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Executive-Legislative Relations in Nigeria's Presidential System: Issues and Prospects

Jide Ibietan and Olaniyi Trust Ayodele*

Abstract: This paper examines the issues and challenges inherent in executive-legislative relations in Nigeria's presidential system with special focus on the Eight National Assembly of the Fourth Republic. The paper notes that cordial and symbiotic relations between these two arms of government are irreducible minimum requirements for entrenching robust participatory democracy and ultimately development. However, the above have not taken firm footing, due to the prevalence of acrimony, squabbles and perfidy in executive-legislative relations. Data for this study were collected from secondary sources, and the adoption of textual analysis invigorated the discussion, findings and recommendations. Among others, the paper canvasses the need for deliberate cultivation/deepening the culture of civic engagement, consensus building and respect for constitutional provisions and delineation of boundaries in political and governance spheres. Other recommendations proffered are capable of redressing the irritants and challenges observed.

Keywords: executive, legislative, Nigeria, presidential, relations, system

INTRODUCTION

The executive-legislative relations are one of the many binaries in Political Science and Public Administration scholarship. Its philosophical and theoretical roots accrue to Baron de Montesquieu (1689-1755) through his celebrated essay on the Spirit of Laws (Anyim-Ben et al. 2017), in which he made a landmark exposition on the doctrine of Separation of Powers, and as Eme (2016) posits, this is more relevant to presidential systems.

Executive-legislative relationship can pose serious threats or challenges to participatory democracy and ultimately development in

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situations where the limits defined by the rules of engagement (constitution) are observed in the breach or taken for granted. Underlining the doctrine of separation of powers is the logic of adherence to responsibilities in which the legislature performs law making functions, the executive concerns itself with implementation and the judiciary adjudicates and interprets laws. The implication of this is that none of the arms of government should encroach on the powers of others and this reinforces the idea of checks and balances with the attributes of preventing autocratic governance or tyrannical rule, despotism and oppression (Kalu 2018). It is however pertinent to note and quite analogous to the age-old politics-administration (dichotomy) debate, that a rigid separation or compartmentalisation of legislative-executive relations may circumscribe or limit consensus-building, rapport and entrenchment of democratic principles/practices, thus impacting badly on governance.

It has been observed that in most presidential democratic systems, these vital organs of government are characterised by ‘cat and mouse’ relations or ‘hide and seek games’, conflict, cooperation, hostility and complicity in the exercise of political authority (Lafenwa and Oluwalogbon 2014), even when the ruling party has dominant membership in the bi-cameral legislature. This is particularly noticeable in 8th National Assembly whose journey in 2015 according to Adisa (2017), started on an acrimonious note, arising from the desire of both legislative chambers to assert the cherished independence in choosing leaders, negating the much-touted party supremacy and latitude to impose leaders on the legislature.

It is apposite to underscore the phenomenon of ‘strongman’ or Executive Leader with manifest tendencies of limiting the independence of legislative institutions dot not only Nigeria’s, but Africa’s political landscape, and constitutes a serious drag on and albatross to democratic environment. The executive arm becomes too powerful arising from prebendalism, through which it controls political agenda and behaviour of politicians via funding of political parties and candidature for elections. Eme (2016, 31) corroborates that “the institutions of political parties within and outside legislatures are often the instruments of contestations between the executive and the legislatures”. This argument stretches to include the assertiveness of the legislature and the risk of applying sanctions due to infractions against parties’ positions.

As a corollary, mention must be made of political party structures (that are hijacked and possibly located and controlled by the executive arm) often circumscribe the powers and functions of the legislature in Nigeria (Baba 2015), and this accounts for the preponderance of weak legislatures. This resonates from misconception on the part of a dominant executive in a presidential system that erroneously characterises the legislature as not only an appendage and rubber stamp, but a tool to legitimise or serve its whims and caprices, which sharply contrasts the logic of separation of powers.

A synopsis of the major elements and irritants in executive-legislative relations are: values and perspectives of governance; the major players; actions and institutions; legislative control and regulation of executive behaviours, otherwise known as oversight (Rockman in Basse et al.2013). These would be discussed in details and broken into specifics in section four of this paper, with overarching objective of examining the issues and challenges in executive-legislative relations in Nigeria's presidential system, and proffering suggestions on improved and robust interaction that can deliver dividends of democracy plus developmental outcomes. The paper is structured as follows: Introduction; Method and Main Argument of the paper; Conceptual Discourse on the Executive arm, Legislature and Presidential System of Government; Discussion on Issues and Challenges in Nigeria's Executive-Legislative Relations; Recommendations/Solutions and Conclusion.

METHOD AND MAIN ARGUMENT OF THE PAPER

This is a qualitative study with reliance on secondary sources of data, namely: books, journals, internet materials and the constitution of the Federal Republic of Nigeria, 1999 as amended in 2011. The data were textually analysed, and these illuminate our understanding on the central themes of the paper, thus strengthening the discussion, findings and recommendations that followed.

One major argument of this paper is that an entrenched culture of consensus building and symbiotic executive-legislative relations can temporise persistent friction, squabbles and acrimony between these two vital organs of government, and effectively neutralise the threats to robust presidential democratic practice and development. Additionally, the paper argues that the phenomenon of 'strongman' or 'Maximum Executive Leader' with authoritarian tendencies in civil governance and public affairs is a major albatross to democratic practice, with the

avoidable effect of generating combustible political environment. This calls for proactive reforms or restructuring to strengthen institutional safety guards as bulwark to chaotic democratic atmosphere and experience.

CONCEPTUAL DISCOURSE

The executive and legislative arms of government, as well as the presidential system of government and its application in Nigeria are explained in this section.

The Executive Arm of Government

The term ‘Executive’ has variegated uses, and depending on the context, it can be typologised into Authoritarian, Democratic, Presidential or Parliamentary executive. This paper is however interested in the taxonomy that situates the concept within the ambit of government, and it is responsible for policy and programme execution. The political connotation, especially as underscored in presidential systems encapsulates Ministers and senior government’s officials appointed and headed by the President, and public officers at federal, state and local government levels (Igbokwe-Ibeto & Anazodo 2015).

To be sure, Mclean and McMillan (2003, 186) argue that the principle of separation of powers imply that “presidential authority is constrained by a separately elected congress and ... independent judiciary whose duty is to see that executive action is not contrary to the articles of the constitution”. Although, these authors posit further that presidential government is characterised by decentralised decision-making within the executive arm, it is arguable if the unitaristic and centralising tendencies in the guise of federal practice makes this a reality in Nigeria.

There is a solid constitutional base for the Executive arm of government in Nigeria, and this branch is headed by the President. The following sections of the constitution of the Federal Republic of Nigerian (FRN), 1999 as amended in 2011 corroborate this position; Chapter VI – The Executive, Part 1 deals with the Federal Executive thus: Section 130 establishes the office of President, Section 141-office of the Vice-President; section 147 – Ministers of Federal Government; Section 150: Attorney-General of the Federation; Section 153 – Establishment of Administrative Institutions or Federal Executive Bodies; Section 169 is devoted to Civil Service of the Federation. Part II of this chapter of the Constitution made provisions

for the Executive of each state of the federation thus: Sections 176 and 186 establish the offices of Governor and Deputy Governor respectively. Section 195 refers to the Office of Attorney General of a state, while section 197 listed some state commissions/administrative bodies. Section 206 provides for the establishment of state civil service.

In buttressing the locus and robustness of the executive arm in Nigeria, Lafenwa and Oluwalogbon (2014, 75) aver that it is “the most persistent and enduring organ...that gives effect to the will of the state by enforcing or executing or implementing the laws and policies”. This view converges with those of Mclean and McMillan (2003) on the policy execution functions of this branch of government. The features of the executive arm typified above with reference to Nigeria is reinforced by the inevitability and support accorded by the public administration machinery to governance in almost three decades of military rule and the precarious thirty-month civil war period.

Explicating the term executive further, Igbokwe-Ibeto and Anazodo (2015, 16) document that it is the organ “charged with the implementation and enforcement of laws ...policies, and the administration of public affairs”. This position was strengthened with an allusion to the executive functions of running the machinery of government, policy formulation, evaluation and execution, in order to achieve pre-determined and publicly declared objectives (Waldo, in Ibietan 2014). The reference to law enforcement above is reminiscent of the traditional security functions of public administration, which was pejoratively christened “night watchman” (Adamolekun 1983).

In their contributions, Obidimma and Obidimma (2015) exemplify the executive as the arm of government responsible for effectuating administrative laws enacted by the legislature. This view adds the dimension of executive-legislative interface to the conceptual discourse and the need for synergy as cross-cutting the activities or relations of these two important organs of government. It is therefore not surprising that Lafenwa and Oluwalogbon (2014, 91) affirm that “none can operate effectively without the cooperation of the other”, while Na’aba (2018) urges the two arms to cultivate harmonious working relationship.

The Concept of Legislature/Legislative Arm of Government

There is consensus or unanimity in the documentation by scholars that legislature as a term enjoys synonymous or interchangeable use with

words like Parliament, National Assembly and Congress (Fashagba et al. 2014; Ibietan, Igariwey and Ujara 2017). Legislature as a concept has been operationalised as “a law-making assembly of elected members in a formally equal relationship to one another” (Mclean and McMillan 2003, 305). These authors traced the evolution of legislature to medieval bodies assembled by kings to exact taxation, and they sat more or less continuously, while its modern form is traceable to the works of John Locke on parliaments.

The 1999 Constitution of FRN (as amended in 2011) accords recognition, if not prominence and pre-eminence to the legislature. Copious references to this are contained in the under listed sections. Chapter V of the constitution is devoted to the legislature. Part 1 of this chapter heralds the National Assembly, with sections 47, 48, 49, 50 and 51 giving legal backing to the establishment of National Assembly; Composition of the Senate; House of Representatives; Senate President and Speaker of the House of Representatives; and Staff of National Assembly respectively. Part II of this chapter chronicles House of Assembly of a state, with sections 90, 91, 92 and 93 dealing with establishment of House of Assembly; Speaker of the House; and Staff of the House of Assembly respectively. Sections 80 and 120 accord the National Assembly and State Houses of Assembly power and control over public funds. This issue often constitutes a source of acrimony and conflict between the executive and legislature in situations devoid of caution and understanding. Detailed discussion on this is reserved for section four of this paper.

Bassey et al. (2013, 181) explicate that the legislature is “a body which promulgates laws...authenticates and legitimises commands as to what citizens of a state can do or cannot do”. This view underscores not only the law making function of the legislative arm of government, but as representatives of the people with responsibilities of encouraging civic engagement and commitment to the ideals and tenets of democracy (Ibietan and Ajayi, 2015). Nwaubani (2014) furthers the position taken by Bassey et al. (2013) that legislative functions are directed at ensuring quality policymaking, accountability and good governance via robust checks and acting as a brake on executive absolutism or tyranny in public governance. These highlight the administrative and financial responsibility dimensions or responsiveness of the legislature, which forms the essence of Montesquieu’s treatise on spirit of laws.

Fashagba et al. (2014) underscore not only the foregoing functions as being applicable to the Nigerian bi-cameral legislature but traces the evolution of the legislative institution to the 1922 Clifford constitution, highlighting the specifics and nuances of that era which reflected colonial interests in the main. The authors illuminate our understanding through a comparison that arguably believes that legislatures in presidential democracies play more significant roles in policy formulation than those in parliamentary systems. These roles, according to Ibietan & Itodo (2015) and Ibietan et al. (2017, 158) are germane to “stabilizing the polity and integrating the society...”

Presidential System of Government

Scholars are wont to agreeing that a presidential system of government is one that presents a leader called Executive President combining the offices and functions of Head of State and Head of Government. Such a leader possesses and exercises real executive powers. Anyebe (2016) refers to the leader in a presidential system as a monocephalous executive, owing to the enormity of power he/she wields and the wide latitudes of discretion in the execution of assignments. Aminu (2006, 1) asserts that “Nigeria runs a presidential system which in structure and theory of operations is almost identical to that of the United States”. Curiously, this author adds that “the system was not adopted... to strengthen democracy or...empower the legislature and the legislator”. The Nigerian practice of presidentialism, despite being akin to that of America, presents different environment and operators, thus the experience and results are not the same.

In addition to the above characterisation of presidentialism and its features in Nigeria, Carpizo (2007), building on earlier scholars, documents other attributes as follows: the president/executive arm is independent of the legislature and vice versa; the president has the power of appointing people or Cabinet Ministers to certain positions; the Executive can appeal directly to the people through plebiscites and referendums (although, not much of this has been experienced in Nigeria); the president can be removed (if he commits impeachable offences) through a numerical super-legislative majority; the president can initiate executive bills and through the public bureaucracy prepare national budgets which are forwarded to the legislature for consideration and approval as Appropriation Act; the people elect the president and expect him/her to lead them. Members of the legislature

are also elected as representatives of the people, thus underscoring the notion of dual democratic legitimacy.

The ascendancy of presidential system of government and constitution was necessitated by the perceived weaknesses and failings of the 1963 Republican constitution in Nigeria. This was based on parliamentary system that thrives on various power loci, viewed as not appropriate for the traditional patterns and complex social structures of Nigeria (and Africa), and ultimately led to the collapse of the First Republic in 1966. So, effectively the 1979 constitution ushered presidentialism (Kifordu, 2013) into the Nigerian governance architecture. The incursion of military into governance and public administration after the first coup and its post-second republic return in Muheeb's (2016) view "required a presidency that could stabilize the polity". It must be noted that this averment is an indirect inference or suggestion for a 'strongman', instead of capable and robust institutions of governance. However, Fagbadebo and Francis (2016, 5) counter that scholarly perspectives on presidentialism implies that "power relation between the executive and ... legislature determines the outcome of governance, the location and control of power is essential in order to avert the danger of authoritarianism" in a separated, but shared power system.

The colonial administrative style coupled with military hangover and its unitary principles/practices account for concentrated power in the executive arm and by extension, centralised presidential system in Nigeria. The foregoing narrative, Gbajabiamila (2018, 4) opines "cannot be suitable in a multi-ethnic society like Nigeria where there are issues of marginalisation, resource control, power sharing... revenue allocation, agitation for secession..."

By constitutional design, the Nigerian governance system is presidential, but in practice (and resulting from factors identified above), it is unitary. This partly explains the nationality question, occasioned by serial crises, and has circumscribed the strength and bases for adopting federalism in Nigeria, which are: cultural and ethnic diversity; fear of majoritarian domination of the minority; geographical and economic factors; and bringing governmental power closer to the people. Correcting these maladies or dysfunctions would require modifications or hybrid approaches to the model and system of governance in Nigeria.

DISCUSSION: ISSUES AND CHALLENGES IN NIGERIA'S EXECUTIVE-LEGISLATIVE RELATIONS

An appropriate starting point for this section necessarily reconnects with the overarching issues mentioned in section one of this paper on the knotty issues underlining executive-legislative relations in Nigeria. The components and irritants are however highlighted and discussed specifically hereunder.

The legislature is empowered constitutionally on appropriation (budget) matters. Sections 80 and 81 among others accord the National Assembly powers and control over public funds. For instance, section 81 provides that budget estimates (appropriation bill) shall be presented to each chamber or joint sitting of the National Assembly at any time within the financial year. Experience shows that the president presents this instrument before the commencement of the financial year, and it could take up to six months for the legislature to complete the process and produce an Appropriation Act. This inevitably slows down budget implementation and other programmes. Section 82 therefore provides the executive arm a leeway to bifurcate the dominant claim on power of appropriation by the legislature (Adisa 2017).

A related issue to the above in the public domain is the recurring habit of the legislature in tinkering with the budget, which in Nigerian parlance refers to 'budget padding'. This is usually construed as an affront on the executive, and as Igbokwe-Ibeto and Anazodo (2015, 19) argue, "the legislature has always been painted as... mutilating the budget after the executive has 'painstakingly' prepared it". Had the legislature also not been shrouding its budget in secrecy, the convincing and altruistic bases for the action of the legislators is that budget belongs to citizens, and they owe it as paramount duty to ensure that the budget meets the yearnings and aspirations of the people as their *bona fide* representatives. However, allegations of self-centeredness, avarice and serial acts of corruption circumscribe this position.

Another issue worthy of note is executive interference and meddlesomeness in the affairs of the legislature which finds expression in attempts at controlling the National Assembly through deliberate manipulation in selection/election of its leadership. This was particularly noticeable under the Obasanjo presidency between 1999 and 2007, when there were five senate presidents in quick succession (Anyim-Ben et al. 2017, 82). This portrays lack of respect for

legislative independence which is attributable to the president's overbearing attitude and style of leadership (Nwaubani, 2014) inherited from his military background and dominant persona.

The 8th National Assembly had its share of derailment in legislative initiatives, perhaps not of deep-seated nature as highlighted above, because President Buhari at the inception of his administration in 2015 did not show overt interest in the emergence of leaders at National Assembly. Aziken (2019, 3) avers however that "not all around him were apparently of the same mind... Hence, the brouhaha that followed the emergence of the Bukola Saraki and Ike Ekweremadu leadership of the senate and... Speaker Yakubu Dogara in the House of Representatives". This phenomenon or what appears as executive dominance and attempts at harassing the legislature has entrenched basis/support in literature as documented in Eme (2016); IHEMEJE, et.al (2016); Fagbadebo and Francis (2016); and Na'aba (2018) among others.

It is also pertinent to identify the widening gulf between legislative structures and presidential aides on National Assembly (NASS). Robust relationship between these two groups has the tendency of strengthening executive-legislative interaction through proper guidance, advice, eliminating suspicions and reducing frictions. It is puzzling but quite revealing as Adisa (2017, 7) submits thus:

recently...some representatives of the executive appear to speak and act as though they were expressly directed by the president. They exhibit attitude that creates suspicion between the arms of government and claim knowledge of issues they really lack knowledge about. They tend to hijack the functions of the clerk during joint sitting and show overbearing conduct during screening of candidates at the senate committees.

The allusion to screening of candidates highlighted above resonates as an important function/responsibility of the legislature, which Hassan (2016, 1) reinforces this way: "...confirmation of nominated ministers, ambassadors and heads of parastatals". In this connection, the Magu (Acting Chairman of EFCC) case presents a dramatised scenario on executive-legislative face-off in the 8th Assembly, and as Isa (2017, 2) posits, the legislature allegedly stood "on the side of an institution" (which is the Directorate of State Service), thus declining the confirmation of appointment as constitutionally required.

Equally worthy of mention is the unhealthy relationship bothering on political issues between state governors and some members of NASS from states like Kaduna, Kogi, Zamfara and Bauchi who were experiencing ruptured relationships with their governors and the president was perceived as tacitly endorsing the actions of the respective governors (*The Guardian*, 2018). This constitutes one of the thorny issues characterising executive-legislative relations in the 8th Assembly of the Fourth Republic. Other issues include the alleged overzealous acts of the former Inspector General Police who held some principal officers and key members of the 8th Assembly (especially the senate) in derision, contempt and disrespect. Until tenure severed him from that office, the president appeared helpless and unable to call this public officer to order. The damage occasioned by his acts is public knowledge and drew a wedge on executive-legislative relations. Sundry issues like untimely release of funds for the execution of constituency projects due to lawmakers by the executive; constitutional responsibility of oversight functions as mechanism for ensuring accountability and good governance (Igbokwe-Ibeto and Anazodo 2015); refusal to assent to bills/exercise of veto power (Kalu 2018) among others cannot be ignored.

To recap, apart from the perceived weaknesses/unsuitability of parliamentary system for the Nigerian cum African political environment as highlighted in this paper, and which arguably led to the collapse of the First Republic, the scorecard on the Second Republic by Fashagba et al. (2014, 103) is that the legislature of that era “was pliant, ... failed to check abuse of executive power...and the adversarial or confrontational politics that resulted following the collapse of the NPN/NPP alliance...” may have accounted for the abrupt end of that republic in 1983. The Third Republic by knowledgeable accounts was still birthed, due to the nature of events in that period.

Extant literature presents the Yar'adua and Jonathan presidencies as performing fairly well in executive-legislative relations (Okoroma 2012; Lafenwa and Oluwalogbon 2014). The law-making arm has nonetheless been able to protect democratic ideals by ensuring law, order and constitutionalism, especially through the landmark and dependable roles exhibited in times of political crisis and uncertainty. A case in point was the nationalistic exercise of the “doctrine of necessity” in 2010 to forestall anarchy and

constitutional crisis as a result of President Yar'adua's ill-health, and later demise. This doctrine paved way for Vice-President Goodluck Jonathan to be sworn in as Acting President and finally as President, consequent upon the death of Umaru Yar'adua (Okoroma 2012; Nwaubani 2014).

CONCLUSION AND RECOMMENDATIONS

The paper expounds on the intellectual and theoretical foundations of executive-legislative relations, particularly in presidential systems, and as entrenching separation of powers among arms of government. It further notes that persistent friction, squabbles and acrimony between the executive and legislature are threats to democracy and development (Ibietan & Joshua 2015). There is an observation on the debilitating effect of colonial administrative style; the adoption of parliamentary system of government in the first republic; the inordinate appetite for power/governance by the military coupled with their unitary command structure. These in no small measure impacted badly on political activities and presidentialism which has become unnecessarily centralised in Nigeria.

The constitutional bases, provisions and position on arms of government in Nigeria are clearly articulated, yet there are issues and irritants in the executive-legislative relations as sections of this paper show. As earlier noted, the presidential system that is operational in Nigeria is a direct transplant of the American model; however the environment and operators are not the same. It must be reiterated that the USA system has evolved and developed substantially, and this implies that there may be lessons in adaptation that Nigeria needs to learn as a matter of urgency, in order to better cultivate and sustain presidential system and practice. Other suggestions capable of addressing issues and challenges inherent in executive-legislative relations are as follows:

- The need for synergy, collaboration, robust dialogue and better relationship between arms of government, especially the executive and legislature cannot be overemphasised in the overall interest of citizens. This, in no small measure will facilitate the delivery of the much needed democratic dividends.
- Respect for constitutional provisions and boundaries (of activities) must be adequately taken into cognizance, and the

independence of each arm of government should be the hallmark of democratic practice and interaction.

- Through a deliberate cultivation of the culture of civic engagement and accountability from public office holders, Nigerians must continue to demand qualitative services, performance and moral rectitude in public governance. These would strengthen public institutions and set higher qualifications/expectations from entrants into the political space.
- Notwithstanding the dismal experience with twenty years of unbroken civilian administration, Nigerians must relentlessly make the sacrifice and take required steps to further deepen democratic practice.
- As a corollary, Nigeria's democratic practice and governance do not require "strongmen" to run, but leaders and political elites that are purposeful and service-driven.
- Additionally, a clear understanding and application of restructuring to decongest the central government, and ensuring that every Nigerian finds a rightful stake in the Nigerian project would greatly address the ticklish 'nationality question' in the country, and the unitaristic inclination of federal system of governance.

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