs are expected to implement the projects in the constituencies of the lawmakers. However, experiences in Nigeria have shown that the constituency projects have become an issue in legislative-executive relations in the country. There is a wide allegation of legislators diverting the Constituency Development Funds (CDF) for personal use and counter argument that the legislators do not handle the funds but

issue of constituency projects started in Nigeria during the tenure of President Obasanjo at the request of the members of the National Assembly for the reason of taking dividends of democracy to their people in response to the demands of their constituents. Subsequently, the President yielded to the pressure of the lawmakers by inserting the selected projects for all lawmakers into the federal government's annual budgets to be implemented by the relevant MDGs. This act has continued till date and the total cost of the CDF is now ₦100 billion shared among the 469 lawmakers in the ratio of 60:40 for the House of Representatives and Senate respectively.

The principal officers of the Senate shares ₦20 billion and the remaining ₦20billion is spread across all the 109 senatorial districts, not minding the fact that the principal officers had already taken half of the fund. The same trend goes on in the House where the principal officers share ₦20 billion with the remaining ₦40 billion distributed across the 360 federal constituencies inclusive of those of the principal officers. This sharing formula leaves each lawmaker with a sum of ₦200 million annually for constituency projects. The argument of the lawmakers is that they only earmark the projects but the award of contracts and execution is done strictly by the executive through the MDGs.

However, there is a subsisting contrary position that the lawmakers do influence the bidding process by nominating the contractors who are instructed to inflate the project costs in a bid to take kickbacks from the contractors by the lawmakers. In some cases, the lawmakers are alleged to present their personal companies for the contracts and in most cases, end up diverting the money to personal uses without executing most of the projects (Jega, 2018; Busari, 2018). This allegation was recently proved right by the claim of the Chairman of the Independent Corrupt Practices and other Related Offences Commission (ICPC), Bolaji Owasanoye that after declaring a fight against non-execution of constituency projects, legislators who have diverted the CDF have begun to mobilise contractors back to site to execute the projects (*Sunday Punch,* May 5, 2019). The damning revelations from the ICPC's tracking made President Muhammadu Buhari to take a swipe at the legislature that the country has spent about N1trillion

on constituency projects with little or nothing to show for it (Daka and Ogune, 2019).

The major issues that characterised the legislative-executive relations under the Fourth Republic cannot be said to have been adequately discussed without reference to budget-making activities of the two arms of government. Since the advent of the Fourth Republic in 1999, there have been series of allegations and counter-allegations on the politics of budget-making process which usually place the legislature at the receiving end of the blame. The National Assembly is alleged to have developed the habit of deliberately delaying the budget for months thus holding the country to ransom. For instance, President Buhari decried the action of the National Assembly in this regard and claimed that he ranked the Senate President (Saraki) and Speaker (Dogara) low in patriotism for delaying the budgets during their tenure (Aworinde, 2019). However, Honourable Yakubu Dogara has rejected the accusation by blaming the executive for causing the delay. He claimed that the President usually presented the budgets in December and the National Assembly needed 3-4 months to work on it. In addition, the Ministers usually foot dragged when called upon to defend their budgets to the extent that some Ministers saw themselves too big that they sometimes sent their permanent secretaries after the intervention of the President (Opejobi, 2019).

Aside the delay, the 8th National Assembly was also accused of padding annual budgets. This allegation was weighty given the fact that it has emanated both within and outside the institution. The much-celebrated accusation levelled by Honourable Abdulmumin Jibrin that the House Speaker, Yakubu Dogara, padded the 2016 national budget showed that the allegation could not be brushed aside coming from the then Chairman of House Committee on Appropriation. Recently, the National Leader of the APC, Bola Ahmed Tinubu also accused both Saraki and Dogara of padding national budgets for the four years of their stewardship by cutting the funds appropriated for projects that were beneficial to Nigerians and using the same funds to insert their self-interest pet projects (Adetayo, Aborisade, and

refuted the claim and challenged Tinubu to produce evidence that the National Assembly padded the national budgets under him (Baiyewu, 2019). Whatever the case, the process of budgeting approval has been a contending issue in legislative-executive relations except for the 2020 budget that seems to be going as expected so far.

Aside the foregoing, other key issues that shape the legislative-executive relations in the Fourth Republic include: the pay cut by the President Muhammadu Buhari and his Vice, Yemi Osinbajo and the refusal of the legislators to follow suit amidst the public outcry on the latter's jumbo pay; high budgetary allocation to the National assembly that led to the clamour for the reform of the institution especially the call for the scrapping of the Senate and the making of the lawmaking job to be that of part-time one; the alleged frustration of the fight against corruption by the legislators that culminated to the refusal to pass Special Anti-corruption Court Bill and the rejection of the confirmation of Ibrahim Magu as the substantive head of the EFCC, among others.

Promoting Cordial Legislative-Executive Relations in Nigeria: Some Recommendations

Premised on the foregoing, it is evident that the legislative-executive relations in the twenty years of democratic experience in Nigeria fall short of expectation, leaving much to be desired in the quest for a robust inter-institutional governance engagement. The much needed socio-economic and political development which the citizens crave for can only be guaranteed when both arms of government see themselves and work as partners in progress and not flexing unnecessary muscle trying to undo each other in needless confrontations. In view of this, there is need for consensus-building between the two arms in order to entrench 'accommodative' and 'maintenance' legislative-executive relations. This paper, therefore, identifies some measures constituting strategies needed to build a harmonious working relationship between them:

There is the need for more consultations between the two arms of government. This could be done in a multi-dimensional way. On the one hand, it will not be out of place for the National

Assembly to engage the executive immediately after the inauguration to a joint summit where both arms of government will set the policy direction of the executive and legislative agenda for the next four years (covering their tenure). Subsequently, both arms through relevant legislative Committees and heads of MDAs could be meeting annually to take stock and review where necessary. On the other hand, there should be frequent consultations through the Office of the Special Adviser to the President on National Assembly and the leadership of the legislature on all matters arising from governance. By this, both arms will always be on the same page. The executive will have prior notice of the Bills under processing and Resolutions under consideration, thus obtaining its input for consideration. This will reduce the number of passed Bills which the President will decline assent. Most legislative resolutions will be implemented by the executive on account of more consultations and that will be in tandem with the policy direction of the government. Above all, it will strengthen the ties between the two arms of government.

Given the human nature, there are bound to be frictions and misunderstandings between the two arms. In view of this, there is need for a strong party system that will serve as an arbiter should crisis arise. Both ruling and major opposition parties should brace up to constructively engage their members in the legislature on the need to eschew unnecessary confrontations and put national interest above party and personal interests. The parties should also have the courage to call the President to order and check the excesses of all political appointees without fear or favour and impose sanctions should the need arise. Although, the level of party supremacy is weak under presidential system, we still argue that the political parties have a role to play in guiding their members in approaching their legislative assignments.

Experiences from the United Nations, and African Union, among others, have shown that early warning system is an effective way of managing conflicts (African Union, 2018). Since the tendencies for conflict abound, there is need for the establishment of an early warning system capable of detecting conflict at the brewing stage and nip it in the bud before

remarks made on the Buhari-led executive by the Senate President, Ahmed Lawan, when he declared that all presidential requests are good for the country (Opejobi, 2019), the President, on his part, has taken a swipe at the National Assembly by condemning the institution for engaging in corruption acts that have been linked to constituency projects.

One would expect that the two arms of government should have forgotten the past and start on a new page, but the President's comment could instigate counter narratives by members of the 8th Assembly who are still in the 9th Assembly. The early warning mechanism should be capable of detecting such and put corrective measures in place to arrest the situation before it gets out of hand. The President should be counselled on the need to overlook his previous experiences with the 8th Assembly and not to treat the 9th Assembly with the attendant rage. Legislators should also be cautioned on passing derogatory comments on the executive to avoid unnecessary confrontations that may distract them from meeting the expectations of Nigerians.

The synergy that produced the 2020 budget and the way it was processed should be sustained. The Senate President had in his inaugural speech pledged to return the country budget cycle to January-December, thus encouraged the executive to submit the Appropriation Bill on record time (Premium Times, July 31, 2019). It is interesting to note that the executive obliged by presenting the budget estimate on October 8, 2019, a feat that had never been experienced in the country (Iroanusi and Ayitogo, 2019). In addition, the President also directed all Ministers and heads of parastatals not to travel out of the country until they physically defend their budget estimates before the appropriate Committees at the instance of the legislature (*The Punch*, October 11, 2019).

Going by what is observed, continuous better preparations by the executive will assist the National Assembly by giving the lawmakers ample time to scrutinise the proposal. By doing this, all sharp practices usually indulged by the lawmakers during the rush hour will be avoided. In addition, the executive should be meticulous enough to scrutinise the budget proposal in order to avoid frivolous, inappropriate and out of the ordinary

reckless human errors. For instance, it was observed that there was too much duplication of items under different headings in the 2019 appropriation Bill. Under some headings, there were provisions for purchase of papers, biros etc.; and at the same time, there were provisions for stationery under another heading in the proposal of the same agency (Centre for Social Justice, 2019). Such ought to have been harmonised as it can become subject of suspicion of deliberate attempt to inflate or pad the budget.

Respect they say is reciprocal. The two arms of government should have mutual respect for each other. Since they are not competitors, there is no trophy to be won for attempting to undermine each other. The executive should respect the powers of the legislature especially on oversight. As such, heads of MDAs should not decline to appear before the National Assembly when called upon for clarifications and respond to legislative enquiries. On the other hand, the legislators should also not abuse such powers by ridiculing the executive with incessant and multiple summons. Once a committee of one chamber summons a member of the executive, the other chamber need not replicate such. During oversight interrogations, lawmakers should watch their language and not attempt to disrespect the personality of their guests. The President should also accord respect to the leadership of the legislature by giving to them all privileges needed for the running of the legislative affairs.

Lobbying has become one of the instruments of legislative politics and governance to the extent that legislative proposals may be difficult to push through without adequate lobbying. In the United States, for instance, there are expert lobbyists who assist lawmakers to galvanise support for their proposals to scale through the legislative cycle (Patterson, 2002). However, there is misconception of lobbying in Nigeria that tends to see it as financial inducement. For instance, the 8th Assembly Senate President, Bukola Saraki once called on President Muhammadu Buhari to lobby the National Assembly to get the budget passed on time (Usman, 2017). Unfortunately, he was quoted out of context even by the President to mean that the Senator was publicly requesting for bribe before performing their legislative functions

cultivate the lobbying culture and possibly patronage of members of the legislature. It may not be out of place for the President to include some vibrant and influential lawmakers in some executive panels or ad hoc committees as a way of bringing them closer and consequently, relying on them for support in the legislature.

For all the foregoing recommendations to be effective and efficient, there is a need to develop the capacities of the two arms of government through adequate training especially on the rudiments of lobbying and world best practices in legislative-executive relations. Nwabueze (2003) has stressed the need for capacity-building for public officials through theoretical reading and practical analysis of the art of democratic governance in order to avoid unnecessary frictions. Officials of both arms need to appreciate the need not to attempt the usurpation of each other's power as doing this, no doubt, would lead to resistance thereby preparing the ground for frictions and confrontations. Each arm should keep within its limits and not encroach on the other's jurisdiction. In addition, they should be enlightened on the theory and practice of due recognition of separation of powers. This will enable the executive to appreciate the efforts of the legislature especially during oversight and not see it as unnecessary witch-hunt.

Other measures that will help foster harmonious and cordial relations between the two arms of government include: changing the monetised electoral system in a bid to discourage money-bags from hijacking the recruitment process in order to pave way for the emergence of people who have public interest at heart as members of the legislative houses; checking the high legislative turnover through re-election of legislators for retaining institutional memory; encouragement of more openness of the governance environment; and better preparations by the executive in engaging the legislature, among others.

Conclusion

From the foregoing analysis, it is evident that governance process tends to suffer when the legislature and executive arms of government engage in confrontational relationship. The paper explored the patterns of legislative-executive relations in Nigeria since 1999 and observed mixed dimensions and dynamics of deference and defiance. The paper submitted that the trajectory is posing a threat to good governance and democratic survival in the country as it usually slows down governance processes and unnecessarily heats up the polity as a result of the excessive politicking. Premised on this, the paper outlined some strategies that could be used in consensus-building as a template for a cordial relationship between the legislature and the executive. The paper concludes that cordial legislative-executive relations in a 'maintenance' order are more beneficial for good governance and democratic advancement than 'confrontational' relationship. It encourages both arms of government to maintain and sustain the tempo witnessed so far in the current 9th Assembly.

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Chapter Ten

ANTI-CORRUPTION AGENCIES AND RUPTURING OF EXECUTIVE-LEGISLATIVE RELATIONS

C. Jaja Nwanegbo Ph.D., Jude O. Odigbo Ph.D. & Victor Asiegbu

Introduction

It has become common in today's Nigeria that corruption has eaten deep into the different institutions and that corruption has become one of the key albatrosses that hinder our growth. For any nation to grow both economically and politically, she must fight corruption in every ramification because corruption stands as a bottleneck in the development process of nations. Aluko (2002) described corruption as, the use of one's official public office, resources to gain personal advantage over others and as well benefit his or her personal life and that of their relatives. This can be seen when public officials take advantage of their positions to enrich themselves and their friends by overlooking the rules and regulations guiding the conducts of such office. Some persons see corruption as the pervasion of public affairs for private enrichment. We can, therefore, see corruption to include bribery, misappropriation, giving and receiving of kickbacks, amongst others. Therefore, any financial transaction which negates the public financial rules and regulations and that is aimed at advancing the personal affairs an individual is corruption.

To Gibbons and Rowat (1976) corruption manifest itself in the political process of a people whereby public officers forsake the public good which is measured in terms of general opinion and seek after their personal gratification. We can therefore state that when public officers go after their personal achievements rather than that of the public it entrenches corruption. Oliyide and Odeku, (2002) states that corruption in Nigeria is embedded in the values, practices, conducts and belief systems of Nigerians. It is seen in the luxurious ways of life of the people which includes praise singing, squandering of riches