

**Legislature-Executive Relations in the Presidential System: A  
Study of Lagos and Ogun States, Nigeria, 1999-2011**

**By**

**ONI, Samuel Olorunmaiye  
CUGP070188**

**A Thesis Submitted to the Department of Political Science and  
International Relations, School of Social Sciences, College of  
Development Studies, Covenant University, Ota, Nigeria in Partial  
Fulfillment of the Requirements for the Award of Ph.D Degree in  
Political Science**

**May, 2013**

## **CERTIFICATION**

This is to certify that this study titled “Legislature-Executive Relations in the Presidential System: A Study of Lagos and Ogun States, Nigeria, 1999-2011” was carried out by Oni Samuel O. under our supervision and that the thesis has not been submitted for the award of any degree in this or any other university.

**Professor Remi Anifowose**  
Department of Political Science  
University of Lagos  
(Supervisor)

-----  
Signature and Date

**Professor Kayode Soremekun**  
Department of Political Science  
& International Relations  
College of Development Studies  
Co-Supervisor

-----  
Signature and Date

## DECLARATION

It is hereby declared that this thesis titled “Legislature-Executive Relations in the Presidential System: A Study of Lagos and Ogun States, Nigeria, 1999-2011” was undertaken by me, Oni Samuel O. The thesis is based on my original study in the Department of Political Science and International Relations, School of Social Sciences, College of Development Studies, Covenant University, Ota. The views of other researchers have been acknowledged. It is further restated that this work has not been submitted for the award of degree in this or any other institution.

**Oni Samuel O.**

Researcher

---

Signature and Date

The above declaration is attested to by:

**Professor Remi Anifowose**

Supervisor

---

Signature and Date

**Professor Kayode Soremekun**

Co-Supervisor

---

Signature and Date

**Dr. Sheriff Folarin**

Head, Department of Political Science and  
International Relations  
Covenant University, Ota.  
Ogun State, Nigeria

---

Signature and Date

**Professor Ranti Olurinola**

Dean, College of Development Studies  
Covenant University, Ota.  
Ogun State, Nigeria

---

Signature and Date

**Professor Charles Ogbulogo**

Dean, School of Postgraduate Studies  
Covenant University, Ota.  
Ogun State, Nigeria

---

Signature and Date

## **DE DICATION**

This thesis is dedicated to the Almighty God

## **ACKNOWLEDGEMENTS**

I will continue to be grateful to the Almighty God for His leading and the grace bestowed on me for this academic journey. My sincere appreciation goes to the Chancellor of Covenant University, Dr. David Oyedepo whose singular obedience to God's call has opened this door for the fulfilment of God's agenda for me. I humbly acknowledge and appreciate the continuous support of Pastor Yemi Nathaniel, Executive Secretary of the Living Faith Church Worldwide. My special and deep appreciation goes to Professor Aize Obayan, Education Secretary, National Education Commission of the Living Faith Commission Worldwide. Her care, love, efforts and commitment to seeing that I key into God's purpose for my life will continue to be deeply acknowledged. I humbly appreciate the untiring efforts of the management team of Covenant University led by the Vice-Chancellor, Prof. C.K. Ayo for their passion particularly towards the fulfilment of the vision of the Postgraduate programme of Covenant University. I appreciate the Registrar, Dr. Ubong Ntia, the Deputy Vice-Chancellor – Administration, Dr. T. A. Abioye, the Deputy Vice-Chancellor – Academics, Professor A. A. Ataiyero and the Dean of Postgraduate School, Professor Charles Ogbulogo. I am also grateful to the Dean of the College of Development Studies, Professor R. Ogunrinola and the Deputy Dean of the School of Social Sciences, Dr. Daniel E. Gberevbie for the roles they played in respect of my Ph.D Degree Programme.

I equally express my deep and sincere appreciation to my Head of Department, Dr. Sheriff Folarin for his untiring efforts and care towards the successful completion of my Ph.D programme in the Department.

To my supervisor, Professor Remi Anifowose, I am sincerely grateful for his thorough supervision of this very thesis. His wealth of knowledge, constructive criticisms and commitment to excellence has indeed impacted on me as shown in the quality of this thesis. I am also very grateful to my co-supervisor, Professor Kayode Soremekun, for the great role he played both in terms of supervision and advice in ensuring the quality

and completion of this study. I am indeed privileged to be supervised by these erudite scholars.

This gratitude will not be complete without appreciating the contributions of Professor Mathew Ajayi, Vice Chancellor of Landmark University, for his immense contribution to this exercise. I am grateful to Dr. Joseph Fashagba, Landmark University, Prof. D. Omoweh, Dr. William Idowu and Dr. O. Wusu for their great impact on this project. My profound gratitude also goes to my colleagues and senior colleagues in the Department especially Dr. M. Duruji, Mrs. F. Owolabi, Mrs. O. Fayomi, Mr. R. Olorunyomi, Mr. F. Anuniru, Mr. S. Joshua, Mr. G. Agbude, Mr. I. Olanrewaju, Mr. K. Shodipo, Mrs. D. Udoh, Mrs L. Ajayi, Miss F. Oviasoge and Miss R. Popoola for their contributions to this work. I appreciate my great friends and senior colleagues in the College, Dr. J. Obamiro, Dr. A. J. Abiodun, Mr. O. Ogunnaike and Mr. O. Fashina for their worthy input particularly, in the data analysis of this research work.

I am most grateful to Mr. Femi Ademosun, the Director, Bills, Ogun State House of Assembly, Mr. Adesanya Quadri Wasiu, Head, Parliamentary Education Unit, Legislative Matters Directorate and Secretary, Public Accounts Committee, The Public Relations Officer, Ogun State House of Assembly and Chief Babatunde Akinyemi, A PDP Chieftain in Ogun State for all their efforts, particularly during the data gathering stage of the research work.

I sincerely appreciate my lovely wife Aderonke Atinuke Oni for her prayers, encouragement, sacrifice, understanding and support throughout the course of my Ph.D programme. I am indeed grateful to my siblings particularly, Oni Gabriel Funso and Oni Jacob Oluwafemi for their prayers and supports towards the successful completion of this thesis.

Finally, I deeply appreciate every individual who in one way or the other contributed to the successful completion of my Ph.D Degree Programme in Covenant University. May God shower His priceless blessings upon them all, Amen.

**Oni Samuel O.**

**May 2013**

## Abstract

This study examines legislature-executive relations in the presidential system. The relationship between the legislature and the executive is pivotal to any constitution and is one of the central characteristics of a model of government. The need for separation of the roles, powers and personnel of the executive and the legislature capable of instituting harmonious inter-organ relations as well as ensure independence of the legislature in order to achieve the common goal of governance, underpinned the adoption of presidential system in Nigeria. The nature of legislature-executive relations in the presidential system has, however, attracted wide variety of viewpoints both about conflicts and cooperation and whether benefits or liabilities result from either. It is on this basis that the study examines the nature, causes and consequences of legislature-executive relations in two of Nigerian states - Lagos and Ogun between 1999 and 2011. It investigates the extent of legislature's independence in its constitutional processes in the face of the executive's influence in the two states. The study engages a combination of quantitative and qualitative methods, while data were gathered from primary and secondary sources. A well structured, closed and open-ended questionnaire was administered on 300 respondents selected through a combination of simple random and purposive sampling techniques from the legislature, executive, academia, civil society organisations, political parties and mass media from Lagos and Ogun States. In addition, in-depth non-scheduled structured interviews were conducted on selected political actors in the two states. Data gathered were analysed using percentile, measures of central tendency and content analysis. While the success of the presidential system depends on healthy legislature-executive interactions, findings reveal that a noxious pattern of legislature-executive relations conditioned by such socio-political and economic culture as rent-seeking, manipulations, impositions, patronage and political clientelism, among others, existed in Lagos and Ogun States. This nature of relationship is not only injurious to democratic consolidation, but also treacherous to their political development. Besides, while the legislature's independence is fundamental to presidential democracy, the executive's domination and meddlesomeness in the legislative business of the Assembly in the two states hampered the institution from performing the crucial role of citizens' representation through legislation and oversight. The inability of the legislature to meaningfully impact on policy process and perform its oversight role on the executive portends a reversal from democratic to quasi-dictatorial governance. Consequently, the study emphasizes the need to address those factors that encouraged the subordination of the legislature under the executive. These include, among others, the implementation of the self-accounting and service commission laws, institutionalization of the practice of party democracy, well-defined ideology and manifesto by political parties which must be the legal compass for elected party members to help both the executive and the legislature to pursue a joint agenda and the explicit specifications in the constitution, of the expectations of both the executive and the legislature regarding the legislative review of the annual appropriation bill.



# TABLE OF CONTENTS

<b>CONTENTS</b>	<b>PAGE</b>
<b>CHAPTER ONE: INTRODUCTION</b>	
1.1 Background to the Study.....	1
1.2. Statement of the Problem.....	6
1.3. Research Questions.....	8
1.4. Study Objectives.....	8
1.5. Research Propositions.....	9
1.6. Justification for the Study.....	9
1.7. Delimitation of the Study.....	12
1.8. Operational Definition of Concepts.....	13
1.9. Organization of Work.....	14
1.10 References.....	16
<b>CHAPTER TWO: LITERATURE REVIEW AND THEORETICAL FRAMEWORK</b>	
2.1. Introduction.....	20
2.2. Political Institutions.....	20
2.3. The Legislature.....	21
2.4. The Executive.....	35
2.5. Legislature-Executive Relations.....	51
2.6. Gap in the Literature.....	63
2.7 Theoretical Framework.....	64
References.....	71
<b>CHAPTER THREE: LEGISLATURE-EXECUTIVE RELATIONS IN THE PRESIDENTIAL SYSTEM OF GOVERNMENT</b>	
3.1 Introduction.....	82
3.2 Presidential System of Government and Legislature-executive Relations.....	82
3.3 Case Study Analyses of Legislature-executive Relations in the Presidential	

Model of Government.....	89
3.3.1 Legislature-executive Relations in the American Presidential System.....	89
3.3.2 Legislature-executive Relations in the Brazil’s Presidential System of Government.....	95
3.3.3 Legislature-executive Relations in the Philippine’s Presidential System of Government.....	102
3.3.4 Legislature-executive Relations in the Malawi’s Presidential System of Government.....	110
3.4. Presidentialism and Parliamentarism: A Comparative Perspective of Legislature-executive Relations:.....	117
3.4. Conclusion.....	120
References.....	121

**CHAPTER FOUR: HISTORICAL BACKGROUND OF LEGISLATURE-EXECUTIVE RELATIONS IN NIGERIA’S PRESIDENTIAL SYSTEM**

4.1. Introduction.....	130
4.2. Historical Development of the Executive and the Legislature in Nigeria.....	130
4.2.1 Legislative and Executive Institutions under the Colonial Administration in Nigeria.. ..	131
4.2.2 Legislative and Executive Institutions in the First Republic of Nigeria.....	139
4.2.3. Legislative and Executive Institutions in the Nigeria’s Second Republic.....	145
4.2.4. Legislative and Executive Institutions in Nigeria’s Fourth Republic.....	154
4.3. Historical Analysis of Legislature-executive Relations in the Nigeria’s Presidential System.....	160
4.4. Legislature-executive Relations in the Presidential System of Nigeria’s Fourth Republic .....	164
4.5. Legislature-executive Relations at the State Level of Nigeria Presidential System .....	171
4.6. Legislative and Executive Power Relations in Nigeria’s Politics.....	177
4.7. Conclusion.....	183
References.....	185

## **CHAPTER FIVE: METHODS OF THE STUDY**

5.1. Introduction .....	190
5.2. Research Design .....	190
5.3. Sources of Data .....	191
5.4. Population of Study.....	191
5.5. Sampling Technique .....	192
5.6. Research Instrument for Data Collection .....	192
5.7. Data Collection Procedure .....	192
5.8. Validity and Reliability of Survey Instrument .....	193
5.9. Method of Data Analysis .....	194
5.10.Presentation and Analysis of Data .....	194
5.10.1. Socio-demographic Characteristics of Respondents .....	195
5.10.2. Independence of the Legislature from Executive’s Interference in Lagos and Ogun States.....	200
5.10.3. Discussion of Findings on the Independence of the Legislature from Executive’s Interference in Lagos and Ogun States.....	208
5.10.4. Pattern of Legislature-Executive Relations in Lagos and Ogun States between 1999 and 2011.....	230
5.10.5. Discussion of Findings on the Pattern of Legislature-Executive Relations in Lagos and Ogun States between 1999 and 2011.....	237
5.10.6. Factors Responsible for the Pattern of Legislature-Executive Relations in Lagos and Ogun States between 1999 and 2011.....	264
5.10.7. Discussion of Findings on the Factors Responsible for the Pattern of Legislature-Executive Relations in Lagos State between 1999 and 2011.....	271
5.10.8. Discussion of Findings on the Factors Responsible for the Pattern of Legislature-Executive Relations in Lagos and Ogun States.....	278
5.10.9. Implications of the Pattern of the Legislature-Executive Relations on the Governance of Lagos and Ogun States between .....	282
5.10.10. Discussion of Findings on the Implications of the Pattern of Legislature-Executive Relations in Lagos and Ogun States.....	289

5.11. Conclusion .....	295
References .....	297

## **CHAPTER SIX: SUMMARY, RECOMMENDATIONS AND CONCLUSION**

6.1. Summary .....	304
6.2. Policy Recommendations .....	308
6.3. Conclusion.....	311
6.4. Contribution to Knowledge .....	313
6.5. Suggestions for Further Study .....	315
Bibliography .....	317

# CHAPTER ONE

## INTRODUCTION

### 1.1. Background to the Study

Governance is imperative for the social, political and economic progress of every country (Fabbrini, 1995; Ogundiya, 2010) and is indispensable for the achievement of the noble objectives of a state (Oburota, 2003). Governance is viewed in terms of process and structure. Thus, Gill (2002) views it as the processes, structures and organizational traditions that determine how power is exercised, how stakeholders have their say, how decisions are taken and how decision-makers are held to account. Ogundiya (2010) in a very concise and succinct manner sees governance as consisting of two essential elements of the state, namely, the structure of the state and the procedures of the legislative, judicial, executive and administrative bodies at all the tiers of government. Since governance is both a structure and a process, the onus is on every state to adopt a model of governance whose structure and process it considers suitable for the achievement of its noble objectives.

Governance is recognized as the most critical challenge for political and socio-economic development in Africa, and particularly in Nigeria. More than fifty years after Nigeria gained political independence in 1960, the country is still faced with the problem of adopting the right model of governance. At the dawn of its political independence, international attention had shifted to Nigeria as a country that would possibly make giant strides toward sustainable democracy and good governance, development in Africa. Such hopes were not misplaced, given the abundance of human and natural resources in the country. Paradoxically, Nigeria plunged into conflicts, which have rocked the foundation of the country since independence due to the foundations as well as consolidated deficient social, economic, political, and developmental structures laid from the beginning, arising from the colonial origin of the Nigerian state (Akinboye & Anifowose, 1999). The Westminster-style parliamentary government that the First Republican

Constitution bequeathed to Nigeria enthroned a system regarded by scholars as confrontational and conflict generating as the Prime Minister shared power with the President and there was no complete separation of powers between the Executive and the Legislature. The executive was part of, and derived its power from being included in the legislature. Consequently, the system was exposed to instability (Dudley, 1982; Nwabueze, 1985; Aniagolu, 1993; Eteng, 1997; Ogowewo, 2000; Momoh, 2000; Akinwumi, 2004).

The restoration of civilian rule in Nigeria on October, 1979 after thirteen years of military rule would inevitably have been a landmark of great significance for Nigeria. What has given it quite exceptional importance is the fact that Nigeria, turning its back on the Westminster model, chose to adopt a new political structure – “the Washington model” of executive presidential and gubernatorial government. The presidential system adopted was modeled after that of the United States of America. The euphoria that greeted the decision to opt for the presidential system revealed the hope that it would usher in clean political governance in the Second Republic. Unlike the preceding military regime, the Second Republic was anchored on the 1979 constitution of the Federal Republic of Nigeria. It was predicated on a presidential single executive system of democratic governance. The Constitution Drafting Committee (CDC) was mandated by the government to produce a constitution that would discourage institutionalized opposition to the government in power and, instead, to develop a consensus in politics and government (Aiyede, 2005).

The report of the 1977/78 Constituent Assembly clearly stated some of the reasons for the adoption of the presidential system. These include, *inter alia*, the need for unity, energy, and dispatch inherent in the single executive system – The President, and a provision for a clear separation of the roles, personnel and powers of the executive and the legislature capable of harmonious inter-organ relations as well as ensure the independence of the legislature so as to enhance the performance of both the executive and legislative organs of government. Thus, while each arm is vested with power over some defined activities of government, in many respects, however, conjugal efforts and collaboration are

constitutionally required for the exercise of power (Dudley, 1982 & Fasagba, 2009). In this new system, there is a clear separation between the executive and the legislature, the executive deriving its power from the direct popular vote of the electorate and from the constitution (Ekweme, 2005). The political bureau of 1987, the 1989 Constitution, the 1994 Constitutional Conference and the 1999 Constitution all supported the retention of presidential system as a model of government for Nigeria despite the acrimonious politics of the Second Republic.

The new 1999 Constitution of the Federal Republic of Nigeria came into force with effect from 29 May, 1999, the date of the military handover of governance to a democratically elected civilian regime. The document is based on the 1979 presidential constitution, with some amendments, and provides that Nigeria shall be a Federation made up of 36 States and a Federal Capital Territory (The Constitution of the Federal Republic of Nigeria (CFRN), 1999). Following the adoption of the presidential system in Nigeria, therefore, no one arm of government is superior to the other, neither is any subordinate to the other. Each organ is independent within its own sphere of influence. Section 4 of the 1999 Constitution vests the legislative powers of the Federal Republic of Nigeria in the Legislature - the National Assembly, a bicameral legislature, consisting of the Senate and the House of Representatives at the Federal level; it also vests the legislative powers of a State of the Federation in the House of Assembly of the State, a unicameral legislature. Section 5, on the other hand, vests the executive powers of the Federation in the President at the Federal level and the executive powers in a State in the Governor of the State. Section 6, however, vests the judicial powers of the Federation and a State therein in the Judiciary, consisting of the Courts established for the Federation and the States by virtue of the provisions of the Constitution (CFRN, 1999).

As noted by Oshio (2004), although the 1999 Constitution vests the governmental powers on the three separate arms of government, the division of powers is not created to institutionalise isolation of any arm of government. Thus the definition of powers to each arm only ensures an interlocking system of checks and balances rather than an absolute separation of powers, which is impracticable. This is evident under the Nigerian

constitutional arrangement. The President has power to veto any bill passed by the legislature but the legislature can impeach the President. Also, the President's nominations for appointment of Justices to the Supreme Court and the Chief Justice of Nigeria are subject to confirmation by the Senate. The legislature exercises oversight functions, including the power over public finance and the power of investigation. On the other hand, the courts exercise the power of judicial review over executive and legislative actions. In essence, therefore, the separation of powers operationally involves a sharing of the powers of government, a system of checks and balances which allows each arm of government to defend its position in the constitutional framework of government. It needs flexibility, understanding and cooperation among the arms of government with each arm recognizing the limits and enforcing them. In this way, the purpose of government is fulfilled through contributions from all the arms of government as partners in progress.

The relationships between the legislature and the executive are one of the key defining characteristics of the functioning of any political system (Kopecky, 2004). It is central to the constitutional and political system of any territory and has been at the forefront of parliamentary debate in recent times (Winetrobe, 2000). These relationships are complex, depending on a range of formal and informal practices. The constitutional prerogatives vested in legislatures and the executive are, of course, most important because they structure the interactions between the two powers (National Democratic Institute (NDI), 2000). However, numerous informal rules and conventions, such as the customs concerning nomination of members of the cabinet following an election, practicality, precedent, habit, and the influence of political parties are very important as well (Bernick & Bernick, 2008). The variation of these circumstances across countries of the world accounts for the wide differences in how political power is shared and the relative influence each branch of government has over policy formulation (NDI, 2000).

Constructive relationships between the executive and the legislative arms of government are essential to the effective maintenance of the constitution and the rule of law (Holme, 2007). In recent years, however, the character of these relationships has changed



significantly, both because of changes in governance and because of wider societal changes. Scholars have been expressing a wide variety of viewpoints on executive-legislative relations, both about conflict and cooperation, whether one or the other dominates, and whether benefits or liabilities result from either (King, 1976; Madison, 1992; Magill, 2001; Kopecky, 2004). While some see conflict between the executive and legislature as a necessary and beneficial precondition to limiting and controlling government, others view it as contributing to gridlock over major public policy decisions, thus making government ineffective (Madison, 1992; Aiyede, 2005; Dulani & Donge, 2006 & Mbah, 2007).

The fact that Nigeria operates a federal constitution means the replication of the separate arms of government both at the federal and the state level of government. Following the federal model, each state's executive and legislature derive their powers from the constitution. The head of the executive branch at the federal level is the President of the Federal Republic of Nigeria and at the state level, it is the Governor. The legislative body at the federal level is the National Assembly consisting of the Senate and the House of Representatives while at the state level, it is the State House of Assembly. The executive branch at the state level is separate both in function and personnel from the State House of Assembly. However, for the purpose of government, these two institutions of government are expected to operate in an atmosphere of cordial relationship. In essence, flexibility, understanding and cooperation between the Governor who is the chief executive and the State House of Assembly in the process of governance are mostly desired for effective governance at the state level. That is why over the years, scholars of intra-governmental relations at the state political system are very keen at expanding the frontiers of knowledge on the nature and implications of the relationship between the chief executive or governor and the legislatures. Of particular academic interest has been the extent to which legislatures maintain viable, independent positions in public policy-making in the face of influence of the chief executive – the governor particularly, in a presidential system (Bernick & Wiggins, 1981; Cheibub, 2007).

These findings therefore necessitate an assessment of the nature of legislature-executive relations at the state level of Nigeria's presidential system of governance. Such diagnosis will bring to limelight the nature of legislature-executive relations in the federating units of Nigerian presidential system and the factors engendering such relationship with a view to bringing to the fore valid modalities for improving legislature-executive relations, especially as the country undergoes a process of democratic consolidation. Against the backdrop of this study, therefore, this research examines the dynamics, nature, causes and consequences of the relationship between the executive and the legislature in the Nigeria's presidential model of governance with particular reference to Lagos and Ogun States between 1999 and 2011.

## **1.2. Statement of the Problem**

The legislature and the executive in the presidential system adopted by Nigeria are each vested with powers over some defined activities of government. In many respects, joint efforts and collaborations are constitutionally required in the exercise of their power. This is to enhance the performance of the organs, ensure harmonious inter-organ relations and guarantee the independence of the legislature (Dudley, 1982 & Fasagba, 2009). The nature of legislature-executive relations in the presidential system, however, has over the years, attracted wide variety of viewpoints both about conflict and cooperation, whether one or the other dominates, and whether benefits or liabilities result from either. While some see legislature-executive conflict as a necessary and beneficial precondition to limiting and controlling government (Madison, 1992; Magil, 2001), others view it as contributing to gridlock over major public policy decisions, thus making government ineffective (King, 1976; Kopecky, 2004). The relationship between the legislature and the executive in Nigeria has been characterized by mutual suspicion, acrimony and political rivalry (Aiyede, 2005; Nwannekanma & Ogbodo, 2010). Despite the unequivocal provisions of the 1999 Constitution aimed at rectifying the problems identified with legislature-executive relations in the preceding republics, managing executive-legislature relations has been the single most problematic issue both at the centre and the state level since the country's return to civil rule in 1999 (Abonyi, 2006).

The principle of separation of powers is one unique feature of presidential democracy. At the same time, the branches are expected to serve as checks on each other as a preventive measure against absolute or abuse of power. Consequently, Nigeria leaders, when adopting the presidential system in 1979, had envisaged a strengthened legislature that can function as an effective check on the executive as well as an active, vigorous partner in the making of public policy (Aiyede, 2005). The singular nature of the office of the chief executive and his responsibility of managing the machinery of government have however, been argued to give him the opportunities and competitive advantage over the legislature and hence continues to exert executive dominance (Rosenthal *et.al.*, 2003). Moreover, executive's involvement in the legislative process has been argued to undermine legislature's independence to perform its role of citizens' representation (Bernick & Wiggins, 1991; Edosa & Azelama, 1995; Bernick & Bernick, 2008).

The legislature is seen as occupying fundamental place in the presidential democratic governance and performing crucial role of citizens' representation through legislation and oversight functions for the advancement and well being of the citizenry (Anyaeibunam, 2000; Okoosi-Simbine, 2010). These real roles in contemporary times have, however, become debatable and controversial. While the legislature in some political system is seen to have wide powers and exercises real power, the institution in some others have declined in power to a mere rubber stamp assembly for legitimizing the decisions made elsewhere (Ball, 1977; Heywood, 2007; Lafenwa, 2009). Some parliaments have even abdicated their responsibilities in fulfillment of some other interests (Adebo, 1988; Saliu & Mohammad, 2010; Okoosi-Simbine, 2010). It is even argued that legislative institutions in Nigeria are underdeveloped and hence incapable of performing this crucial role (Omoweh, 2006; Lafenwa & Gberevbie, 2007; Okoosi-Simbine, 2010). In line with this controversy, Ray (2004) avers that a general study of the position and working of the legislature in the present century would reveal that, barring few important and striking exceptions, legislatures have declined in certain important aspects and particularly in respect of powers in relation to the executive arm of governments.

It is, therefore, imperative at this juncture, to examine the nature of legislature-executive relations in the country's presidential system and to ascertain how well and how far the Nigerian legislatures have been able to perform their roles in the face of executive's dominance. This research, therefore, investigates the nature of the relationship between the two branches of government in two of Nigeria's federating units – Lagos and Ogun States.

### **1.3. Research Questions**

The questions that this study seeks to address are:

- 1) What is the extent of executive's interference in the legislative process of the Lagos and Ogun States' Houses of Assembly between 1999 and 2011?
- 2) What is the pattern of legislature-executive relations in Lagos and Ogun States between 1999 and 2011?
- 3) What factors accounted for the pattern of legislature-executive relations in Lagos and Ogun States between 1999 and 2011?
- 4) What are the implications of the pattern of legislature-executive relations on the governance of Lagos and Ogun States between 1999 and 2011?
- 5) What are the ways of improving legislature-executive relations in Lagos and Ogun States?

### **1.4. Objectives of the Study**

The aim of this study is to examine the nature of legislature-executive relations in Lagos and Ogun States of Nigeria's Presidential system between 1999 and 2011. Following this goal, the specific objectives are to:

- 1) examine the extent of executive's interference in the legislative process of the Lagos and Ogun States House of Assembly between 1999 and 2011;
- 2) explore the pattern of legislature-executive relations in Lagos and Ogun States between 1999 and 2011;
- 3) investigate the factors responsible for the pattern of legislature-executive relations in Lagos and Ogun States between 1999 and 2011;

- 4) examine the implications of the pattern of legislature-executive relations on the governance of Lagos and Ogun States between 1999 and 2011;
- 5) proffer ways of improving legislature-executive relations in Lagos and Ogun States.

### **1.5. Research Propositions**

This study is predicated on the following propositions:

- Executive's interference in the legislative process undermines the legislature's roles of citizens' representation through legislation and oversight in Lagos and Ogun States.
- The relationship between the executive and the legislature in Lagos and Ogun States has been more of power struggle than being responsive partnership in governance.
- The economic and socio-political conditions in Lagos and Ogun States have greater consequences for legislature-executive relations than the institutional design factors of the presidential system in the States.
- Acrimonious legislature-executive relationship is inimical to the principle of separation of powers in a presidential democratic system.

### **1.6. Justification for the Study**

The presidential model of democratic governance has become a prominent institutional design in Nigerian Constitutions since its adoption in 1979. The relationship between the executive and the legislature in the Nigeria's presidential system has, however, been characterized by unhealthy rivalry, mutual suspicion and competition for supremacy. The Fourth Republic, did not witness any change in the often acrimonious relationship. Despite the majorly unambiguous provisions in the 1999 Constitution aimed at rectifying some of the problems identified with legislature-executive relations in the preceding republics, since 1999, inter-branch relationship in Nigeria has been characterized by gridlocks over major public policy decisions and struggles in a climate of partisanship and distrust, with these major political institutions relating with each other as adversaries, not as responsible partners in governing.

The confrontational and conflictual experience of the inter-branch relations in Nigeria's presidential democratic governance over the years seem to be contrary to the popular postulation that an underlying principle of competition and rivalry among the branches serve as means of limiting and controlling government. However, very little empirical research has been undertaken to flesh out and assess the relationship between the executive and the legislature in Africa and especially in Nigeria (Ferguson, 2003; Burnell, 2004; Wang, 2005). Furthermore, available studies of legislature-executive relations in Nigeria have largely focused on the relationship between the two organs at the federal level (Awotokun, 1998; Aiyede & Isumonah, 2002; Aiyede, 2005; Dunmoye, 2005; Mbah, 2007; Lafenwa & Gberevbie, 2007). The nature and implications of this relationship at the State level of the federation have largely been neglected. As observed by Okoosi-Simbine (2010), there remains a substantial dearth of information on the activities and performance of these institutions at the state level in Nigeria.

This study is, therefore, both timely and significant. A detailed analysis of this phenomenon will reduce the dearth of knowledge in this area. In addition, the suggestions and recommendations proffered in this study will help improve inter-branch relationships in Lagos and Ogun States. Finally, this work will be useful to scholars who may wish to carry out further research on the relationship between the executive and the legislature in Nigeria.

The choice of Lagos and Ogun States is informed firstly, by the desire to select two states operating under the same institutional design but with different internal political influences, experiences and constraints. This informed the choice of Lagos and Ogun States. The two states have operated under the various presidential constitutions since 1979 when the institutional framework was first introduced in Nigeria. However, while Lagos State experienced a relatively cordial inter-branch relationship during the study period (1999 – 2011), Ogun State was riddled with conflictual inter-branch relationship during that period. The choice of these two states therefore, provides intellectual platform to explore the nature, factors and consequences for both cooperative and conflictual

legislature-executive relations which is the focus of this study. Furthermore, the time frame of the study falls within the period when each of these two states belonged differently to each of the two dominant political parties in igeria - Peoples' Democratic Party (PDP) and Action Congress of Nigeria (ACN). While Lagos State was within the period controlled majorly by ACN, Ogun State was mostly controlled by PDP particularly, between the period 2003 and 2012. The two states were however, under the defunct Alliance for Democracy (AD) between 1999 and 2003.

In addition, while the two states consist of a homogenous people of the Yoruba extraction, Ogun State is made up of six sub-ethnic groups viz, Egba, Ijebu, Remo, Egbado, Awori and Egun. The language of the majority of the people of Ogun State is Yoruba but this is, however, broken into distinct linguistic characteristics. These comprise of Egba speaking people in Abeokuta North, Abeokuta South, Ifo, Ewekoro, Obafemi Owode, Odeda and Ado Odo/Ota LGAs; Egbado speaking people in Yewa North, Yewa South, Imeko Afon and Ipokia LGAs. Ijebu speaking people in Ijebu East, Ijebu North, Ijebu Northeast, Ijebu-Ode, Odogbolu and Ogun Waterside LGAs; the Remo dialectical group is found in Sagamu, Remo North and Ikenne LGAs. Other dialectical groups in the state include Oyo (Owu), Awori, Ikale and Ilaje. The Egun people are from Dahomey (Benin Republic) with their kin across the international boundary to the west live. The study of the legislature-executive relations in these two states therefore, provides an interesting opportunity for interrogating the dynamics, pattern and implications of multi-party structure and socio-political dynamics on the subject matter.

Added to the aforementioned factors is the advantage of distance and accessibility which the two states portend for the study.

It is expected that this study be limited in some ways. Firstly, this study of legislature-executive relations in the presidential model of government is limited to Lagos and Ogun states in Nigeria between 1999 and 2011. Secondly, though the historical background to legislature-executive relations in the country is relevant to this study in order to bring out the stages of the subject matter, the scope is between 1999 and 2011. While, the study of

the legislature-executive relations in these two constituent states of Nigeria's federation offers an interesting opportunity for interrogating the subject matter, a further study involving all the three tiers of government across the whole federation should, however, be more desired.

### **1.7. Delimitation of the Study**

This study focuses primarily on legislature-executive relations in the presidential system of government, specifically Lagos and Ogun States, Nigeria, between 1999 and 2011. Lagos state was created on May 27, 1967 and occupies a total land mass of 3,577 square kilometers part of which consists of 787 square kilometers of lagoons and creeks. Administratively, the State is divided into twenty (20) Local Government Councils (LGCs) and thirty-seven (37) Local Council Development Areas. These LGCs are Epe, Ikorodu, Ibeju-Lekki, Eti-Osa, Ojo, Amuwo-Odofin, Badagry, Alimosho, Ifako-Ijaiye and Agege, Lagos Island, Lagos Mainland, Shomolu, Kosofe, Surulere, Apapa, Ikeja (administrative headquarters), Oshodi-Isolo, Ajeromi and Mushin. In terms of geographical spread, the state ends to Badagry on the West, eastward to Lekki and Epe and northward to Ikorodu. Towards the south, the state stretched over 180 kilometres along the coast of the Atlantic Ocean. The state's population according to 2006 estimation is 9,113,605.

Ogun State, on the other hand, was created in February 3, 1976 out of the former Western State. It is bounded in the south by Lagos state and the Atlantic Ocean. Towards the eastern frontier of the state is Ondo state while Oyo state borders the state northward. The State consists of a homogenous people of the Yoruba extraction, but within the population are sub-groups with distinct linguistic characteristics. Notable among these are the Egbas, the Ijebus, the Remos and the Yewas formerly known as the Egbados. In terms of political administration, the State is made up of twenty (20) Local Government Areas, including Abeokuta South; Abeokuta North; Ado-Odo/Ota; Yewa North; Yewa South; Ifo; Ijebu East; Ikenne; Obafemi Owode; Odeda; Odogbolu; Ogun Waterside; Sagamu; Imeko-Afon; Ipokia; Ijebu; Ewekoro; and Remo North. The state occupies a landmass of 16,409.26 squares kilometers. The state has a population of 3,728,098



persons by the 2006 census. The study dwells extensively on the dynamics, nature, pattern and implications of legislature-executive relations in these two states within the period under review.

### **1.8. Operational Definition of Concepts**

The idea of conceptual clarification stems from the necessity to understand some terms as used in this study. Osumah and Ikelegbe (2009) assert that the essence of conceptualization is to give operational definitions to some important terms used in the discourse. Conceptual clarification helps specify what we mean when we use particular terms for purposes of facilitating their contextual operationalization and comprehension (Rubbin & Babbie, 1989). This is because this study involves a social investigation, and it is therefore necessary to clarify basic concepts to avoid ambiguity in the use of terms. As rightly observed by Chafe (1994), the primary requirement for debating anything is to understand first and foremost the actual thing being discussed. Thus, clarifying some concepts used in this study helps remove ambiguity and cultural contextualisation. In this regard, the following terms are defined:

**Assembly:** The assembly, as used in this study, means the legislative body of a particular state or a country.

**Oversight:** Oversight here refers to the legislative function of supervising the activities of government.

**Executive:** The term executive in the context of this study, is the branch of government that has sole authority and responsibility for the daily administration of the state bureaucracy.

**Legislature:** The term legislature, as used in this study, means a branch of government, a deliberative assembly of persons, usually elective, with the power to pass, amend, and repeal laws for a state.

**Parliament:** The term parliament in this context means a national legislative body.

**Relations:** This refers to an existing mode or kind of connection or interactions, a significant association between the executive and the legislature.

**Party Discipline:** This refers to the control that party leaders have over its legislature in getting its members to support the policies of the party.

**Majority Government:** A situation in which the government party controls absolute majority in the legislative body.

**Minority Government:** A situation in which the government party does not have absolute majority in the legislative body.

### **1.9. Organization of Work**

This study is organized into six chapters. Chapter One introduces the study and gives a description of the background to the study. It highlights the research problem, the aim and objectives of the study, the geographical and time scope of the study and the delimitation of the scope to a particular section.

Chapter Two dwells on a review of the literature and the theoretical framework of the study. It centres essentially on previous and existing work on the executive and the legislature, the executive system, types, powers and functions, and the executive – legislative relations in Nigeria and some presidential political system. It identifies the inherent gap in the literature and the likely contribution of the present study.

Chapter Three of the study dwells on legislature-executive relations in the presidential system of government. It examines the basic institutional characteristics of a presidential system of government and their consequences on legislature-executive relations. In addition, the chapter deals with case study analysis of executive-legislative relations in some presidential political systems with a view to determining the extent to which the presidential institutional arrangements have determined the nature of the legislature-executive relations in those countries.

Chapter Four focuses on Nigerian presidential system of government and examines in historical perspective, the legislature-executive relations in Nigeria's presidential system. It looks at the provisions for the office and power of the executive and the legislature in Nigeria under the 1979 and 1999 presidential constitutions of the country.

Chapter Five deals with the methodology of the research, the presentation, interpretation and analysis of data obtained through primary sources on the dynamics, pattern and implications of legislature-executive relations in Lagos and Ogun States. This chapter also includes the detailed discussions of empirical findings of the study.

Chapter Six includes the summary, conclusion and recommendation of the study. The area uncovered in this research is identified; suggestions and recommendations were also given for further studies.

## References

- Abonyi, Nichodemous (2006) *Intergovernmental Relations in Democratic Federations*. Enugu: John Jacob's Classic Publishers Ltd.
- Adebo, Ademola (1988) "The Legislature: Overview and Performance". In Ayeni Victor and Soremekun Kayode (eds) *Nigeria's Second Republic*. Lagos: Daily Times Publications. pp: 85-106.
- Aiyede, Remi E. & Isumonah, Adefemi V. (2002) *Towards Democratic Consolidation in Nigeria: Executive-Legislative Relation and the Budgetary Process*. Ibadan: Development Policy Centre.
- Aiyede, Remi E. (2005) "Executive-Legislature Relations in Nigeria's Emerging Presidential Democracy." *UNILAG Journal of Politics*. Vol. 2. No. 1. pp: 65 – 87.
- Akinwumi, Olayemi. (2004) *Conflicts and Crisis in Nigeria: A Political History since 1960*. Munster, Germany: LIT Verlag.
- Aniagolu, A. N. (1993) *The Making of the 1989 Constitution of Nigeria*. Ibadan: Spectrum books Limited.
- Anyaegbunam, E. O. (2000) *Assembly Handbook: A Legislator's Companion*. Lagos: FEF.
- Ball, Alan R. (1977) *Modern Politics and Government 2<sup>nd</sup> Edition*. London: Macmillan Press Ltd.
- Bernick, E. Lee & Charles W. Wiggins (1981) "Executive-Legislative Power Relationships: Perspectives of State Lawmakers." *American Politics Quarterly* Vol. 9. No. 4. pp. 467-477.
- Bernick, Ethan M. & Bernick, Lee E. (2008) "Executive-Legislative Relations; Where You Sit Really Does Matter". *Social Science Quarterly*. Vol. 89. No. 4. pp: 969-986.
- Beyle, Thad L & Muchmore, Lynn R. (1983) "Governor in the American Federal System." In Beyle, T. L. & Muchmore, L. R. (eds) *Being Governor. The View from the Office*. Durham: Duke University Press.
- Dudley, Billy (1982) *An Introduction to Nigerian Government and Politics*. London: Macmillan Press Ltd.
- Dulani J. K. & Donge, V. (2006) "A Decade of Legislature-Executive Squabble in Malawi, 1994-2004", in M. A. M. Salih (ed.), *African Parliaments. Between Government and Governance*. New York: Palgrave Macmillan, pp. 201-24.

- Dunmoye, Ayo R. (2002) "Resource Control: which way forward?" *The Nigerian Social Scientists*, Vol. 5, pp. 49-53.
- Dunmoye, Ayo R. (2005) "Legislative Powers and Executive- Legislature Relations in Nigeria: 1999 to 2003". *Nigerian Journal of Political Science*. Vol. 9 No1 & 2.
- Ekweme, Alex (2005) "The Constitution and sustainable Democracy in Nigeria: Challenges and Prospects". *Foundation for Good Governance and Development in Nigeria*.
- Eteng, Felix Onenn (1997) 'Constitutional Development and the Military Experiment in Nigeria'. In G. O. Ozumba (ed.) *Nigeria Government and Politics*. Abia: AAU Industries.
- Fabbrini, Sergio (1995) "Presidents, Parliaments, & Good Government." *Journal of Democracy*. Vol. 6. No.3. pp. 128-138
- Fasagba, Joseph Yinka. (2010) "De-Constitutionalising? Democratic Governance in Nigeria: Assessing Executive-Legislative Handling of Executive Power Vacuum in the Fourth Republic". *Africana*. pp: 7 - 44.
- Ferguson, Margaret Robertson (2003) "Chief Executive Success in the Legislative Arena". *State Politics & Policy Quarterly*. Vol. 3. No. 2. pp. 158-182.
- Gill, Mel (2002) "Building Effective Approaches to Governance." *The Nonprofit Quarterly*. Volume 9: Issue 2. pp: 46-49.
- Heywood, Andrew (2007) *Politics (3<sup>rd</sup> Edition)*. New York: Palgrave Macmillan.
- Holme, Richard (2007) *Relations between the Executive, the Judiciary and Parliament*. London: The Stationery Office Limited.
- Kopecky, Petr (2004) "Power to the Executive! The Changing Executive – Legislative Relations in Eastern Europe". *Journal of Legislative Studies*. Vol. 10 No.2/3. pp: 142 – 153.
- Madison, James (1992) "The Federalist nos. 47.48." in Arend Lijphart (eds) *Parliamentary versus Presidential Government*. Oxford: Oxford University Press.
- Magill, Elizabeth M. (2001) "Beyond Powers and Branches in Separation of Powers Law". *University of Pennsylvania Law Review*, Vol. 150, No. 2. pp. 603-660.
- Momoh, Abubakar (2000) "The History and Politics of Constitution Making in Nigeria (1922 – 1999)". In Jegede Segun, Ayodele Ale and Eni Akinsola (eds) *Path to People's Constitution*. Lagos: Committee for the Defence of Human Rights.

- National Democratic Institute (2000) "Strengthening Legislative Capacity in Legislative-Executive Relations." *Legislative Research Series*. The National Democratic Institute for International Affairs.
- Nwabueze, B. O. (1985) *Nigeria's Presidential Constitution: the Second Experiment in Constitutional Democracy*. London: Oxford.
- Nwannekanma, Betram & Ogbodo, John-Abba (2010) "Constitution Review Needs President's Assent, Court Rules". *The Guardian*. November 9. Pg1.
- Oburota, A. (2003) "Governance as a Source of Social Violence in Africa." in Oguejiofor J Obi (Ed.) *Philosophy, Democracy and Responsible Governance in Africa*. New Brunswick and London: Transaction Publishers. pp: 388-398.
- Ogundiya, Ilufoye Sarafa (2010) "Democracy and good governance: Nigeria's dilemma". *African Journal of Political Science and International Relations Vol. 4(6)*, pp. 201-208.
- Okoosi-Simbine, A. T. (2010) "Understanding the Role and Challenges of the Legislature in the Fourth Republic: The Case of Oyo State House of Assembly." *Nigeria Journal of Legislative Affairs*, Vol. 3 No. 1& 2.pp: 1-27.
- Omoweh, D. A. (2006) *The Parliament and the Crisis of Democratization in Nigeria*. Dakar, Senegal: CODESRIA Democratic Institute.
- Oshio, P.E. (2004) "The Local Government System and Federal/State Legislature Competence under the 1999 Constitution." *Journal of Constitutional and Parliamentary Studies, India*. Vol. 38, Nos. 1- 4, pp: 159-173.
- Osumah, Oarhe & Ikelegbe, Augustine (2009) "The Peoples Democratic Party and Party Governance in Nigeria". *Journal of Social Sciences*. Vol. 19 No.3. pp: 185-199.
- Ray, S. N. (2004) *Modern Comparative Politics: Approaches, Methods and Uses*. India: Prentice-Hall Private Ltd.
- Rosenthal, Alan, Burdett A. Loomis, John R. Hibbling, and Karl T. Kurtz (2003) *Republic on Trial: The Case of Representative Democracy*. Washington DC: C.Q. Press.
- Saliu, Hassan A. & Muhammad, Abdulrashed A. (2010) "Exploring the Parliament". *Nigeria Journal of Legislative Affairs*, Vol. 3 No. 1& 2.pp: 73 – 89.
- Sanyaolu. K (2002) "Matters Arising on the Electoral law Verdict". (March 31). *The Guardian*, pp. 14.

Wang, V. (2005) *The Accountability Function of Parliament in New Democracies; Tanzanian Perspectives*. Bergen: Christer Michelsen Institute.

Winetrobe, Barry K. (2000) "Shifting Control? Aspects of the Executive-Parliamentary Relationship." *Executive Research Paper 00/09. Parliament and Constitution Centre. House of Common Library*.

## **CHAPTER TWO**

### **LITERATURE REVIEW AND THEORETICAL FRAMEWORK**

#### **2.1. Introduction**

Series of studies in the area of legislature-executive relations have been undertaken by different researchers. This chapter extensively reviews previous related studies, observations, opinions, comments, ideas and knowledge that shed light on the key concepts under discussion. The essence is to situate this study in proper context and to create a bond between related previous studies and this research work and as well to identify the gap in knowledge with respect to the study of the subject matter and to appropriately intervene by providing the missing link and by updating and contributing to the existing body of knowledge in the field. Thematic method is adopted in reviewing literature on political institutions, forms, model and operations of government and other issues that are germane to the relationship between the executive and the legislature in a presidential political system. Attempt is also made to conceptualize this study within a theoretical framework relevant to the field of study.

#### **2.2. Political Institutions**

The fundamental expectation of the modern state is effective and efficient governance. This role is performed by the government which not only provides security to the people but also looks after their basic needs and ensures their political and socio-economic development (Gill, 2002). These objectives are achieved by the government through the enactment of binding rules, the giving of direction to societal activities and the enforcement of the rules to ensure compliance (Bang & Esmark, 2009). From the most ancient times to the present, governments have performed these important functions by mapping out policies, implementing and enforcing the laws and adjudicating or administering justice (Nwabuzor & Mueller, 1985; Akintola, 1999). It is imperative therefore, that social acceptance of the power of the government to control the people must be voluntary and recognized by the people.



Government fulfils its role of effective governance by dividing its powers and functions between its institutions with each performing some specific functions (Edosa & Azelama, 1995). Perhaps it is because of the division of the powers and functions among these institutions of governance that government is defined as a set of institutions through which the will of the state is realized (Adler, 1996). Thus institutionalist scholars averred that powers and functions of government are vested in the legislature, the executive and the judicial organs of government which are coordinate or independent (Jones, 2002). Constitutional government all over the world recognizes these three basic departments of government (Ball, 1977; Nwabuzor & Mueller, 1985; Edosa & Azelama, 1995; Akintola, 1999; Magill, 2001). Laski (1992) reiterates this position when he averred that since the time of Aristotle, it has been generally agreed that political power is divisible into three broad categories. These authorities, according to him, include the legislature which makes the general rules for the society, the executive which seeks to apply those rules laid down by the legislature to particular situations and the judiciary which settles disputes between government and its citizens and those between citizens. Kousoulas (1975) also lent his credence to the tripartite political administrative division of governmental functions. He viewed that all contemporary states, in practice, have three branches of government responsible for carrying out the basic functions of government. According to him, one set of officials has the primary function of enacting laws, another set of officials implement state policies and decisions while the third settles disputes and punishes those who contravene the law of the land. The next section reviews extant literature on these institutions.

### **2.3. The Legislature**

The term 'legislature' has been given different names across nations of the world. It is referred to as 'Parliament' in Britain, 'National Assembly' (the central legislature) in Nigeria, 'Congress' in United States etc. (Abonyi, 2006; Heywood, 2007; Lafenwa, 2009). As noted by Lafenwa (2009), however, there is no serious contention about its definition. The legislature is seen as occupying a key position in the machinery of government (Heywood, 2007) and as the people's branch with the singular purpose of articulating and expressing the collective will of the people (Bernick & Bernick, 2008;

Okoosi-Simbine, 2010). As an organ of government, it is the forum for the representation of the electorate (Taiwo & Fajingbesi, 2004). Awotokun (1998) conceptualizes the term legislature from a functional perspective. He defines the legislature as the branch of government made up of elected representatives or a constitutionally constituted assembly (body) of people whose duties among other things are to make laws, control executive activities and safeguard the interest of the people. Following this functional definition, Anyaegbunam (2000) conceptualizes the legislature as having the role of making, revising, amending and repealing laws for the advancement and well being of the citizenry that it represents. Similarly, Lafenwa (2009) defines the legislature as an official body, usually chosen by election, with the power to make, change, and repeal laws; as well as powers to represent the constituent units and control government. Okoosi-Simbine (2010) also conceptualizes the legislature as the law-making, deliberative and policy influencing body working for the furtherance of democratic political system. He describes the legislature as the First Estate of the Realm, the realm of representation and the site of sovereignty, the only expression of the will of the people. It follows from this analysis that the authority of the legislature is derived from the people and should be exercised according to the will of the people who they represent. This seems to be the position of Bogdanor (1991) when he affirms that the authority of the legislature as a political institution is derived from a claim that its members are representative of the political community, and decisions are collectively made according to complex procedures.

Perhaps, it is in the light of this, that Smith (1980) sees the legislature as the symbol of power and legitimacy because its decision is based on the collective wisdom of men and women who enjoy the confidence of the electorate. Jewell (1997), on the other hand, identifies two features that distinguish the legislature from other branches of government. The first feature, according to him, is that the legislature possesses formal authority to make laws, and secondly, members are normally elected to represent various elements in the population. Thus, Davies (2004) avers that representative liberal democracy cannot exist without a healthy, lively and credible legislature. He noted that the establishment of the legislature rests on the assumption that in the final analysis, political power still

resides in the people and that the people can, if they choose, delegate the exercise of their sovereignty to elected representatives. Loewenberg (1995) and Okoosi-Simbine (2010) seem to concede to this important view of the legislature as the people's representative by viewing the legislature as assemblies of elected representatives from geographically defined constituencies, with lawmaking functions in the governmental process of a country. The fact that the legislature is an assembly of people elected to represent the citizens is perhaps, the reason why Awotokun (1998) notes that the legislature is an assembly of ambassadors who serve their constituencies in various ways as intermediaries between the citizens and government officials.

The strength and the state of the legislature have been identified as among the strongest predictors of a country's democratic development and survival (Okoosi-Simbine, 2010; Poteete, 2010). As Lafenwa (1991) argues, the legislature is the central element of democracy. Democracy cannot exist in any country without a healthy and lively legislature (Blondel, 1973; Taiwo & Fajingbesi, 2004). As noted by Edosa and Azelama (1995) the nature of the legislature that is adopted determines whether a given political system is democratic or not. The centrality of the legislature to democracy is perhaps succinctly captured by Awotokun (1998) when he avers that the legislature is the pivot of modern democratic systems.

According to Lafenwa (1991), Edosa & Azelama (1995) and Okoosi-Simbine (2010), legislatures vary both in their design, structure, pattern of organisation and operational procedures, selection process as well as sizes, tenure of office and frequency and nature of meetings. The variation, Nwabueze (1982) and Okoosi-Simbine (2010) posit, is contingent upon past traditions, theory of government, character of the regime and most importantly the nature of the society in question. They observe that modern legislative procedures derive from British procedures and thus serves as a model for the development of legislature and legislative procedure for many countries around the world.

Ball (1977) and Edosa & Azelama (1995) traced the emergence of the legislature to the need for advisory bodies by the executive. In this perspective, the origins and the essential features of the modern legislature are found in the advisory councils which from ancient times were established to give advice to a ruler – king, Chief emperor, Oba, Ovie, Obi or sultan (Nwabuzor & Mueller, 1985, Edosa & Azelama, 1995). According to this theory of the origin of the legislature, for the purpose of effective governance, rulers have had to surround themselves with advisers. Edosa and Azelama (1995) bring to the fore, the implication of this. According to them, firstly, it means that state power or governance was never monopolized but shared to some extent. Secondly, that rulers surrounded themselves with team of experts as advisers means that rulers from time past were inclined to effective governance which they believed would be beneficial to all. The team of advisers could be in the form of a council of elders whose members were usually respected individuals of certain military or economic groups or persons with expert knowledge of the times, custom and tradition of the community.

The method of constituting these advisory councils and their level of usage, however, depended on the character of the ruler, the historical period and the type of society involved (Nwabuzor & Mueller, 1985). According to Edosa and Azelama (1995), the ruler was usually left with the discretion of determining the mode of selecting members of the advisory councils, the content and use of their deliberation. They pointed out that the nature of the ruler, the circumstances of the period and the peculiarity of the society were the determinants of the relationship between the sovereign and his advisory council. They noted further that advisory councils were either permanent bodies or ad hoc bodies with members invited by the ruler when needed. In the situation when they are permanent however, they became known by the community as co-rulers and policy-makers with the king. It later became more possible to clearly define the relationship between the advisory council and the ruler, the conditions and qualifications for council membership, the tenure, and the working procedure. Edosa and Azelama (1995), in an interjectory manner, argued that the evolutionary development of African's indigenous legislature was distorted by the imposition of colonial rule of African kingdoms. Edosa and Azelama seem to hold relevance going by the fact that government in the traditional African

societies had their various defined and structured process of enacting rules which were seen as representative of the wishes of the people in the particular society.

Two main designs for the legislature are identified in the works of Nwabueze (1982), Lafenwa (1991), Edosa and Azelama (1995), Heywood (2007), Anifowose (2008) and Okoosi-Simbine (2010). Some legislatures have two chambers popularly referred to as bicameral legislatures while some others have single chamber commonly known as unicameral legislature. Yugoslavia has, however, experimented with a five-chamber legislative assembly and South Africa, a three-chamber legislative assembly between 1984 and 1994 (Heywood, 2007).

In a bicameral type of arrangement two legislative chambers exist in a country; one chamber seems to dominate the other. This situation is noted by Nwabueze and Mueller (1985) when they viewed that in a bicameral legislature, there exists some forms of dominance of one chamber on the other in respect of some legislation, tenure of office of members, size and importance of the constituencies represented. They, however, added that intricate rules are usually adopted to harmonize the legislation function of the two chambers. Furthermore, Nwabuzor and Mueller (1985) noted that federal political structures, such as those found in Nigeria, the United States, the Soviet Union, Canada, Australia and Switzerland, often adopt bicameralism in order to protect the interests of the minorities. Some systems, such as Great Britain, the Third Republic in France and the former Nigerian House of Chiefs in the 1960s, adopt bicameralism to enable the upper house check against hasty legislations. In a similar argument, Edosa and Azelama (1995) averred that the bicameral type of legislative structure is more common with federal states stemming from the imperative of one house to protect the special interests of minority or regional groups in such states. They noted that some federal states such as Nigeria, United States, Switzerland, Canada, Germany and Australia have opted for bicameralism on this basis. According to them, however, some countries such as Britain, second chamber is adopted to play a somewhat conservative role or to serve as a check on radical legislation of the lower house. The British House of Lords, according to them, has usually been disposed to delaying, moderating or out-rightly preventing fierce

legislations of the lower house – the House of Commons. A similar situation is found in the defunct post-independence Nigerian House of Chiefs at the regions. France second chamber is made up of members who are elderly and are, therefore, expected to be conservative and also moderate the activities of the lower chamber (Nwabueze, 1982; Lafenwa, 1991; Edosa & Azelama, 1995; Oyediran, 2003; Egwu, 2005).

This double-chamber legislature is found in countries such as Nigeria, France and United States. The Congress of the United States comprises the Senate (Upper House) and House of Representatives (Lower House). Similarly, the National Assembly of Nigeria is made up of the Senate (Upper House) and House of Representatives (Lower House). France legislative body also comprises of the Deputies and the Senate. In the case of Nigeria, the country had a unicameral arrangement at the federal level up to the 1954 Lyttleton Constitution. It, however, adopted a bicameral structure at independence. This arrangement was maintained in the 1979 and 1999 constitutions. Ghana and New Zealand also adopted a bicameral legislature after attainment of independence. In France, however, bicameral legislature was not adopted until the third republic. France's second republic constitution provided for a unicameral legislative structure till 1952 when the republic was abolished. The Supreme Soviet of the former USSR comprised of the Soviet of the Union and the Soviet of Nationalities. The power of this legislative body was unrestricted including amending the constitution. China, Yugoslavia, Czechoslovakia and other communist countries, however, have a different bicameral legislative arrangement in that legislature in these countries are closely linked with the state party. The two chambers though are supposed to act as checks on the other, such checks are minimal because major debates on policy demands is done with the party rather than the legislature (Edosa & Azelama, 1995). In countries where bicameralism operates, however, the constitutions ensure that one chamber provides the opportunity for equal representation of the federating units while the diverse interests are represented in the other chamber. In addition, bicameral legislature makes it difficult for the legislature to be controlled by a despot or demagogue (Abonyi, 2006). It also provides opportunity for wider representation of various interests groups in the country. Furthermore, the

arrangement serves as check against hasty passage of law and gives opportunity for division of labour between the two houses (Heywood, 2007; Okoosi-Simbine, 2010).

The other type of legislative structure is the single chamber legislature popularly referred to as unicameral. Edosa & Azelama (1995) and Abonyi (2006) noted that this type of legislative structure exists when there is only one legislative body in a country. This practice, according to them is less common than the bicameral legislative structure. China operates unicameralism. Israel established a single-chamber legislature (the Knesset) in 1948, the second republic constitution of France had unicameral legislative arrangement which lasted between 1848 and 1952. Similarly, Nigeria had a unicameral legislature at the federal level up to the 1954 Lyttleton Constitution and changed to unicameralism at independence (Akinboye & Anifowose, 2011). New Zealand and Ghana also had unicameral legislature before independence. A two-chamber legislature was abolished in Denmark in 1954 and Sweden in 1970 (Edosa & Azelama, 1999; Heywood, 2007). For these countries the choice of a single-chamber legislature was predicated on the fact that unicameralism is more streamlined and more effective especially in terms of responding to the needs of small and relatively cohesive and homogenous political societies (Abonyi, 2006). In addition, its structure is simple and less expensive to run and avoids delay in law making (Heywood, 2007; Okoosi-Simbine, 2010).

Edosa and Azelama (1995) and Okoosi-Simbine (2010), in another dimension, see the legislatures as differing considerably in size, composition, operation, role, tenure of office and internal rules from one democracy to the other. Nwabuzor and Muller (1985) averred that such factors as the role of the presiding officer, the establishment of the order of business, legislation process, number and power of legislative committee, degree of intra-party discipline expected and manner of terminating debate on questions under consideration account for the differences among countries. They noted that while the size of the legislature in Iceland, New Zealand and some African countries are relatively small, the legislative body of the defunct Soviet Republic – Supreme Soviet, comprised of about 1,500 members. With respect to the term of office, the lower house of the legislature in Britain, Canada, France, India, Italy, Ireland and South Africa operates a 5-

year tenure of office while in the United States of America, members of the legislature are elected every two years. In Britain, on the contrary, members of the upper house hold office for life and may even be succeeded by their heirs. Nwabuzor and Muller (1985), however, noted that countries which operate short-term tenure for their legislature do so because of the need for the representatives concerned to reflect better the ever-changing currents of public preference regarding government policy. They argue that the longer term tenure is, however, to ensure the stability of national interests which do not have to be bent to constantly changing public opinion.

### **2.3.1. Functions of the Legislature**

Ball (1977) observed wide variations in status, powers and functions of the legislature among states. According to him, in some political systems (e.g. the United States Congress), the legislative body assumes wide powers and exercises real power with respect to various decision-making processes. In some other political systems (e.g. the former Soviet Union), the legislature exists as a mere rubber stamp for decisions made elsewhere. Ornstein (1992) in the same vein, classifies the legislature of the defunct Soviet Union as a rubber stamp assembly whose main role was to legitimize the policy of government. A similar observation is made on Africa's legislature by Nijzink, Mozaffar & Azevedo (2006). According to them, such variables as colonial legacies, the appointment and dismissal powers of governing parties, executive control of state resources and role perceptions of legislators has contributed to the institutional and policy-making weakness of the legislature. The institutional weakness thus limiting their capacity to represent citizens, make laws and perform their oversight role (Nijzink & et'al, 2006). In line with this argument, Thomas & Sissokho (2005), Burnell (2002), Burnell, (2003), Mezey (1983) and Packenham (1983) averred that Africa's legislature are mere institution for legitimizing government policies, recruiting and socializing new elites, and mobilizing public support for political regimes.

While most scholars of Africa's legislatures argue in favour of the policy making and institutional weakness of Africa's legislature, Barkan, Ademolekun, and Zhou (2004), however, noted a cross-national variation of this scenario over the continent of Africa.



According to their comparative study of four Africa's legislatures, they conclude that although African legislatures are often labeled as weak, the authority of the legislature in Africa ranges from being very weak in Senegal, to moderately strong in Kenya with Benin and Ghana falling somewhere in between. Explaining the factors responsible for this variation, Barkan, Ademolekun and Zhou (2004) mentioned contextual factor which has to do with the structure of the society, constitutional provisions and formal rules and the internal structure of the legislature and the resources available to members. In another dimension, Okoosi-Simbine (2010) observed that the design of a legislature in a given political system is contingent upon past traditions, theory of government, character of the regime and, above all, the nature of the society itself. In this context, therefore, legislatures vary by manner of election, bases of election, size, frequency and nature of meetings and mode of power sharing by the two houses in the case of bicameral legislatures.

It is noted at this juncture that the issue of the legislature being a mere rubber stamp assembly is not limited to African continent. Political scientists often make the generalization that ineffective assemblies - serving as a mere rubber stamp assembly for legitimizing the decisions made elsewhere or caves of the winds given more to venting than governing - are the most common type of legislature (Ball, 1977; Bernick & Wiggins, 1981; Johnson & Nakamura, 1999; Ray, 2004).

Okoosi-Simbine (2010), however, noted a significant and growing group of legislatures which function as important governing partners because they represent, shape laws, and exercise a degree of oversight or control over the executive. In line with this argument, Saliu and Mohammad (2010) averred that functioning legislatures in democratic nations have a greater and more predictable role representing publics, in making laws, and exercising oversight than those of less democratic societies. Performing these functions contributes to good government by increasing its capacity to monitor and respond to public sentiments/dissatisfactions, by playing a part in passing legislation capable of withstanding critical scrutiny, and serving as a vehicle for improving the degree of probity, efficiency, and responsiveness in the administration of laws.

There is a considerable variation of functions performed by the legislature identified in the literature. These include serving as an electoral-college to put governments into power in parliamentary systems (U.K.), or making decisions when election results are inconclusive or in dispute in presidential systems (U.S.). Legislatures also use apportionment formulae recognizing ethnic, religious, language, gender, economic and geographic differences for legislative representation as instruments for national integration (India, Ethiopia). Other discrete functions include; educating the electorate through public displays of competition; playing roles in executive removal (impeachment, votes of no confidence, censure); serving as a recruiting pools for other government positions (Brazil's congress and more commonly in many parliamentary systems); and providing a place where policy ideas might be "incubated" (U.S.) (Johnson & Nakamura, 1999).

While the functions performed by the legislature may vary from country to country, as posited by Abonyi (2006) and Okoosi-Simbine (2010), some fundamental similarities exist among parliament. The following are the major functions of the legislature found in literature:

**Legislation:** Legislation functions are said to be the basic, primary and the most important role of the legislature (Edosa & Azelama, 1995; Abonyi, 2006). According to Laski (1992), the legislature has the responsibility for passing laws. He averred that the legislature is the body which lays down the general rules of a society. The legislature has the responsibility of making laws for the good governance of a state. These laws may originate as private member's bills, or they may originate from the executive branch (Abonyi, 2006; Benjamin, 2010). According to Awotokun (1998), laws made by the legislature must be in the interest of the general populace with the expectation of modifying peoples' behaviour and response towards a given situation, be of good quality and self-sustaining. This is perhaps the reason why Abonyi (2006) averred that bills are expected to be thoroughly examined and passed through various stages, and in the process, could be altered through addition or deletion. Kousoulas (1975), however, posited that while legislation is a function of the legislature, the inputs and sometimes,

the overbearing attitude of the executive and some other factors such as concessions to the opposition and other concerned groups against some aspects of proposed laws had greatly reduced the legislative powers of the legislature to a mere deliberative assembly. Heywood (2007) also alluded when he stated that the twentieth century witnesses a progressive weakening of legislation power in the form of a decline of legislatures. Heywood (2007) and Okoosi-Simbine (2010) noted that this situation he noted had reduced many legislative assemblies to mere “talking shops” that do little more than rubber-stamp decisions that have effectively been made elsewhere.

**Oversight:** The oversight function is another fundamental function of the legislature and as reiterated by Fashagba (2009), it is a major component of the activities of modern legislature irrespective of the form of government in practice. According to NDI (2000) oversight is perhaps the most important function of any legislature. The importance stems from the continuous wielding of enormous powers by executive leaders. Saliu and Muhammad (2010) define legislative oversight as a process by which the legislative body takes active role in understanding and monitoring the performance of the executive arm and its agencies. The legislature has the responsibility of overseeing the work of the government and holds it responsible for its actions and omissions (Fashagba, 2009; Okoosi-Simbine (2010). Edosa and Azelama (1995) described this function as maintaining surveillance over the activities of the executive. Adebayo (1986) sees legislative oversight as a check on the executive by scrutinizing and examining the activities of the Chief Executive, government department and agencies. According to the Commonwealth Parliamentary Association (2002), the principle behind the legislative oversight of the executive activity is to ensure that public policy is administered in accordance with the legislative intent. In view of this principle, the legislative function does not end at the passage of bills. Oversight is, therefore, the obvious follow-on activity linked to lawmaking (NDI, 2000). After participating in lawmaking, it is the responsibility of the legislature to ensure that such laws are being implemented effectively. Referring to the oversight functions of the legislature, Woodrow Wilson averred that:

It is the proper duty of a representative body to look diligently into every affair of government and to talk much about what it sees. It is meant to be the eyes and the voice, and to embody the wisdom and will of its constituents. Unless Congress has and uses every means of acquainting itself with the acts and the disposition of the administrative agents of the government, the country must be helpless to learn how it is being served... The informing function of Congress should be preferred even to its legislative function (cited in Simmons, 2002).

The Constitution of India (Eighty-eighth Amendment) Act, 2003, states that the Executive branch of the State (Council of Ministers) shall be collectively responsible to the Legislature (House of the People). This implies that Parliament should oversee the work of the government and hold it responsible for its actions and omissions. The oversight function enables the legislature to monitor the policy implementation process in order to uncover any defects and act to correct misinterpretation or maladministration. The legislative process is, therefore, an instrument for checks and balances (Roberts, 2002). Thus, the concept of oversight function of the legislature exists as an essential corollary to the law-making process. Examples of areas of oversight function of the legislature over the executive are in financial behaviour and appointments of key officials such as ambassadors, ministers/commissioners and so on. According to Lafenwa and Gberevbie (2007), effective legislative oversight enhances the accountability, efficiency and fidelity of the government.

**Representation:** According to Awotokun (1998), representation is the central role of the legislature. This, according to him, owes to the fact that the complexity of modern administration has made it practically impossible for the people to directly run the affairs of the state as was the case of the early Greek City-States. He averred that the legislative institution serves a mechanism through which the population, its special interests and diverse territory are represented and guaranteed a say in the scheme of things. Edosa and Azelama (1995) thus, argued that the representation function of the legislature provides citizens the opportunity to have a say in governance. Different groups in a society are represented in the legislature which gives those groups the opportunity of articulating and advancing their interests and concerns. Simmons (2002) thus sees the legislature as representing the interests of their constituencies.

Edigheji (2006) noted that the idea of representative assembly dates back to the latter centuries of Rome, when the Prince was regarded as the representative of the Roman people. Legislators, as noted by Roberts (2002), play dual representational roles. First, they represent their people to government, and second, they represent government in their constituency. As an organ of government, the legislature is the forum for the representation of the electorate (Davies, 2004). Political representation, according to Saliu and Muhammad (2010), is a central component of democratic governance. It is a key institution, machinery and process of a democratic government. This is because the fulcrum of legislative activity is expected to be the articulation and aggregation of diverse interests of the represented constituencies into the policy process. The representation function of the legislature thus enhances the legitimacy of public policy, reduces alienation, reduces estrangement between the government and the governed as well as enhances the stability of the system (Edosa & Azelama, 1995).

**Financial Function:** Another responsibility of the legislature is its financial function. The legislature has the responsibility of authorizing the expenditure of the government. Sanyal (2009) avers that all government expenditure (except a few items specified in the Constitution) need to be sanctioned by the legislature. This is usually done as part of the annual budget process. Additional expenditure may also be sanctioned through supplementary demand for grants. Lafenwa and Gberevbie (2007) see this function as a catalyst for sustainable democratic governance. According to them, the responsibilities of the legislature involves among others, the control of public expenditure and taxation. They argue that the legislature must be able to manage funds in order to provide the good life for the entire citizenry.

**Committee function:** Committee function is another responsibility of the legislature. Fashagba (2010) conceptualizes committees as task oriented bodies, with a clearly defined purpose and direction. Heywood (2007) sees committee functions as the hub of the legislative process and as the power houses of the legislature. He noted that committees examine legislative measures in detail. They examine bills and financial

demands of the government. They also examine important issues related to ministries and oversee the financial functioning of the government based on audits by the Controller and Auditor-General (Edigheji, 2006). They may invite the public for feedbacks (Sanyal, 2009). Abonyi (2006) also sees the legislative committees' functions as carrying out the investigative power of the legislature. There are standing committees under which the members of the legislature are divided. A committee may however, be utilized for exigency purpose, in which case, it is appointed in response to a particular development at any given point in time under and ad hoc situation (Fashagba, 2010).

While the fundamental place the legislature occupies in democratic governance may not be disputable, its real role of citizens' representation through legislation and oversight functions in contemporary times has become debatable and controversial. Theoretical postulations in inter-branch relations have averred that though the legislature is the people's branch with the singular purpose of expressing the will of the people, the chief executive's continuous involvement in the legislative process undermines the legislative role of citizens' representation (Bernick and Wiggins, 1991; Rosenthal *et.al.*, 2003; Edosa & Azelama, 1995; Bernick & Bernick, 2008). They argue that such instruments and opportunities as the singular nature of the office of the chief executive, his responsibility of managing the machinery of government, inter-state diplomacy, budget development, the calling of special sessions, and the veto power has given him (chief executive) a competitive advantage over the legislature and hence continues to exert the executive dominance (Beyle and Muchmore, 1983; Bernick and Wiggins, 1991; Rosenthal *et.al.*, 2003).

Furthermore, while some scholars see the legislature in some political system as having wide powers and exercises real power in respect to various decision-making processes, some others see the institution as a mere rubber stamp assembly for legitimizing the decisions made elsewhere (Ball, 1977; Adebo, 1988; Burnell, 2003; Heywood, 2007). Some, however, noted the abdication of responsibility by Parliament to fulfill some other interests (Saliu & Mohammad, 2010; Okoosi-Simbine, 2010). According to Burnell (2003), legislatures, the world over, appear to be undergoing secular decline, unable to

arrest the accumulation of executive power driven by national and global financial, economic and political forces. In line with this controversy, Ray (2004) avers that a general study of the position and working of the legislature in the present century would reveal that, barring few important and striking exceptions, legislatures have declined in certain important aspects and particularly in respect of powers in relation to the executive power of governments. Lending his credence to this, Adebo (1988) revealed that the legislators in Nigeria's Second Republic spent substantial part of their tenure on issues of accommodation, comfort and salaries for members and threatened to boycott sittings indefinitely if their demand for luxury and grandeur were not met by the government. This situation has been the unsightly feature of the legislators in the Fourth Republic (Fashaga, 2010). In fact, state government reformers, more sympathetic to the legislature, have lamented the presumed decline in legislative branch prowess, attributing present legislature-executive imbalances to a combination of legislative abdication and enhanced gubernatorial power (Bernick & Wiggins, 1981).

#### **2.4. The Executive**

The executive, according to Heywood (2007), is the irreducible core of government. Similarly, Laski (1992) sees the executive as occupying a very crucial position in the administration of a state. According to him, the executive in all democratic systems exists to, first and foremost, decide on the final choice of policy to be submitted to the legislative assembly for approval; secondly, it is its business to see to it that the public services fully adhere to that policy as intended by the legislature; and thirdly, it ensures that it delimits and also coordinates the activities of the different departments of state. It is on this score that Puke (2007) sees the executive as responsible for providing good and responsible governance for the state. Edosa and Azelama (1995) also defined the executive as the implementation organ of government. They, noted that from ages, making and enforcing binding rules and allocations through the executive have been the primary functions of government. They however, argued that while political structures have existed for centuries without separate agencies for making laws, state structures without executive organ will be hard to come by. This position is also supported by Heywood (2007) when he averred that political systems can operate without

constitutions, assemblies, judiciaries, and even political parties, but cannot survive without an executive arm to formulate government policy and ensure that they are implemented. Similarly, Ranney (1975), in looking at the executive, noted that it is the arm of government that is basically concerned with the application of the authoritative rules and policies of any society. It is the executive which formulates and then implements various policies.

Anifowose (2008), however, sees the executive as the arm of government responsible for applying the authoritative rules and policies of a society. The executive, he noted, by implementing the constitution, statutes, decrees, treaties, i.e., of the land gives effect to the will of the state. Furthermore, he noted the executive performs two principal roles which include ceremonial role and control of governmental administration. These two roles are performed by the executive as the Chief of the State and as Head of Government respectively. He concluded that these two roles are performed by two distinct officials in a parliamentary system of government and by the same official in a presidential system of government. Ikoronye (2005) defines the executive as the organ of government which bears the responsibility of putting into effect the laws enacted by the legislature subject, however, to the judgment and orders of the judiciary. Abonyi (2006) sees the Executive as that arm of government which is the teeth of action to the will of the state by carrying out or executing the law of the land as contained in the constitution, statutes, decrees, treaties, charters etc.

Garner (1928), however, observed both the broad and collective perspective of the executive as he sees the executive organ as embracing the aggregate or totality of all the functionaries and agencies which are concerned with the execution of the will of the state as that will has been formulated and expressed in terms of law. By this definition, therefore, the executive comprehends the entire governmental organization. Thus tax collectors, inspectors, commissioners, policemen and perhaps the officers of the army and navy are a part of the executive organization. Similarly Appadorai (1975) lends his credence to the broad perspective of the executive. He defined the executive as the aggregate or totality of all functionaries and agencies, which are concerned with the



execution of the will of the state. Similarly, Heywood (2007) analysed the executive in this broad perspective. He defines the executive as the branch of government that is responsible for the execution or implementation of laws and policies made by the legislature. He sees the executive to extend from the head of government to the members of the enforcement agencies and includes both the ministers and the civil servants. He categorises the executive into political executive and bureaucratic executive. This, according to him, highlights the difference between politicians and the civil servants, and more broadly, politics and administration. In his final analysis, he posits that more commonly, the term executive is now used in a narrower sense to describe the smaller body of decision-makers who take overall responsibility for the direction and coordination of government policy. Puke (2007) also sees the executive from the broad perspective as he defines the executive as the arm of government responsible for implementing laws made by the legislature. While Puke (2007) defines the executive from the broad perspectives, he however equates the functions of the executive with that of the chief executive – the President. This makes the functions of the executive rather ambiguous considering the fact that the term “President” may not have the same responsibility in all political system. The President of India, for example, may not perform the same responsibility as the President of United States of America.

Though the term executive is understood both in broad and narrow senses, in the realm of the study of politics, its narrow meaning is applied. It is the executive head and his principal colleagues who run the machinery of government formulate national policy and see that it is properly implemented (Grant, 1967; Abonyi, 2006). The foregoing analysis reveals that the executive initiates policies and programmes, executes them after they are passed into law by the assembly, and equally coordinates government policies to ensure that policy execution is done within the framework of the original plan and the legislature’s approved policy. It is because of these enormous responsibilities that Fasagba (2010) sees the executive as strategically important to the attainment of democratic goods.

Since the executive implements the laws made by the legislature, it is necessary that it should comprise competent and efficient people. As observed by Fabbrini (1995), the executive must convey a sense of public purpose, forged through interaction with public opinion that counteracts the inertia of well organized minorities and other powerful interest groups.

The status, powers and functions of the executive are not everywhere or at all times identical. As noted by Appadorai (1975), they vary according to the type of executive and according to the prevailing conceptions regarding the sphere of the state. According to him, the functions of the executive are greater in those countries having a non-parliamentary executive than in those having a parliamentary executive.

#### **2.4.1. Functions of the Executive**

According to Edosa and Azelama (1995), the executive organ performs quite extensive functions resulting from the growing complexity of the modern political system. These functions, they averred, are so broad to the extent that even the legislative and judicial functions cannot be completely separated from the formulation and implementation of policies which the executive carries out. Abonyi (2006) also lends his credence to this view as he posits that there are many parts to executive powers. He noted that these powers appear to have increased in most political systems. According to him, The British Prime Minister is referred to as “Primus Inter pares” which means first among equals. In recent years, however, the Prime Minister of Great Britain has grown beyond the status of simply functioning as first among equals. Heywood (2007), in the same vein, affirms the enhanced and widening role of the executive as a result of the increasing responsibilities of the state in both the domestic and international realm. Abonyi (2006) further accounts for the factors responsible for the increasing powers of the executive. These include the growth of a disciplined party system especially in a parliamentary system, the considerable influence of the Chief Executive over the legislature, the executive’s control of his cabinet and his power to determine policy lines of the nation, national emergency and terrorism and the single nature of the executive position. Anifowose (2008),

however, encapsulates the powers and functions of the executive into three; legislative, administrative and judicial functions.

1. **Legislative Functions:** The executive performs legislative functions by recommending and initiating bills for the consideration of the legislature. In addition, through delegated power by the legislature, the executive can issue statutory orders and rules necessary to meet changing circumstances. Furthermore, in a parliamentary system, the executive performs the political function of summoning, proroguing and dissolving the legislatures (Anifowose, 2008). The power of veto is also a legislative function of the executive most especially in the presidential system of government (Abonyi, 2006).
2. **Administrative Functions:** Under this function, the executive coordinates controls and administers the affairs of the state as well as directs, supervises and coordinates the implementation of law (Abonyi, 2006). In addition, the executive appoints, controls, disciplines and removes the higher administrative officers. Such appointments, however, have to be confirmed by the legislative body. Another administrative function according to Anifowose (2008) is the control of military forces. By this function, the Chief executive is the supreme command of the army and has the power to declare war against external aggression and internal insurrection. He has the responsibility of declaring a state of emergency in the country. Another administrative function is the conduct of foreign affairs. Further to the administrative functions of the executive is the determination of foreign policies by the Chief Executive. The Chief Executive as well, represents the country in international assemblies and conferences and negotiates binding treaties with foreign countries. The treaties, however, may need the ratification of the legislature for their validity (Abonyi, 2006).
3. **Judicial Functions:** The judicial functions of the executive include issuing prerogative of mercy on offenders of the state. Such prerogative may include reducing a judicial sentence already passed on a person who had committed an offence, relieving a person from the legal consequences of crimes committed or delaying execution. The chief executive can also issue a proclamation of amnesty on

specific class of persons thus freeing them from the legal consequences of their actions (Abonyi, 2006; Anifowose, 2008).

#### **2.4.2. Types of Executive**

Literature revealed different ways in which the executive are classified. For instance, Crossman (1972) and Almond & Powell (1975) classified the executive into political executive and the permanent executive, parliamentary and presidential. Abonyi (2006) and Anifowose (2008) classified the executive as either titular or executives, single or collegial executives, parliamentary or non-parliamentary. According to him, a titular executive is the type who serves as a symbol of unity and performs ceremonial functions, thus relieving the real executive - head of government, of numerous engagements thereby enabling him concentrate more on real issues of governance. He, however, has the right of information and consultation by the head of government about public issues. This type of executive is found in Britain, Australia and India. According to Abonyi (2006), the President or Governor-General in many parliamentary systems generally performs symbolic and ceremonial functions. In his analysis he noted that Dr. Nnamdi Azikiwe between 1961 and January 1966 played this role in Nigeria. The real executive, on the other hand, is the head of government who is responsible for daily governmental administration. The cabinet headed by the Prime Minister is the real executive in a parliamentary system while in a presidential system, is the President who also serves as the head of state, thus combining the two functions (Abonyi, 2006; Anifowose, 2008).

In another dimension, the executive has been classified as monocephalous having single executive or bicephalous having a dual type of executive. The third type of the executive under this classification is referred to as collegial where no single person serves as the Chief Executive (Appadorai, 1975; Ball, 1977; Nwabueze, 2004 and Anifowose, 2008). In monocephalous type of executive, a single executive - the President, who is both the Head of State and the Head of Government, possesses both ceremonial and real executive power. All other executives – cabinet ministers are responsible and subordinate to him. This is characteristic of a presidential system of government. According to Anifowose (2008), the advantage of the single executive is that it secures the unity, singleness of

purpose, energy and promptness of decision necessary for the executive. This, he noted, is apparent during cases of emergency when there is a high need for unity of control. The President of United States of America has been seen as an outstanding example of the monocephalous type of executive (Anifowose, 2008).

The executive can also be bicephalous or a dual type of executive in which the Head of State is different from the Head of Government, a common feature of a parliamentary system of government where the Head of State holds ceremonial headship while real executive power is in the Head of Government called the Prime Minister. Alternatively, the executive may be collegial. The collegial executive according to Appadorai (1975), Ball (1977) and Nwabueze (2004), exists where no single person serves as the Chief Executive of the state. Anifowose (2008) also shared a similar view. He described a collegial executive as the one in which executive powers are performed by a council or a cabinet. The number constituting the cabinet varies from seven to fifteen. He however viewed the collegial executive system as safer than the single executive in that it renders more difficult, the encroachment on citizens' liberty despite that there is a possibility of the system impairing unity of control by dividing responsibility of government. Example is Switzerland where the number in the cabinet is seven.

Crossman (1972) and Almond & Powell (1975) in a similar dimension viewed the executive as generally consisting of two types of officials: (a) the political executive: i.e. President, Prime Minister, Cabinet or Council of Ministers; and (b) the permanent executive or the bureaucracy which remains in office for a fixed period of tenure regardless of which government comes to power. The political executive is elected directly by the people as in the United States of America where the Presidential type of government prevails (Crossman, 1972). The President may be elected indirectly by the legislature, as in the case of India. In China, the President is elected by the National People's Congress and is the head of state and the highest ceremonial functionary of the state.

Crossman (1972) and Almond & Powell (1975) further classified the political executive into three categories. First, it is democratic when its members are chosen by the people and remain accountable to their constituencies. For instance, the British cabinet may be removed from office by an adverse vote in the House of Commons. The American President can also be removed from office, not through a vote of no-confidence but by the process of impeachment. The second classification involves the totalitarian state where the real executive cannot be removed by the people or their chosen representatives. In Crossman's view (1972), people in such state have no freedom to criticize or censure the conduct of the government. The third category involves the colonial executive in which the executive acts under the authority of the colonial government.

Another classification of the executive is the monarch and the republican. According to Anifowose (2008), the monarchical type of executive is the one whose position as the head of state is hereditary and wields legislative, executive and judicial powers. He concluded this analysis by noting that, most states have, however, replaced the absolute monarch with a constitutional monarch who performs symbolic and ceremonial functions with government formally conducted in the monarch's name while real executive is vested in the Cabinet headed by the Prime Minister.

In another dimension, however, Crossman (1972), Abonyi (2006) and Anifowose (2008) classified the democratic model of governance into two categories – parliamentary and presidential. According to Crossman (1972), in the parliamentary form of government, the government is run by a cabinet under the leadership of the Prime Minister. The cabinet is collectively responsible to the legislature, as in India and the United Kingdom. The Head of States is a nominal executive in whose name governance is done by the cabinet. Accordingly, Anifowose (2008) noted that in parliamentary system, the executive is chosen from among members of the Parliament and holding office as long as it commands the majority in that parliament. For example, the President of India and the Queen of the United Kingdom are nominal heads of state.

It is in the light of this that Rasch (2011) sees a parliamentary system as a system of government in which the members of a legislative body determine the formation of the cabinet (the executive) and in which any majority of the legislature at almost any time may vote the cabinet out of office. Thus, Strom (1990) noted that in any parliamentary system, legislative majorities have instruments at their disposal (such as no-confidence votes and investiture votes) they may use to control the composition of the government and government policy. He argues that in the parliamentary system, majority governments are not always formed. This view is supported by Rasch (2004) when he stated that nearly one-third of all governments in Western Europe since World War II have lacked majority support in their respective national assembly. In a parliamentary democracy, the cabinet is supported, or at least *tolerated*, by the legislature.

Similarly, Katigbak (2006) averred that parliamentary system is distinguished by the executive branch of government being dependent on the direct or indirect support of the parliament often expressed through a vote of confidence. The authority is vested in a parliament and there is no clear cut in separation of powers between the executive and legislative branches, leading to a lack of the checks and balances found in a presidential republic. In a parliamentary system, people vote the members of the parliament and from the members of the parliament they will vote for their prime minister and the vote of no confidence can be done by the members of the parliament if they thought that the prime minister is not capable enough to lead.

Scholars have found the parliamentary system advantageous. In the view of Katigbak (2006), the fact that the executive branch is dependent upon the direct or indirect support of the legislative branch and often includes members of the legislative makes it easier and quicker to pass legislation within a parliamentary system. Besides this advantage of a parliamentary system, Katigbak (2006) averred that parliamentary systems are associated with lower corruptions and that Political parties in parliamentary system have had much tighter ideology than in presidential system. He, however, noted that the major criticism of many parliamentary systems is that the head of the government cannot be directly voted by the people.

The second variety of democratic model, namely the presidential form of government, exists in the U. S. In fact, as noted by Riggs (1997) the presidential form of government evolved first in the United States of America. In the United States, the basis of executive-legislature relationship is separation of powers. The President is the real executive. He is neither a member of the legislature nor removable by it except by impeachment on the ground of “bribery, treason, or other high crimes and misdemeanors” (Smith, 2010). Osaghae (2002) enunciated the major characteristics of presidential system to include:

- a. An elected president (and vice president) who headed the executive, and had wide – ranging powers and has fixed tenure in office; and
- b. A separation of powers between executive, legislature and judiciary, and a delicate system of checks and balances.

Samuels and Eaton (2002), however, enunciated three important features that characterize a presidential system of government. First is the separate origin and survival of executive and legislative branches. Shugart and Carey (1992) averred that separation of origin is defined by the process of executive selection in which selection of the chief executive follows from a process of counting votes separately from the allocation of legislative seats while separation of survival is defined by the principle that ends governments. Thus in a presidential system of government, the terms of both the legislature and the executive are fixed and are not contingent on mutual confidence (Lijphart, 1999). The second feature of a presidential system, according to Samuels and Eaton (2002), is a constitutionally guaranteed executive authority to execute the laws which implies that one branch (legislature) makes the laws, the other (executive) implements them. This follows the Montesquieu’s principle of separation of power. The third feature is the Chief executive’s control over the cabinet. This feature stems from the power of the President to select his ministers without restriction. The ministers are responsible to him and not to the legislature, thus he has power over the cabinet (Idahosa & Ekpekurede, 1995).

In line with this argument, Shugart (2006) distinguishes between presidentialism and parliamentarism. According to him, the independence of the legislative and executive powers is the specific quality of the presidential government, just as the fusion and



combination is the precise principle of Cabinet Government. Shugart (2006) thus defines parliamentary democracy by two features. According to him, the first defining feature is that the executive authority, consisting of a prime minister and cabinet, arises out of the legislative assembly. Secondly, the executive is at all times subject to potential dismissal via a vote of “no confidence” by a majority of the legislative assembly. These two criteria express the hierarchical relationship of executive to legislative authority. Shugart (2006), in the same vein, defines a Presidential democracy by three features. These are, firstly, the executive is headed by a popularly elected president who serves as the “chief executive”. Secondly, the terms of the chief executive and the legislative assembly are fixed, and not subject to mutual confidence; and thirdly, the president names and directs the cabinet and has some constitutionally granted law-making authority.

In between these two models of executive, scholars have argued for the possibility of having a system in which a popularly elected president as well as a prime minister is responsible to the parliament. This type of executive is referred to as "semi-presidential government" (Duverger, 1980) or “quasi-presidentialism” or “quasi-parliamentarism (Crossman, 1972). Crossman (1972), in his analysis of the French model of executive which he referred to as quasi-parliamentary or quasi-presidential, noted that the President is the real executive and the Prime Minister and the cabinet are under his control. At the same time however, they are accountable to the Parliament. So, the French model imbibes some features of both parliamentary and presidential forms of governments. The basic characteristic features of this form of executive are succinctly outlined by Duverger (1980). According to him, a semi-presidential system is characterized by three elements: (1) the president of the republic is elected by universal suffrage; (2) he possesses quite considerable powers; (3) he has opposite him, however, a prime minister and ministers who possess executive and governmental power and can stay in office only if the parliament does not show its opposition to them. Duverger (1980) examines France after 1958, Finland, Austria, Ireland, Iceland, Portugal, and the Weimar Republic from 1919 to 1933 and concluded that the constitutional arrangements of their political systems are characteristic of this type of executive.

In his evaluation of what constitutes good governance, Fabbrini (1995) concluded that none of the presidentialism, the quasi/semi-presidentialism or the parliamentarianism offer satisfactory institutional approximations that authenticate good government.

Scholars, however, view the chief executive as having numerous opportunities of being involved in the legislative process and hence a competitive advantage over the legislature. Such instruments and opportunities include the singular nature of the office of the chief executive and his responsibility of managing the machinery of government, budget development, the calling of special sessions, and the veto power (Beyle and Muchmore, 1983; Bernick and Wiggins, 1991; Rosenthal *et.al.*, 2003).

In their examination of the powers of the president in relations to that of the Congress of the United State, Moe & Howell (1999) and Howell (2005) sketched a theory of presidential unilateralism that explores the conditions in which a president is likely to use unilateral power. Samuels and Eaton (2002) defined unilateral power of executive as the relative imbalance between the executive and the legislature in terms of the allocation of unilateral veto, budget, decree, agenda and other formal powers. According to them the executive unilateral power has greater impact in the presidential system of government than in the parliamentary system because of independent origin and survival of the executive from the legislature. This theory according to Kelley and Marshall (2009), suggests that the design of the executive branch produces inherent advantages and opportunities in the exercise and cementing of power relative to the other branches. According to them, some of this advantages and opportunities include the unified structure of executive power which provides the president with greater ability to exploit constitutional ambiguity relative to other branches of government. Moreover, the incentives for the accumulation of executive power are ultimately stronger than partisan incentives for cooperation, and so presidents are encouraged to exercise unilateral direct actions to achieve their goals. As long as the president does not step on the collective toes of Congress, the opportunities for the accumulation of power are substantial (Kelley & Marshall, 2009). This executive activity in the legislature, many political scientists believe, has culminated in the executive branch being too strong (Rosenthal *et.al.*, 2003). The emergence of executive dominance, therefore, constitutes a concern to scholars of

political philosophy (Bernick and Wiggins, 1991; Rosenthal *et.al.*, 2003; Bernick & Bernick, 2008).

Theorists of absolutism had in the earlier medieval period emphasized the performance of the legislative and executive powers by a single authoritative body. They have averred that a single, omnipotent source of law and power was necessary together with a fixed unchanging pattern of divinely inspired custom which man could apply but could not change (Ikoronye, 2005). Thus Laski (1992) argued for the possibility of conceiving all the three functions as being performed by a single body or even in the name of a single person. Political philosophers, particularly defenders of liberty, have however argued for a separation of these governmental powers and functions since vesting all governmental powers in a single body almost always leads to tyranny (Ejere, 2004; Campbell, 2004).

According to Robinson (1903) and Bryce & Bryce (1921), an analysis of government into three main divisions was first made by Aristotle in his study of Athens and other Greek city states. Aristotle postulated three main governmental agencies: the general assembly, deliberating upon public affairs; the public officials, and the judiciary. In Aristotle's analysis the functions of these agencies were not sharply distinguished, but varied and overlapped. The assembly deliberated about laws, exercised control over the administration, and gave judgments in important cases. That body was at once a parliament and a government, an executive, legislature and judiciary in one; executive power was comminuted and distributed among a large number of boards, each consisting of many persons and restricted to a few special functions. There was no proper judicial establishment. The archons in Athens had both administrative and judicial powers (Robinson, 1903; Bryce & Bryce, 1921; Fairlie, 1923).

In medieval European constitution making, the idea of division of powers came to be a counter force against the divine sovereign powers claimed by monarchs (Sabine and Thorson, 1973). Thus, early in modern European history, Bodin, a French scholar, argued that the separation of powers was necessary to avoid arbitrary rule. Montesquieu, who famously articulated the theory of separation of powers, argued that when legislative power and executive power are united in a single person or body of magistrate, there is

no liberty, because it is likely that the same government that makes tyrannical laws will execute them tyrannically (Ejere, 2004). In 1748, Montesquieu published *The Spirit of the Laws* (Esprit de Lois) in which he reformulated this ancient idea in political theory. In book XI of Spirit of Laws, Montesquieu ascribed the liberty enjoyed in England to the separation of legislative, executive and judicial powers, and to the balancing of these powers against each other (Sabine and Thorson, 1973). Noting the dangers of absolute power, Dalberg-Acton (1949) in a letter he wrote to scholar and ecclesiastic Mandell Creighton, asserts that all power tends to corrupt, and absolute power corrupts absolutely. Great men are almost always bad men, even when they exercise influence and not authority: still more when you superadd the tendency or certainty of corruption by full authority.

Madison (1992), lending his credence to the idea of the separation of powers of the organs of government, posited that vesting all the powers of the legislature, executive and judiciary in the same persons or body breeds tyranny. According to him, the accumulation of all powers in the same hands may justly be pronounced the very definition of tyranny. Laski (1992) also argued in favour of the Madison's idea of separation of powers when he stated that some distinction between the three powers is essential to the maintenance of freedom. He argued further that power that is not in some fashion divided is bound to be absolute and power by its very nature is dangerous to those who exercise it and therefore needs to be limited before it can be exercised safely. In the same vein, Persson, Roland, & Tabellini and (1997) Persson & Tabellini (2000) argue in support of the theory of separation of powers between the legislature and the executive. They affirm that such practice leads to policies that promote general welfare rather than private benefits to individuals or groups in country.

The theory of separation of powers, as propounded by Baron Montesquieu, has been identified as one of the basic concepts and the cornerstone principle of modern democracy in the last three centuries (Sabine and Thorson, 1973; Madison, 1992; Fabbrini, 1995). The genius of Montesquieu lay in reformulating an idea connoting a political balancing of economic and social interests into a system of legal checks and

balances between parts of a constitution. Montesquieu conceptualizes a system of government in which each traditional arm of government (i.e. executive, legislative and judiciary) maintains clear and distinguished functions of its own as allotted to it by the constitution, with checks and balances from the other two arms. In this way, the doctrine of separation of powers is understood as a way of controlling the exercise of state power by fragmenting it among three different institutions and guaranteeing that fragmentation (Magill, 2001). According to Montesquieu, when the legislative and executive powers are united in the same persons or body, there can be no liberty, because apprehensions may arise lest the monarch or senate should enact tyrannical laws, to enforce them in a tyrannical manner (Colher, Miller & Stone, 1989).

American federalist later adopted the proposition of Montesquieu as the organizing framework of the American constitution (Ibeanu 2002). Madison (1992), defending the newly proposed constitution in 1788, noted an underlying principle of competition and rivalry among the branches, as means of limiting and controlling government. He also reflected on the checks and balances system and the need for auxiliary precautions to sustain it. The constant aim is to divide and arrange the branches of government in such a way that each may be a check on the tyranny and conflict between the arms of government and this has been a major principle of liberal democratic constitution making for many years. In her study, Magill (2001) affirmed that the conventional separation of powers analysis relies on two mechanisms to achieve and maintain the dispersal of state power. The first is to separate legislative, executive, and judicial power in three different branches while the second mechanism is to preserve a balance among those branches. It can be inferred therefore that the concern of these mechanisms is about the proper allocation of functions and balance among the branches.

The imperative of checks and balances was noted in the introduction to the 1979 Draft Constitution of Nigeria prepared by the “49 wise men.” It asserts that:

The legislative process would be incomplete if all that legislature have to do were to examine bills placed before them without going any further, we think that is too narrow a view of legislative functions. Legislators must inform themselves of how existing laws are administered and what defects show up in the administration of the laws (cited in Oyediran, 2007).

Modern political science has, however, generally discarded the theory of separation of powers. Scholars have viewed that such a complete separation of power as enunciated by Montesquieu is difficult in the present day government of nations (Ejere, 2004). They have denied the desirability of the separation of powers, as they conceive it, and dispute the value and even the reality of the theoretical division of governmental functions upon which it rests. Some however see it as incapable of accurate statement, and seems impossible to apply with beneficial results in the formation of any concrete political organization (Goodnow, 2003). Laski (1919) for instance, conceived the separation of governmental powers as delusive and a mere paper merit for the simple reason that in practice, it is largely unworkable because the business of government does not admit any exact division into categories. Laski (1992) further argued that in the modern democratic state the distinction between the three organs of government cannot be consistently maintained. He argued that the legislatures often perform executive acts and judicial duties. In the same manner, the executive in the modern time performs acts that are difficult to distinguish from legislation on one hand and judicial functions on the other. Drawing instances from the United States experience, Laski (1992) noted that the Senate of the United States confirms the nominations of the President. He therefore concluded that little is gained by the formal attempt at distinguishing between the different types of functions of government.

Goodnow (2003) also commenting on the Constitution of the United State of America, averred that the theory of three separated powers has proven to be an unworkable legal principle and an inapplicable rule of law because there is a common borderland between them, and that it is really existent in an attenuated form. As Neustadt (1960) famously asserted, rather than creating a government of “separated powers,” the United State Constitution established “a government of separated institutions sharing powers.” Bowman, Woods and Stark (2010) stressed this position more vividly when he noted that though the United State Constitution erects fairly distinct boundaries to differentiate among the governmental branches, each of them connects with the others at various points, creating a constitutional Venn diagram. Indeed, the system of checks and balances established by the Constitution produces interdependent entities. From the beginning,

these separated but inextricably connected authoritative institutions have sought to assert their dominance and expand their portion of those shared powers. They have developed distinctive identities and routinized behaviors; they are seemingly permanent and predictable. In other words, they have engaged in a process of institutionalization.

In a similar vein, Green (1920) perceived the distinction of governmental functions as largely a matter of convention and convenience, and that the same kind of power may be exercised by a legislature and called legislative, by an administrator and called executive, or by a court and called judicial.

Many recent writers have, however, remarked a growing tendency, if not a compelling need, to vest in administrators a large discretion and authority to make rules. This amounts, in a sense, to a delegation of real, though limited, legislative power. For instance, Nwabuzor and Mueller (1985) while examining the legislative political institution noted that the total process of governing requires that some of the other institutions, including both the executive and the bureaucracy, share in the legislative functions. For the purpose of symbolic coherence and implementation, and hence effective governance, Fabbrini (1995) affirmed the importance of the executive's majority support in the legislature and the ability of the executive to counter the conservative tendencies and interest base of the legislature when innovation and the addressing of new social demands are required. This assertion insinuates a tendency of mutual interdependence, interrelationship and interaction between the executive organ and the legislature for the purpose of effective governance. The next section therefore examines the relationship between the executive and the legislature.

## **2.5. Legislature-Executive Relations**

Aiyede and Isumonah (2002) explicated the imperative of interaction between the executive and the legislature when they posited that democratic consolidation can only occur in a context in which political institutions, especially the executive and legislature, are functional and interact in a way that reinforces confidence in the government and the process through which the offices of these government institutions are filled. In a similar

dimension, Kopecky (2004) sees the relationship between the legislature and the executive as one of the key defining characteristics of the functioning of any political system. He noted the vital place that structural and legal factors hold in shaping the relationships between these two political institutions. This position is emphasized by Lijphart (2004) when he argued that the constitutional prerogatives vested in legislatures and the executive are most important because they define the broad framework for interactions between the two powers. Similarly, Posner and Young (2007) averred that institutionalized rules are increasingly becoming relevant in regulating the behaviours of political actors, especially in Africa. This new development, to Fashagba (2010), is heartwarming because it aligns with the postulation that democracy entails an institutionalized arrangement for arriving at political decisions.

While the institutional view of executive-legislature may hold strong as a factor that shapes the relationship between the executive and the legislature, numerous informal rules and conventions, such as the customs concerning nomination of members to the cabinet following an election, are very important as well. Perhaps this is exemplified by Bernick and Bernick (2008) when they affirmed that such relationships are largely shaped by the attitudes and beliefs of the participants. They contend that these relationships are complex, depending on a range of formal and informal practices. Of course while formal texts of constitutional charters and law are very instrumental to the relationships that exist between the executive and the legislature, however, such relationship hinges on the informal conditions and practices that permit these norms to be implemented in practice.

Constructive relationships between the executive and the legislative arms of government are essential to the effective maintenance of the constitution and the rule of law (Holme, 2007). In recent years, however, the character of these relationships has changed significantly, both because of changes in governance and because of wider societal changes. Scholars have been expressing a wide variety of viewpoints on legislature-executive relations, about conflict and cooperation, whether one or the other dominates, and whether benefits or liabilities result from either. While some see conflict between the executive and legislature as a necessary and beneficial precondition to limiting and



controlling government (Aiyede, 2005), others view it as contributing to gridlock over major public policy decisions, thus making government ineffective (Mbah, 2007; Dulani & Donge, 2006).

### **2.5.1. Modes of Legislature-Executive Relations**

Scholars are very keen to examine the modes of relationship between the executive and legislative branches of government. This relationship, according to Lijphart (1999), is inherently a power relationship and, more accurately, a power struggle. In this regards, Bernick and Bernick (2008), while considering the model of a balance of power between the executive and the legislature, summarized the relationship between the two branches into three configurations: the governor is dominant, the legislature is dominant and the two are competitively structured. Bernick and Bernick (2008), however, noted that the more frequent circumstance is the last, in which the governors and legislatures have a delicate balance and changes in either branch can shift the relationship into one of the other two categories. The analysis of Penning (2003) is similar in this dimension. He views that the modes of interactions between the legislature and the executive depend on the power divisions within and between the legislative assembly and the executive. In this regard, Penning (2003) identified three mode of legislature-executive relations: the government dominates parliament, the parliament dominates government, and the parliament and government are balanced. Furthermore, he identified three basic variables that constitute these relationships:

- i. The role of the vote of investiture. He argues that the constitutional requirement of this imposes a barrier on the executive when there is no majority in the legislative assembly.
- ii. The vote of confidence. This procedure can be used by both parliaments and governments in order to achieve their goals.
- iii. The role of the Head of State. This in particular relates to the formal powers in relation to the legislature and the executive.

King's (1976) typology of the mode of legislature-executive relations, however, finds prominence among scholars of the inter-branch relationship. With regard to legislature-executive relations, King's model has been seen as the most authoritative typology (Andeweg, 1992; Muller, 1993; Saalfeld, 1990; Andeweg & Thomassen, 2003; Boyko & Herron, 2009). King (1976) identified five quite separate and distinct patterns of political relationship that are generally subsumed under the phenomena of executive-legislative relations. These are: the non-party, intra-party, inter-party, opposition, and cross-party modes. The nonparty or private member mode according to King (1976) is an interactive mode in which the executive and the legislature interact with each other as members of two distinct institutions. The intra-party mode addresses how government ministers compete and collaborate with backbenchers from their own parties, while the inter-party mode explains the relationship between government and different parties, i.e., this mode addresses how parties form and manage coalitions. The opposition mode, on the other hand indicates the relations between the government and the opposition. As noted by Boyko and Herron (2009), this mode of relationship addresses how conflicts between governing and non-governing parties are managed. The cross-party relationship, on the other hand, addresses how the government, backbenchers from governing parties, and the political opposition can unify on specific policy matters.

Using the King (1976) typology of modes of executive-legislative relations to examine the relationship between the Dutch parliament and government, Andeweg (1992) modified this classification into four patterns, namely, the non-party mode, intra-party mode, inter-party mode and cross-party mode. Andeweg (op cit) thus subsumed the opposition mode postulated by King as a variety of the inter-party mode. Andeweg (1992) further classified the inter-branch relationship into monism and dualism. The monistic interaction, according to him, describes osmosis – a diffusion of powers and functions between the executive and the legislature; on the other hand, the dualistic relationship refers to a separation of power between the two institutions.

In considering the modes of legislature-executive relations, Anyaegbunam (2010) observed that legislature in most democracies, particularly Nigeria is often perceived by

the executive as overstepping her constitutional boundaries in the performance of her oversight duties. This, the executive often sees as hindering the government from speedily meeting the needs of the public. Anyaegbunam (2010) noted further the legislature on the other hand, being the constitutionally ordained watchdog of the people, views the frustration of her investigative role, as a direct affront to the people's mandate. Thus, the legislature sees the executive's uncooperative attitude as a denial of the citizenry's right to be acquainted with the executives' activities. This cycle of mutual suspicion usually degenerates into a frosty relationship between both arms of government. According to Anyaegbunam (2010), this experience in most countries has established three patterns of relationship. The first pattern of legislature-executive relations according to him is the polarized relationship which is a kind of worrisome antagonistic relationship between the executive and the legislature. The second nature of legislature-executive relations is the cordial relationship. In this type, According to Anyaegbunam (2010), executive-legislature disagreements over policies are resolved through healthy and mutual understanding. Thus mostly occur when legislative assemblies 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 well-being of the masses. The third pattern of executive-legislature relations is the mild hostility. This is a kind of mild and inconsistent hostility short of outright antagonism between the executive and the legislature.

For Oyediran (1980) however, there are three types of legislature-executive relations. The first according to him is the rubber stamp assembly. The second type is that of hostile relationship between the executive and the legislature. Mbah (2007) noted however, that the hostile kind of legislature-executive relations is not peculiar to states where one party controls the executive office and another party controls the legislature. The third type of legislature-executive relationship, according to Oyediran (1980), is the cooperative relationship. He however noted that cooperative relationship can either be based on genuine respect, or due to ignorance.

In another development, however, many scholars of legislature-executive relations view the legislature as the first branch of government that, nevertheless, suffers a disadvantage in power to the more visible executive (Cheibub & Limongi, 2010). This they view owe to the fact that the executive, apart from having the responsibility of managing the state's administrative machinery, has an integral role to play in the legislative process. In addition, the chief executive, by the singular nature of his office, has a competitive edge in shaping the public perception of the other branches and, more importantly, public policy (Rosenthal *et.al.*, 2003; Bernick & Bernick, 2008). The increased executive power, Bernick and Bernick (2008) argue, does not necessarily constitute or translate into an imbalance of power between the two institutions. In order to determine the interaction between the governor and the legislature, Bernick & Bernick (2008) suggest an evaluation of the success of the executive's legislative agenda, the frequency of vetoes (and overrides), budget approval, or gubernatorial appointments.

Scholars of comparative institutions often debate which system of government is better in terms of legislature-executive relations and democratic stability under different circumstances (Cheibub, 2002). They argue that the relationship among a country's governing institutions, especially the executive and the legislature differ depending on the type of political system such a country operates, whether a presidential, parliamentary or hybrid (Lipset, 1992; Riggs, 1997; Lijphart, 1999; Cheibub & Limongi, 2010). In studying the legislature-executive relations in Italy, Bardi (2007) attempted a generalization of the legislative power in presidential systems. According to him, the legislature, in a presidential system, tends to have more power and less executive control, while those in parliamentary systems generally exhibit less legislative power but more executive control. This assertion is also upheld by Lipset (1992), who also contended that the parliamentary system has long been identified to result in weaker parliaments and stronger executives than their presidential counterparts. Schlesinger (2004) argued that this seeming anomaly results from a number of factors among which is the fact that since executive power is drawn from legislatures in parliamentary systems, strong party discipline is necessary to ensure the survival of governments. Furthermore, according to Hankla (2002), whereas party defection in a presidential system might prevent a piece of

legislation from becoming law, the repercussions of defections in parliamentary systems are potentially much more serious. He argued that if executives in parliamentary systems are unable to retain their majorities, they may collapse. As a result, individual legislators are under significant pressure to vote with their party leaders, who are usually the very individuals selected to constitute the executive. As noted by Lijphart (1999), while parliamentary system gives the legislature the final right to dismiss the government, this power is a blunt instrument that cannot be employed as a threat to influence individual pieces of legislation. Kreppel (2009), while supporting this position, argued that whereas this generalization holds true, there could be exceptional cases. According to him, Italy is a typical example of such a deviating country.

It is however observed that, while there are variations of the mode of legislature-executive relations among countries within each of these political typologies, some conclusions have been drawn about the characteristics of each of these systems and their relationship to political conflict and executive and legislative power. These generalisations are however, useful for helping to determine the characteristics of political systems and the nature of their legislature-executive relations. In the light of this, Cheibub and Limongi (2010) contend that the study of legislature-executive relations can be situated within the various forms of government. Similarly, National Democratic Institute (NDI), (2000) avers that the type of governmental system under which a country operates fundamentally influences the structure and tenor of legislature-executive relations. Odubajo (2011) also lends his credence to this position when he asserts that the nature of relationship between the various arms of government is typically determined by the system of government in operation.

Following this argument, Riggs (1997) argues that the basic design of any constitutional system of governance, whether such constitution is based on the separation of powers, i.e., presidentialism or it is based on the fusion of powers, i.e., parliamentarism profoundly affects the operations of other institutional variables. It is on this note that Cheibub and Limongi (2010) observe that literature on legislature-executive relations had evolved into two separate and independent bodies of work with each branch focusing on

parliamentary and other on presidential systems. They therefore contend that the study of legislature-executive relations can be situated within the various forms of government. These two forms of government according to them represent two completely independent and alternative ways of organizing the political world. It is however noted that Cheibub and Limongi (2010) argument of bipolar division of system of government into presidential and parliamentary may not be very accurate. Sometimes, a hybrid, emanating from a combination of both forms of government is often adopted by some countries. Perhaps this gap in literature is rectified by Hankler (2002) who avers that the two most important ways of organizing legislature-executive relations in modern democracies are presidential and parliamentary systems. He however noted that a number of hybrid systems exist, such as in France and Switzerland, though most democratic states can be put into one or the other of these two categories.

The argument of these scholars however, is that the type of governmental system under which a country operates fundamentally influences the structure, the nature and the tone of legislature-executive relations. This is because each form of political structure is characterized by vastly different principles that give incentive to and, consequently behaviour of political actors that determine the nature of the relationship between the executive and the legislative powers. Furthermore, it is their contention that each system assigns certain fundamental privileges and responsibilities to the legislature and executive, respectively, while additional factors encourage cooperation or reward confrontation between the branches. In the same vain, each system contains ambiguities that enable an assertive legislature or ambiguous executive leaders to expand their influence (NDI, 2000). As averred by Shugart and Carey (1992), the differences in the formal (legal-constitutional) characteristics of presidentialism and parliamentary regimes are fundamental to the political consequences of country and should be considered theoretically prior to the introduction of other variables. Scholars in comparative institutions therefore aver that institutional characteristics that distinguish these two systems and the consequences those characteristics portend for legislature-executive relations (Verney, 1992; Linz, 1994; Cheibub, 2002; Schlesinger, 1992; Lipset, 1992; Lijphart, 1999).

Lijphart (1999) examines the basic distinguishing institutional characteristics of the parliamentary systems. First, in parliamentarianism, the executive is dependent upon the legislature for its existence, and may be dismissed by a legislative vote of no confidence. In the presidential systems however, the legislature is unable to dismiss the executive, and power is separated among the branches of government. The second basic distinguishing feature is that in parliamentary systems, the majority party or a majority coalition in the legislature chooses the members of the executive. In other words, executive power is drawn from the legislature, and generally remains in power for as long as the governing parliamentary group holds. In contrast, under presidential systems, the executive is directly elected by the citizens and serves for a fixed term. Hankler (2002) however, observes an irony of parliamentary systems. According to him, parliamentarianism tends to result in weaker parliament and stronger executives than their presidential counterparts.

The factors responsible for this seeming anomaly are examined by Schlesinger (1992) and Lipset (1992). According to them, because executive power is drawn from legislatures in parliamentary systems, strong party discipline is necessary to ensure the survival of governments. Whereas party defection in a presidential system might prevent a piece of legislation from becoming law, the repercussions of defection in parliamentary systems are potentially much more serious (Hankler, 2002). If executives in parliamentary systems are unable to retain their majorities, they may collapse. As a result, individual legislators are under significant pressure to vote with their party leaders, who are usually the very individuals selected to constitute the executive (Cheibub, 2002). Thus, while parliamentary systems give the legislature the final right to dismiss the government, this power is a blunt instrument that cannot usually be threatened to influence individual pieces of legislation. Legislatures under presidential systems, in contrast, can more credibly threaten to withhold their votes from particular bill to pressure the executive. This is why Linz (1994) asserts that presidentialism is more prone to legislature-executive squabble and wrangle than parliamentarianism. Furthermore, According to Hankler (2002), the fact that agenda setting power usually rests with party leaders in the government under parliamentary systems further strengthens the power of

the executive over the legislature. He observes further that bills and policy ideas generally originate in the legislature in presidential systems, whereas the executive makes most proposals in parliamentary systems. The result of this agenda setting power is that the influence of the legislature is greatly strengthened in presidential systems.

In his final analysis, Hankler (2002) views that because of the separation of powers of the legislature and the executive, the legislature in presidential systems generally has well-developed, independent agencies to provide them with information about policy ideas, bills, and the actions of the government. On the contrary however, the legislatures in parliamentary systems usually rely on the executive to provide them with information which tends to weaken their ability to criticize the actions of the government. In his observation, Linz (1994) sees the advantage of the executive dominance over the legislature in parliamentary systems especially apparent in the Westminster model, which combines plurality voting and a two-party system with parliamentary democracy. According to him, most presidential systems possess majoritarian, or at least semi-majoritarian, institutional arrangements, and are thus rarely distinguished from one another on the basis of electoral system. This is not the case with parliamentarism as different parliamentary regimes possess different electoral systems which have significant influence on executive-legislative relations (Linz 1994; Lipset 1992). Lipset (1992) examines the proportional representation electoral system in a parliamentary democracy and avers that the frequent need of governments to depend on legislative coalitions requires the executive to consider more carefully the preferences of the legislature in policy formulations. But while legislators may not have agenda setting power, they do often possess coercive power over the executive. On the contrary, because the governing party in Westminster parliamentary system possesses an absolute majority of votes without necessarily forming a coalition, it usually produces weak legislatures (Hankler, 2002). Thus party discipline in parliamentary political systems allows the executive tremendous freedom to follow any policy agenda. This enhances the durability of governments that practice parliamentary systems more than those ones that practice presidential systems across the world (Linz 1992; Lipset 1992; Lijphart 1999).



On a final note Hankler (2002) concludes that the debate of the impact of institutional characteristics determine the mode of relationship between the executive and the legislature and whether the relationship is more cordial in one system than the other is useful for highlighting the contrasting elements of presidential versus parliamentary democracy. He however asserts that for every flaw that can be identified in one of the systems, an advantage can also be found. According to him, the disproportionately powerful executive of the parliamentary system, for instance, is rendered more democratic by the collegial nature of cabinet government. He pointed out two relevant points that hold true in most circumstances. One is that, other things being equal, legislatures under presidential systems hold more influence over policy than legislatures in parliamentary systems. The second point is that the relative power of legislatures over executives varies among different types of parliamentary systems, with proportional representation systems tending toward greater legislative power.

The dichotomy between presidential and parliamentary systems has however been criticized. Scholars have argued for the possibility of having a system in which a popularly elected president as well as a prime minister is responsible to the parliament. Duverger (1980) had referred to such a system as “semi-presidential government.” According to him, a semi-presidential system is characterized by three elements: (1) the president of the republic is elected by universal suffrage; (2) he possesses quite considerable powers; (3) he has opposite him, however, a prime minister and ministers who possess executive and governmental power and can stay in office only if the parliament does not show its opposition to them. This type of constitutional arrangement is found in Zambia, Switzerland, France after 1958, Finland, Austria, Ireland, Iceland, Portugal, and the Weimar Republic from 1919 to 1933. Duverger (1980) noted that the practice in some of these countries particularly, Austria, Ireland, and Iceland are more parliamentary than presidential in the sense that the president had relatively little power, on the contrary, the modern France represented a strong presidential system.

### **2.5.3. Factors Determining the Nature of Legislature-Executive Relations**

Lijphart (1999), in an attempt at analyzing the sources of presidential powers in a presidential system, identified three sources of presidential power which determine his relationships with the legislature. One is the power of the president as defined by the constitution. This constitutional power consists of reactive powers, especially presidential veto power and proactive powers, especially the ability to legislate by decree in certain areas. The second source of power of the president is the strength and cohesion of his party in the legislature. The analysis of Lijphart (1999) here suggests that party discipline is a determinant of legislature-executive relations. In this regards, the strength and cohesion of presidents' parties in the legislature will affects his power relative to the legislature. The third source of the power of the president is his direct popular election.

From the three sources of the power of the president enumerated by Lijphart (1999) above, the first (constitutional power) and the third (direct popular mandate) source bother on the constitutional arrangement. Thus Lijphart (1999) tends to suggest institutional designs as the major determinant of legislature-executive relations particularly in a presidential system of government. Jones (2002) also lends his credence to fact that the constitutional design of a country greatly determines the nature of legislature-executive relations in the country. According to him, the relationship between the executive and legislature in a presidential system is determined by the constitutional legislative power of the president e.g. formal constitutional powers, agenda setting prerogatives and budgetary authority. This argument has been the position of the group of scholars known as institutionalist approach (Linz 1994; Lipset 1992; Lijphart, 1999).

The neo-institutionalists scholars have, however, found the paraconstitutional practices and partisan powers of the executive as equally important predictors of legislature-executive relations (Hammond & Butler, 2003). According to them, informal factors such as personalistic, clientelistic, the support enjoyed by the executive's party in the legislature (majority, veto-sustaining or not veto-sustaining) and the responsiveness of the legislators to the executive are important determinant of legislature-executive relations (Sargentich, 1993; Samuels, 2002; Chieub (2007). What is less clear is the

extent to which these paraconstitutional variables uniquely determine the relationship between the executive and the legislature.

Sargentich (1993) and Abonyi (2006), in another dimension aver that the relationship between the executive and the legislature depends upon many factors other than the constitutional structure. According to there arguments, such factors as a nation's political culture, its party system, and its electoral arrangement have great implications on the relationship between the two branches of government. This is because, politics is much more complex and multi-dimensional than a single-minded focus on constitutional formalities acknowledges. Accordingly, the relative power of the executive or legislative branches cannot be determined simply on the basis of a nation's formal type of governmental system. A number of political factors in addition to the constitutional arrangement that has been chosen have great implications for legislature-executive relations and government's stability.

## **2.6. Gap in the Literature**

This chapter focused on the review of extant literature on the legislature and the executive and the relationship between the two institutions of governance. The models of government which provides the institutional framework for the operations of the executive and the legislature are also reviewed. It also situates the study within a theoretical framework which provides a lens through which the subject of legislature-executive relationship is studied and understood. Evident from previous studies on legislature-executive relations is however, a consistent exemplification of the formal structure of legislature-executive relations while the informal structure has largely been neglected by researchers. Most analyses dwell on the institutional approach with emphasis on the structural design as it relates to legislature-executive relations. What is less clear however, is the extent to which institutions determine legislature-executive relations in the face of informal practices. A more in-depth study of legislature-executive relations with a view to determining the degree to which both institutional and informal factors uniquely and correlate to influence legislature-executive relations is thus greatly desired at this juncture.

This position is further aggravated by the fact that models and constructs of these studies on legislature-executive relations are situated within the framework and political-cum-economic experience of the Western world. While the political systems of most African countries, particularly Nigeria, are largely adopted from the Western world, environmental influence seriously impacts the operations of these systems thereby resulting to different experiences despite similar structural designs. These factors therefore create a gap in knowledge on the intrigues and dynamics of legislature-executive relationships that could emanate from the political and socio-cultural environment of other continents, particularly Africa.

This study fills these gaps in literature by examining legislature-executive relations from a holistic perspective and situating the study within the framework of the formal designs as well as the role of the informal practices insinuated largely by Nigeria's environment.

## **2.7: Theoretical Framework**

Theory is an essential ingredient in any research work, as it provides a foundational structure upon which a research work anchors. As posited by Bunch, (2005), a theory gives a framework for evaluating various strategies in both the long and short run, and for seeing the types of changes that they are likely to produce. Theory is a system of concepts and principles designed to enhance the understanding of a collection of events, facts, and phenomena (Sheila, 2001). A theory can help us to understand by providing a system of explanations, a framework, a way of looking at things so that we may know not only that something is a certain way but also why it is that way, either in the sense of giving reasons for it or in the sense of revealing it causes, that is, what gives rise to it (Omotola, 2007). Situating a study within a theoretical framework thus bridges the range of facts that are to be investigated, and as noted by Goode and Hatt (1952), social science is theory-based and its operations are guided by relevant principles of human behavior.

One of the most important distinguishing features of the behavioural revolution was the explicit concern with theory development. The idea is that political science had to develop some general framework of theories that could explain phenomena in a variety of

settings (Peter, 2005:12). Some of such theories are the Montesquieu theory of separation of power, King's Theory or Typology of Modes of political Interaction, and the Structural-Functional approach among others.

The relationship between the executive and the legislature is a classical topic in political science. This relationship has, more often than not, been studied according to the Montesquieu formula of the separation of powers (Dalberg-Acton, 1949; Sabine and Thorson, 1973; Madison, 1992; Fabbrini 1995; Aiyede & Isumonah, 2002; Ikoronye, 2005; Aiyede, 2005; Fasagba, 2010) and King's Theory of Modes of Interaction (Saalfeld, 1990; Andeweg, 1992; Muller, 1993; Andeweg & Thomassen, 2003 & Boyko & Herron, 2009). The principle of the Separation of powers as a theoretical framework provides a useful guide to the distribution of legislative and executive powers. Nevertheless, when interpreted too rigidly and applied universally, it leads to misconception rather than enlightenment (Ball, 1977). Furthermore, as noted by King (1976), the Montesquieu theory of the separation of powers, though used widely in the study of interactions between the executive and the legislature, does not reflect the rise of political parties and the transformation of polities toward party democracies. King (1976) therefore postulated its typology of mode of political interaction.

While admitting the clarity and comprehensiveness of King's theory in explaining legislature-executive relations, the fact that this theory was based on King's study of the British parliamentary system makes the theory faulty and of limited applicability. While the theory has been used as a theoretical framework for the study of inter-branch relationships in parliamentary democratic states in Europe, the political-cum-economic experience in other continents, such as in Africa, makes the theory inadequate to explain the intrigues and dynamisms of legislature-executive relationships. A more adequate theoretical approach to the study of legislature-executive relations is therefore needed. Such a theory would be one that takes into account the party composition of the executive and legislature and the intra-party differences between the government or the front bench opposition, on the one hand, and the respective backbenchers on the other. Such a theory

will recognize more than the two political actors constituted by the executive and the legislative powers in the Montesquieu or King formula.

The institutionalist approach has been a fundamental theoretical framework to the study of legislature-executive relations (O'Donnell, 1994; Linz, 1994; Fish, 2001; Hammond & Butler, 2003; Valenzuela, 2004; Lijphart, 2004). This approach assumes that conflict and cooperation between the executive and the legislature are conditioned by fundamental questions of institutional design (Linz 1994). According to this theory, features of a country's institutional framework account for observed political, economic and social outcomes in the country (Hammond & Butler, 2003). Institutions do not merely shape the strategies of actors, they also affect the probability distribution of certain political outcomes, and thus, a country's political structure therefore, has great implications on policy outcomes (Lijphart, 2004; Cheibub 2007). While admitting the importance of institutional design as a predictor of legislature-executive relations, it is imperative to note that other informal or paraconstitutional behavioural factors equally shape the nature of legislature-executive relations observable in a political system. As argued by Weaver & Rockman (1993), Steinmo & Tolbert (1998) and Hammond & Butler (2003) although institutional designs affect government capabilities, several other non-institutional factors sometimes mediate the impact of institutions. A more encompassing theory that will treat a larger number of relations and produce a more complex analysis is therefore desired.

Almond (1969) structural-functionalist approach is relevant in this context and provides a more comprehensive theoretical framework for the analysis of legislature-executive relations. It is a theory which aims at providing a consistent and integrated theory from which can be derived explanatory hypotheses relevant to all aspects of a political system (Lane, 1994). The structural-functional model is most associated with Parsons (1951) whose work was greatly influenced by Durkheim (Chilcote, 1998). Almond (1969) has however, restated the scheme so drastically that he has an influence independent of Parsons (Charlesworth, 1968).

According to Almond's structural-functional analysis, all political systems must perform certain requisite functions and, by comparison, one must identify which structure

performs the tasks (Peter 2005). Almond's structural-functional theory describes societal reality largely in terms of structures, processes, mechanisms and functions. In this model the parts and pieces of an organism contribute to the functioning of the organism as an entity. The functionalist tradition postulates that social systems meet certain needs and suggests that there are functional imperatives that must be met in order for a group to survive (Malinowski, 1944; Radcliffe-Brown, 1950; Parsons, 1951). In fact, Malinowski (1944) defined function as the satisfaction of a need. Radcliffe-Brown (1951) claimed that the rules of conduct within a society lead to a social structure consisting of defined roles that are coordinated by these rules. As these roles are enacted, they contribute to maintaining the social structure. This alignment of social relations is critical for the survival of the society.

Society can, therefore, be viewed as a system of mutually interdependent parts (Radcliffe-Brown, 1950). A change in one segment of the culture of a society results in corresponding changes in other segments of the culture of that society (Malinowski 1944; Merton, 1949). This simple model of a socio-cultural system established on the mechanical structure of the human body can indicate the place of a particular element of culture or social institution with respect to other elements in the system (Spencer 1965). Thus no custom or institution exists within a vacuum. Charlesworth (1968) identified certain characteristic features embodied in the structural-functionalism approach. These include:

- An emphasis on the whole system as the unit of analysis.
- The postulation of particular functions as requisite to the maintenance of the whole system.
- Functional interdependence of diverse structures within the whole system.

The idea of structural-functionalist approach in political science represented a vast improvement over the then prevailing mechanistic theories of David Easton and others (Varma, 1975).

Almond outlined an approach to understanding political systems that took into account not only their structural components (institutions) but also their functions within the

system as a whole. Thus instead of focusing on such concepts as institution, organization, or group, Almond turned to “role and structure”. Role is defined as the interacting units of a political system while structure is a pattern of interrelated roles or pattern of interactions (Chilcote, 1998).

According to Varma (1975), three things emerge from Almond’s definition of political system.

1. A political system is a concrete whole influencing and, in turn being influenced by the environment, the presence of a legitimate force holding it together.
2. Interactions take place not between individuals but between roles adopted by them.
3. The political system is an open system engaged in a continuous communication with entities and systems beyond its own boundaries.

A system, according to Almond (1969), is characterized by (1) comprehensives, (2) interdependence, and (3) the existence of boundaries. A system is comprehensive in the sense that it includes all the interactions – inputs as well as outputs - which affect the use of physical coercion in all the structures, including undifferentiated structures like kinship and lineage, and anomic phenomena like riots and street demonstrations, and not merely the interactions which take place within the structures associated with the state, like parliament, executives and bureaucracies, and formally organized units, like parties, interest groups and media of communication.

Some critics are of the opinion that structuralism is unlikely to achieve its objectives of providing a scientific theory of the political system because of the difficulties in applying it to the analysis of the political system – such as defining terms operationally and specifying which activities perform functions. They believe that Almond’s structural-functional model presents a static model of society and, as a consequence, cannot account for change; it overemphasizes integration and, as a consequence, fails to deal with dysfunction (Charlesworth, 1968; Chilcote, 1998).

The criticisms against the theory of structural-functionalism have however, led to the subsequent work of Almond and Powell (1970) where the dynamism of political



development was inculcated into the theory of structural-functionalism (Alexander (1970). Almond and Powell (1975) averred that the theory of structural-functionalism can fit many phenomena, which at first sight appear quite disparate and unconnected into one framework. It gives context for and limits at some degree of reciprocal influence among all sorts of things – people, institutions and events. It also gives a number of common denominators for comparisons among outwardly very different polities: It assumes that whatever their institutional trappings and cultural, ideological, economic, and even chronological and spatial differences, all societies share in the performance of a number of crucial political functions. With the theory of structural-functionalism, Almond and Powell (1975) noted that we are encouraged to see how the same political tasks are performed in somewhat different ways in different societies and invited, as it were, to fill in the terms in an equation, having presumably mastered the rudiments of political diagnosis by learning what the equation is.

Despite the criticisms against structural-functionalism, the approach provides a framework for the analysis of legislature-executive relations in this study. By this framework, the government is conceived as a social system and the executive and the legislature are political institutions viewed as structural parts or units of the political system or government. Each of these political institutions (also seen as structures) performs explicitly specified requisite functions that contribute to the stability, continuity and survival of the political system (Ray, 2004). While the legislature is saddled with the role of law making, the executive implements the law. The various functions of these structures are however, contained in the constitution of the land.

According to Almond (1969), a system is characterized by interdependent units. The various structures or parts or units of a system are interdependent through their structural and functional relationships. This brings to clarity the necessary mutually interdependence of the executive and the legislature through their functional interactions in the policy process (Radcliffe-Brown, 1950). While the executive and the legislature may be constitutionally or structurally delineated by their personnels and functions, they

however, necessarily collaborate through their shared functions as institutions of governance for the maintenance of the state.

Since the executive and the legislature are open systems, these relationships are influenced by internal and external environments and by the presence of a legitimate force holding them together. According to Almond's structural-functional analysis, all political systems must perform certain requisite functions (Peter 2005). These functions in this regards, include policy making, policy implementation and rule adjudication which are carried out by the various arms of government. Thus structural-functionalism, as a framework for this study, provides an effective measure for assessing the different functions performed by the separate but interdependent organs of government in a presidential democracy. As emphasized by the structural-functional proponents, a study of the functions of these structural institutions is necessary for the understanding of the workings of the political system (Person, 1999).

With Almond's structural-functional theory therefore, legislature-executive relations can be described largely in terms of structure, personality, processes, mechanisms and functions. Radcliffe-Brown (1951) claimed that the rules of conduct within a society lead to a social structure consisting of defined roles that are coordinated by these rules. As these roles are enacted, they contribute to maintaining and stabilising the social structure. In this regards, the alignment of the executive and the legislature to the rules of these social relations, their mutual interactions and collaboration in the policy process is critical for the stability and survival of the society.

## References

- Abonyi, Nichodemous (2006) *Intergovernmental Relations in Democratic Federations*. Enugu: John Jacob's Classic Publishers Ltd.
- Adebo, Ademola (1988) "The Legislature: Overview and Performance". In Ayeni Victor and Soremekun Kayode (eds) *Nigeria's Second Republic*. Lagos: Daily Times Publications. pp. 85-106.
- Adler, Mortimer J. (1996) *The Common Sense of Politics*. New York: Fordham University Press,
- Aiyede, Remi E. & Isumonah, Adefemi V. (2002) *Towards Democratic Consolidation in Nigeria: Executive-Legislative Relation and the Budgetary Process*. Ibadan: Development Policy Centre.
- Aiyede, Remi E. (2005) "Executive-Legislature Relations in Nigeria's Emerging Presidential Democracy." *UNILAG Journal of Politics*. Vol. 2. No. 1. pp: 65-87.
- Akintola, Jimoh (1999) *Law Practice and Procedure of Legislature*. Ibadan: Spectrum Publishing.
- Akinwumi, Olayemi. (2004) *Conflicts and Crisis in Nigeria: A Political History since 1960*. Munster, Germany: LIT Verlag.
- Alexander, Groth J. (1970) "Structural-Functionalism and Political Development: The Three Problems". *The Western Political Quarterly*. Vol. 23 No.3. pp: 485-499.
- Almond, Gabriel & G. Bingham Powell (1975) *Comparative Politics: A Developmental Approach*. Boston: Little Brown.
- Almond, Gabriel (1969) "Political Development: Analytic and Normative Perspectives," *Comparative Political Studies*, Vol. I, pp. 449.
- Andeweg, Rudy B. & Jacques Thomassen (2003) "Between Electorate and Executive: Parliament as a Linchpin". *Paper Presented at the Workshop on Delegation in Contemporary Democracies, ECPR Joint Sessions of Workshops, Edinburgh, March 28 – April 2*.
- Andeweg, Rudy B. (1992) "Executive-Legislative Relations in the Netherlands: Consecutive and Coexisting Patterns". *Legislative Studies Quarterly* Vol. 17. No.2. pp: 161–182.
- Anifowose, Remi (2008) "Constitution and Constitutionalism". In Anifowose, Remi & Enemuo Francis (eds) *Elements of Politics*. Lagos: Sam Ironsi Publications. pp: 157- 170.

- Anifowose, Remi (2008) "The Structure and Organisation of government". In Anifowose, Remi & Enemuo Francis (eds) *Elements of Politics*. Lagos: Sam Ironsi Publications. pp: 171 -190.
- Appadorai, A. (1975) *The Substance of Politics*. Delhi: Oxford University Press. Archers.
- Awotokun, A. M. (1998) "Legislative, Executive and Judicial Duties in Sustaining Democracy: A Theoretical Discourse in Nigeria". *Indian Socio-Legal Journal*. Vol. XXIV No. 1 & 2. pp: 53-60.
- Ball, Alan R. (1977) *Modern Politics and Government 2<sup>nd</sup> Edition*. London: Macmillan Press Ltd.
- Bang, Henrik & Esmark, Anders (2009) "Good Governance in Network Society: Reconfiguring the Political from Politics to Policy". *Administrative Theory & Praxis*. Vol. 31, No. 1. pp: 7–37.
- Bardi, L. (2007) "Electoral Change and its Impact on the Party System in Italy", *West European Politics*. Vol. 30 No. 4. pp: 711-32.
- Barkan, J. D., Ademolekun, L. & Zhou, Y. (2004) "Emerging Legislatures: Institutions of Horizontal Accountability". In Levy, B & Kpundeh, S. (eds) *Building State Capacity in Africa*. Washington: World Bank Institute. pp. 211-56.
- Benjamin, Solomon Akhere (2010) "National Assembly: The Limit of Party politics In Legislative Process." *Nigeria Journal of Legislative Affairs*, Vol. 3 No. 1& 2.pp 44 – 72.
- Bernick, E. Lee, and Wiggins, Charles W. (1981) "Executive-Legislative Power Relationships: Perspectives of State Lawmakers." *American Politics Quarterly* 9:467–77.
- Bernick, Ethan M. & Bernick, Lee E. (2008) "Executive-Legislative Relations; where You Sit Really Does Matter". *Social Science Quarterly*. Vol. 89. No. 4.
- Beyle, Thad L & Muchmore, Lynn R. (1983) "Governor in the American Federal System." In Beyle, T. L. & Muchmore, L. R. (eds) *Being Governor. The View from the Office*. Durham: Duke University Press.
- Bogdanor, Vernon (1991) *The Blackwell Encyclopedia of Political Science*. Oxford: Blackwell Publishers.
- Bowman, Ann O'M., Woods, Neal D & Stark, Milton R. (2010) "Governors Turn Pro: Separation of Powers and the Institutionalization of the American Governorship." *Political Research Quarterly*. Vol. 63 No. 2. pp: 304-315.

- Boyko, Nazar & Herron, Erik S. (2009) "Inter-Branch Relations and the Use of Deputy Requests in Ukraine, 2002-2006". *Paper Prepared for Presentation at the American Political Science Association Conference*, September.
- Bryce, James & Viscount Bryce (1921) *Modern Democracies*. London: The Macmillan Company.
- Bunch, Charlotte (2005) "Not by Degrees: Feminist Theory and Education." In Kolmar Wendy et' al (ed) *Feminist Theory* (2<sup>nd</sup> ed). Boston: McGraw Hill.
- Burnell Peter (2003) "Legislative-Executive Relations in Zambia: Parliamentary Reform on the Agenda." *Journal of Contemporary African Studies*. Vol. 21. No.1. pp: 47-68.
- Burnell, Peter (2002) "Parliamentary Committees in Zambia's Third Republic: Partial Reforms, Unfinished Agenda". *Journals of Southern African Studies*. Vol. 28. No.2. pp 291-313.
- Campbell, Tom (2004) *Separation of Powers in Practice*. California: Stanford University Press.
- Charlesworth, J. C. (1968) *Contemporary Political Analysis*. The Free Press, New York
- Cheibub, Jose Antonio & Limongi, Fernando (2010) "From Conflict to Coordination: Perspectives on the Study of Executive-Legislative Relations". *RIEL - Revista Ibero-Americana de Estu dos Legislati vos*. Vol.1, No.1. pp: 38-53.
- Cheibub, Jose Antonio (2002) "Minority Governments, Deadlock Situations, and the Survival of Presidential Democracies". *Comparative Political Studies*. Vol. 35. No. 3. pp: 284 -312.
- Cheibub, Jose Antonio (2007) *Presidentialism, Parliamentarism and Democracy*. New York: Cambridge University Press.
- Chilcote, J. H. (1998) "The Structural-Functionalism as a Heuristic Device" *Anthropology and Education Quarterly*. Vol. 29. No1. pp: 103-111.
- Colher, Anne M., Miller, Busia C. & Stone, Harold S. (1989) *Montesquieu: The Spirit of the Law*. Cambridge: Cambridge University Press.
- Commonwealth Parliamentary Association (2002) "Parliamentary Oversight of Finance; Ensuring Accountability in Public Expenditure". *The Report of a Workshop*, Nairobi, Kenya.
- Crossman, R. H.S. (1972) *The Myths of Cabinet Government* Cambridge: Harvard University Press.

- Dalberg-Acton, John Emerich Edward (1949), *Essays on Freedom and Power*. Boston: Beacon Press.
- Davies, A. E. (2004) “The Role of the Legislature in Fostering an Efficient System of Public Finance”. In Fageigbesi (eds) *Fiscal Federalism*. CEMA/ACBE.
- Dudley, Billy (1982), *An Introduction to Nigerian Government and Politics*. London: Macmillan Press Ltd.
- Dulani J. K. & Donge, V. (2006) ‘A Decade of Legislature-Executive Squabble in Malawi, 1994-2004’, in M. A. M. Salih (ed.), *African Parliaments. Between Government and Governance*. New York: Palgrave Macmillan, pp. 201-24.
- Dunmoye, Ayo R. (2005) “Legislative Powers and Executive- Legislature Relations in Nigeria: 1999 to 2003”. *Nigerian Journal of Political Science*. Vol. 9 No1 & 2.
- Edigheji, Omano (2006) “Political Representation in Africa: Towards a Conceptual Framework.” *African Development*. Vol. XXXI, No 3. pp: 93 -119.
- Edosa, E. and Azelama, J. (1995) “Institutions of Government.” In Ikelegbe, A. O. (eds) *Politics and Government: An Introductory and Comparative Perspective*. Benin City: Uri Publishing Ltd. pp: 35-55.
- Egwu, S. G. (2005) “The Legislature in Nigeria’s Fourth Republic.” In Gana, A. T. and Yakubu, B. C. (eds) *Democratic Rebirth in Nigeria*. Vol. 1:1999 – 2003. New Jersey: AfricaRUs Multimedia. pp: 19-40.
- Ejere, E. S. I. (2004) “Democracy, Human Rights, Rule of Law and the Doctrine of Separation of Powers.” In John Ayam (eds) *Introduction to Politics*. Ota: Covenant University Press.
- Fabbrini, Sergio (1995) “Presidents, Parliaments, & Good Government”. *Journal of Democracy*. Vol. 6. No.3.
- Fairlie, John A. (1923), “The Separation of Powers.” *Michigan Law Review*, Vol. 21, No. 4. pp. 393-436.
- Fashagba, Joseph ‘Yinka (2009) “Legislative Oversight under the Nigerian Presidential System.” *The Journal of Legislative Studies*. Volume 15, Issue 4. pp: 439-459.
- Fashagba, Joseph ‘Yinka (2009) “The Roles of the Committee System in Enhancing Legislative Efficiency in Nigeria: The Case of Kwara State House of Assembly” *Journal of Sustainable Development in Africa*. Vol. 10. No.4. pp. 426 – 444

- Fashagba, Joseph 'Yinka (2010) "The Committee system and Legislative Efficiency: The Case of Kwara State House of Assembly." *Nigeria Journal of Legislative Affairs*, Vol. 3 No. 1& 2. pp: 29-43.
- Fashagba, Joseph 'Yinka. (2010) "De-Constitutionalising? Democratic Governance in Nigeria: Assessing Executive-Legislative Handling of Executive Power Vacuum in the Fourth Republic". *Africana*. pp: 7-43.
- Fish, Stephen M. (2001) "The Dynamics of Democratic Erosion". In Richard Anderson, et' al (eds) *Postcommunist and the Theory of Democracy*. NJ: Princeton University Press. pp: 54-95.
- Garaysi, Barhoom. (2006) "The Parliamentary Composition Prevents a Common Dorn for Changes to the Israeli Government System," *The Israeli Scene*, 14 November.
- Garner, Wilford James (1928) *Political Science & Government*. New York: American Book Company.
- Gill, Mel (2002) "Building Effective Approaches to Governance". *The Nonprofit Quarterly*. Volume 9: Issue 2. pp: 46-49.
- Goodnow, Frank Johnson (2003). *Politics and Administration: A Study in Government*. New Brunswick, NJ: Transaction Publishers.
- Grant, McConell (1967) *The Modern Presidency*. New York: St. Martins Press.
- Green, Frederick (1920) "Separation of Governmental Powers". *The Yale Law Journal*, Vol. 29, No. 4. pp. 369-393.
- Hammond, Thomas H. & Christopher K. Butler (2003) "Some Complex Answers to the Simple Question 'Do Institutions Matter?': Policy Choice and Policy Change in Presidential and Parliamentary Systems." *Journal of Theoretical Politics*. Vol. 15. No.2. pp: 145-200.
- Hankla, Charles R. (2002) "Legislative-Executive Relations and International Trade Policy: A Cross-National Study". *International Studies Association Conference*, Emory University, Atlanta, Georgia 30322
- Heywood, Andrew (2007) *Politics (3<sup>rd</sup> Edition)*. New York: Palgrave Macmillan.
- Holme, Richard (2007) *Relations between the Executive, the Judiciary and Parliament*. London: The Stationery Office Limited.
- Howell, W. G. (2005) "Unilateral powers: A brief overview". *Presidential Studies Quarterly*, Vol. 35. Pp: 417-438.

- Ibeanu, Okechukwu, (2002) “(Sp) Oils of Politics: Petroleum, Politics and the Illusion of Development in the Niger Delta, Nigeria.” *Paper Presented at the ACAS Oil Panel, African Studies Association Conference*. Washington D.C., 6th December.
- Idahosa, S. A. and Ekpekurede, W (1995) “Ideas and Forms of Organisation of Government”. In Ikelegbe, A. O. (eds) *Politics and Government: An Introductory and Comparative Perspective*. Benin City: Uri Publishing Ltd. pp: 23-34.
- Ikoronye, Innocent (2005) “Legislative-Executive Relationship and Powers Functions of the Legislature in Local Government Administration”. *Journal of Nigerian Government and Politics*. Vol. 1, No. 1.
- Jewell, Malcolm E. (1997) “Legislature” in *The Encyclopedia Americana International* (ed.) Volume 17. Connecticut: Grolier incorporated. pp: 172-189.
- Johnson, John K. & Nakamura, Robert T. (1999) “Legislatures and Good Governance”. *A Paper prepared for UNDP*.
- Jones, Mark P (2002) “Legislator Behaviour and Executive-Legislative Relations in Latin America.” *Latin American Research Review*, Vol. 37. No.3 pp: 176-188.
- Kelley, Christopher S. & Marshall, Bryan W. (2009) “Assessing Presidential Power Signing Statements and Veto Threats as Coordinated Strategies.” *American Politics Research*. Vol. 37 No. 3. pp: 508-533.
- King, Anthony (1976) “Modes of Executive-Legislative Relations: Great Britain, France, and West Germany.” *Legislative Studies Quarterly*. Vol. 1. pp: 11-36.
- Kopecky, Petr (2004) “Power to the Executive! The Changing Executive – Legislative Relations in Eastern Europe”. *Journal of Legislative Studies*. Vol. 10 No.2/3. pp: 142 – 153.
- Kousoulas, George D. (1975) *On Government and Politics*. Belmont: Duxbury Press.
- Kreppel, Amie (2009) “Executive-Legislative Relations and Legislative Agenda Setting in Italy: From Leggine to Decreti and Delegha”. *Bulletin of Italian Politics* Vol. 1, No. 2. pp: 183-209.
- Lafenwa, Stephen A. (2009) “The Legislature and the Challenges of Democratic Governance in Africa: The Nigerian Case.” *A seminar paper delivered at a conference on Governance and Development on Democratization in Africa: Retrospective and Future, Prospects*, held on December 4-5, at University of Leeds, United Kingdom.



- Lafenwa, Stephen. A. & Gberevbie, Daniel E. I. (2007) "Legislative Oversight and Cost of Governance in Nigeria". In Akpotor, A. S. Afolabi, A. O, Aigbokhaevbolo, M. O., Iganiga, B. O. & Odiagbe, O. S. (eds) *Cost of Governance in Nigeria. An Evaluative Analysis*. Ekpoma: Ambrose Ali University Publishing House. pp:216-244
- Lane, Ruth (1994) "Structural-Functionalism reconsidered: A Proposed Research Model". *Comparative Politics*. Vol. 26. No. 4. pp: 461-477.
- Laski, Harold J. (1919) *Authority in the Modern State*. Ontario: Yale University Press.
- Laski, Harold J. (1961) *An Introduction to Politics*. London: George Allen & Unwin.
- Laski, Harold J. (1992) *A Grammar of Politics*. London: George Allen & Unwin.
- Lijphart, Arend (1999) *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries*, New Haven and London: Yale University Press.
- Lijphart, Arend (2004) "Constitutional Design for Divided Societies." *Journal of Democracy*. Vol. 15. No. 2. pp 96 – 109.
- Linz, Juan J. (1994) "Presidential or Parliamentary Democracy: Does it Make a Difference?" In Juan, L. J. and Valenzuela, A. (eds) *The Failure of Parliamentary Democracy*. Baltimore: John Hopkins University Press. pp 3-87.
- Lipset, Seymour Martin (1992) "Conditions of the Democratic Order and Social Change: A Comparative Discussion". In S. N Eisenstadt (Eds) *Human Society, Democracy and Modernity*. NY: E.J. Brill.
- Loewenberg, Gerhard (1995) "Legislatures and Parliaments" in Seymour Martin Lipset (ed), *The Encyclopedia of Democracy, volume III*. London: Rutledge. p.736.
- Madison, James (1992) "The Federalist nos. 47.48." in Arend Lijphart (eds) *Parliamentary versus Presidential Government*. Oxford: Oxford University Press.
- Magill, Elizabeth M. (2001) "Beyond Powers and Branches in Separation of Powers Law". *University of Pennsylvania Law Review*, Vol. 150, No. 2. Pp: 603-660.
- Mbah, Peter (2007) "Executive-Legislative Relations in Nigeria: The Presidency and the National Assembly, 1999 -2006." *Nigeria Journal of Social Sciences*. Vol. 1 pp. 187 – 210.
- Metz, Helen Chapin (1991) *Nigeria: A Country Study*. Washington: GPO Library of Congress. Retrieved on November 12, 2010 from website ([www.mongabay.com/reference/country\\_studies/nigeria](http://www.mongabay.com/reference/country_studies/nigeria)).

- Mezey, M. L. (1983) "The Functions of Legislatures in the Third World." *Legislative Studies Quarterly*. Vol. 8. No. 4 pp.511-50
- Moe, T. M., & Howell, W. G. (1999) "Unilateral action and presidential power: A theory." *Presidential Studies Quarterly*, Vol. 29. pp: 850-873.
- Muller, Wolfgang C. (1993) "Changing Executive-Legislative Relations in Austria (1945-1992)". *Legislative Studies Quarterly* 18:4. pp: 467-494.
- NDI (2000) *Legislative Research Series: Strengthening Legislative Capacity in Legislative-Executive Relations*. Washington, D.C: National Democratic Institute.
- Nijzink, Lia, Mozaffar, Shaheen & Azevedo (2006) "Parliaments and the Enhancement of Democracy on the African continent: An Analysis of Institutional Capacity and Public Perceptions". *The Journals of Legislative Studies*, Vol. 12. No. 3-4. pp: 311-335.
- Nwabueze, B. O. (1973) *Constitutionalism in the Emergent States*. London: Hurs and Co.
- Nwabueze, B. O. (2004) *Constitutional Democracy in Africa. Vol. 4*. Ibadan: Spectrum Books.
- Nwabuzor, E.J. & M. Mueller (1985) *An Introduction to Political Science for African Students*. London: Macmillan Publishers Ltd.
- O'Donelle, Guillermo (1994) "Delegative Democracy." *Journal of Democracy*. Vol.5 . pp: 55 -69.
- Okoosi-Simbine, A. T. (2010) "Understanding the Role and Challenges of the Legislature in the Fourth Republic: The Case of Oyo State House of Assembly." *Nigeria Journal of Legislative Affairs*. Vol. 3. No. 1 & 2. pp 1-27.
- Omotola, Shola J. (2007) "What is this Gender Talk all about after all? Gender, Power and Politics in Contemporary Nigeria." *African Study Monographs* Vol. 28. No. 1.
- Ornstein, N. (1992) *The Roles of the Legislature in Democracy. Freedom Paper No. 3*. California: Institute of Contemporary Study (ICS).
- Osaghae, E. E (2002) *Nigerian since Independence: Crippled Giant*. Ibadan: John
- Oyediran, Oyeleye (1980) *Nigerian Legislative House; Which Way (ed)*. Ibadan: Ibadan Consultancy Unit.
- Oyediran, Oyeleye (2003) *Introduction to Political Science*. Ibadan: Oyediran Consults International.

- Oyediran, Oyeleye (2007) *Nigerian Constitutional Development*. Ibadan: Oyediran Consults International.
- Packenham, R. A. (1983) “Legislatures and Political Development.” In Kornberg & Musolf (eds) *Legislatures in Developmental Perspectives*. Tanzania. pp: 521 – 82.
- Parsons, Talcott (1951) *The Social System*. London: Routledge.
- Pennings, Paul (2003) “Beyond Dichotomous Explanations: Explaining Constitutional Control of the Executive with Fuzzy-Sets.” *European Journal of Political Research*. Vol. 42. pp: 541- 567.
- Persson, Torsten, and Guido Tabellini (2000) *Political Economics: Explaining Economic Policy*. Cambridge: MIT Press.
- Persson, Torsten, Gerard Roland, and Guido Tabellini (1997) “Separation of Powers and Political Accountability.” *Journal of Economics*. pp:1163–1202.
- Peter, Guy B. (2005) *Institutional Theory in Political Science. The New Institutionalism*. NY: Continuum.
- Posner, Daniel N. And Young, Daniel J. (2007) “The Institutionalization of Political Power in Africa”. *Journal of Democracy*. Vol. 18. No. 3.
- Poteete, Amy R. (2010) *Renegotiation of Executive Powers and Executive-Legislative Relations in Botswana*. Montreal: Concordia University Press.
- Puke, T. A. (2007) *Substance of Government*. Lokoja: JHL Printing and Publications.
- Ranney, Austen (1974) *The Governing of Men*. New York: Holt, Rine Hart & Winston Inc.
- Rasch, Bjørn Erik (2011) “Why Minority Governments? Executive-Legislative Relations in the Nordic Countries” In Persson, T. & Wiberg, M. (eds) *Parliamentary Government in the Nordic Countries at a Crossroads. Coping with Challenges from Europeanisation and Presidentialisation*. Stockholm: Santérus Academic Press Sweden.
- Ray, S. N. (2004) *Modern Comparative Politics. Approaches, Methods and Issues*. New Delhi: Prentice-Hall Private Ltd.
- Read, James S. (1979) “The New Constitution of Nigeria ‘The Washington Model’”. *Journal of African Law*. Vol.23. No.2. pp: 131 – 174.

- Riggs, Fred W. (1997) "Presidentialism versus Parliamentarism: Implications for Representativeness and Legitimacy". *International Political Science Review*. Vol.18, No. 3. pp. 253 – 278.
- Roberts, F. O. Nyemutu (2002) "Performance Evaluation of the New Democracy" In Ajakaiye, D. O. and F. O. Nyemutu Roberts (eds), *Meeting the Challenges of Sustainable Democracy in Nigeria*. Ibadan: NISER.
- Robinson, E. V. (1903) "The Division of Governmental Power in Ancient Greece." *Political Science Quarterly*, Vol. 18. pp. 614.
- Rosenthal, Alan, Burdett A. Loomis, John R. Hibbling, and Karl T. Kurtz (2003) *Republic on Trial: The Case of Representative Democracy*. DC: C.Q. Press.
- Saalfeld, Thomas (1990) "The West German Bundestag after 40years: The Role of Parliament in a Party Democracy." *West European Politics*. Vol.13. No.3, pp: 68-69.
- Sabine, George H. & Thorson, Thomas L. (1973) *A History of Political Theory*: New Delhi: Oxford & IBH Publishing Co. PVT Ltd.
- Saliu, Hassan A. & Muhammad, Abdulrashed A. (2010) "Exploring the Parliament". *Nigeria Journal of Legislative Affairs*, Vol. 3 No. 1& 2,pp: 73 – 89.
- Samuels, David & Eaton, Kent (2002) "Presidentialism and, or, and Versus Parliamentarism: The State of the Literature and an Agenda for Future Research". *A paper Presented at the Conference on Consequences of Political Institutions in Democracy* held in Duke University, April 5-7.
- Sanyal, Kaushiki (2009) *The Executive versus the Legislature*. New Delhi: PRS Legislative Research.
- Sargentich, Thomas O. (1993) "The Presidential and Parliamentary Models of National Government". *American University Journal of International Law & Policy*. Vol. 8. No. 2 &3. pp: 579-592.
- Schlesinger, Arthur M. (2004) *The Imperial Presidency*. NJ: Mariner Books.
- Schlesinger, Arthur M. (1992) "Leave the Constitution Alone". In Arend Lijphart (eds) *Parliamentary Versus Presidential Government*. Oxford: Oxford University Press. pp: 90 -94
- Shugart, Mathew Soberg (2006) "Comparative Executive-Legislative Relations". In Rhodes, R. A.W., Binder Sarah A & Rockman, Bert A (eds) *Political Institutions*. New York: Oxford University Press. pp: 1-31.

- Shugart, Matthew S. & John M. Carey (1992) *Presidents and Assemblies: Constitutional Design and Electoral Dynamics*. New York: Cambridge.
- Simmons, Charlene Wear (2002) *Legislative Oversight of the Executive Branch*. CA: California Research Bureau.
- Steinmo, Sven & Caroline Tolbert (1998) "Do Institutions Really Matter? Taxation in Industrialized Democracies". *Comparative Political Studies*. Vol. 31 No. 3. pp: 41-52.
- Taiwo, Israel. O. & Fajingbesi, Adeyemi. A. (2004) *Fiscal Federalism and Democratic Governance in Nigeria*. Ibadan: National Centre for Economic Management and Administration (Nigeria).
- Thomas, M. A. & Sissokho, O. (2005) "Liaison Legislature: The Role of the National Assembly in Senegal" *Journal of African Modern Studies*. Vol. 43. No. 1. pp: 97-117.
- UNDP (2003) *Parliamentary Development*. Retrieved on 14/01/2012 from the internet (<http://www.pogar.org/publications/other/un/undp/parldev-practicenote-apr03e.pdf>).
- Valenzuela, Arturo (2004) "Latin American Presidencies Interrupted." *Journal of Democracy*. Vol. 15. No. 4. Pp: 5 -19.
- Varma, S. P. (1975) *Modern Political Theory*. New Delhi: Vikas Publishing House PVT Ltd.
- Weaver, Kent R. & Bert Rockman (1993) "Assessing the Effects of Institutions". In Kent R. Weaver & Bert Rockman (eds) *Do Institutions Matter? Government Capabilities in the United States and Abroad*. Washington DC: Brookings Institute.

## **CHAPTER THREE**

### **LEGISLATURE-EXECUTIVE RELATIONS IN THE PRESIDENTIAL SYSTEM OF GOVERNMENT**

#### **3.1 Introduction**

The global wave of democratization that swept over different parts of the world in the past three decades has led to the adoption of either a presidential or parliamentary system of government by both old and new democratic states. Research on the relationship between the executive and the legislature in recent times has therefore been bifurcated along these forms of political structure – presidentialism and parliamentarism with a view to determining the extent to which these political arrangements matter in legislature-executive relations (Cheibub & Limongi, 2000; Hammond & Butler, 2003). This is going by the fact that the major institutional characteristic which distinguishes the two systems of government is the degree of separateness of origin and survival between the executive and the legislature (Riggs, 1997; Hammond, et'al, 2003; Cheibub, 2007). This chapter therefore examines the institutional designs of presidentialism and the implications that such framework portends for legislature-executive relations. It also takes an empirical journey into some selected presidential political systems with a view to interrogate and document the nature of legislature-executive relations in those countries and the formal and informal institutional resources and practices which govern such relationship.

#### **3.2 Presidential System and Legislature-Executive Relations**

There are some basic principles of the presidential form of government which have implications for legislature-executive relations. Firstly, the President who is the Chief Executive is elected in a popular election either directly or via a popularly elected presidential electoral college. In the latter, the President has his or her own electoral base (Shugart & Carey, 1992). Concurrently, an elected legislative assembly is created to parallel the President on the basis of the principle of separation of powers, thus there is a separate origin and survival of the executive and legislative branches. The separation of

origin is defined by the process of executive selection in which the chief executive is selected through a process of counting votes separately from the allocation of legislative seats (Shugart & Carey, 1992). The President and the legislature have their own electoral mandates, being separately elected (Beermann, 2011).

Secondly, the President holds office for a constitutionally fixed term and until that prescribed term ends, he can not be discharged by legislative votes of no-confidence even if he or she favours policies opposed by the legislative authority (Cheibub, 2007), though it may be possible to remove a president for criminal wrongdoing by the process of impeachment (Lijphart, 1999). It has been established however, that the impeachment of a president does not necessarily occur simply as a result of political disagreement between the branches of government (Riggs, 1997; Penings, 2003). Thus there is a separate survival of the executive and the legislature defined by the principle that ends governments (Shugart & Carey, 1992). In a presidential system of government therefore, the terms of both the legislature and the executive are fixed and are not contingent on mutual confidence.

Thirdly, there exists a constitutionally guaranteed executive authority to execute the laws which implies that one branch (legislature) makes the laws, the other (executive) implements them (Samuels & Eaton, 2002), thus, the President has extensive governmental authority vested in him to manage the government bureaucracy (Nijzink, Mozaffar & Azevedo, 2006). The fourth principle is that the Chief executive has control over the cabinet as a result of his power to select his ministers without restriction and are (the ministers) responsible to him and not to the legislature (Idahosa & Ekpekurede, 1995). In fact, the ministers are mere advisers and subordinate to the President (Cheibub, 2007). Most important decisions can be made by him with or without, and even against, the advice of the cabinet, hence he (the President) has power over the cabinet (Lijphart, 1999). These basic characteristics are the salient premises on which presidential system rests and have been followed in all presidentialist regimes (Riggs, 1997; Akinsanya, 2005).

Some consequential legislature-executive relations arise from these institutional arrangements. The control over the state bureaucracy is divided between rival centres of authority – the executive and the legislature. The separate origin and survival of the executive and the legislature means that the executive does not depend on the continued support of the legislature to stay in power (Nijzink, Mozaffar & Azevedo, 2006). There is consequently a system of mutual independence of the executive and the legislature (Cheibub & Limongi, 2000). In the presidential system therefore, autonomy takes a different form than in systems in which the executive is selected by the legislature and stays in power only as long as it has the continued confidence of the legislature (Beermann, 2011).

Furthermore, the idea of separate origin and survival of the executive and the legislature and constitutional authority of the executive to implement the laws in a presidential system inform the executive's unilateral power and separation of purpose between the executive and the legislature (Samuels & Eaton, 2002). Hammond and Butler (2003) define executive's unilateral power as the relative imbalance between the executive and the legislature in terms of the allocation of unilateral veto, budget, decree, agenda and other formal powers. For instance, a President who has decree powers has relatively more liberty than a Prime Minister because he doesn't depend on the legislature to survive. Besides, he can use his formal powers to pull policy towards his preferred point without fear of losing his job. Separation of purpose on the other hand, is the relative degree to which the executive and the majority in the legislature have similar political preferences and respond to and are accountable to the same pressure and demands (Hammond & Butler, 2003).

In addition, the institutional arrangement in which both the President and the legislature are popularly elected and are mandated to pursue policies can create a dual popular legitimacy. This dual democratic legitimacy results in frequent legislature-executive stalemates and impairs the ability of the presidential political system to control its appointed officials and therefore limit its capacity to manage a bureaucracy powerful enough to deal effectively with complex modern problems (Linz, 1994; Pennings, 2003).



In another dimension, the election of the President for a fixed term of office informs the rigidity of presidential terms of office. This means that presidents are elected for fixed periods and often cannot be extended because of term limits, and cannot easily be shortened even if the president proves to be incompetent, becomes seriously ill, or is beset by scandals of various kinds (Linz, 1994). This can lead to gridlock between the executive and the legislative branches impairing the accountability of the chief executive to the elected legislative assembly (Weaver & Rockman, 1993).

Furtherstill, the dual popular legitimation of presidential system based on the fact that both the executive and the legislature are mandated to pursue policies, creates power parity over sovereignty or supremacy over each other (Abonyi, 2006). Consequently separation of powers and separate elections in a presidential system makes legislature-executive relations cumbersome and perhaps conflictual by design (Smith, Stuckey & Winkle (1998). The presidential system hence, creates less stable conditions for democratic consolidation due to looser connection between the chief executive and legislative leadership (Juan, 1994, Clark & Simenas, 2004). Since there is no constitutional principle that can be invoked to resolve conflict between executives and legislatures, such as the vote of no confidence of parliamentary systems, deadlocks would provide incentives for actors to search for extra constitutional means of resolving their differences, thus making the system prone to instability (Cheibub, 2002).

In addition, the president and the legislature have a fixed term in office and government duration, therefore, becomes a moot question. The President does not need to generate majority support in the legislature in order to remain in office. This in turn makes coalition governments unnecessary in presidentialism (Cheibub, 2010). The importance of coalition is understood very properly when considering the very nature of parliamentarism. The system is such that parties operate under the imperative of majoritarianism, meaning that it is required that governments must be composed by parties that together command the majority (more than 50%) of legislative seats (Anifowose, 2008). In this view, governments are formed as parties exchange cabinet

positions for legislative support and a party is considered to be in government if it controls one or more cabinets and when in government, a party's members of parliament are expected to vote in support of government measures. If a party alone commands the majority of the seats in the legislature, it forms a single-party government and keeps to itself all the benefits of being in the government as it does not need the support of other parties to remain in power. If on the other hand, no party controls majority of the legislative seats, then parties must form a coalition government by sharing cabinet positions (Lijphart, 1999). Coalition is therefore a crucial matter especially given the fact that in the majority of parliamentary democracies no party commands more than 50% of the seats (Cheibub, 2010). On the contrary, however, in presidentialism, the fact that the head of government's mandate originates in popular elections and exists for fixed term in office leads to a situation where coalitions and government duration are irrelevant (Hammond & Butler, 2003).

Besides these basic principles of presidential system analysed above, weakly institutionalized political parties characterize a presidential system (Linz, 1994; Pennings, 2003). Political parties in presidential systems are sometimes less structured, and legislators may be free to identify with their individual constituency interests, or other regional, ethnic, economic interests rather than their parties when considering policy issues (Hammond & Butler, 2003). This is particularly so due to the fact that the failure of the legislators to vote with their parties do not threaten to bring down the government (Samuels, 2002). The president and the majority of the legislature may belong to different parties or may have divergent preferences even if they belong to the same party, hence members are less amenable to voting along party line (Linz, 1994; Marsteintredet, 2008). In addition, diffused character of leadership within the legislature brought about by separation of powers affects party discipline within the legislature (Abonyi, 2006; Beermann, 2011). In the same vein, there is more possible case of minority than majority government in Presidentialism. Minority governments are those in which the governing coalition does not control a majority of seats in the legislature or, in a bicameral system, those in which it does not control a majority of seats in at least one of the chambers (Cheibub, 2002). In minority governments, a presidential system would cause deadlocks

because of inability to form majority coalitions. If however, coalition were to occur, lack of party discipline that is inherent in presidentialism will make it unstable (Linz, 1994; Marsteintredet, 2008).

Furthermore, presidentialism introduces a strong element of zero-sum game into democratic politics with rules that tend toward a winner-take-all outcome and presidential election campaigns encourage the politics of personality and overshadow the politics of competing parties and party programmes (Linz, 1994). Consequently, the weakly institutionalized political parties and permissive electoral systems tend to produce presidents whose party does not control a majority of seats in the legislature. In another dimension, weak party system could in turn strengthen the dominant position of the president (Linz, 1994).

The relationship between the executive and the legislature in a presidential system is certainly one of the most intriguing empirical questions in the study of political institutions. The concomitant effects of the institutional arrangements of the presidential system often pose the crucial problem of relationship between the executive and the legislature which is being pejoratively referred to as ‘deadlock’, ‘gridlock’ or ‘stalemate’ (Lijphart, 1999; Hammond, & Butler, 2003).

Scholars of comparative constitutions have long averred that presidential system is prone to legislature-executive conflicts and hence government instability commonly accounted for by its institutional design (Weaver & Rockman, 1993; Alvarez, 1997; Figueiredo & Fernando, 2000; Linz, 2000; Cheibub, 2002; Abonyi, 2006). This position has particularly found support of the institutional school of thought who argue that a countries political structure have great implications on policy outcomes (Hammond & Butler, 2003). According to this view, features of a country’s institutional framework account for observed political, economic and social outcomes in the country (Lijphart, 1999). Following this argument therefore, the features of presidentialism explains the high level of instability in the system (Linz, 2000). This school of thought sees the presidential institutions as the cause of the recent crisis in the presidencies in Latin

America (O'Donnell, 1994; Valenzuela, 2004), the cause of the weak political parties found in Africa (Van de Walle, 2003) and the main cause of the degradation of Russian politics (Fish, 2001). In fact, the breakdown of democratic regimes and the alleged crisis of governability of new democracies have been attributed to presidentialism (Cheibub, 2002). Thus presidential systems are inherently ungovernable, structurally problematic, likely to generate crises, chronically incapable of dealing with crises once they erupt, and hence undesirable for consolidation of democracy (Lijphart, 1999).

The institutionalists' view of presidentialism has however been greatly criticized by a group that can be referred to as neo-institutionalists. Pivotal to the neo-institutional school of thought are scholars like Jose Antonio Cheibub, Thomas H. Hammond, Christopher K. Butler, Fernando Limongi, Leiv marsteintredet. In Cheibub (2007)'s argument for instance, the problem of presidential democracies is not that they are institutionally flawed, rather the problem is that they tend to exist in societies where democracies of any type are likely to be unstable. Presidential system emphasizes democratic values, providing checks and balances necessary for various opinions expressed, various interests represented and for expertise rather than for party loyalty to be brought into play in the legislative process (Abonyi, 2006). Sources of instability in the presidential system therefore have nothing to do with its institutional structure (Cheibub, 2007). Accordingly, the relative power of the executive or legislative branches cannot be determined simply on the basis of a nation's formal type of governmental system ((Hammond & Butler, 2003). A number of political factors in addition to the constitutional arrangement that has been chosen have great implications for legislature-executive relations and government's stability (Sargentich, 1993).

In this view, the relationship between the executive and legislature in a presidential system can be categorized into two parts. The first is the constitutional legislative power of the president e.g. formal constitutional powers, agenda setting prerogatives and budgetary authority (Jones, 2002; Cheibub, 2007). This category of relationship is relatively straightforward since it may be explicitly defined by the formal texts of constitutional charters and law. The second part of the relationship is the paraconstitutional practices

and partisan powers of the president which concerns factors such as personalistic, clientelistic, the support enjoyed by the president's party in the legislature (majority, veto-sustaining or not veto-sustaining) and the responsiveness of these legislators to their president (Sargentich, 1993; Samuels, 2002).

It is at the backdrop of the above, that the next section documents the nature of legislature-executive relations in some selected presidential political systems and the formal and informal institutional practices which govern such relationship.

### **3.3. Case Study Analyses of Legislature-Executive Relations in the Presidential Model of Government**

#### **3.3.1 Legislature-Executive Relations in the American Presidential System**

The 1789 Constitution of the United States of America (as amended in 1992) provides for an elected President who is both the Head of State and the Head of Government. Potential candidates for the office of the President pass through a complex party nomination process which encourages the participation of party members (Lindsay, 2003). An indirect election process is prescribed in the Constitution for the voters to choose the electors, who in turn choose the President (Appadorai, 1975). The President, as the Head of State, possesses the powers to mobilize the army, to represent the US in foreign relations and to grant reprieves and pardons; as the Head of Government, he possesses the powers to oversee the executive departments, appoint officials and judges, and recommend legislation. The President can also form the Executive Office of the President and the Cabinet to assist him. Cabinet members can only be removed from office by the President (Bradley and Flaherty, 2004).

Under the United States' Constitution, the president's term of office is for four years and he cannot be removed during the term of office under normal circumstances, except by a specially prescribed, politically exceptional process of impeachment. Impeachment can occur only when the House of Representatives votes to impeach a president for "high

crimes and misdemeanors” and the Senate votes to convict the president of such dereliction (Sargentich, 2010; Beermann, 2011). It has however, been established that the impeachment of a president cannot occur simply as a result of political disagreement between the branches of government (Erturk, 2011). Three impeachment decisions have been applied in the USA so far. These are Johnson in 1868, Nixon (Watergate) in 1975 and Clinton in 1998. Nixon resigned for fear that he would be found guilty, the other two impeachments decisions remained ineffective (Gozler 2000; Erturk, 2011).

The Congress, the bicameral legislature of the USA on the other hand, is composed of the Senate and House of Representatives. Members of the two chambers are elected by direct universal suffrage in two elections (Edwards & Davies, 2004). The Congress possesses legislative powers: the powers to approve the budget, to scrutinize the executive and to propose constitutional amendments. The Senate stands on an equal footing with the House of Representatives in the law making process (Winetrobe, 2000).

The Constitution of the United States of America applies the interpretation of the 18<sup>th</sup> Century doctrine of separation of powers. This means that the three branches of government (the executive, the legislature and the judiciary) are separated from one another with a divided mandate of power (Fisher, 2007). Under the constitution, Articles I, II and III created the Legislature, the Executive and the Judiciary respectively. Article 1, Section 1, baldly states: “All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of Senate and House of Representatives”. Article I, Section 6, prevents members of Congress from serving as officers of the government in the executive branch. In fact, Section 6, Clause 2 of Article 1 specifically declares:

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emolument whereof shall have been increased during such time; and no person holding any office of the United States, shall be a member of either House during his continuance in office.

In addition to the broad separation of powers into three branches, the Constitution keeps the executive and legislative branches separate with various specific provisions. Article I,

Section 5, says each chamber of Congress, namely the House of Representatives and the Senate, is the sole judge of who wins congressional elections and who is qualified to serve there. The same part of the Constitution gives the House and Senate sole authority to make their rules of operation.

It is therefore, apparent that the executive and legislative functions of the United States government reside more clearly in their own separate institutions. The two branches have their own democratic legitimacy and authority, as they derive from distinct electoral bases. The executive cannot directly control and use the constitutional power of the legislature; it operates with, rather than through, the legislature. The President has no power to dissolve the Congress, neither do the President nor the Cabinet holds collective responsibility to the legislature (Winetrobe, 2000).

The foundational principle of separation of powers is the basis of legislature-executive relations in the United States (Smith, 2010), and remains vital in the contemporary American government. The division of the three arms of government is however, not absolute as the constitution recognizes a system of checks and balances (Oshio (2004). The activities of the organs overlap in some cases and each of them connects with the others at various points. For instance, while the President who is the Chief-Executive can be removed from office by impeachment, under a system of checks and balances, the President may influence the law making process by legislation recommendations and by use of the veto power. On the other hand, the Vice President (executive) is the President of the Senate (legislature).The legislature can monitor the executive by congressional hearings and investigations and create congressional offices to scrutinize the budget proposals of the President (Kwong, 2000). The legislature must debate and pass various bills. The President has the power to veto a bill passed by Congress, thus preventing its adoption. This is an exercise of legislative power (Bowman, Woods & Stark, 2010). The legislature may, however, override the President's veto if they can muster enough votes. Justices of the Supreme Court (the Judiciary) are nominated for appointment by the President and are screened for confirmation by the Senate before taking their oath of office. The legislators are free to vote according to their conscience with little

repercussions from their party. Hence they are less subject to party discipline. They can make use of a filibuster, that is, delay legislative action with long speeches (Abonyi, 2006). The consequence of these arrangements is therefore, interdependent of entities; and rather than creating a government of separated powers, what exists is a government of separated institutions sharing powers (Bowman, Woods & Stark, 2010).

From the beginning, these separated but inextricably connected authoritative institutions have sought to assert their dominance and expand their portion of those shared powers (Bowman, et al, 2010). The American presidential system is therefore, characterized by uneasy relationship between the executive and the legislature despite the constitutional separation of the powers of these political institutions (Appadorai, 1975; Lenchner, 1976). For instance, when a party different from the party of the President controls the Congress there can be extended periods of time when no legislation is passed (Taffet, 2004). This can be costly to government operations and a waste of time. Moreover, beginning from Jefferson's administration, the United States of America entered into new century in which national expansion and international recognition and hegemony became central to the country's being (Cho, 2003). Following this, the pendulum of power continued to shift back and forth between the United States Congress and the President. Jefferson, however, enjoyed legislature-executive harmony consequential upon the growth of party organisation and the remarkable party discipline in the Congress (Edwards & Davies, 2004).

Clinton administration however, experienced legislature-executive rivalry especially on matters relating to foreign policies. The period witnessed a significant power shift from the executive branch to Congress with respect to the national legislative agenda and even foreign policy where executives' prerogative powers may be at their greatest (Prins & Shull, 2006). For instance, President Clinton had to withdraw U.S. troops from Somalia in 1994 (Crabb, Antizzo & Saredine, 2000). Not only was President Clinton the first president in 25 years to fail to secure "fast-track" trade authority, but the Government Opposition Party in the Congress also forced his administration to accept a State Department reorganization plan and defeated the Comprehensive Test Ban Treaty (Prins & Shull, 2006). The Congress slashed his foreign aid requests and refused to grant him



fast-track trade negotiating authority; it forced him to accept a national missile defence system and a regime change in Iraq as goals of U.S. foreign policy and blocked his efforts to pay U.S. back dues to the United Nations. Even when the Congress backed Clinton on foreign policy, as with the dispatch of U.S. peacekeepers to Bosnia and the Senate's approval of the Chemical Weapons Convention and NATO enlargement, the victories seemed to require inordinate efforts on the part of the administration (Lindsay, 2003).

Bush administration, conversely, had a different experience as he had Congress's support on the government's foreign policy. The Congress overwhelmingly authorized him to wage two wars and as well granted assent to his decisions to leave the 1972 Anti-Ballistic Missile (ABM) Treaty and move to develop an expansive new national missile defence system (Lindsay (2003). The Congress gave him almost everything he requested for defence and foreign affairs spending; it embraced his request to begin the largest reorganization of the federal government in more than a century; it gave him the trade-promotion (formerly fast-track) authority it had denied Clinton. Bush also enjoyed harmonious legislature-executive relations on the government national security policies (Lindsay, 2003).

This is not to say however, that Bush had all-time smooth sails through the congress as there were occasions of gridlocks between the President and congressmen (Sonnett, 2006). This in many cases resulted in the President using unilateral tools particularly the presidential signing statement to nudge legislation closer to his liking (Bradley & Posner, 2006). The use of this executive institutional power (the signing statement) was however, not without great deals of controversy (Cooper, 2005; Kellman, 2006; Remes, Waldron, & Lang, 2006; Savage, 2006). The event that ignited the controversy was the McCain amendment which sought to limit the manner in which the United States military interrogated the prisoners of war in the cause of the United State's "Global War on Terrorism" (GWOT). The attempt by the Vice President - Dick Cheney to lobby the Congress to provide for exceptions to the way in which the detainees were treated when they were questioned did not gain support in the Senate as he was greatly opposed by the Republican Senator and former Vietnam War POW - John McCain (R-AZ) (Kelley &

Marshall, 2009). In mid-December 2005, President Bush had to finally concede the loss on this particular issue (Bush, 2005).

Another legislature-executive struggle during Bush administration was over the FY 2006 Department of Defense (DoD) Appropriations Bill (Kelley & Marshall, 2009). The bill generated a number of issues and disagreements that provoked a constant back-and-forth between the administration and Congress and even incited presidential veto threats. These issues included among others, the cuts to the president's budgetary request for Defense, weakening of the Base Realignment and Closure process, limitations on the Buy American Act, or any interference with the effective conduct of the War on Terror. The legislature-executive disagreement on this bill resulted to the president's threat of applying his veto power. While the president was able muster congressional's support on some issues during the veto bargaining process, he could not secure the legislature's support on the exceptions to the treatment of enemy detainees (Calabresi, 2008). On the McCain amendment where the president could not get Congress to budge, he used the signing statement to turn a policy loss into a win (Kelley & Marshall, 2009).

The attacks on the World Trade Center and the Pentagon on September 11, 2001 altered the American political landscape and particularly the United States' legislature-executive relations. This dastardly event made members of Congress who previously took pride in opposing the executive to suddenly see the need to rally around the President over good policy and good politics instead of partisan politics (Lindsay, 2003). Thus, increased perceptions of foreign threat seemed to enhance executive power at home, and the constitutional arguments for greater executive power in America (Bradley & Flaherty, 2004). The the broad assertions of presidential power therefore became commonplace after the events of September 11 and the ensuing war on international terrorism, and the rise of the United States to hegemonic leadership coincided with a shift from a Congress-centred to an executive centred structure (Cho, 2003; Edwards & Davies, 2004).

Besides the issue of foreign policy that have given rise to the increasing executive power viz-a-viz the congressional power in the United States, some other inherent factors

seemed to have enhanced the executive branch in the exercise and cementing of its power relative to the other branches. Some of these factors include the unified structure of executive power which provides the president with greater ability to exploit constitutional ambiguity relative to other branches of government. Moreover, the incentives for the accumulation of executive power are ultimately stronger than partisan incentives for cooperation, and so presidents are encouraged to exercise unilateral direct actions to achieve their goals as long as the president does not step on the collective toes of Congress (Kelley & Marshall, 2009). Moe & Howell (1999) and Howell (2005) termed this as the theory of presidential unilateralism.

The relationships between the president and the congress particularly in the post-World War II era have however, largely been determined by personality rather than formal mechanisms (Bradley & Posner, 2006; Kellman, 2006; Remes, Waldron, & Lang, 2006; Savage, 2006; Sonnett, 2006). The personal presidency has become the dominant paradigm on presidential power. Rather than formal mechanisms, legislature-executive relations since this period have been rooted in the president's ability to bargain and/or persuade. Even the president's most formidable constitutional power (the veto) in the legislative realm now depended on his ability to persuade more than one third of a chamber in Congress to sustain such an action (Kelley & Marshall, 2009).

### **3.3.2. Legislature-Executive Relations in the Brazil's Presidential System**

Brazil, like the United States, operates a presidential system with a separation of governmental powers into three independent branches - executive, legislative and judicial (Magstadt, 2005). The presidential system was established in 1889, upon the proclamation of the republic in a military coup d'état against the Emperor Pedro II (Pereira & Mueller, 2004).

The executive power is exercised by the President who is both the head of state and government elected for a fixed term of 4 years with a possible reelection. He is the commander-in-chief of the Brazilian Armed Forces. Legislative power on the other hand, is vested upon the National Congress made up of two chambers - The Senate (Senado

Federal) with 81 seats and the Chamber of Deputies (Camara dos Deputados) made up of 513 seats. The competences and power structure of the National Congress are explicitly spelt out in articles 44 - 75 of the 1988 Federal Constitution of Brazil. Members of the Senate represent each of the Brazilian States with each state being represented by three elected senators regardless of population, area, wealthness or any other factor. Senators are elected for an eight-year term. The Chamber of Deputies on the other hands represents the people with the number of Deputies proportional to the population of each state while minimum and maximum limits are determined by a law. Deputies are elected for a four-year term. While Deputies are elected by proportional representation of each Party, they are not prohibited from changing Parties after being elected (Pereira & Mueller, 2004; Pereira, 2011).

Unlike the United States however, the Brazilian political system is being characterized by weak political institutions: weak and fragmented party system, low party discipline, a proportional electoral system, presidential control over political options and a limited degree of political organization and mobilization (Santos & Hochman, 2000; Rego, 2004; Renno, 2010; Lemos, & Power, 2011). The Brazilian Congress is made up of legislators who rather than being representatives for the good of the country, vote for geographic redistribution, i.e., particularistic benefits they can deliver to constituents (Alston & Mueller, 2005; Hagopian, et'al, 2009). All these factors have often been presented by scholars as potential obstacles to government's ability to function (Ames, 2001; Rego, 2004; Amorim Neto, 2006; Pereira, 2011).

Conversely, however, the Brazilian presidential experience since her first republic presents a very interesting analytical interrogation, being always mentioned as a country of great stability as far as legislature-executive relations is concerned (Santos & Hochman, 2000; Pereira & Mueller, 2004; Lucio, 2010). The fundamental empirical question that this scenario raises is how then is the relationship between presidents and legislators organized or, what are the institutional mechanisms by which the Brazillian governments achieve majority support of the National Congress for their administrations.

The Brazilian political system is known with an old tradition of legislature-executive relations mechanism known as democratic centralization – a political action in which political decisions are concentrated on the top of the political pyramid i.e., the presidency (Rego, 2004). The existence of strong executive power thus enables the president to mold a stable coalition in Congress (Alston & Mueller, 2005). A key component of the democratic centralism is strong party cohesion and discipline in the National Congress (Amorim Neto, 2006) and an exchange mechanism known as “pork” in which the president uses policy trade-off and strategic allocation of resources as negotiation mechanisms for congressional support (Alston & Mueller, 2005).

A number of institutional rules and structural factors accounted for the executive dominance in the Brazilian Presidential system. In the Brazilian electoral system, vital activities of the electoral process occur at the state level: nomination, coalition formation, campaigning, counting of votes, and winning seats (Samuels, 2000; Pereira, 2011). The decentralizing effect of this electoral system makes governors and mayors in control of congressional elections and hence great influence on the legislative behaviour. Another factor is the distribution of power within Congress which tends to centralize the legislative process. In addition, the institutional legislative powers held by the executive (president’s decree and veto powers, right to introduce new legislation, permission to request urgency time-limit to certain bills, discretionary power on the budget appropriation, etc) enhance executive dominance. Furthermore, the President’s capacity to distribute political and financial resources selectively works as key determinant for legislators to behave in accordance with the indication of party leaders and as well act as means of centralizing political power. In fact, the electoral system provides incentives for politicians to behave individually while the internal rules of the Congress, the president’s power to legislate, and the centralisation of benefits by the president, render legislators’ behaviour extremely dependent on loyalty to the party and presidential preferences (Nicolau, 1991; Pereira, 2011).

The nature of legislature-executive relations at the dawn of the first republic of Brazil (1889–1930), usually termed the Old Republic, was one of conflict and congressional

autonomy (Santos & Hochman, 2000). This nature however, changed following the President Campos Sales pact between the federal government and the state governments. In the deal, the federal government would distribute ministerial spoils to State governments in exchange for control over the states electoral results for the National Congress (Santos & Hochman, 2000) and for the tight control exerted by the governors upon their state delegations in Congress (Lessa, 1988). This was based on President Sales' perception that congressional opposition to president's policies was a consequence of dislocation from power of those state oligarchies who formerly had controlled the elections for the Senate and the Chamber of Deputies (Santos & Hochman, 2000). Thus President Sales's pact was a trade-off between policy outcomes and patronage, where the outcomes depend both on preferences and on the value of patronage to both the State government controlled members of Congress and the president (Alston & Mueller, 2005). This implies that the nature of legislature-executive relations during this period depended on how presidential behaviour interacted with state governments' interests. It was a case of executive dominance instigated by the nature of intergovernmental relations in Brazil.

The electoral system in Brazil was such that Congress members specifically the deputies were elected in plurinominal districts by a plurality of votes with the process marked by a high level of uncertainty, fraud and manipulation. Counting of votes and the announcement of winning candidates in to the Chamber of Deputies were conducted by the local councils (Nicolau, 1991). State and local leaders (governors and mayors) were therefore almost completely in control of the electoral process. They were the final decision-makers about who would be the elected candidates for the Chamber of Deputies and invariably the one who would select, by manipulation, as many loyal candidates as possible (Lessa 1988). The performance of Brazilian Chamber of Deputies during the Old Republic was therefore, one of apathy, with relevant political issues not really being decided by deputies and senators as members of a representative institution but an expression of the political rule of state bosses. The president would negotiate directly with the states and the legislative behaviour would be a function of the several bargains entailed between federal government and state governors (Nicolau, 1991). This institutional arrangement means that lawmaking was entirely submissive to presidential

preferences except if there was a conflict between the president and the governors of the main states (Alston & Mueller, 2005). Under this circumstance, certainly Brazilian representatives in the Chamber would be accountable not to their constituencies but to the state and local leaders.

The Brazilian Revolution of 1930 that ended the Old Republic altered the political landscape of Brazil. The revolution ushered in military government which abrogated the country's 1891 Constitution and dissolved the National Congress. The country was under military rule except in 1934 when a new constitution was promulgated and Vargas elected the President by the Constituent Assembly (Ready, 1985).

The redemocratization of the country with the adoption of a new Constitution in 1946 marked the beginning of another Republic in Brazil (Garfield, 1997). The democratic period (1946 - 1964) was characterized by extreme institutional instability, deadlock and stalemate between the Brazilian legislative assembly - Congress and the Executive (Pereira, 2011). It was the conflictual relationship between the two organs of government that provided the underlying rationale for promulgating the 1988 Constitution (Alston & Mueller (2005). The experience of the 22 years of dictatorship in Brazil must have made Brazil to believe that an institutionally-weak president could not last without some sort of governing capacity to enforce his/her agenda. The Brazilian Constitution of 1988 in this view, gave relatively strong powers to the president with the capacity to coordinate political parties in a coalition. In order to ensure governability and stability of the democratic game, the constitution transferred institutional resources to the executive but also equips the legislature with a set of oversight tools that could be used to monitor or scrutinize the powerful executive under a system of checks and balances (Pereira, 2011; Lemos & Power (2011). In addition, the majority of legislators learned from that period and therefore, decided not to change the Proportional Representation electoral system in the new constitution because it would create too much uncertainty with respect to legislators' electoral survival (Hagopian, Gervasoni & Moraes, 2009). One must understand at this juncture, that the new institutional arrangement of conceding much power to the President under the 1988 Constitution was a consequence of the legislature's

choice arising from a historical learning process rather than illegitimate usurpation of powers by the executive (Pereira, 2011).

The important consequence of this new institutional arrangement was that all elected presidents of Brazil, with the exception of President Fernando Collor De Mello (1990 – 1992), have been able to build stable majority coalitions within Congress and have experienced relatively strong party discipline within the presidential governing coalition and hence high level of political stability (Pereira, 2011). The elected presidents are able to achieve congressional support, though none of them belong to a party with absolute majority of congressional seats. Nevertheless they have been able to achieve legislature-executive harmony by using their extensive legislative and non-legislative powers as well as gains from exchange mechanisms under the executive (Pereira & Mueller, 2004; Pereira, 2011).

The legislature-executive relations that ensued in President Collor's minority coalition government took exception to this experience (Amorim Neto, 2002). Collor's coalition was relatively homogenous made up of three political parties and controlled 49 % of the seats in the National Congress (Pereira, 2011). Conversely, his cabinets were extremely disproportional having 60% of them as nonpartisan ministers and thus, did not share power with parties that could support him in times of need (Ames, 2001). When he faced massive popular protests around the country in 1992, he had no credible and sustainable coalition in Congress and was unable to resort to the Brazilian custom of buying support of the Congress. Consequently he was impeached and removed from office (Amorim Neto, 2006; Pereira, 2011). With the exception of Collor, presidents in Brazil have been able to build majority support through coalitions that enable the executive exert dominance on the legislature (Pereira & Mueller, 2004).

The experience with Collor was a lesson for President Fernando Henrique Cardoso (1995-2002). Being aware that governing without a sustainable coalition in Congress would be too risky, Cardoso formed a majority coalition government of almost 75% support of the National Congress (Pereira, 2011). This he did realizing that he would need a broader



majority to gain approval of his many proposed constitutional reforms, which would require supportive supermajorities in both houses. The Presidents party – the Workers’ Party therefore, used party discipline - a key component of the idea of democratic centralism, as a mechanism for relating with its parliamentary base. Following this, the party resolved that its representatives would not vote against the government policies and dissidents were expelled (Rego, 2004). The coalition management choices made by Cardoso were decisive elements in helping him to sustain his majority coalition and hence legislature-executive harmony for almost eight years at a comparatively low cost (Amorim Neto, 2006).

President Luiz Inacio Lula da Silva became the President of Brazil on the 1<sup>st</sup> of January 2003. Lula, apparently have learnt the long tradition of the democratic centralism, enjoyed a comfortable majority support of the National Congress (Pereira, 2011). He achieved this by forming a coalition government made up of 9 political parties, the strength of the political coordination function within the executive branch and by negotiating with political parties as a whole instead of trying to capture individual votes in the National Congress (Rego, 2004; Pereira, 2011). Unfortunately, Lula’s comfortable majority support of the deputies was soon dashed. The country had plunged into successive political crises which resulted from economic stagnation, increasing unemployment rate, lack of tangible results of the government programmes and a public opinion of general administration paralysis (Pereira, Power & Raile, 2008; Pereira, 2011). Lula had to resort to the long tradition of democratic centralism in order to overcome the obstacles to his achieving political power. He allocated more cabinets to other coalition members and maintained strict party discipline as those who acted against the party’s majority decisions faced the consequence of expulsion (Rego, 2004).

Dilma Rousseff of the Workers’ Party became the President of Brazil following the 2010 election. With nearly 65% majority of the seats in both chambers obtained through coalition government, it is widely speculated that Rouseff would face fewer difficulties in terms of legislature-executive relations than her predecessor, President Lula (Pereira, 2011). Some other choices that would be fundamental to the legislature-executive

relations in her multiparty presidential regime are the number of parties in the coalition, the ideological heterogeneity of those parties and the degree of power sharing among coalition partners. As Pereira and Power (2011) argued, each of these managerial choices engenders trade-offs and different costs for the Executive.

The analysis of legislature-executive relations in the Brazilian presidentialism, in this section, shows a coalitional form of presidential governance as a response to the institutional dilemmas posed by the coexistence of a presidential executive with a fragmented multiparty legislature. Presidents, in order to win support for their legislative agenda, must sustain interparty coalitions in the Congress. The goal is to build a heterogeneous alliance that would build legislative majority support for the executive policy. Thus the power of the Brazilian Executive, its ability to impose its preferences on the legislation being decided in Congress situates legislature-executive relations in the Brazilian presidential system within the purview of the theory of executive dominance.

### **3.3.3. Legislature-Executive Relations in the Philippine's Presidential System**

The Republic of the Philippines is a sovereign country in Southeast Asia. It obtained full independence in July 4, 1946 with a presidential democratic government largely patterned after that of the United States Constitution (Tarling, 1999; Wilhelm, 2006).

The Constitutions of the Philippines, starting with the 1935 Constitution to the 1973 Constitution, and the current Constitution of 1987, established the principles of separation of powers of the executive, the legislative, and the judicial branches of government with each branch being supreme in its own sphere but with constitutional limits and a firm tripod of checks and balances (Yu-Jose, 1999). The doctrine of separation of powers is designed to prevent tyranny by preventing the concentration of the sovereign powers of state in one body (Mendoza, 1999). Following this, Article VI, VII and VIII of the 1987 Constitution enunciate the division of governmental functions into legislative, executive and judicial department respectively. The executive branch is headed by the president, the legislative branch is composed of Congress - a bicameral

legislature and while the judiciary has the Supreme Court occupying the highest tier of the organ (1987 Constitution of Philippine).

According to Article 7, Section 1 and 11 of the 1987 Constitution of Philippine, the President functions simultaneously as head of state and head of government and he is the commander-in-chief of the armed forces. He is elected by a popular vote for a single six-year term by direct universal suffrage, during which he or she appoints and presides over the cabinet while the Vice-President, is separately elected and may be elected to a maximum of two consecutive six-year terms. It is pertinent to note here that since the president and vice president are not elected as a team, they may be ideologically opposed or even personal rivals. The executive functions of the government are carried out through the Cabinet of Ministers appointed by the president with the consent of the Commission of Appointments made up of twelve senators and twelve representatives. The bicameral Congress of the Philippines on the other hand, consists of the Senate (upper chamber) and House of Representatives (lower chamber). Members of the 24-seat Senate are elected at large to six-year terms and are limited to not more than two consecutive terms (Article 6, Section 1- 7). Members of the House of Representatives with a constitutional limitation of a maximum of 250 seats are elected from both legislative districts and through sectoral representation to a three-year term (1987 Constitution of Philippine). House members are limited to not more than three consecutive terms. The Philippines Congress enjoys substantial powers. The Senate has the exclusive power to approve treaties, while the House has considerable fiscal powers. Both chambers maintain extensive committee systems, which enhance their influence in the legislative and executive process (Solheim, 2006).

While separation of powers exists between the branches of government, a constitutional checks and balances also exist to impose limits on the powers of the organs. The Congress is empowered to conduct inquiries into the executive activities, the president cannot abolish the Congress, and the Congress can override a presidential veto with a two-thirds majority vote. The Senate ratifies treaties by a two-thirds vote and all appropriations bills must originate in the House, but the president is given a line-item

veto over them. The Philippines Congress has power of impeachment and the prerogative of questioning the actions of the President, specifically, his appointment powers, his veto power, and his power of declaring martial law and the suspension of the privilege of the writ of habeas corpus. Moreover, the president needs congressional support in order to implement policies and programmes. In this format, the executive and the legislature are co-equal with power to check the other to prevent official abuses and promote the rights of the people (Ogul and Rockman, 1990).

The legislature-executive relations in the Philippines have been viewed in two contrasting perspective of strong Congress and yet, executive dominance. This is because, while the Philippines Congress wields substantial constitutional power as has been early enumerated, the President of Philippine is also an executive president. The President, like that of the United States, undoubtedly, enjoys first-among-unequals status and is the most influential figure in the political landscape of Philippine (Kawanaka, 2008; 2010). The constitution provides for equality between the three branches of government, however, the Philippine President enjoys a vast array of powers that enables him to influence the policymaking process. As the head of the executive department, he possesses law-making powers, both of the pro-active and reactive kind. Pro-active powers allow the President to establish a new legislative order. He plays a pre-eminent role in setting the policy agenda and formulating policy proposals. Reactive powers on the other hand, allow the President to defend the status quo against legislative attempts to change it. The most familiar reactive power is the president's veto power (de Dios, 2002).

The constitutional powers of the President however, is certainly not enough for him to get his legislative preferences passed by a congress that is characterised by weak party discipline and parochial social interests of dominant social class (Abuva, 2002) Policy outcomes in Philippine are not just the result of unilateral influence of the President (Kawanaka, 2010). This raise the question of how does the President get the congressional support for his legislative preferences.

Despite the institutional powers of the Congress, Philippine has been described as having a strong president operating with a weak legislature amid limited or ineffective constitutional checks (Ogul and Rockman, 1990) Vicerra, 2006; Carlos *et.al.*, 2010). The executive over the years continued to display somewhat a dominant role in governance that interferes with the proceedings of the Congress. The emerging phenomenon of an imperial presidency with overwhelming influence on the Congress in Philippine has been attributed to the president's formal (e.g. presidential veto power) and more importantly informal superior power of patronage (Kawanaka, 2010). The Philippine president's veto power is enhanced by a relatively strict override provision by the constitution of two thirds of all members of each house of Congress. Thus, no presidential veto had been reversed by congressional action. The president often refers to the constitutional separation of powers to justify assertions of power and as a shield against oversight by other branches or bodies. The presidential power of unilateral actions has further been enhanced by the civil strife in the Philippines in spite of opposition from some aspects of society (Randolph, 2010). Over the years, tensions have arisen between the Constitution's attempts to control the presidency and the de facto exercise of that power (Rose-Ackerman, Desierto and Volosin, 2010).

The more relevant power that the President has that affects lawmaking is his power over the sources of legislators' patronage, which is especially important given the candidate-centeredness of Philippine electoral politics and weak party system (Teehankee, 2002; Randolph, 2010). Unlike the United States, the Philippine political system is characterized by weak political institutions - weak and fragmented party system, low party discipline, weak judicial structure, proportional electoral system, limited degree of political organization and mobilization, and control over political options (Teehankee, 2002; Kasuya, 2008; Randolph, 2010; Kawanaka, 2010). This institutional weakness enables the President engage in the politics of exchange of pork for policy reforms. The president controls the release of legislators' pork barrel funds and could therefore, 'buy' legislative support for preferred legislation or punish recalcitrant or unsupportive legislators (Kasuya, 2008). In addition to pork barrel funds, other sources of patronage such as the president's power of appointments and influence over policy implementation

and law enforcement are engaged to influence legislative behaviour (Kawanaka, 2010). The president's control over patronage resources is especially important to a legislator seeking re-election. The Philippines legislators tend to gratify the base wishes of their constituents rather than work for the good of the nation (Caoili, 1993; Carlos, 2010). For this reason, policy deliberations during periods close to elections enhance presidential bargaining power vis-à-vis the legislature. However, legislators seeking re-election will also be the target for 'bribery' by special interests to shape policy in their favour in exchange for campaign finances and other considerations (Teehankee, 2002; Rose-Ackerman, Desierto and Volosin, 2010). This factor contributes to the fractionalization of the Congress and hence increasing transaction costs of legislation in terms of pork barrel distributions (Folscher, 2006; Kawanaka, 2008). In addition, the internal operation of the Congress has been slowed by inefficiency and a lack of party discipline. Legislation has often been detained in the forty-three House and thirty-six Senate committees staffed with friends and relatives of members of Congress (UNDP, 2005; Colonel *et.al.*, 2007). The formation of Congress Watch Indicative in 1991 by the National Movement for Free Elections (NAMFREL) and the Makati Business Club to monitor the activities of sitting congress members and promote accountability and honesty is indicative of the public frustration with the Congress' inefficiency and corrupt practices (Manuel, 1999; Posner, and Park, 2007).

Philippine political parties are characterized by diverse ideologies fractionalization, incoherency and instability, weak party discipline and lack of organizational identities without clear constituencies (Randolph, 2010). In the 2010 election, there were 187 party list groups which were registered with the COMELEC (Carlos, Lalata, Despi and Carlos, 2010). Weak political parties failed to act as a sieve against the surfacing of mediocre personalities contending for political positions. Their choice of candidates for the presidency is based on their appraisal of who can best deliver patronage benefits to them. The weak parties also produce weak congressional members who tend to gratify the base wishes of their constituents rather than work for the good of the nation (Carey, 2009). The Philippines multi-party system is such that no one party often has a chance of gaining power alone, and parties must work with each other to form coalition

governments. The cumulative effects of the weakness contribute to the dominance of the President in the supposed co-equal branches of government in the entire political spectrum of the country (Ostrogorski, 2010).

In the First Republic of Philippine, the history of legislature-executive relations started to take a new dimension at the Malolos Congress. President Aguinaldo, having recognized the powers of the congress to form a constitution, ratified a more powerful legislature despite an advice for more executive powers. The consequence of this development was the legislature's ability to immobilize executive initiatives through either outright rejection or watered-down legislation (Yu-Jose, 1999).

The preeminence of patronage and local interests however, created a new relationship between the executive and the legislative branches. The more the executive tried to accomplish, the more deals were needed in terms of compromising exchange in order to secure congressional support for presidential legislation preference (Kawanaka, 2008). The first five postwar Philippine presidents - Manuel Roxas, Elpidio Quirino, Ramon Magsaysay, Carlos Garcia and Diosdado Macapagal had to resort to this practice of patronage being often faced with corruption charges, pressures and the challenge of a domestic Communist rebellion, (Abinales, and Amoroso, 2005).

While a relatively stable pattern of legislature-executive relations, sustained by the generally clientelist and neo-patrimonial character of the regime, have evolved in Philippines, a reforming president sometimes, also faces the formidable obstacle of constructing legislative majorities. For example, in September 1987, the Congress summoned the presidential executive secretary to testify about the conduct of his office. The following year, Congress also rejected Aquino's proposed administrative code, which would have conferred greater power on the secretary of national defense (Posner, Paul and Park, 2007).

The need to strengthen legislative support for the President through eliminating legislative and executive gridlock on policy and programme decisions that impact national development planning was the basis for creating the Legislative-Executive

Development Advisory Council (LEDAC) in 1992 during the term of President Ramos. The Council composed of 20 members (including the Vice President, Senate President, Speaker of the House of Representatives, seven Cabinet members, three Senators, three Representatives, the president of the League of Provinces, and a representative from each of the private business and youth sectors) with the President as chair. After its initial formation, the Council expanded its membership by inviting all cabinet members and selected legislators from both congressional chambers to attend its weekly meetings. The intervention of LEDAC during Ramos presidency and the establishment of a coalition between the President's party and the party which controlled the Senate resulted in the passage of key economic reform measures (Vicerra, 2006). The LEDAC meetings also facilitated the management of crisis situations such as when the Supreme Court declared the first version of the Oil Deregulation Law (Republic Act No. 8180) as unconstitutional. The Council was immediately convened and the key technical staff of both legislative chambers was able to immediately draft a new version in response to the Court's observations. In record time, a new version was approved and passed into law (Kawanaka, 2010).

In the subsequent administrations however, this formal mechanism was used sparingly. During President Estrada administration, LEDAC rarely met. President Estrada was impeached by the House of Representatives in November 2000 and was succeeded by Vice-President Gloria Macapagal-Arroyo (IPU 2001; Keesing's 2001). President Arroyo's initial term in office was marked by fractious coalition politics. She however, preferred the services of House Speaker Jose de Venecia and her political adviser, Gabriel Claudio, whose office supervised the Presidential Legislative Liaison Office (PLLO), to facilitate her government's relations with the Congress. Following the political crisis in July 2005 amidst strong allegations of fraud over the 2004 presidential elections, her relations with the Senate soured. Key allies such as Senate President Franklin Drilon deserted her camp and called for her immediate resignation (Marsh, 2006). As a result, the Senate came under the control of opposition senators and for two years, thwarted the passage of budget bills. Attempts to impeach President Arroyo in 2005 over the allegation of electoral fraud however, failed. But her attempted



controversial plan to overhaul the constitution towards transforming the country's presidential-bicameral republic to a federal parliamentary-unicameral form of government was unsuccessful. Following the expiration of her tenure of office in June, 2010, she was succeeded by President Benigno S. Aquino 111 (Carlos, 2010; Kawanaka, 2010).

Independent stature of the Philippines national legislature has however, been unattainable due to the enduring patronage relationships that determine legislature-executive relations whereby executives kept the legislature at bay with generous perks and pork such that the system of check-and-balance mechanism failed to kick in (Valdehuesa, 2005). The legislature would trade off its independence in exchange for a bargaining muscle that generates frequent side payments. In most cases, the executive get his projects or policies implemented even without proper consultations, by winning legislative approval through bribing the legislature with pork, funds and perks (Carey, 2009). Given the Philippine political culture, the bargaining nature in legislature-executive relations typically centers on politicization and cooperation for amassing government resources in which little headway has been made on long-term institutional development such as an independent and highly capable legislative bodies (Colonel, et' al, 2007; Kawankana, 2010). From 1987, whoever assumed power as President exerted great influence on the alignment of political forces in Congress, as well as on the process and outcome of choosing the leadership of both chambers and legislators tended to affiliate themselves with the political party of the incumbent President. The President's virtual control of the leadership of both houses and the majority of their members, placed him or her in a position of extreme influence to dictate the legislative agenda and control both houses (Carey, 2009). While this situation may have been viewed as facilitating the smooth interface of executive and legislative coordination that eliminates gridlock in the passage of legislation, the pattern of influence of the president over the legislature continue to raise questions on the independence of Congress as a separate branch of the Government of Philippine (Rose-Ackerman, Desierto and Volosin, 2010).

### **3.3.4. Legislature-Executive Relations in the Presidential System of Malawi**

The republic of Malawi is a unitary state headed by a republican President and operates in a framework of multi-party representative democratic system. It got its independence from Britain on July 6, 1964 and adopted a republican constitution two years later. The government is a hybrid system combining both the features of a presidential and a parliamentary system of government (Lembani, 2007).

The Constitution of Malawi at independence provided for three organs of the state, namely, the executive, the legislature and the judiciary (Nenani and Kayanula-Banda, 2010). The parliament in Malawi was modeled after the British parliament while the Head of State remained the Queen of England but the executive organ was headed by the Prime Minister. This constitution also ensured a form of limited exercise of governmental authority on the part of the executive organ (Hara, 2006).

With Malawi becoming a republic in 1966, a new Republican Constitution came into force which retained the three organs of the state – the executive, the legislature and the judiciary. The constitution vested the supreme executive powers in the office of the President, while the legislature - National Assembly consisted of 50 elected members, 5 nominated members, one appointed Speaker and 3 appointed Ministers who were not Members of Parliament (Chigawa, 2006). Following the amendment of the constitution in 1970, the country officially became a one-party state with the Malawi Congress Party (MCP) as the national party and Banda its life president. Members of the National Assembly therefore, had to be members of the MCP. The MCP's procedures and the executive presidential system of government were structured in such a way that they sought to exert supreme control over government and the people. Thus the main theme that ran throughout this constitution was that of a strong executive authority vested in the President and the recognition of the Malawi Congress Party (MCP) as the only party. In fact, the constitution specifically mentioned Dr. H. Kamuzu Banda as a life President of Malawi (Chinsinga, 2010).

Emerging from this supreme executive authority of the President and the one-party scenario, the Malawi Parliament was largely a rubber stamp assembly for decisions made by the executive (Patel, 2008). Opposition to the government was illegalised, practically concealed and perceivably treasonous. This was reinforced by Section 2 of the 1966 Republican Constitution which established Malawi upon the four cornerstones of Unity, Loyalty, Obedience and Discipline. The Republican Constitution and the MCP gave Dr. Banda absolute power to decide who could occupy political office and who could be elected for a given parliamentary constituency. For example, in 1981, thirty-eight (38) out of the one-hundred and twenty five (125) MPs were nominated by Dr. Banda and had no legitimate constituency to represent (Khembo, 2004). Thus, the executive presidency fully controlled the legislature, while all other public institutions and officers strictly observed the 'four cornerstones'. For more than 30 years, representative democracy was illusive and the single party system reinforced party patronage in Malawi (Chigawa, 2006). All attempts at unseating the Banda government proved abortive until 1992 when the Alliance for Democracy (AFORD) and others pushed successfully for a referendum on adopting a multi-party system (Nenani and Kayanula-Banda, 2010). On May 17, 1994, Malawi conducted its first multiparty elections with Dr. Bakili Muluzi, the head of the United Democratic Front (UDF), emerging as the new Head of State (Chinsinga, 2008). In the parliamentary elections, UDF won eighty-five (85) seats, MCP fifty-six (56) and Alliance for Democracy (AFORD), thirty six (36) seats. This shows that, no party won the two-thirds majority required by the Constitution to conduct legislative business, or the fifty percent (50%) required to pass bills (Nenani and Kayanula-Banda, 2010).

The 1994 Constitution however, clearly establishes three separate branches of government with clear separate functions. Chapters VI, VIII and IX deal with the composition and powers of the executive, legislative and judicial branches of government, ensuring the separation of powers between them (Government of Malawi, 2002). Under the new constitution, the president, who is both chief of state and head of the government, is elected by popular vote through the universal direct suffrage (Section 80 (2)) for a five years term (Section 83). Malawi has a vice president who is elected with the president. The president has the option of appointing a second vice president, who

must be from a different party (Lembani, 2007). The three arms of Government operate independently. The Cabinet of Malawi is the executive branch of the government made up of the President, Vice-President and Ministers who are appointed at the sole discretion of the President. Ministers can be appointed from members of the National Assembly or non-members (Section 51 (3) of the Constitution).

The Legislature on the other hand, is made up of the National Assembly, a unicameral system comprised of one-hundred and ninety-three (193) members of parliament elected by universal suffrage, each of whom serves for a five-year term in single-seat constituencies. The constitution also provides for a second house, a Senate of eighty (80) seats, but no action was taken to create it (Patel, Tambulasi, Molande and Mpesi, 2007). The Senate is intended to provide representation for traditional leaders and the different geographical districts, as well as various special interest groups, such as women, youth, and the disabled. The President does not have statutory powers to nominate any Member of Parliament. The Judiciary branch of the government of Malawi is headed by the Chief Justice an independent branch which is free from the control of both the legislature and the executive branch (Chinsinga, 2010).

Recognising the inevitability of interactions of the branches in the discharge of their respective duties however, the constitution provides a number of checks and balances as a framework against absolute separation of the branches of the State. The President must assent to all Bills passed by the legislature for them to become law. The dates for Parliamentary sessions are determined after consultation between the Speaker and the President. Though Parliament can initiate legislation through private members' Bills, legislation is in general initiated and presented to Parliament by members of the Cabinet. The Attorney-General, a member of the executive, is also a principal legal adviser to government (Patel *et.al.*, 2007). On its part, the National Assembly exercises power of scrutiny over policies and decisions made by the executive. The National Assembly can also, in the process of enacting legislation, change bills as drafted by the executive. Political appointments are within the powers of the President, but the National Assembly must ratify such appointments. The National Assembly can also impeach judges and the

President. The impeachment of judges has to be approved by the President. The judiciary may declare any act of parliament invalid if it is inconsistent with the Constitution; the judiciary has unlimited jurisdiction to review the legality or constitutionality of the Executive's and Parliament's decisions and actions (Hara, 2006; Mwale, 2006).

This successful transition, and the balance of power in the legislature, brought high hopes that the National Assembly of Malawi would be independent of the executive and therefore would be able to perform its core constitutional roles of legislation, oversight and citizens' representation. On the contrary, Malawi since the installation of multi-party system in May 1994, continues to face the challenge of lack of good working relations with parliament and has severely undermined the ability of the legislature to perform its functions (Patel *et.al.*, 2007). The democratic consolidation has been limited by the declining performance of legislature's constitutional role and its inability to fully exercise its authority vis-à-vis the executive. Since the introduction of multiparty competition, the United Democratic Front (UDF) continues to dominate Malawi's political arena (Chinsinga, 2010).

Despite the challenges the Malawi parliament faces, it distinguished itself in 2002 when it helped to maintain constitutionality by denying the president's bid to change the constitution to allow him stay beyond the constitutional limit of two terms (Patel, et 'al, 2007). The attempt to amend the constitution so as to allow for an open/third presidential term is an indication of the elements of presidential autocracy with its attendant vices such as coercion, bribery, intimidation and violence by means of the Young Democrats in the face of widespread popular resistance. Despite such harsh methods the amendment bill was eventually defeated (van de Walle 2002). Its defeat can be seen as an example of the assertion of parliament's accountability role vis-à-vis the executive. Since then however, the parliament has been less effective in performing its main functions in the face of the continuous domination of the President (Nenani and Kayanula-Banda, 2010).

One of the major factors responsible for this has been structural (legal and political system) problems that exist both within and outside the National Assembly that have

shaped its development (Patel *et.al.*, 2007). According to the 1994 Constitution of Malawi cabinet ministers are recruited from the ranks of the legislators, although it is not an absolute requirement as non-elected technocrats can serve as ministers (Kamanga, 2006). The status quo owes its legitimacy to section 51 (3) of the 1994 Constitution. Allowing Members of Parliament to double up as ministers however has been argued to create a tendency of reducing instances of deadlock that many otherwise operate to the detriment of governance (Forsyth, 2006). On the contrary however, this provision has been seen as negating the principle of separation of powers and as a result, during the very first post-1994 session of parliament, MPs from the Alliance for Democracy (AFORD) and the Malawi Congress Party (MCP) objected to the full-time participation in the assembly debates by those cabinet ministers who were not elected members of the assembly referring to them as ‘strangers in the House’ (Patel and Tolstensen, 2006; Nenani and Kayanula-Banda, 2010). Another effect of the status quo as regards the relationship between the legislature and the executive is that the balance of power is tilted towards the executive. Members of Parliament who are Ministers would almost always support Government in the House (Forsyth, 2006). The implication of this is that executive and the National Assembly easily conspires to take selfishly advantageous actions without consideration of the interests of the people of Malawi (Hara, 2006; Forsyth, 2006).

In addition, the doubling by ministers as MPs was seen as an inappropriate practice. The practice was seen as capable of breeding conflict of interest as it was tasking for such MPs to be serving the executive and the legislature at the same time (Mwale, 2006). It became starkly perturbed when nearly one-quarter and more of the MPs were also cabinet members. Since 1994 the practice has been that most members of the cabinet were from the National Assembly (Patel *et.al.*, 2007). In 1996 for instance, out of thirty-three (33) members of the National Assembly, twenty-three (23) members doubled as Ministers and MPs, in 2001, thirty (30) out of thirty-seven (37) members doubled as Ministers and MP while in 2004, only five (5) members were Ministers not elected MPs (Patel and Tolstensen, 2006). The demanding nature of ministerial duties had the tendency of resulting to ministers neglecting their constituencies. Another significance implication of

this provision is that it gives the President who has many Ministers from the National Assembly, and commands a majority in the National Assembly, power to control the National Assembly (Mwale, 2006).

This history of Malawi's democracy has been that parliament never had a single party with a clear majority (Patel *et.al.*, 2007). While this is good in the sense of having pluralism and space for opposition parties, it has also provided a theatre for power struggles between the executive and the legislature where the executive has found it difficult to develop a harmonious relationship with the legislature. The experience has therefore, been that Presidents without an overwhelming majority, enter into a coalition with another party with the purpose of gaining numbers (Partel *et.al.*, 2007). Eventually, the party acquired more and more numbers until no meaningful oppositions exist. This has resulted in past government becoming less and less accountable as the President almost always succeeded in passing bills in the National Assembly (Forsyth, 2006). During President Muluzi's administration for instance, allegations of corruption became so widespread that before the expiration of his second term of office international donors had to withdraw aids to the country. Besides, this constitutional arrangement allows a situation where the Executive and the National Assembly easily conspire to take actions that may not serve the interests of the Malawians (Hara, 2006; Forsyth, 2006).

Another factors that contribute to the excessive dominance of the executive over the parliament of Malawi include the culture of excessive respect for those in authority, the politics of patronage, 'poaching' MPs and floor-crossing (Khaila and Chibwana, 2005; Mthinda and Khaila, 2006; Nenani and Kayanula-Banda, 2010). Opposition parties in Malawi have normally emerged strong immediately after elections. The strength of the opposition parties was demonstrated on a number of issues, such as there being well represented in the various parliamentary committees (Patel and Tostensen, 2006; Lembani, 2007). The opposition was too strong and proved a threat to the minority UDF government. Consequently the government could not conduct its business and get bills passed. Despite their immediate post-election strength, however, opposition parties in Malawi have tended to lose power and vigour as time passed by (Khembo, 2004). This is

partly due to defections or crossing of the floor by MPs, and partly due to coalition formation (Patel and Tostensen, 2006; Lembani, 2007). Pos-elections in Malawi multiparty system often result to coalitions in order to form a majority seats in the parliament. Conversely, where formalized post-election coalitions have been sabotaged or collapse, the governments often resort to luring individual legislators to lend their support to the executive. This support, which is secured and sustained in covert and overt form, has been deemed to constitute floor crossing (Lembani, 2007).

Like other countries of the region, Malawi is largely a victim of neopatrimonialism, where though a framework of formal law and administration exist, the state is informally captured by patronage networks which produces strongly presidentialist political systems irrespective of the constitution (Van de Walle, 2003; Khaila and Chibwana, 2005; Cammack and Kelsall, 2010). The distribution of the spoils of office in Malawi takes precedence over the formal functions of the state. This tends to severely limit the ability of public officials to make policies in the general interest of the people. This has been the striking case of Malawi, despite the transition from personal dictatorship to multi-party politics in 1994 (Cammack, 2011). Both periods have witnessed a systematic failure to distinguish between private sector resources, state resources and the resources of the ruling party. The politics of patronage, use of ‘money power’ (accumulation and distribution of spoils), corruption and political exploitation have been the characteristic ways of building and sustaining political loyalties in both periods (Mthinda and Khaila, 2006; Cammack and Kelsall, 2010). These syndromes continued to drive policy to a large extent and the ascendancy of presidential supremacy in the face of formal provision for balanced of power in Malawi. The patronage powers of the President are so great that they effectively neutralise the independent effectiveness of other political and state institutions, including political parties, parliament, the judiciary and the security services. Checks on the accountability of the executive thus become weak as a result (Chigawa, 2006).

The examination of legislature-executive relations in Malawi has shown a continuous weakening of the legislative powers in the face of continuous supremacy of the President.



Two broad factors have been largely resulted into this. First is the institutional provision that seems to allocate much power to the President while implicitly relegating the legislature to secondary role. More importantly is however, the failure of the practitioners of the constitution to follow the rule of the game as provided in the constitution. Malawi's political system continues to witness glaring divergences between the constitutional stipulations and the governance practice. As Hara (2006) noted, tensions between the branches of government in Malawi do not necessarily arise from inherent weaknesses of the Constitution; the tensions arise from the pursuit of personal and partisan interests by those in the political organs of the State: the legislature and the executive. As he rightly observed, there shouldn't be tension if all the organs of the State exercised their constitutional authority solely in the interests of the people of Malawi, there should be little, if any, tension. The concomitant effect of these broad factors is the subordination of the legislature to the executive in Malawi.

#### **3.4. Legislature-Executive Relations in Comparative Perspective**

The presidential model of governance is unlike the parliamentary democracy in which a cordial relationship is expected between the two political institutions (executive and legislature) since members of the cabinet (executive) are drawn from among the party that controls the majority in the parliament. In the case of parliamentary democracy, the cabinet is part of, and derives its political power from being part of the parliament (Nwabueze, 1985; Momoh, 2000). The executive is dependent upon the legislature for its existence, and may be dismissed by a legislative vote of no confidence (Lijphart, 2004). The majority party or a majority coalition in the legislature chooses the members of the executive (Hankla, 2002). In other words, under the parliamentary system, executive power is drawn from the legislature and the executive generally remains in power for as long as the governing parliamentary group holds. Parliamentary democracies therefore, tend to be more stable and hence last longer than presidential systems (Linz, 1994; Lijphart, 2004; Cheibub, 2007).

The relationship between the executive and the legislature in a parliamentary system depends on the management of relationships among the parties, as well as on the

government's ability to muster and hold together a reliable majority of supportive votes (Mbah, 2000). Scholars have, however, identified an irony of parliamentary systems that tend to result in weaker parliaments and stronger executives than their presidential counterparts (Lipset 1992; Hankla, 2002; Schlesinger, 2004). This seeming anomaly results from a number of factors. Because executive power is drawn from legislatures in parliamentary systems, strong party discipline is necessary to ensure the survival of governments. Whereas party defection in a presidential system might prevent a piece of legislation from becoming law, the repercussions of defection in parliamentary systems are potentially much more serious. If executives in parliamentary systems are unable to retain their majorities, they may collapse (Hankla, 2002). As a result, individual legislators are under significant pressure to vote with their party leaders, who are usually the very individuals selected to constitute the executive.

Another factor that further strengthens the power of the executive over the legislature under parliamentary systems is the fact that the agenda setting power usually rests with party leaders in the government (Tsebelis and Garrett, 2000). While, parliamentary systems give the legislature the final right to dismiss the government, this power is, however, a blunt instrument that cannot usually be employed as a threat to influence individual pieces of legislation (Lijphart, 1999). Perhaps this finding can be understood more clearly by examine a country with parliamentary system of government. Israel's parliamentary system thus suits our analysis.

Under Israeli Law, the Cabinet Ministers including the Prime Minister are collectively accountable to the Knesset, Israel's parliament for their actions. As the legislative branch of the state, the Knesset is meant to play a significant role in supervising the work of the government (El-Gendy, 2010). Any Knesset faction (a minimum of 2 members of Knesset) may submit a motion of no confidence in the government. If a motion of no confidence is submitted, the Knesset must vote on it at its first meeting during the week following the submission. If the no-confidence motion receives a majority of 61 votes, general elections are called within 60 days. The defeated government continues to function as a caretaker until a new government is established (El-Gendy, 2010).

However, like many other parliamentary democracies, the Knesset's exercise of supremacy over the government is only in theory. In spite of this formal control of the legislature over the executive, in practice, the focus of political power is in the executive while the legislature has been reduced to a staging ground (Arian, Nachmias and Amir, 2002).

Even as the party system in Israel's parliamentary government becomes more fractionalized and coalitions became increasingly difficult to manage, the executive continued to retain its firm control of power and dominance of the Knesset (Arian, Atmor and Hadar, 2007). As of 2009, there were 12 political parties represented in the Knesset, spanning both the political and religious spectra. This resulted in a fragmented legislature in which small parties were being represented in the Knesset and no party ever had the required majority (more than 60 seats) to form a government on its own (El-Gendy, 2010). This system also allowed fringe parties which hold views outside the mainstream political and public consensus to have representation in the Knesset. Examples of these are the *Haredi* religious parties, parties that represent the national religious or limited agenda parties such as Gil, which represented pensioners in the 2006 elections (Garaysi, 2006; Arian, Atmor and Hadar, 2007).

The Mapai, Israel's governing Labour Party, until the late 1960s, enjoyed almost a free hand in policy formulation, since its relatively safe position of dominance effectively prevented any initiative by the opposition to introduce any significant check on executive power. The party, though never able to achieve an absolute majority in the Knesset - something that would have made Israel's parliamentary system close to a Westminster model - enjoyed a relatively high degree of smooth decision-making in economic and social matters. Even after it was resoundingly defeated in 1977 by the right-of-centre Likud Party, the arrangements developed over three decades left a strong executive in place (Libai, Lynn, Rubinstein, and Tsiddon, 1990). The persistence of conflict in the Middle East and the resulting prominence of security concerns in Israel's policy-making allowed the executive to retain a firm control of power (Susser, 1989; Ottolenghi, 2004). Hence, despite the multi-party format of the system and the polarized nature of society,

Israel coalition governments continue to enjoy unprecedented executive dominance over the Knesset (Ottolenghi, 2004). The increasing dominance of the executive in Israel has been described as a clear manifestation of 'presidentialization' of Israeli's parliamentary democracy (Korn, 2010).

### **3.5. Conclusion**

This chapter focused on executive legislative relations in presidential political systems. It examines the institutional designs of the presidential system and the implications that such designs portend for legislature-executive relationships. Both executive and legislative branches are elected separately by a popular vote for a fixed term and therefore, the presidential system is characterized by dual democratic legitimacy. The fact that the two branches have separate origins and separate survival insinuates a mutual interdependence between the two branches of government. The system of checks and balances at the face of separation of powers, escalated by party fragmentation, a concomitant of multipartism, that characterizes a presidential system of government often create deadlock and gridlock between the two. The President would therefore, have to seek for paraconstitutional means of getting legislation in the parliament passed in favour of his preference. This makes the presidential system to behave like a parliamentary system. The power of the President to do this is enhanced by his power to distribute pork, a scenario that is common among the various countries examined in this chapter.

## References

- Abinales, Patricio N. and Donna J. Amoroso (2005) *State and Society in the Philippines*. Lanham: Rowman and Littlefield Publishers, Inc.
- Abueva, Jose V. (2002) "Towards a Federal Republic of the Philippines with a Parliamentary Government by 2010". In Jose V. Abueva et 'al (eds) *Towards a Federal Republic of the Philippines with a Parliamentary Government: A Reader*.
- Adebo, Ademola (1988) "The Legislature: Overview and Performance". In Ayeni Victor and Soremekun Kayode (eds) *Nigeria's Second Republic*. Lagos: Daily Times Publications. pp: 85-106.
- Akinsanya, Adeoye. A. (2005) "The Judiciary and Interpretation of Aspects of the 1979 Nigerian Constitution 1979-1983". In Akinsanya, Adeoye and Ayoade John (eds) *Readings in Nigerian Government and Politics*. Ijebu-Ode: Gratia Associates International. pp:163-189.
- Alston, Lee J. and Bernardo Mueller (2005) "Pork for Policy: Executive and Legislative Exchange in Brazil." *The Journal of Law, Economics, and Organization*. Vol. 22, No. 1. pp: 87 – 114.
- Alvarez, Michael (1997) "Presidentialism and Parliamentarism. Which Works? Which Lasts?" *Doctoral Dissertation*. Chicago: Department of Political Science, University of Chicago.
- Ames, Barry (2001) *The Deadlock of Democracy in Brazil*. Ann Arbor: The University of Michigan Press.
- Amorim Neto, Octavio (2002) "Presidential Cabinets, Electoral Cycles, and Coalition Discipline in Brazil." In Scott Morgenstern and Benito Nacif (eds). *Legislative Politics in Latin America*. Cambridge: Cambridge University Press. pp: 48-78.
- Amorim Neto, Octavio (2006) "The Presidential Calculus: Executive Policy-Making and Cabinet Formation in the Americas." *Comparative Political Studies*. Vol. 39. No.4. pp: 415-440.
- Beermann, Jack Michael (2011) *A Skeptical View of Presidential Terms Limits*. Boston: BU School of Law Working Paper No11-04.
- Bowman, Ann O'M., Neal D. Woods and Milton R. Stark II (2010) "Governors Turn Pro: Separation of Powers and the Institutionalization of the American Governorship". *Political Research Quarterly*. Vol. 63 No. 2. pp: 304-315.

- Bradley, C. A., and Posner, E. A. (2006) *Presidential Signing Statements and Executive Power* (Public Law and Legal Theory Working Paper No. 133). Retrieved August 22, 2008, from <http://www.law.uchicago.edu/academics/publiclaw/index.html>.
- Bush, G. W. (2005) "Statement on Signing the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006." *Weekly Compilation of Presidential Documents*. Retrieved from <http://www.presidency.ucsb.edu/ws/index.php?pid=65259> on August 22, 2011.
- Calabresi, S., and Yoo, C. S. (2008) *A History of the Unitary Executive: Executive Branch Practice from 1789 to 2005*. New Haven, CT: Yale University Press.
- Cammack, Diana (2011) *Malawi's political settlement in crisis*. London: Overseas Development.
- Cammack, Diana and Tim Kelsall (2010) *Developmental Patrimonialism? The Case of Malawi*. Working Paper 12. London: Africa Power and Politics Programme.
- Caoili, Olivia (1993) *The Philippine Congress: Executive-Legislative Relations and the Restoration of Democracy*. Diliman, Quezon City: University of the Philippines Press.
- Carey, John M. (2009) *Legislative Voting and Accountability*. New York: Cambridge University Press.
- Carlos, Clarita R. and Dennis M. Lalata, Dianne C. Despi and Portia R. Carlos (2010) *Democratic Deficits in the Philippines: What is to be Done?* Quezon City: Center for Political and Democratic Reform, Inc.
- Cheibub, Jose Antonio and Limongi, Fernando (2010) "From Conflict to Coordination: Perspectives on the Study of Executive-Legislative Relations." *Latin American RIEL-Magazine of Legislative Studies*. Vol. 1. No.1. pp: 38-53.
- Cheibub, Jose Antonio (2002) "Minority Governments, Deadlock Situations, and the Survival of Presidential Democracies". *Comparative Political Studies*. Vol. 35. No.3. pp: 284 – 312.
- Cheibub, Jose Antonio (2007) *Presidentialism, Parliamentarism and Democracy*. New York: Cambridge University Press.
- Chigawa, Msaiwale (2006) *The Fundamental Values Of The Republic Of Malawi Constitution Of 1994*. Lilongwe: Malawi Law Commission.
- Chigawa, Msaiwale (2006) *The Fundamental Values Of The Republic Of Malawi Constitution Of 1994*. Lilongwe: Malawi Law Commission.

- Chinsinga, Blessings (2003) "Lack of Alternative Leadership in Democratic Malawi: Some Reflections Ahead of the 2004 General Elections". *Nordic Journal of African Studies*. Vol. 12. No.1. pp: 1-22.
- Chinsinga, Blessings (2010) "Malawi's Political Landscape, 2004-2009" in M. Ott and F.E. Kanyongolo (eds.) *Democracy in Progress: Malawi's 2009 Parliamentary and Presidential Elections*. Zomba: Kachere Books.
- Clark, Terry D and Simenas, Raivydas (2004) "Modeling the Effect of Executive-Legislative Relations on Democratic Stability. Cabinet Formation in the Americas." *Comparative Political Studies*. Vol. 39. No.4. pp: 415-440.
- Colonel, Shiela S., Chua, Yvonne T., Rimban, Luz and Booma C. Cruz (2007) *The Rule-makers: How the Wealthy and the Well-born Dominate the Congress*. Philippine Center for Investigative Journalism, CORASIA Inc.
- Erturk, Omer Faruk (2011) "Winner Pays It All: Who is Loser Then? The Current Parliamentarism in Search of Presidentialism in Turkey". *Turkish Journal of Politics* Vol. 2 No. 1 pp:75 -85.
- Ferguson, Margaret Robertson (2003) "Chief Executive Success in the Legislative Arena". *State Politics and Policy Quarterly*. Vol. 3. No. 2. pp: 158-182.
- Figueiredo, Argelina and Limongi Ferando (2000) "Presidential Power, Legislative Organisation, and party behaviour in the Legislature." *Comparative Politics*. 32. pp: 151-170.
- Fish, Stephen M. (2001) "The Dynamics of Democratic Erosion." In Richard Anderson, *et.al* (eds) *Postcommunist and the Theory of Democracy*. NJ: Princeton University Press. pp: 54-95.
- Fölscher, A. (2006) "A Balancing Act: Fiscal Responsibility, Accountability and the Power of the Purse". *OECD Journal on Budgeting*. Vol. 6. No, 2. pp: 1-20.
- Forsyth, C. (2006) *The Relationship between the Legislature and the Executive, A Paper presented to the Constitutional Review Conference, 28<sup>th</sup> to 31<sup>st</sup> of March*.
- Garfield, Seth (1997) "The Roots of a Plant That Today Is Brazil: Indians and the Nation-State under the Brazilian Estado Novo." *Journal of Latin American Studies* Vol. 29. No. 3. pp. 747-768.
- Government of Malawi (2002) *The Constitution of the Republic of Malawi*. Zomba: Government Printer.
- Gozler, Kemal (2000) *President of - the Government*. Catismasi, Bursa: Spring Crop.

- Hagopian, Frances, Carlos Gervasoni and Juan Andres Moraes, (2009) "From Patronage to Program: The Emergence of Party-Oriented Legislators in Brazil." *Comparative Political Studies*. Vol. 42. No. 3 pp: 360-391.
- Hammond, Thomas H. and Christopher K. Butler (2003) "Some Complex Answers to the Simple Question 'Do Institutions Matter?': Policy Choice and Policy Change in Presidential and Parliamentary Systems." *Journal of Theoretical Politics*. Vol.15. No.2. pp: 145-200.
- Hara, Mabvuto (2006) "Presidential System of Government versus Separation of Powers: The Malawi Experience". *Paper Presented at the Conference on Separation of Powers in Sub-Saharan Africa for leading stakeholders from South Africa, Namibia, Malawi, Tanzania, Burundi, Rwanda, Uganda, Kenya and Ethiopia*. November 7 – 11.
- Howell, W. G. (2005) "Unilateral powers: A Brief Overview". *Presidential Studies Quarterly*. Vol. 35. pp: 417-438.
- Idahosa, S. A. and Ekpekurede, W (1995) "Ideas and Forms of Organisation of Government". In Ikelegbe, A. O. (eds) *Politics and Government: An Introductory and Comparative Perspective*. Benin City: Uri Publishing Ltd.
- Kamanga, Anthony (2006) "Amendments to the Constitution since 18th May 1994," *Presentation at the National Constitutional Review Conference at Capital Hotel, Lilongwe,*" (29 March).
- Karim, El-Gendy (2010) *The Process of Israeli Decision Making: Mechanisms, Forces and Influences*. Beirut, Lebanon: Al-Zaytouna Centre for Studies and Consultations.
- Kawanaka, Takeshi (2008) *Who Eats the Most? Quantitative Analysis of the Pork Barrel Distributions in the Philippines*. IDE Discussion Paper No. 126.
- Kawanaka, Takeshi (2010) *Interaction of Powers in the Philippine Presidential System*. JETRO: Institute of Developing Economics.
- Kelley, Christopher S. and Marshall, Bryan W. (2009) "Assessing Presidential Power Signing Statements and Veto Threats as Coordinated Strategies". *American Politics Research*. Vol. 37 No.3. pp: 508-533.
- Kelley, Christopher. S. (2006) "The Significance of the Presidential Signing Statement". In C. S. Kelley (Ed.), *Executing the Constitution: Putting the President back into the Constitution*. Albany: State University of New York Press.



- Khaila, S and Chibwana, C. (2005) “Ten Years of Democracy in Malawi: Are Malawians Getting. What they Voted For?” *Afrobarometer Working Paper* No. 46, South Africa.
- Khembo, Nixon (2004) “The Multiparty Promise Betrayed: The Failure of Neo-Liberalism in Malawi.” *Africa Development*. Vol. XXIX. No.2. pp: 83-108.
- Korn, Dan (2010) *The Presidentialization of Politics: The Power and Constraints of the Israeli Prime Minister*. Jerusalem: Institute of Israeli’s Studies.
- Lembani, Samson (2007) *The Case of Malawi*. In KAS (eds.) *The Impact Of Floor Crossing On Party Systems And Representative Democracy: A Regional Perspective*. Johannesburg: Konrad-Adenauer-Stiftung.
- Lemos, Leany and Timothy Power (2011) *Determinants of Oversight in a Reactive Legislature: The Case of Brazil, 1988 – 2005*. Oxford: University College.
- Lenchner, Paul (1976) “Congressional Party Unity and Executive-Legislative Relations”. *Social Science Quarterly*. Vol. 57 Issue. 3. pp: 589 -596.
- Lessa, R. (1988) *The Republican Invention - Sales Fields, the Bases and the Decay of the First Brazilian Republic*. São Paulo: Vertex.
- Lijphart, Arend (1999) *Patterns of Democracy*. London: Yale University Press.
- Lijphart, Arend (2004) “Constitutional Design for Divided Societies.” *Journal of Democracy*. Vol. 15. No. 2. Pp: 96 – 109.
- Linz, Juan J. (1994) “Presidential or Parliamentary Democracy: Does it Makes a Difference”? In Juan, L. J. and Valenzuela, A. (eds) *The Failure of Parliamentary Democracy*. Baltimore: John Hopkins University Press. pp: 3-87.
- Magstadt, Thomas (2005) *Nations and Government: Comparative Politics in Regional Perspectives*. Canada: Thomas Learning Inc.
- Manuel, Marlon J. (1999) “Philippine Government and Its Separation of Powers”. In Yu-Jose, Lydia N., (eds.) *Politics and Governance: Theory and Practice in the Philippine Context*. Quezon City: Ateneo De Manila University Research and Publications. pp: 77-116.
- Marsh, Ian (2006) “Democratization and State Capacity in East and Southeast Asia”. *Taiwan Journal of Democracy*. Vol. 2, No. 2 pp: 69-92.
- Marsteintredet, Leiv (2008) “Executive-Legislative Deadlocks in the Dominican Republic.” *Latin American Politics and Society*. 50:2 pp:132 – 160.

- Mendoza, Diana. J. (1999) “Basic Concepts, Structures and Functions of Government”. In Yu-Jose, Lydia N., (eds) *Politics and Governance: Theory and Practice in the Philippine Context*. Quezon City: Ateneo De Manila University Research and Publications pp: 59-75.
- Moe, T. M., and Howell, W. G. (1999) “Unilateral action and presidential power: A Theory”. *Presidential Studies Quarterly*. Vol. 29. pp: 850-873.
- Mthinda, C and Khaila, S. (2006) “Responsiveness and Accountability in Malawi.” *Afrobarometer Briefing Paper* No 31.
- Mwale, Fiona Atupele (2006) *The Constitution And The Executive Branch Of Government*. Malawi Law Commission Discussion Paper No.4.
- Nicolau, J. (1991) “The Brazilian Electoral System. The Question of the Proportionality of the Representation and its Determinative” in O. B. de Lima Jr. (ed) *Brazilian Electoral System - Practical and Theory*. Rio De Janeiro: Deep River Publishing Company. pp: 99-131.
- Nijzink, Lia, Mozaffar, Shaheen and Azevedo, Elisabete (2006) “Parliaments and the Enhancements of Democracy on the African Continent: An Analysis of Institutional Capacity and Public Perceptions.” *The Journal of Legislative Studies*, Vol.12, No.3–4, September–December 2006, pp: 311–335.
- O’Donelle, Guillermo (1994) “Delegative Democracy” *Journal of Democracy*. Vol. 5. pp: 55 -69.
- Ogul, Morris S., and Bert A. Rockman (1990) “Overseeing Oversight: New Departures and Old Problems”. *Legislative Studies Quarterly*. Vol. VX. No.1. pp: 5-24.
- Ostrogorski, M. (2010) *Democracy and the Organization of Political Parties*. New York: General Books Llc.
- Ottolenghi, Emanuele (2004) “Choosing a Prime Minister: Executive-Legislative Relations in Israel in the 1990s”. *The Journal of Legislative Studies*, Vol.10, No.2/3, Summer/Autumn. pp: 263-277.
- Patel, Nandini and Arne Tostensen (2006) *Parliamentary-Executive Relations in Malawi 1994–2004*. Bergen, Norway: Chr. Michelsen Institute.
- Patel, Nandini (2008) “The Representational Challenge in Malawi.” In KAS (eds) *Towards the Consolidation of Malawi’s Democracy*. Lilongwe: Konrad-Adenauer-Stiftung.

- Patel, Nandini, Richard Tambulasi, Bright Molande and Andrew Mpesi (2007) *Consolidating Democratic Governance in Southern Africa*: Malawi. Johannesburg: EISA.
- Pennings, Paul (2003) "Beyond Dichotomous Explanations: Explaining Constitutional Control of the Executive with Fuzzy-Sets". *European Journal of Political Research*. Vol. 42. pp: 541- 567.
- Pereira, Carlos and Bernardo Mueller (2004) "A Theory of Executive Dominance of Congressional Politics: The Committee System in the Brazilian Chamber of Deputies". *The Journal of Legislative Studies*. Vol.10. No. 1. pp: 9-49.
- Pereira, Carlos, Timothy J. Power and Eric D. Raile (2008) *Coalitional Presidentialism and Side Payments: Explaining the Mensalão Scandal in Brazil*. Oxford: Brazilian Studies Programme.
- Pereira, Carlos (2010) *Executive-Legislative Relations under President Rousseff's Coalition Government*. University of Miami: Center for Hemispheric Policy.
- Pereira, Carlos (2011) *Brazil's Executive-Legislative Relations under the Dilma Coalition Government*. Washington DC: Brookings Institution.
- Pereira, Carlos, Timothy J. Power and Eric D. Raile (2008) *Coalitional Presidentialism and Side Payments: Explaining the Mensalão Scandal in Brazil*. Oxford: Brazilian Studies Programme.
- Posner, Paul, and Chung-Keun Park (2007) "Role of the Legislature in the Budget Process: Recent Trends and Innovations". *OECD Journal on Budgeting*. Vol. 7. No. 3. pp: 1-26.
- Prins, Brandon C. and Steven A. Shull (2006) Enduring Rivals: Presidential Success and Support in the House of Representatives. *Congress and the Presidency*. Vol. 33 No. 2. pp: 21-46.
- Randolph, David (2010) "Political Parties and social movements". *Philippine Daily Inquirer*, April 17.
- Ready, Lee J. (1985) *Forgotten Allies: The European Theatre, Volume I*. McFarland and Company.
- Rego, Antonio Carlos (2004) "The Virtues of Democratic Centralism: Executive-legislative Relations under Lula". Paper Presented in the Panel "Pt in Power: An Evaluation of Lula's First Year", XXV International Congress Latin American Studies Association (Lasa), Las Vegas, Nevada, October 7-9.

- Remes, D. H., Waldron, G. J., and Lang, S. A. (2006) "Presidential Signing Statements: Will Congress Pick up the Gauntlet"? Retrieved on 12/09/2011 from the internet (<http://www.Constitutionproject.org>).
- Renno, Lucio (2010) "Executive-Legislative Relations in Brazil: Is 2009 the First Year of the Rest of our Lives?" *Revista de Ciencia Politica*. Vol. 30 No. 2. pp: 213 – 230.
- Riggs, Fred W. (1997) "Presidentialism versus Parliamentarism: Implications for Representativeness and Legitimacy". *International Political Science Review*. Vol.18, No. 3. pp: 253 – 278.
- Rose-Ackerman, Susan, Diane Desierto and Natalia Volosin (2010) "Leveraging Presidential Power: Separation of Powers without Checks and Balances in Argentina and the Philippines." *Faculty Scholarship Series*. Paper 31.
- Samuels, David and Eaton, Kent (2002) "Presidentialism and, or, and Versus Parliamentarism: The State of the Literature and an Agenda for Future Research". *A paper Presented at the Conference on Consequences of Political Institutions in Democracy* held in Duke University, April 5-7.
- Samuels, David (2002) "Presidentialized Parties: The Separation of Powers and Party Organization and Behaviour". *Comparative Political Studies*, Vol. 35 No. 4. pp: 461-483.
- Santos, Fabiano and Hochman Gilberto (2000) "Executive-Legislative Relations in an Oligarchic Presidential System: Brazil (1889-1930)." *Paper presented at the 2000 meeting of the Latin American Studies Association*, Hyatt Regency, Miami, March 16-18.
- Sargentich, Thomas O. (1993) "The Presidential and Parliamentary Models of National Government". *American University Journal of International Law and Policy*. Vol. 8, No. 2 and 3. pp: 579- 592.
- Savage, C. (2006) *Bush Challenges Hundreds of Laws*. Boston Globe. Retrieved on August 22, 2008, from [http://www.boston.com/news/nation/articles/2006/04/30/bush\\_challenges\\_hundreds\\_of\\_laws](http://www.boston.com/news/nation/articles/2006/04/30/bush_challenges_hundreds_of_laws).
- Shugart, Matthew S. and John M. Carey (1992) *Presidents and Assemblies: Constitutional Design and Electoral Dynamics*. New York: Cambridge.
- Smith, Raymond A (2010) *Importing Democracy Ideas from Around the World to Reform and Revitalize American Politics and Government*. California: Greenwood Publishing Group.
- Sonnett, N. R. (2006) *ABA Task Force Report on Presidential Signing Statements and the Separation of Powers Doctrine*. Retrieved August 22, 2008, from [http://www.abanet.org/media/docs/signstate\\_report.pdf](http://www.abanet.org/media/docs/signstate_report.pdf).

- Teehankee, Julio (2002) "Electoral Politics in the Philippines". In Croissant, A., (eds.) *Electoral politics in Southeast and East Asia*. Vol. VI No.370. pp: 149-202.
- UNDP (2005) *Philippines: The Role of the Legislature and Legislators in Advancing the Cause of Peace in Mindanao*. Working Paper No 6.
- Valdehuesa, Jr., Manuel E. (2005) *Trapo Governance and the Cha-Cha Conspiracy*. Manila: Cacho Publishing House.
- Valenzuela, Arturo (2004) "Latin American Presidencies Interrupted." *Journal of Democracy*. Vol. 15. No. 4. pp: 5 -19.
- Van de Walle, Nicolas (2003) "Presidentialism and Clientelism in Africa's Emerging Party Systems." *Journal of Modern African Studies*. Vol. 41. No. 2. pp: 297-321.
- Vicerra, Rodolfo (2006) *Governing the Philippine Bureaucracy: Issues and Challenges of Legislative Oversight*. Quezon City: Congressional Planning and Budget Department House of Representatives.
- Weaver, Kent R. and Rockman, Bert A. (1993) "Representing Diffuse Interests in Environmental Policymaking" In R. Kent Weaver and Bert A. Rockman (eds) *Do Institutions Matter? Government Capabilities in the United States and Abroad*. Washington DC: Brookings.
- Wilhelm G., II. (2006) *Archeology and Culture in Southeast Asia*. University of the Philippines Press.
- Yu-Jose, Lydia N. (1999) *Politics and Governance: Theory and Practice in the Philippine Context*. Ateneo De Manila University: Department of Political Science.

## **CHAPTER FOUR**

### **HISTORICAL BACKGROUND OF LEGISLATURE-EXECUTIVE RELATIONS IN NIGERIA'S PRESIDENTIAL SYSTEM**

#### **4.1. Introduction**

The focus of this chapter is on the origin and development of the executive and the legislative institutions and presidential system in Nigeria. In addition, this chapter examines the nature of legislature-executive relations in the Nigeria's presidential system beginning from the Second Republic when the constitution of the country was first drafted in favour of presidentialism. A critical analysis of these issues is germane to the understanding of the contemporary realities of legislature-executive relations in the presidential system in Nigeria.

#### **4.2. Historical Development of the Executive and the Legislature in Nigeria**

There is no political community without a set of rules and governing body that determine and regulate the interactions among members of the community (Fashagba, 2009). Thus from the most ancient times to the present, in the process of ruling society, governmental institutions had existed to give directions to societal activities by mapping out policies, implementing and enforcing these policies and settling disputes arising from the rules enacted (Edosa and Azelama, 1995). Consequently therefore, traditional institutions of governance had existed in the kingdoms and communities in Nigeria through which laws were made and administered (Okoh, 1995; Bello-Imam, 2005). These basic political institutions were not separated as such but fused into one structure. The King was at one and the same time the executive, the legislator and the judge. This was so because both the structure and functions of government had not assumed a complex nature as found today (Abonyi, 2006). Modern political institutions in Nigeria however, are traceable to the British colonial government which produced various constitutions for Nigeria in 1922, 1933, 1946, 1951, 1954 and 1960 (Ayodele, 2002). In all these constitutions, legislative and executive organs were created at various times in different regions of the

country (Aghalino, 2006; Okoosi-Simbine, 2010). The nature and development of these institutions of governance in Nigeria under the colonial administration are examined in detail in the next section.

#### **4.2.1 Legislative and Executive Institutions under the Colonial Administration in Nigeria**

The British Colonial powers established the Legislative and Executive Council in 1862 for the Colony of Lagos. The Legislative Council composed of the Colonial Governor, six officials, two Europeans, and two Nigerians, who were unofficial members. The Legislative Council was however, a mere advisory body to the Governor and was supervised by the Executive (Kaiser, 2005). The Executive Council on the other hand, was established for the whole of Nigeria and headed by the Governor who was also the president of the Legislative Council (Ehindero, 1991). Following the amalgamation of the Colony of Lagos with the Southern and Northern Protectorates in 1914, a Nigerian Council which existed side by side with the Legislative Council was established. The Nigerian Council comprised of 36 members, out of which 23 were European officials, 7 European businessmen, and 6 Nigerians mainly traditional rulers. These legislative bodies were however, not law-making institutions as the British intended them only to be deliberative houses and hence performed no legislative functions (Nwabueze, 1982).

In 1922, the Clifford constitution merged the Legislative Council of 1862 meant for the Colony of Lagos with the Nigerian Council of 1914 to become a new one under the new ordinance - the Nigerian Legislative Council which for the first time, was established for the whole of Nigeria (Mbah, 2001). The council was however, a mere deliberative body consisting of Nigerians and a majority of officials or nominees of the colonial government. The resolutions of the council have no force of law, and in spite of the embrative coloration of the council however, its jurisdiction was confined to the Southern provinces, including the colony of Lagos, the council did not legislate for the Northern provinces. The Northern Nigeria continued to be governed by order from the colonial office in London and the Governor in Lagos (Oyediran, 2007). It is perhaps imperative to note here that the Nigerian Legislative Council created by the Colonial

master was not for any altruistic motive, rather it was meant to enable the British officials obtain, in the central exercise of their power, as much local advice and opinions as could be evoked (Olusanye, 1980).

The composition of the Executive Council on the other hand was predominantly Europeans as Africans were not represented in the Council despite enormous powers it wielded. It was composed of the Governor, Chief Secretary, Governor of Southern and Northern Provinces, the Administrator of the Colony and the various heads of departments. The governor was conferred with wide power that created a forum for unrestrained use of absolute power (Olusanye, 1980). The implication of the exclusion of Nigerians from the Executive Council was that Nigerians had no opportunities of being part of the formulation and implementation of policies that had far reaching effects on their lives. Furthermore, the subordination of the Nigeria Legislative Council to the Executive Council subjected the latter to the whims and caprices of the Governor. The Governor was empowered to veto or give consent to any law passed by the Legislative Council subject to the instruction given to him by the British Government. No law took effect until he or the British Government had assented to it. He also had power to suspend any member of the Legislative Council with the approval of the British Government. In fact, the Executive Council was also headed by the Governor thus, making him a tyranny.

Perhaps the most striking feature of the 1922 Constitution was the introduction of Elective Principle which, for the first time, provided opportunity for Africans to elect their representatives and participate in the legislative process. This political development provided an impetus for the early rise of nationalist movements in Nigeria and also the evolution of political parties in the Country (Akinboye and Anifowose, 2008). It was during the period that the first Nigerian National Democratic Party (NNDP) led by Herbert Macaulay was formed. Also, the Nigerian Youth Movement and the National Council of Nigerian Citizens were formed. The political parties joined forces with the nationalist movements to give the British Government a stiff opposition. The elective principle however, came under heavy criticisms by the African elites on the basis that it limited the franchise of Africans. According to the Constitution, only the British subjects



or protected persons who met the condition of possession of properties and annual gross income of 100 Pound Sterling were qualified to vote, or be voted for (Okafor, 1981). These conditions made it difficult for many Nigerians in Lagos and Calabar to be qualified. The outrageous income was fixed at a time when an average worker earned about 25 pence a day (Oyediran, 2007).

The two political entities of Nigeria Southern and Northern Protectorates however, continued to be governed by separate legislative bodies, until 1946 when the newly promulgated Richard's Constitution, made provisions for one legislature for the whole of Nigeria and regional legislative councils, known as House of Assembly, with the principal function of presenting nominees for the central legislative body (Mbah, 2005). The increasing agitations by Nigerians for more representation and participation in their affairs had led Sir Arthur Richards, who then had become the Governor of Nigeria, to introduce further changes in the development of these organs of government in the country (Odumu, 2010). Thus Richard Constitution established a Central Nigeria Legislative Council with overwhelming African majority and created three regional assemblies for the three provinces, viz – North, West and East which it had delineated (Ehinder, 1991). These provincial divisions roughly corresponded to the major ethnic groups in the country – Hausa-Fulani in the North, Yoruba in the West and Igbo in the East (Kaiser, 2005).

The Central Legislative Council, for the first time however, had an overwhelming African majority and had jurisdiction to make laws for the whole country (Akinboye and Anifowose, 2008). The council consisted of 45 members, the Governor who continued to be the president, 16 official members, 13 Ex-officio members and 3 nominated members and 28 Un-official members, 4 directly elected members and 24 nominated or indirectly elected members (Ojo, 1997). Each of the Western and Eastern Regions had a unicameral legislature – House of Assembly, while the Northern Region had a bicameral legislature comprising a House of Assembly and House of Chiefs. The House of Chiefs was made up of first class chiefs only and was presided over by the Chief Commissioner – a new title for the Lt. Governor, while the House of Assembly was composed of nominees of

the Native Authorities from among their own members as well as official and unofficial members. The monetary requirement noticeable in Clifford's Constitution was reduced in order not to disenfranchise eligible voters and contestants for political offices (Oyediran, 2008). The Executive Council was however not affected by the new constitution. Membership was still mostly officials and some nominated members. The Governor was still all powerful and overawed the Legislative Council as he dictated the pace and no ordinance could be passed without his consent. The Legislative Council was therefore, not different in functions and capacity from that of the 1992 even though it had wider representation and the unofficial members were in the majority (Ojo, 1997). The emphasis of the Richards Constitution on regionalism was however, criticized as having attendant negative consequences on the unity of Nigeria. The constitution was thus regarded as a divisible document (Kaiser, 2005; Aghalino, 2006).

Richard Constitution could not run its full course of nine years due to the vociferous opposition to its configurations. A new constitution was therefore, promulgated five years later. When Sir Macpherson became the Governor of Nigeria in 1948, he decided to fashion out a new constitution and after much deliberations and debates of the draft constitution, Macpherson Constitution (1951) sought to impose a colonial hybrid arrangement, which had the characteristics of both Federal and unitary legal frameworks (Aghalino, 2006). The constitution represented a major advance from the pre-existing constitutional provisions. It introduced majorities in the central legislature - the House of Representatives (replacing the Legislative Council) and the regional legislature (Houses of Assembly). Thus the number of the elected Nigerians into the legislative councils both at the central and regional levels was increased. Both the North and the West had a bi-camera Legislature each while the East had a single-chamber legislature (Ojo, 1997). The House of Representatives was composed of 136 indirectly elected members (68 from the North and 34 from each of the West and the East, 6 ex-officio members and 6 special members appointed by the Governor. In the Northern Regional Assemblies, the House of Assembly was composed of the President appointed by the Lieutenant-Governor, 4 Official members, 10 Special members and 90 elected members. The House of Chiefs composed of the Governor as President, all first class Emirs and 37 other Chiefs, 3

Official members and 1 Adviser on Moslem Law. The Western Regional House of Assembly was composed of the Governor as the President, 4 Official members, 3 Special members and 80 elected members while the House of Chiefs was made up of Lieutenant-Governor as President, 50 first and second class Obas, 3 Official members and 3 Special members. The Eastern Regional House of Assembly was however, composed of Lieutenant-Governor as President, 5 Official members, 3 Special members and 80 elected members. Elections into the regional assembly were through Electoral College system (Mbah, 2001). While the House of Representatives could legislate on any matter whatsoever, the regional legislatures were no longer consultative or advisory bodies (Okhaide, 1995). The Governor however still had the reserved powers to refuse assent to any bill passed by the central legislature or to enact into law, bills rejected by the parliament. He had power to stop or propose amendment to any regional bill considered to be in conflict with the national interest.

The Constitution also established a Central Executive Council and Regional Executive Councils (Okhaide, 1995; Mbah, 2001). It is important to point out that members of the executive council were no longer solely officials, but included elected and few nominated members. The “Nigerianization” of the executive council on this platform was indeed, a landmark step towards the attainment of self-government in Nigeria’s political development. The Central Executive Council consisted of the Governor himself, 6 ex-officio members and 12 Ministers appointed by the Governor from the Central Legislature after consultation with the Lieutenant Governor of the Region from which they had been elected in the first instance. The Ministers could be removed by the Governor or at the instance of an address moved by two-third members of the House of Representatives (Oyediran, 2007). Each of the Regional Executive Council however, consisted of the Lt. Governor, not more than 5 officials and 6 to 9 Ministers appointed by the Lt. Governor from the regional legislatures with the support and approval of the legislature. While the Lt. Governors, in the exercise of their executive powers, took their directives from the Governor, they could remove a Minister at their discretion or upon an address passed by a simple majority of the regional legislature (Ojo, 1997).

It is imperative to note at this juncture, that the unequivocal division of constitutional powers between the central and the regional legislatures by the constitution was an introduction of a quasi-federal structure into the political and constitutional development in Nigeria. In order to avoid conflict of powers therefore, the constitution stipulated that in the event of a clash under the concurrent legislative matters, the regional laws was void to the extent of its inconsistency with that of the central legislature (Aghalino, 2006). Furthermore, a profound consequence of the constitutional provision for the establishment of a regional legislature along the three major ethnic groups in Nigeria was the emergence of ethnic-based parties with its attendant acrimonious politics and ethnic cleavage, a phenomenon that exists in Nigeria political experience even till date. Ethnic-based political parties such as the National Council of Nigerians and the Cameroons, (NCNC) Action Group, (AG) and the Northern People's congress, (NPC) emerged. In addition, the constitution was described as a wretched compromise between federalism and unitarism because it contained some provisions that were patently contradictory to the principles and norms of federalism (Mbah, 2001). As observed by Awolowo (1966), the Federation which existed under the Macpherson's Constitution was a very tight one and proved unbearably restrictive and obstructive in operation. Moreover, the constitutional provision for regional legislature and executive insinuated legislature-executive frictions in almost all the regions. In the East for instance, the Governor had to result to the use of his reserved powers to allocate money for government business due to the refusal of the Regional House of Assembly to pass all bills sent to it (Mbah, 2001). These and some other factors such as intra-party crisis, mutual suspicion by major ethnic groups, the Kano riots of May 1953 and the issue of self-government in 1956 precipitated the total breakdown of the Constitution in 1953.

Despite the constitutional advancement made by Macpherson Constitution, it was unsatisfactory to Nigerian nationalists who vigorously campaigned for its replacement. A constitutional conference was therefore, called both in London in 1953 and in Lagos in 1954 which lead to the setting aside of the Macpherson Constitution and was replaced by the Lyttleton Constitution of 1954 (Akinboye and Anifowose, 2008). The 1954 Lyttleton Constitution laid the foundations for a classical Federation for Nigeria as it provided for

the first time, the residual, exclusive and the concurrent lists, and defined the spheres of powers between the central and regional legislative houses. Nigeria therefore, emerged as a federation with three regions independent of the centre. Each region had a Premier, a cabinet and a legislature, while the Governor-General and the regional governors were no longer members of the legislature (Eso, 1976; Aghalino, 2006). Suffice to state also, is the creation of the post of a Prime Minister by the constitution and the consequent emergence of Sir Abubakar Tafawa Balewa of the Northern Peoples Congress (NPC) as the occupant (Akinboye and Anifowose, 2008).

With respect to the legislative institutions, the constitution retained for the federation, the House of Representatives presided over by the Speaker and no longer the Governor. The House of Representatives composed of a Speaker, 3 ex-officio members, and 184 Representatives elected from the various constituencies in Nigeria with the North having 92 members, East and West, 42 each, Southern Cameroons 6 and Lagos 2 members. The House of Representatives was vested with power to make laws for the country and discuss financial matters. Regional legislatures were to become independent of the Central Legislature and thus the centre's power to approve regional laws was removed. While bicameral legislature (House of Chiefs and House of Assembly) was maintained in the North and West, the East had only a House of Assembly (Ojo, 1997). In the West, the Governor or his nominee was no longer President in any of the houses, The President of the House of Chiefs and the Speaker of the House of Assembly were appointed by free votes in the respective Houses. In the East however, the Governor still appointed the Speaker of the House of Assembly while in the North, the Governor still presided over the House of Chiefs and his nominee presided over the House of Assembly. Following the federal structure, three legislative lists were created – an exclusive legislative list which specified the items on which the House of Representatives had powers to legislate upon, a concurrent list which the House of Representatives and the Regional Houses of Assembly had coexisting legislative powers; and a residual list made up of items on which the regional legislatures alone had powers upon (Ojo, 1997).

The Executive-Council at the federal level however, was made up of the Governor-General who presided over the council, ministers appointed from the federal legislature from among the party with overall majority. They were now ministers with portfolio having direct control over departments (Oyediran, 2007). It is observed here that the selection of ministers from the party with overall majority in the legislature was obviously a gradual introduction of the Westminster parliamentary system into the political development of Nigeria. This agenda was however concretized in the independence Constitution of 1960.

The salient issue that needs to be raised at this juncture is the way and manner the executive and especially, the legislature evolved and developed under the colonial administration. These political institutions hardly had any real functional power as an institution of governance. They were mere advisory tools in the hands of the Governor who was not in any means constitutionally committed to govern with the decisions of these institutions. They were not in any way designed to build a Nigerian State, but essentially administrative strategies designed for better administration of the colonial state (Akinboye and Anifowosem, 2008). At no time during the colonial period did the type or the extent of executive and legislative power seemed to be an important issue. The principal legislative and executive powers of the colony were vested in the Governor-General of Nigeria and in the Governors of the Regions, all of whom theoretically, exercised their powers as the representatives of the British monarch. Even on the eve of independence when the independence constitution was under discussion, there seemed to be little or no attention paid to the type of executive which should be established. Not surprisingly, therefore, the Federation of Nigeria found itself with an almost exact copy of the British parliamentary system (Juergensmeyer, 1964).

It is perhaps more pertinent to note that the Nigerian Legislature developed as an appendage and necessary extension of the colonial state which brought it to existence not to perform legislative functions as the most important institution of liberal democratic state but to perform ratificatory functions for the executive directives issued by the Colonial Governor. Thus the Nigerian legislature, from its creation and embryonic stage,

was subordinated to the needs and logic of the legislature of the metropolis and as a result was prevented from developing as an autonomous institution with the attributes of legislature in modern democratic state (Adebo, 1988). The colonial legislature were not designed to perform such enviable role as were characteristic of their precursors in Europe in limiting royal absolutism but were merely designed to compliment the work of the colonial governments by serving as agencies for articulation of views and ventilation of popular feelings that were not expected to radically change the patterns and policies of the respective colonial governments (Alabi, 2009). This orientation was to have a long lasting effect on the performance of the legislature, not only during but even years after effective renunciation of colonial rule. Thus at independence, Nigeria inherited weak political institutions and inexperienced leadership. These institutions (executive and legislative) at independence, are examined in detail in the next section.

#### **4.2.2 Legislative and Executive Institutions in the First Republic of Nigeria**

The necessity for an independent Nigeria prompted the Constitutional Conference of London in 1957 and Lagos in 1958 (Akinboye and Anifowose, 2008). Agreements were reached in those conferences, among which was that Nigeria should be granted independence on October 1, 1960. The independence constitution of Nigeria came into force on October 1, 1960 and established a Parliament system modeled after the British parliamentary democracy (Mbah, 2001). Chapter V of the Independent Constitution provided for a bicameral legislature made up of a House of Representatives of 312 elected members and a Senate of 44 nominated members. The Senate was presided upon by a President who must be a Senator or a person who was qualified for selection as a Senator. The House of Representatives was however, headed by a Speaker elected from among members of the House. Two legislative lists were established – the Exclusive Legislative List of 44 items for the Parliament and the Concurrent Legislative List consisting of 28 items on which both the Parliament and the Regional Houses of Assembly were empowered to make laws (Ojo, 1997). Both the Federal and the regional legislatures were competent to legislate with respect to matters contained in the concurrent list (Elias, 1967).

The life of the Parliament was five years except that the Governor-General might at any time dissolve it, acting in accordance with the advice of the Prime Minister. The resolution of the House of Representatives on the ground of a vote of no confidence on the government of the federation may also result to the dissolution of the Parliament. The Governor-General could also dissolve the Parliament if the Office of the Prime Minister was vacant and there was no prospect of appointing someone who could command the support of the majority of members of the House (Dudley, 1982).

The executive organ at the centre was made up of the Governor-General (representing the queen) who was the ceremonial head of State and the Prime Minister who was the executive head. The fact that the country operated the Westminster Parliamentary system meant that executive power derived from legislative majority (of the NPC and NCNC at the centre) (Osaghae, 2002). The Republican Constitution of 1963 was not a complete departure from the 1960 Constitution as all the changes it effected were that the Queen of England ceased to be Nigeria's Head of State as well as sit in the legislative houses (Mommoh, 2000). Under the 1963 Constitution, the President who now replaced the Governor-General was a ceremonial Head of State and the Commander of the armed forces. The Prime Minister who was to be a member that commanded majority support in the House of Representatives was to be appointed by the President. There were therefore, two executives positions, namely, that of the president and the Prime Minister. Real executive power was in the hand of the Prime Minister who came from the largest party in the parliament. There was to be a Council of Ministers appointed by the President on the advice of the Prime Minister who was to be his advisers. The ministers were collectively responsible in ministerial responsibilities and functions to the legislature (Elias, 1967). The term of office of the President was for 5 years in the first instance. The number of times he could be re-elected depended on the continued majority support in the Parliament (Ojo, 1985). His removal was to be based on a motion of his misconduct or inability to perform his duty supported by at least one-fourth of all members of the Senate or the House of Representatives. An obvious lapse in the constitution was the fact that what constituted misconduct and in what condition could it be said that the President was unable to perform his functions was not explicitly clarified.



The political institutions operating at the centre were replicated at the regional level. The post of a Regional Governor and a Premier were provided for each of the regions. The power to appoint the Premier was exercised by the Regional Governor who continued to oversee the smooth running of government programmes in their respective regions (Mommoh, 2000). The Executive Council (consisting of the Premier and some other Ministers appointed by the Governor on the advice of the Premier) was collectively responsible to the regional legislature (OduMosu, 1963). Members of the executive organ of each region were drawn from the legislatures in the regions. In general, the regional constitutions followed the federal model, both structurally and functionally. The most striking departure was in the Northern Region, where special provisions brought the regional constitution into consonance with Islamic law and custom (Ezera, 1960). Following the parliamentary tradition however, the same structure of party government existed in each region, but under an entirely different shape as de-facto one-party rule was the major feature of regional governments during the republic. Each of the regions was controlled by political party founded by the major ethnic groups within the regions (Osaghae, 1998).

A significant feature of the parliamentary democracy of the First Republic was the fusion of the powers and personnel of the legislative and the executive branches of government (Isiola, 2002). The executive was part of, and derived its power from, being included in the legislature (Nwabueze, 1985; Mommoh, 2000). Within this fused relationship, the responsibility for ensuring accountability was the doctrine of ministerial responsibility. Members of the Cabinet who constituted the executive were responsible to the parliament for the activities of the government. More importantly, is the power of the Parliament to pass a vote of no confidence on the government as a means of ensuring accountability. The usage of this power however, has the implication of resulting to the dissolution of the Parliament (Baker and Balogun, 1975). Thus, a cordial relationship is expected between the Parliament and the Executive. The party with the majority of seats in the House of Representative was constitutionally required to form government and by implication produced the Prime Minister who sat atop the executive or cabinet (Nwabueze, 1985).

It is perhaps pertinent to note at this juncture, that the executive in the First Republic did not emerge through a popular election. In the parliamentary system bequeathed to Nigeria during this period, whoever had the majority support in the parliament had to form the cabinet (Ojo, 1998). With the adoption of this model therefore, the executive power derived from the legislative majority (Osaghae, 2002). However, as a result of the coalition that Southern parties – the Action Group (AG) and the National Council of Nigerian Citizens (NCNC), entered into with the Northern minor parties – Northern Elements Progressive Union (NEPU) and the United Middle Belt Congress (UMBC) respectively, the Northern Peoples Congress (NPC) was unable to win the majority seats required to form government alone (Osaghae, 1998). The necessity to produce the simple majority required to form government and successfully pass its measure consequently forced the NPC, the leading party in the house, into fragile alliance with the NCNC (Akinsanya, 2005). There was therefore, a tension and conflict laden dual headship of the executive, which had a titular head of government (called Governor-General at independence and President after 1963) and a Prime Minister who was the effective head of government (Osaghae, 2002).

The legislature at the centre was bicameral, comprising of the Senate and House of Representative. The Senate however, had very limited legislative powers; it had delaying powers only and lacked jurisdiction over financial matters. In addition, the house appeared to have been transformed by politicians into a dumping ground for those who failed to win seats at popular elections but who had ambition to be ministers (Osaghae, 2002). Moreover, the legislature in the First Republic consisted of the Queen, represented by the Governor-General at the centre and the Governor at the regions. A legislative measure therefore, could never become an Act without any one of these institutions (Ojo, 1997). Thus, despite the country's independence, the legislature of the Nigeria's First Republic did not change in relations to the legislative power of the British Crown in Nigeria (Omoweh, 2006).

The First Republic parliamentary system was however, terminated following the military intervention of January 1966. The collapse has been attributed to the inappropriateness of

the political institutions and process bequeathed to Nigeria by the Constitutions and their not being adequately entrenched under colonial rule as well as the failure of the elite to follow the rule of the game. The Westminster parliamentary system of government which was bequeathed to Nigeria by the 1960 and 1963 constitutions has been viewed as prone to fractionalization, confrontation and instability and therefore the root cause of the crises that led to the eventual collapse of the First Republic (Momoh, 2000; Dudley, 1982; Eteng, 1997; Akinwumi, 2004; Nwabueze, 1973 and Aniagolu, 1993, Akinsanya, 2005). Nigeria in the First Republic inherited the norms of British parliamentary democracy with provision for government and opposition. It is argued that the third world countries may not be ripe for “opposition” as practiced in countries like Britain where opposition was mostly constructive and saw itself as an alternative (and better) government and was prepared to exercise patience until the next elections to sell its programme to the electorate, and, if successful, unseat the incumbent government in place (Akinwumi, 2004). The idea of a loyal opposition in parliament with its own shadow cabinet and specified parliamentary functions did not take root and within three years the key members of the opposition were found guilty of treasonable felony and sentenced to various terms of imprisonment (Adamolekun, 2003).

In a Third World Country like Nigeria where the economy is under the control of the government, the concept of politicians particularly the government’s opposition being abandoned on the fringes or in the wilderness of power without the chance of sharing in the federal amenities and patronage was hardly a comforting prospect (Akinsanya, 2005; Ekweme, 2005). In addition, parliamentary system is characterized with the ethos of winner-take-all and with the potential for tension between the formal power of the President and the actual power of the Prime Minister. The Prime Minister shared power with the President, so also did the Premier and the Regional Governor. The President, who was constitutionally, the chief executive usually, exercised his powers on the advice of the Prime Minister and his cabinet members. So the practice of having a figure-head Head of State acting on the advice of a power-loaded Head of Government in the Westminster model did not conform to African political reality. Traditional rulers have always combined real and formal authority. The separation of real and formal authority

was therefore, meaningless in the context of Africa's historical experience. Separation leads to clash of personalities and interests, a conflict of authority and an unnecessary complexity and uncertainty in government (Akinsanya, 2005). In African society, the leader wants to assert his authorities without restraint, expectedly, there were clashes between the President and the Prime Minister (Aghalino, 2006). Furthermore, there was no complete separation of powers between the Executive and the Legislature; consequently, the system was prone to instability (Dudley, 1982). The conflicts, factions and confrontations between political actors that led to the failure of the state in the first republic have been described as inevitable factors in Westminster-style parliamentary democracy that the First Republican Constitutions bequeathed to Nigeria (Ezera, 1960, Dudley, 1982). These inadequacies of the parliamentary system of government thus exposed the system to instability. The second factor was the elite who, lacking a political culture to sustain democracy, failed to play the political game according to established rules. It is argued that because members of the elite that took over from the colonialists lacked a material base for their aspirations, they resorted to control of state offices and resources. The elites saw the opportunity to perpetuate their selfish and parochial interests through the deadly manipulation of forces of identity, particularly ethnicity and religion (Momoh, 2000). The failure of the elite, however, has been argued to be a symptom rather than the cause of the problem. The uneven rates of development among the various groups and regions invested the struggle for state power with a group character. These factors gave importance to group, ethnic, and regional conflicts that eventually contributed to the collapse of the republic (Osaghae, 2002; Akinsanya, 2005).

The military intervention in 1966 dethroned the Nigeria's democratic governance and marked the end of the First Republic. The legislative bodies were abolished. Legislative and executive powers were then exercised by the Military. Military incursion in to the political arena of Nigeria's political development further worsened the precarious situation of the legislative body in the country (Okoosi-Simbine, 2010). The first military rule (1966 to 1979) created an authoritarian order and arrogated to itself the supreme power of the Nigerian state. It abolished the constitution and governed the country by decrees and proscribed elections until when the country returned to a presidential

democracy in 1979 (Omoruyi, 2002; Egwu, 2005). By 1976 the then Military government heeded the call of Nigerians for return to civilian constitutional and democratic governance and thereby commenced the processes of disengaging and returning the country to civilian rule referred to as the Second Republic. The next section examines the nature of the executive and the legislature in the Nigeria's Second Republic.

#### **4.2.3. Legislative and Executive Institutions in the Nigeria's Second Republic**

The restoration of civilian rule in Nigeria on 1<sup>st</sup> October, 1979 after thirteen years of military government was of landmark significance for Nigeria. In the programme of transition, the primary concern of the military leaders was to avoid the recurrence of the mistakes, disaster and disappointment of the First Republic (Read, 1979; Suberu, 1988). Their belief was that if the structures and processes of government and politics that had proved inappropriate in the First Republic could be changed, a stable and effective civilian government would emerge (Dudley, 1982; Oluleye, 1985). The collapse of the First Republic therefore informed the measures taken to engender democratic stability in the 1975 to 1979 transition programme (Osaghae, 2002). The transition was therefore, designed to address those fundamental issues, which were historically divisive and to establish new political institutions, processes, and orientations (Asia, 2001). Accordingly, a 50-man Constitution Drafting Committee (CDC) was appointed to review not only the 1963 Constitution but to also look at what other constitutional practices and lessons in other parts of the world could be used as input in crafting a constitutional system suited to the Nigerian environment (Aghalino, 2006). At the inaugural meeting of the committee on 18<sup>th</sup> of October, 1975, the Head of State of Nigeria expressed the views of the Supreme Military Council regarding the new constitution. According to him, it was to eliminate cut-throat political competition based on a system of winner takes-all, to discourage institutionalized opposition to the Government in power, to establish the principle of public accountability, to decentralize power, to ensure free and fair election and to devise an effective non-political system of census (Awotokun, 1998). In order to achieve these aims, the Supreme Military Council averred that it has carefully discussed and agreed on an executive presidential system of government in which the president and vice-president are elected, with clearly defined

powers and are accountable to the people while the choice of the Cabinet should reflect the Federal Character of the country and a genuine and truly national political parties (Oyediran, 1981).

Unlike the constitutions of the First Republic, the Second Republic Constitution was a product of the groundwork prepared by a Constitution Drafting Committee and a Constituent Assembly made up of elected citizens acting as representatives of the people. The Constituent Assembly was composed of 230 members, of whom 20 were appointed by the government and 7 were the chairman of the Constitution Drafting Committee and the chairpersons of its sub-committees. The remaining 203 members were elected by the local councils acting as electoral colleges (Nwabueze, 1985). The Constitutional Drafting Committee on the other hand, was made up of 49 independent people chosen for their specialist knowledge or background (Nwabueze, 1985). These two bodies functioned between 1978 and 1979 and produced the Constitution of the Federal Republic of Nigeria 1979 (Udoma 1994). An initial draft was presented to the assembly by the Constitution Drafting Committee. In fashioning the draft constitution, the committee considered memoranda from the general public. It was this bill which later became the constitution (Read, 1979).

By Decree No. 25 of 1978, the 1979 Constitution was enacted. The Constitution differed from those of the First Republic in that it introduced a United States-type presidential system in place of the parliamentary system. The report of the 1977/78 Constituent Assembly clearly stated the reason for the adoption of presidential democracy. The model was based on the need for unity, energy, and dispatch inherent in the single executive system – the President (Dudley, 1982; Aghalino, 2006). According to the committee, the choice of the presidential system was based on the need for effective leadership that expresses an aspiration for national unity without, at the same time, building a leviathan whose powers may be difficult to curb (CDC, 1978). It would therefore, appear that the discovery of the apparent fractionalization, contradictions and confrontations in the parliamentary system of government made the drafters of the 1979 Constitution to jettison the dual system of leadership for the executive presidential system. In principle, reliance on an executive with a fixed term of office is supposed to enhance government

stability, allowing presidents to see their programmes through to the end of their terms without the threat of early removal. Furthermore, reliance on a single chief executive is assumed to clarify lines of accountability: voters can identify incumbents and hold them accountable for their performance (Kim and Bahry, 2008).

Nigeria therefore, following the restoration of civilian rule in on 1<sup>st</sup> October, 1979 after thirteen years of military government, opted for a new constitutional structure modeled after the United States' presidential and gubernatorial government with its central principle of a single chief executive and a clear separation of powers among the three arms of government (Read, 1979; Suberu, 1988).

The Executive power was vested in the President assisted by a Vice President and they were to be elected on the same ticket. According to Section 122 (1 and 2) of the 1979 Republican Constitution, the President was simultaneously the Head of State and Head of Government and Commander-in-Chief of the Armed Forces of the Federation. The implication of being the Commander-in-Chief of the Armed Forces of the Federation, is that he could determine the operational use of the armed forces and to appoint the Chief of Defence Staff, the Head of the Army, Navy and Air Force and such other branches of the armed forces of the federation as may be established by an Act of the National Assembly (Dudley, 1982). The plural executive (the bane that created confrontations in the First Republic) was hence, jettisoned in favour of a single executive (Ojo, 1985).

The wide-ranging power of the President is however worthy of note at this juncture. As the Head of State and the Chief Executive of the Federation, executive powers of the state are vested in him (Ojo, 1985). This implies that the President is empowered to, either directly or indirectly, give effect to all acts of the federal legislature - National Assembly. Besides the power of the President to assent to bills, he alone is empowered to present before the National Assembly, the annual Appropriation Bill - a statement of the estimated revenue and expenditure of the federation which he can do any time in each financial year (Dudley, 1982). The President could authorize the expenditure of monies necessary to carry out the services of the government for a period of not exceeding six

months, from the Consolidated Revenue Fund of the Federation if the National Assembly failed to pass the Annual Appropriation Act before the beginning of the financial year. Besides his power of appointments which however, was subject to the legislative approval, the President can also enter into a treaty with other states on behalf of the federation subject to the ratification of the National Assembly (Osaghae, 2002). Another wide-ranging power of the President is his power to declare a state of emergency by the simple process of causing to be published in the Official Gazette of the Government, a proclamation that a state of emergency exists and then supported by a two-third majority of the National Assembly. In addition to the enormous power of the President is the prerogative of mercy which enables him grant a pardon to any person convicted of any offence created by law (Ojo, 1985).

It is instructive to note that the same provisions in terms of the executive institution of the federation also apply to the executive organ at the state level of government. Section 162 of the 1979 Constitution for instance, provided that each state shall have a Governor who shall be the Chief Executive of the state. The tenure of office of the state Governor according to Section 166 (1b) is for four years and could be re-elected once. The same procedure for the removal of the President under Section 132 is also laid down for the removal of the Governor under Section 170 of the Constitution.

Under the Constitution, the president and vice president, as well as state governors and their deputies, were directly elected in separate elections by the people. This makes the federation and the state, respectively, as constituencies and establishes a direct link of mandate between them (chief executives) and the electorate (Suberu, 1988). Because an executive presidency or governor derived his mandate directly from the people rather than indirectly through the legislature as in the parliamentary model, it was a source of strength. It meant the President or Governor could govern even without a parliamentary majority and therefore with dispatch, even though he needed the legislature to govern more effectively. The president (and the Governor at the state level) is eligible for two four-year terms. No one can hold office for a period exceeding two terms (Section 128 (1b), however, when there is a war in which the territory of Nigeria is physically involved



and the President considers that it is not practicable to hold elections, the National Assembly may, by resolution, extend the period of four years from time to time, provided that no such extension exceeds a period of six months at one time (Dudley, 1982). Universal suffrage at age 18 applies to all elections. Winning candidates are determined according to the British first-past-the-post system, whereby a plurality of the votes ensures victory (Oyediran, 2007).

The president's Federal Executive Council, or cabinet, includes representatives from all 36 states (Mohammadu and Mohammadu, 1989). The President, unlike the Prime Minister, was not bound to restrict his nominations to elected Parliamentarians. He equally, was not bound by the principle of cabinet responsibility since the cabinet was merely a consultative body (Osaghae, 2002). The President however, was considered tremendously powerful with the powers conferred on him and with his command of the armed forces and since he is no longer subjected to the vagaries of a vote of no confidence which could prematurely force him out of office (Ojo, 1985). This portends danger of dictatorship, but these powers were not absolute as he could be effectively checked by the legislature. As Awotokun (1998:21) averred;

...in order to guard against possible emergence of a dictator that... a presidential constitution may breed, there was the conception of a powerful legislature embedded in the constitution to serve as a countervailing power against the influence and authority of the executive.

Legislative power on the other hand, was vested in the National Assembly (bi-cameral) at the Federal level. There was a Senate, with a membership strength of 95, (each of the then 19 states in the country produced five Senators), and a House of Representatives with a membership strength of 450 (Metz, 1991). Seats in the House of Representatives are allocated according to population. Therefore, the number of House members from each state differs. Members of the National Assembly are elected to a maximum of two four-year terms (Asia, 2001). While the Senate was largely a ceremonial body in the First Republic, the 1979 Constitution gave the Senate equal powers with the House of Representatives (Suberu, 1988). The fact that the Senate had the power to ratify appointments, that its President was constitutionally the "number three" state official and

the historical and universal conception of the Senate as the upper house however, gave it an edge over the House of Representative (Osaghae, 2002).

A unicameral legislative house of assembly was established in the states of the federation. There were two legislative lists which defined the powers of the National Assembly exclusively on Exclusive Legislative List matters and concurrent powers with Houses of Assembly in the States on Concurrent Legislative items (Adebo, 1988).

One of the salient premises on which the Presidential system of the 1979 Constitution rest is the doctrine of separation of powers and the principle of checks and balances among the three branches of government (Akinsanya, 2005). Sections 4, 5 and 6 of Chapter V of the 1979 Constitution established and provided for the distinct and specific functions and composition of the National Assembly (the Senate and the House of Representatives). Chapter VI provides for the executive arm of government and Chapter VII contained the aspect relating to the judicature. The essence of the separation of powers is that each branch of government, as a general rule, is prohibited from exercising the powers of the other branches of government and enables each branch to keep the power of the others in proper balance with its own power (Nwabueze, 1982). Under the Constitution, the executive is to execute the law made by the legislature and should not venture into law making, while the legislature is to make laws and the judiciary, to adjudicate and interpret the laws made by the legislature. None of these arms of government is expected to dabble into the arena outside its purview of functions. Thus, tyranny and arbitrariness would be avoided because no branch would be able to act free from all and any restraints (Awotokun, 1998; Akinsanya, 2005).

Some provisions were however made in the constitution to ensure checks and balances of powers among the organs. The executive is granted a wide range of power by the constitution but he cannot go beyond these powers else, he would be checked by the legislative arm by way of impeachment (Akinboye and Anifowose, 2008). In addition, the executive is constitutionally empowered to veto bills passed by the legislature. He may withhold his assent to such bills. The legislature however, could override the

executive's veto through a two-third vote of members of the House. The President has the power of appointments such as Federal Minister, Special Advisors, Chief Justice of the Federation, Ambassadors, High Commissioners or other principal representatives of the country abroad. Such appointments must however, be ratified by the Legislature (Awotokun, 1998). Again, the constitution empowers the legislature to investigate all activities of the executive in order to prevent it from going beyond its legislative mandate and maintaining balance between their powers (Awotokun, 1998). Furthermore, while the President is elected for a fixed term of office, his stay in office could be terminated by impeachment moved by the two-third members of the legislature. Section 132 and 140 of the constitution provide for the removal of the President and the Vice President.

The judiciary can on the other hand, render unconstitutional, activities of the executive and the legislature deemed contrary to the provision of the constitution (Oyediran, 2007). While the President is recognized by the Constitution as a Commander-in-Chief of the Armed Forces, he could not drag the country to unnecessary war at his whims and caprices. Only the National Assembly could determine when the country can go to war, make laws for the regulation of appointments, promotion, and disciplinary control of the Armed Forces of the Federation (Nwabueze, 1982).

The 1979 Constitution for the first time in Nigeria recognized and committed itself to the composition and administration of political parties. Such issues as party constitutions, rules and regulations, control and regulation of party funds, mode of election of party leaders and restrictions on the form in which party funds are to be held were all provided for in the constitution. The effect of this was the abrogation of the possibility of carpet-crossing which was a common phenomenon during the first republic (Metz, 1991; Nwabueze, 1982 and Dudley, 1982). In a bid to eradicate ethnic politicking, the constitution called for the formation of political parties with national outlook (Asia, 2001). It explicitly specified that such parties must not have any religious or ethnic connotations in their names, signs, emblems, or mottoes, and must not only be open to all Nigerians of all ethnic and religious spectra, it must also have their headquarters located

in the federal capital. Each party executive board also had to reflect the national character (1979 Constitution).

Despite the constitution stipulation for broad based political parties with national outlook however, the 1979 elections indicated that the ethnic allegiances and bases of the First Republic parties merely laid in waiting to be resuscitated (Adamu and Ogunsanwo, 1982). The nature of political competition and voting pattern merely followed the same old pattern by and large, exploring and exploiting ethnics' differences along the way (Kurfi, 1983). The political parties that controlled the states in the Second Republic were members of the defunct political parties that controlled the regions under which the new states fell. The NPN which controlled majority of the states in the Northern part of Nigeria in 1979 was made up of majority of the members of the defunct NPC. The same was applicable to the UPN that controlled all the states in the South-western part of Nigeria which was the area of influence of the defunct Action Group in the First Republic. The case of the NPP which was the offshoot of the NCNC over the control of the South-eastern States was not different (Ojiako, 1981).

In that 1979 general election, Shehu Shagari, a Muslim Hausa-Fulani from the North was elected the President. The three political parties representing Hausa-Fulani, Yoruba and Ibo interests received the most votes demonstrating the continued salience of ethnic politics in the country despite efforts of the Supreme Military Council to achieve the opposite (Kaiser, 2005). Thus, compounded the problems of national integration and development and confirmed the Nigeria's problem of tensions between the larger ethnic groups and the hostility derived not from ethnic differences, but from competition between peoples of wealth and power (Oyediran, 1981). The elections, particularly the presidential election, generated animosity among the parties. Only the NPP responded to the NPN's call for a broad based government, and entered into accord, which the NPN needed to strengthen its base in the National Assembly. The accord provided a working majority of 52 senators and 244 representatives (Ikelegbe, 1995). The accord was however, broken in 1981 over conflicts on the distribution of political largesse. The NPP governors joined the progressive governors in 1981 and the NPP joined the other parties

in criticizing and opposing the NPN and the federal government. The informal alliance of progressive parties became a formidable opposition to the NPN and created bipolarization (Ojo, 1985). This was instigated by several factors and generated several crises. One of these was the occasional high handedness, arrogance and boastfulness of the NPN. The party was seen as tending towards fascism through undermining other parties and seeking more total control. The Shugaba factor considerably coalesce the other parties into opposition ostensibly to collaborate in ensuring their survival. In addition, the Shagari government was seen as inactive, slow, ineffective, and corrupt. The opposition that resulted from these perceptions and activities generated crises of inter-governmental and intra-governmental relations, and crises within the PRP and GNPP (Ikelegbe, 1995).

Shagari was however, re-elected in 1983 amidst political violence and accusations of fraud. Eroded political legitimacy coincided with economic crises and proved too much for the Second Republic to withstand (Kaiser, 2005). Thus similar to the attempt in the First Republic to establish democratic order, the Second Republic became a mere interlude between a succession of military leaders with limited interest in promoting democracy in the country.

The Second Republic was abruptly terminated by a Military coup on December 31, 1983 and the 1979 Constitution was suspended. The National Assembly was abrogated and the military exercised legislative powers by way of promulgating Military Decrees (Mackintosh, 1966). The precarious situation of the legislative body in Nigeria was worsened by military incursion in to the political arena of Nigeria's political development (Okoosi-Simbine, 2010). The Military regime created an authoritarian order and arrogated to itself the supreme power of the Nigerian state.

Through a carefully controlled and manipulated plan for the return to civilian rule by the Armed Forces Ruling Council (AFRC) under Babangida administration, a new Constitution was promulgated in 1989 for the Third Republic through Decree Number 12 of 1989 (Aghalino, 2006). It is pertinent to note that the Constitution did not

fundamentally depart from the 1979 Constitution except for certain provisions such as the establishment of Two-Party System, creation of traditional councils and conferring on state government, the power to create local government areas among others (Akinboye and Anifowose, 2008). The imposed transition programme resulted in the election of 91 Senators to the National Assembly in December 1992, with each of the then 30 states producing three Senators, and the Federal Capital Territory producing a seat. The Federal House of Representatives, however, had membership strength of 593; the seats were filled on the basis of one Representative per each of the 593 Local governments existing then in the country. Elections for the National Assembly were held in 1992 (Kaiser, 2005). Unfortunately however, the constitution was merely promulgated but did not wholly come into operation due to lack of full democratic governance in the country. It was only at the state level that it was practiced for two years (Mbah, 2001). The national and State legislatures only existed but were powerless as the military held on to power (Akinboye and Anifowose, 2008). The Presidential election that held in June 12, 1993, which would have ushered in properly constituted democratic governance in the country, was annulled by the military junta.

The mounted pressure from both within and without, impelled Babangida to resign after handing over to an Interim National Government (ING) under the leadership of Chief Ernest Shonekan on August 26, 1993. Amidst public outcry against the illegitimacy of the ING, the military moved swiftly and toppled the government. It abolished the constitution and governed the country by decrees having disbanded the legislative bodies and proscribed elections until when the country returned to a presidential democracy in 1999 (Omoruyi, 2002; Egwu, 2005). The executive and the legislative institutions under this new dispensation known as the Fourth Republic are examined in the next section.

#### **4.2.4. Legislative and Executive Institutions in Nigeria's Fourth Republic**

The 1999 Constitution of the Federal Republic of Nigeria established the legal framework for the democratic government of the Fourth Republic. The document is based on the 1979 presidential constitution with some amendments and came into force with effect

from 29 May, 1999, the date of the military handover to a democratically elected civilian regime. The constitution subdivided the federation into 36 states and a Federal Capital Territory (Abuja) and a total of 774 local government areas (Constitution of the Federal Republic of Nigeria (CFRN), 1999). The document was based on the 1979 Constitution with some amendments. The great trust that Nigerian political leaders place on Presidential form of governance as the best for the country underpinned its retention in the 1999 Constitution, despite the acrimonious politics of the second republic (Aiyede, 2005). Thus the 1999 Constitution established a presidential system in which the President has strong powers to function as both head of state and government independent of the legislature (Akinboye and Anifowose, 2008).

The constitution preserves the tripartite system at all the levels of government: The executive, the legislature and the judiciary (Awotokun, 2005). Chapter 1, Part 11 (4, 5 and 6) of the constitution provides for the powers of the executive, legislature and the judiciary at all levels of government.

According to Section 5 of the constitution, the executive powers of the Federation is vested in the President and may subject as aforesaid and to the provisions of any law made by the National Assembly, be exercised by him directly or through the Vice-President and Ministers of the Federal Government or officers in the public service of the federation; and shall extend to execution and maintenance of the constitution, all laws made by the National Assembly and to all matters with respect to which the National Assembly has power to make laws. Subsection 2 also in the same manner conferred executive power in any State of the federation on the Governor of the state who may exercise such power directly or through the Deputy Governor and Commissioners of the State Government or officers in the public service of the State.

Under the constitution, candidates for election as the President of the federation or governor of a state, must belong to and be sponsored by a political party. The officeholder is directly elected for a term of four years and may serve no more than two terms in office (section 137(1)). The appointment of Ministers is made by the President

following confirmation by the Senate. The composition of the Federal Government must reflect the federal character of Nigeria and the need to promote national loyalty thereby ensuring “that there shall be no predominance of persons from a few States or from a few ethnic or other sectional groups in that Government or in any of its agencies” (section 14(3)). To give effect to this provision, the President must appoint at least one Minister from each State (who shall be an indigene of such State) (section 147(3)). The State Executive is headed by a directly elected Governor and similar provisions to those for the Federal President apply as regards the term of office of a Governor.

The legislative powers of the federation on the other hand are vested by the constitution in the National Assembly – the Senate and the House of Representatives (Section 4 (1)). The Senate is made up of three senators from each of the 36 states and one from the Federal Capital Territory. The House of Representatives on the other hand, consists of 360 constituency members. Subsection 2 empowers the National Assembly to make laws for the peace, order and good government for the Federation. Likewise, Section 6 and 7 vest the legislative powers of each State in the House of Assembly of the State which is empowered to make laws for the peace, order and good government for the State.

The analysis in this section shows that the 1999 Constitution unequivocally states that the functions or powers of law making are vested in the National Assembly and Houses of Assembly of the states for the Federation and states respectively. In order to avoid conflict of jurisdictional power, Section 3, 4 and 6 (a and b) of the constitution clearly demarcate between the areas which can be legislated upon by the National Assembly and the states Houses of Assembly. These are contained in the exclusive and concurrent legislative lists. The National Assembly has exclusive jurisdictional power to legislate on matters included in the exclusive legislative list, to the exclusion of the Houses of Assembly of the states, while both the National Assembly and the Houses of Assembly have legislative powers on those matters contained in the concurrent legislative list. It is apparent from the items on the exclusive legislative list that the federal government enjoys overwhelming power to legislate virtually on every subject. This is clearly an



indication of the federal government dominance at the expense of the states and of course, inimical to the tenet of federalism which the constitution enunciated.

There are some significant restrictions on the operation of the political system. In particular, members of the House of Assembly must belong to and be sponsored by a political party whilst there are rigorous conditions as to the formation, funding and operation of political parties themselves (section 221-226). Sagay (2010) observed that these may well hinder the development of new political players in the country. In addition, the President may address either or both Houses of the National Assembly whilst a Government Minister “shall attend either House of the National Assembly if invited to explain to the House the conduct of his Ministry” (section 67).

The judicial power of government is vested in the courts established for the country (Section 6). The Federal Courts consist of The Supreme Court of Nigeria, a Court of Appeal, High Courts, the Sharia Court of Appeal of the Federal Capital territory and the Customary Court of Appeal of the Federal Capital Territory. The Chief Justice of Nigeria, Justices of the Supreme Court and the President of the Court of Appeal are all appointed by the President on the recommendation of the National Judicial Council and subject to confirmation by the Senate (Ogowewo, 2000).

An important feature of the Constitution is the establishment of a number of federal bodies responsible for overseeing key aspects of public life. These include the National Judicial Council, National Economic Council and the Independent National Electoral Commission (section 153). In an attempt to promote transparency in public life and combat corruption, the Code of Conduct Bureau is tasked with overseeing the operations and conducts of public officials (Fifth Schedule, Part I). This is reinforced by the Code of Conduct Tribunal which has power, amongst other things, to order any person found in breach of the Code of Conduct to vacate their office or parliamentary seat. How effective this effort to bring erring officials to book however, remains a subject of controversy (Ihonvbere, 2000).

The 1999 constitution, like the 1979 and 1989 constitutions of Nigeria, embodies the doctrine of separation of powers rather than fusion of power. Section 4 (2), (3) and (4) of the constitution succinctly spell out the legislative powers while Section 5 on the other hand, concerns with the executive powers of government. The power of the judiciary is contained in section 6. These provisions are similar to sections 4, 5 and 6 of the 1979 Constitution. At the state government level, legislative power is enshrined in section 4 (6) and (7) while executive power of the State is contained in section 5 (2). Based on these provisions therefore, members of the law making body (parliamentarians) at both Federal and State levels and even at the Local government being the third tier of government are not allowed to be members of executive or judiciary and vice versa (Olojede, 2008).

Though separation of powers is a fundamental constitutional principle of the 1999 Constitution, it is imperative to note that the three branches are not completely sealed off from one other. A system of checks and balances exist among them. Sections 58 (1) and 100 (1) reveal that the president or the governor shares the law making power of the legislature by virtue of the constitutional provision for presidential or governor's assent to bills before they become laws. According to sections 58 (5) and 100 (5) however, at the event of presidential or gubernatorial refusal to assent to bills, the respective legislature can override such refusal by 2/3 majority.

While the term of office of the President and the Governors are fixed, Section 143 and 188 of the constitution grant the National Assembly and State Houses of Assembly the power of their impeachment. The impeachment powers aims at curtailing the President and a Governor from misuse of the enormous powers at their disposal or misapplication of the huge resources of the state. More importantly, the impeachment process is expected to be an antidote to the immunity protection granted the president, governors and their deputies under the Constitution. In fact, Section 308 (1) protects the president, governors and their deputies from facing civil or criminal proceedings. It also protects them from being arrested or imprisoned or be compelled to appear before any court proceeding during their periods of office. By the provision of the immunity clause, it is

almost impossible to do anything to an incumbent president, governor or their deputies even if he openly commits an offence. The impeachment power of legislature thus constitutes a check on the executive (Taiwo, 2009).

Again, while the President or the Governor has the power of appointment of member of the executive council, such appointment is subject to the ratification of the legislature (Sections 147 (2) and 192 (2) of 1999 constitution). Furthermore, the prerogative of mercy or grant of pardon of the President and the Governor as contained in section 175 and 211 of the Constitution respectively, is a conferment of judicial power on the executive. This power clearly derogates from the power of the judiciary to impose sentence after a due process of adjudication (Dalhatu, 2008).

The legislative power vested in the legislature under the 1999 Constitution is subject to judicial review as to its constitutionality. Section 4 (8) states that the exercise of legislative powers by the National Assembly or by a House of Assembly shall be subject to the jurisdiction of courts of law and of judicial tribunals established by law, and accordingly, the National Assembly or a House of Assembly shall not enact any law, that ousts or purports to oust the jurisdiction of a court of law or of a judicial tribunal established by law. The judicial review thus equally constitutes a check on the excesses of the legislature (Taiwo, 2009). This system of checks and balances is necessary for maintenance of, and at the same time, needed for co-operation and interdependence among these fundamental institutions. The essence is to promote liberty and as well, harmony that are essential in governance and for efficiency.

Perhaps, of great significance is the party system in the Fourth Republic. The abortive experiment with non-sectional parties during General Babangida's military administration had a lasting impact on political coalitions in Nigeria by breaking up regional and ethnic party structures and channeling political groupings into multi-ethnic entities (Lewis, 2003). While the People's Democratic Party (PDP) continues to dominate, holding majority of seats in the National Assembly in the Fourth Republic, others parties including the All Nigeria People's Party (ANPP) the Alliance for Democracy (AD), the Action Congress of Nigeria (ACN), the Congress for Progressive

Change (CPC), the All Progressives Grand Alliance (APGA), the Labour Party (LP) and the ACCORD Party also constitute large parties. Following the 2011 elections, ten parties were represented in the National Assembly. Within the National Assembly, majority control of the ruling party - PDP grew to more than three-fourths of the Senate and the House of Representatives by 2007 (Omotola, 2009). It however, dropped to about two-thirds after more competitive elections in 2011 (Lewis, 2011). In presidential elections however, the governing party achieved a 62% majority in Olusegun Obasanjo's 2003 re-election, and reached an unprecedented 70% in the election of the late Umaru Yar'Adua in 2007. Goodluck Jonathan however secured 59% of the popular vote in the 2011 general elections (Eme and Anyadike, 2011).

#### **4.3. Historical Analysis of Legislature-Executive Relations in the Nigeria's Presidential System**

The presidential form of democratic governance that Nigeria adopted, beginning from the 1979 Constitution, is modeled after that of the United State of America. Under this system of government, the President has strong powers to function both as head of state and as head of government independent of the legislature. A single executive system was chosen in place of the plural executive that was considered as the bane of the First Republic. One of the salient premises on which the system rests is the doctrine of separation of powers and the principle of checks and balances among the three branches of government. It aims at ensuing fair play and avoids tyranny and arbitrary rule because no branch will be able to act free from all and any restraints (Awotokun, 1998; Akinsanya, 2005; Akinboye and Anifowose, 2008).

The relationship between the executive and the legislature in Nigeria since Nigeria opted for presidential form of political governance in 1979 has been characterized by mutual suspicion and distrust, acrimony, intimidation, political rivalry, unnecessary bickering, and sometimes blackmail (Awotokun; 1988; Aiyede, 2005; Ikoronye, 2005; Mbah, 2007). This is however, not unexpected stemming from a degree of competition and opposition from the two organs (the executive and the legislature) such that each would be anxious to guide and assert its autonomy (Awotokun, 1998).

In the 1979 general elections, NPN secured 37% (168 out of the 449) seats in the House of Representatives and 38% (36 out of 98) seats in the Senate. At the state level, NPN secured 36% of the seats in the state assemblies across the federation, and won seven of the 19 state governorships. In the presidential elections, Shehu Shagari of the NPN obtained the 25% mandatory vote in 12 rather than 13 of the 19 states but following a legal debate on this, the Supreme Court upheld his election (Adamu and Ogunsanwo, 1982). These results clearly indicated that NPN the government's party had no majority in the National Assembly, an indication of possible uneasy relations between the executive and the legislature in the Second Republic.

The first major conflict occurred in Kaduna State where the PRP governor had a perennial conflict with the NPN dominated House of Assembly over programmes and orientation. The relations became increasingly uncompromising, as the House perennially rejected Governor Balarebe Musa's political nominees. This culminated in his impeachment and removal from office by the NPN House in June 1981. The impeachment led to further polarization between the NPN and other parties, and further solidified the progressive opposition to the NPN (Ikelegbe, 1995).

The period between 1979 and 1983, during Nigeria's second republic was marked with unhealthy rivalry and competition for supremacy between the National Assembly and President Shehu Sagari who was often exasperated with the legislature. There were various accusations by both arms of government of the other of going beyond constitutional responsibilities (Dunmoye, 2005).

During this dispensation, the legislative arm of government though tried to exert its omnipotence, was not independent of the executive arm (Nwabueze, 1985). This was sequel to the dominance of the party in power, particularly the President and Governors, who by their position and influence, were in a position to use the power of patronage to subdue members of the legislature. This took the form of award of contracts, appointment to boards and straight forward bribery by cash, land allocation, distributorship of scarce commodities, provision of social amenities, like roads, schools, hospitals, pipe borne water in the members constituencies and so on (Awotokun, 1988).

The legislature is not supposed to be under the whims and caprices of the executive but should be able to stand on its own. It is equally not supposed to be hostile to the executive because the two branches have to work in mutual interdependence and harmony to ensure a stable polity. The interplay between the President and the National Assembly in Nigeria's presidential system under the Second Republic however, revealed continued gridlocks between the branches. The first test of legislature-executive relations at the federal level was the need for the National Assembly to approve the President's ministerial nominees (Awotokun, 1988). The appointment of ministers is the prerogative of the executive. This is however, subject to Senate's confirmation as stipulated by the 1979 Constitution. Due to the uneasy rivalry between the executive and the legislature, the confirmation process by the National Assembly experienced unwarranted delay (Odumu, 2010). Hardly had the issue been resolved than the two branches plunged into another collision as the National Assembly, this time, refused to approve any pay for the Presidential Liaison Officers (PLOS) arguing that those offices were not included in the Constitution (Awotokun, 1998).

Another bone of contention between the legislature and the executive was the issue of the legislators' welfare. Elections to the Senate and House of Representatives were conducted on July 8 and 15, 1979 respectively. The two houses resumed offices on the 9<sup>th</sup> of October, 1979. For almost one year of their resumption however, the legislature was at loggerhead with the executive concerning accommodation, comfort and salaries for its members (legislature) (Adebo, 1988). The law making organ of the country rejected the Badagry luxury and grandeur high-rise apartment and threatened to boycott sittings indefinitely if they were not allocated to the civil-servant high-rise apartment in Victoria Island. In addition, they demanded for better remunerations despite the whopping sum of about N44 million salaries and allowances received by this few men and women of the assembly (Awotokun, 1988).

Another major area of confrontation between the Executive and the Legislature in the Second Republic was the fixing of remuneration for certain public functionaries. Section

78 (1) and Section 139 (2) of the 1979 Constitution provides that the remuneration and allowances of the President, Vice-President, Special Advisers, Auditor-General, Federal judges and members of the Constitutional Commissions are to be prescribed by the National Assembly. The proposed package by the National Assembly on the subject matter was considered to be on the high side by the President. But the National Assembly refused to change its decision on the ground that the President had no power under the Constitution to block its pay proposals (Ojiako, 1981).

Another area of conflict between the Executive and the Legislature during the Second Republic was the attempt by the National Assembly to remove the Vice-President and the State Governors from membership of the National Economic Council (NEC) by a constitutional amendment. The National Assembly argued that this was necessary in order to ensure that only persons with relevant knowledge in economic and financial matters should be members of the NEC. It must be noted that, in spite of the assembly's attempt at rationalize the proposed amendment on the basis of principle, the real motive was not unconnected to the assembly's vindictive plot against the Vice President and state governors for attempting to deprive them (assembly members) of their entitlements, for attempting to destroy their credibility and integrity by exciting against it the anger of the nation and for attempting to subvert and erode its (assembly) power and reduce it to a rubber stamp assembly (Nwabueze, 1985).

The President's refusal to assent to a bill for the establishment of a National Assembly Service Commission to be responsible for the appointment, discipline and removal of staff of the National Assembly resulted to another face-off between the executive and the legislature in the presidential system of Nigeria's Second Republic. The President vetoed the bill on the ground that the power to constitute the commission and discharge its functions fell within the purview of the presidential appointive and executive power by Section 5 (1) of the 1979 Constitution. The President on this note, viewed the request by the National assembly as amounting to usurpation of executive power. The National Assembly on the contrary, saw the veto as executive dictation and breach of the

independence of the National Assembly which is required for its effective functioning (Odumu, 2010).

The Supplementary Appropriation 1979-1980 also generated hostility between the Executive and the Legislature during the Nigeria's Second Republic. The investigation made by the Appropriation Committee of the House had discovered that the President had in fact committed some of the money before seeking legislative backing. This practice was apparently a flagrant disregard of the Constitution by the executive and of course, did not go down well with the National Assembly (Awotokun, 1988). The next issue that generated legislature-executive controversy during this period was the Electoral Bill of October 1981 introduced by the executive which proposed to introduce electronic voting system in the country. While some members of the assembly supported the motion, some others objected to it on the ground that such device was a blatant way of rigging elections in the country (Awotokun, 1988).

The enormous power conceded to the legislature by the 1979 Constitution was expected to be a check on the power of the executive in a presidential system (Awotokun, 1998). The experience with the Second Republic legislature however, revealed a reversal of the expectation. Party patronage was given precedence over expertise and this led to the buying of many bills in Committees (Anyanwu, 1999). The all important function of making laws for the peace, order and good governance of the nation was compromised by the legislature. It could neither perform its oversight roles on the government nor effectively perform its role of citizens' representation. In fact, the ineffectiveness of the legislature was one of the fundamental contributing factors to the collapse of the Nigeria's Second Republic (Omoweh, 2006).

#### **4.4. Legislature-Executive Relations in the Presidential System of Nigeria's Fourth Republic**

The management of legislature-executive relations has been a major disturbing issue in the presidential system of Nigeria's Fourth Republic (Aiyede, 2005). The country has witnessed conflicts between the legislators and the executive at all levels of government



(Ikoronye, 2005). Despite some determined provisions of the constitution aimed at rectifying some of the problems identified with legislature-executive relations in the preceding republics, the Fourth Republic also follow the confrontational and conflictual power relations and the absence of comity and cooperation between the executive and the legislature (Mba, 2007). Thus managing executive-legislature relations has been the single most problematic issue since this new dispensation termed the Fourth republic. The first democratic dispensation of the fourth republic (1999 – 2007) was characterized by gridlocks over major public policy decisions and struggles in a climate of partisanship because of face-off between the executive and the legislature both at the federal and state level of government in the country (Aiyede, 2005).

One of the early issues of discord between these two arms of government was the scrapping by President Obasanjo, of the Petroleum Trust Fund (PTF) established under Decree No. 25 of 1994. This act was viewed by the National Assembly as usurpation of its constitutional responsibility of making and repealing laws. It took the intervention of the Attorney-General and Minister of Justice to lay the matter to rest. The Minister argued that the President's action was not unconstitutional going by the provision of Section 315 (4) (a) and (c) of the 1999 Constitution which provided that the President could modify any existing law. He argued that the modification could be addition, alteration, omission or repeal (Ehwarieme, 2001).

The controversy that surrounded the passing of the Electoral Act of 2001 and the Independent Corrupt Practices Commission (ICPC) Act 2000 by the legislature was also one of the early manifestations of friction between the executive and the legislature in the Fourth Republic. The controversy arose from the insertion of a clause to section 80 of the Electoral Act 2001 which would make it impossible for new political parties to field in candidates in 2003 except for council polls. By that insertion, section 80 (1) of the bill was amended to mean that a newly registered political party would be eligible to participate in federal and state elections provided that the political party shall first participate in the local government election and win at least 10 percent of the councillorship and chairmanship positions throughout the federation, spread among two-

thirds of the states of the federation and the Federal Capital Territory. In the original bill however, clause 80 (1) had submitted that at the close of nominations for the general elections, any political party which fails to sponsor at least 15 percent of the candidates for councillorship, council chairmanship, and state houses of assembly respectively throughout the federation, spread among two-thirds of the states of the federation, and the Federal Capital Territory, shall not participate in the general elections (Ogunmupe, and Phillips, 2002). The incidence resulted to a landmark controversy between the presidency and the National Assembly over the authenticity of the version of the Electoral Act of 2001 (Sanyaolu, 2002 and Dunmoye, 2002).

The role of the legislature and the executive in public finance is one of the major issues of gridlock between the two institutions of government in the Nigeria's Fourth Republic. There have been several areas of conflicts between the legislators and the executive in respect of the budget approval, implementation and evaluation processes (Lewis, 2011). Section 80 of the 1999 Constitution establishes the Consolidated Revenue Fund of the Federation and requires that no money shall be withdrawn from the fund except to meet expenditure charged on it or where the issuance of those moneys has been authorised by the legislature in pursuance of Section 81 of the Constitution. It further states that no moneys shall be withdrawn from any other fund of the Federation except authorised by an act of the legislature and such Act shall also state the manner of such withdrawal. Significantly, Section 81 (1) reserves the power of budget preparation for the executive. This has led to frictions between the executive and legislative arms of government since the advent of civil rule in 1999. The unilateral amendment of the outcomes of the draft budgets by the parliament often caused disagreement between the executive and the legislature which have always resulted to late approval of the budget. The 2002 budget proposal for instance, was attended to by gridlock before it was passed into law five months after its presentation to the National Assembly (Aiyede and Isumonah, 2002). During the 2002 budget exercise, the executive had sent to the National Assembly a Budget of N1.06 trillion, with a provision of N297 billion capital expenditure and N587, 096, 146, 413 recurrent expenditure. The National Assembly however increased the capital allocation from N297 billion to N458, 705, 107, 107 and slashed the recurrent

allocation by 20%. Exasperated by the jumbo-size of the 2002 budget, the President revised the budget estimate which the National Assembly viewed as unilateral decision of the executive. The decision of the President to proceed with the implementation of the revised budget without adherence to the version passed by the National Assembly instigated the National Assembly to commence impeachment process against the President. It however, took the intervention of the ruling party (PDP) to thwart the impeachment bid (Eminue, 2008).

In a similar dimension, the 2003 federal budget was presented in mid-November, 2002 with an expectation that it will be approved by 1st January, 2003. Unfortunately, the draft budget was approved in May, 2003 while it was signed into a law in July, 2003 eight months after it was first presented to the National Assembly. The reason adduced by the legislators was that they needed enough time to study the budget as a result of the importance they attached to the budget. The 2004 budget also followed the same controversial review by the National assembly. While the executive presented to the House, N1.089 trillion, the legislature raised the amount to N1.3trillion (Olojede, 2008). The most difficult problem in public sector budgeting has been the allocation of scarce resources among competing needs. The National Assembly made several attempts to cut down on recurrent expenditure particularly, salaries of civil servants, overhead costs and domestic debt service for the benefit of the capital budget. However, the actual outcomes of expenditure over the years have indicated that there were serious shortfalls for salaries and domestic debt service payments. The perception of the legislators was that higher capital budget directly affects growth and will enhance rapid poverty reduction.

The performance of oversight function by the National Assembly is also an issue that generated conflicts in many occasions to the extent that President Obasanjo had to remark that that the executive will not succumb to threats and intimidation by the National Assembly through the abuse of the oversight function (Eminue, 2008). Even after the conclusion of the second round of general elections in which President Olusegun Obasanjo secured a second mandate to rule from 2003 to 2007, the legislature and executive branch often appeared locked in a permanent political standoff (Aiyede, 2008).

The National Assembly for instance overturned a presidential veto on the Independent Corrupt Practices and Other Related Offences Commission (ICPC) Bill it earlier submitted to the President for assent on May 8, 2003 (Aiyede, 2008).

The change of administration in 2007 opened the way to new legislature-executive relations in Nigeria's Fourth Republic. President Yar' Adua's different leadership style contrasted with Obasanjo's assertive personal control of many aspects of government (Lewis, 2011). The crisis that emanated from the deliberate refusal of President Yar 'Adua to transmit a written declaration to the National Assembly to inform it that it was proceeding on health vacation however, revealed the continued acrimonious relationship between the executive and the legislature in the Fourth Republic of the Nigeria's presidential model of democratic governance (Fasagba, 2010). The power vacuum caused by the health saga was a case of executive and the legislative gridlocks caused by ambiguous provision of the 1999 Constitution. Section 145 of the Constitution provides that whenever the President transmits to the President of the Senate and the Speaker of the House of Representatives, a written declaration that he is proceeding on vacation or unable to discharge the functions of his office, until he transmits to them a written declaration to the contrary, such functions shall be discharged by the Vice President as Acting President (CFRN, 1999). Though the Constitution mandates the President to transmit to the National Assembly his inability to perform the functions of his office and his consequential proceed on vacation, it did not provide for the mode/format by which the President should transmit the written declaration (Sagay, 2010). Worst still, the Constitution did not fix any time limit within which the letter should be transmitted (Oboh, 2010).

For more than 100 days the National Assembly and Judiciary were incapacitated to take action as partisan politician kept exploring the inadequacies of the constitution to perpetrate their selfish ends at the expense of the whole country. There was the danger of an impending military takeover and the overthrow of democracy if something was not urgently done. As aptly argued by Sagay (2010), the vacuum in the constitution led to the

adoption of the “doctrine of necessity” in that what was otherwise not lawful was made lawful by necessity.

Hardly had President Jonathan settled down in Aso-Rock than his administration began to get in conflict with the legislature. One of these conflicts was the legal battle on the validity of the amendment of the 1999 Constitution by the National Assembly without the signature of the President (Nwannekanma and Ogbodo, 2010). The legislature-executive disagreement was on whether or not constitutional amendment required presidential assent in order to become operational (Okorie, 2010). The position of the National Assembly was that the amendment, having passed through public hearings and passed by more than even the two thirds of the state houses of assembly made up of representatives of the people, the assent of President Goodluck Jonathan was not needed (Vanguard, 2010). It is pertinent to note that according to the provisions of Section 9 of the 1999 Constitution, amendment of the Constitution is within the purview of the National Assembly which must be supported by two-thirds majority of its members and approved by not less than two-thirds majority of members of the States House of Assembly in the Federation. Conversely however, Section 58 of the Constitution provides that a bill of the National Assembly shall not become law until it is assented to by the President. By Section 58 (5), it is only when the President exercises his veto power by refuses assent that he shall after 30 days send the bill back to the National Assembly who may use its overriding power and pass the bill to law by the support of two-third majority of the whole members, the President’s assent not longer required (CFRN, 1999).

Another manifestation of legislature-executive rivalry was on the removal of fuel subsidy by President Jonathan, on January 1, 2012 leading to increase in the pump price of PMS (petrol) from N65.00 to N141.00 per litre (Akpan, 2012). Following the nationwide strike and mass protests that greeted the decision, the House of Representatives in an extraordinary session on Sunday, January 8, 2012 passed a motion in the House, demanding that the Federal Government rescinds its decision. Though the Senate did not adopt a formal resolution on the issue, Senators were alleged to have during a closed door session on January 10, 2012 mandated the President of the Senate, Senator David Mark to

convey the position of members that the hike should be rescinded (Agande, Umoru and Shaibu, 2012). The legislators argued that the nation could not bear the full deregulation of the downstream sector of the oil industry at that moment. The President in a swift reaction however, described the House resolution as mere advisory which had no substantial effect. The executive argued that not even in the budget do the powers of the legislature go as far as dictating what should be the content and claimed that the resolution of the House was tantamount to inciting the people of Nigeria against the government (Ajaero, 2012). It is pertinent to note that a resolution is the decision of the legislature expressing its condemnation of certain unpleasant actions of a body on particular issues of State, national or international concern (Omoleye, 2011). Such resolutions however, are persuasive and do not require the agreement of the president and therefore does not have the force of law but only an expression of the sentiments of the legislature (Esebagbon, 2005). In this regard therefore, the decision of the legislature to pass a resolution on an issue that threw the nation into a weeklong chaos need not to have warranted such resentful reaction from the executive since the former was merely performing its role of expressing the will of the Nigerian people over the fuel price hike.

The threats of impeachment of President Goodluck Jonathan by the National Assembly over poor implementation of the 2012 budget and non-implementation of some resolutions of the assembly particularly the recommendations on the Bureau for Public Enterprises (BPE) and the recall of the suspended Director-General of the Securities and Exchange Commission, Ms Aruma Oteh, contrary to the decision of the Lower House constitute another instance of legislature-executive face-off under the present administration (Okocha, 2012). The nation's legislative assembly argued that the President was negligent in his primary duty in that the budget particularly, the capital expenditure, as reported by the MDAs, was abysmally implemented. The legislature asserted that a proper implementation of the budget would have addressed the nation's poor infrastructure. The legislature hinged its impeachment warning on section 143 of the 1999 constitution threatened to impeach him if the 2012 budget was not fully implemented by September 8, 2012 (Ameh, 2012). The executive however, contended that the serial impeachment threat against it by the legislature was not in the interest of

democracy in Nigeria (Okocha and Ogbodo, 2012). While the National Assembly hinged their impeachment threat on non-implementation of the 2012 budget however, the real bone of contention between it and the executive was failure of the President to execute all the constituency projects of lawmakers built into the 2012 Appropriation Act (Ameh, 2012). Their grouse followed a breakdown of the projects in the budget, which allegedly indicated that some ministers had more projects than members of the National Assembly in their constituencies. Funding for projects was also discovered to have been skewed in favour of the projects initiated by the appointees of government, as against those put in the budget by the elected representatives of the people (Okocha, 2012). The impeachment threat therefore was a reminder to the President of the legislature's constitutional power, should the President continued to ignore their entreaties (Ameh, 2012).

The persistent cat and mouse relationship between the House and the Presidency during this dispensation is however worrisome. The National Assembly and, indeed, the House of Representative is dominated by the PDP, the government party. One would have expected that this majority government, in which the President's party has overwhelming majority in the National Assembly, should have been a source of strength and not constant legislature-executive bickering. Conversely however, as averred by Bassey (2006), the cancer of prebendal politics and culture of settlement, mediocrity and opportunism continue to dictate political behaviour of these public officers.

#### **4.5. Legislature-Executive Relations at the State Level of Nigeria's Presidential System**

The fact that Nigeria operates a federal constitution means the replication of the separate arms of government at the federal level of government in the state level. Following the federal model therefore, each state's executive and legislature derive their powers from the constitution. The head of the executive branch at the federal level is the President of Nigeria and at the state level is the Governor. The legislative body at the federal level is the National Assembly while at the state level, State House of Assembly. The executive branch at the state level is separate both in function and personnel from the State House of Assembly. However, for the purpose of government, these two institutions of

government are expected to operate in an atmosphere of cordial relationship. In essence, flexibility, understanding and cooperation between the Governor who is the chief executive and the State House of Assembly in the process of governance are mostly desired for effective governance at the state level.

The acrimonious legislature-executive relations in the Nigeria's presidential system is however, not only restricted to the federal level but also a common phenomenon at the state government level (Olojede, 2008). In the Second Republic, Kaduna State was the first to blaze the trail when the state House of Assembly brought the full force of the provisions of the Constitution as regards the impeachment of elected public office holders to bear on former Governor Balarabe Musa on June 23, 1981. The acrimonious legislature-executive relationship in the state was instigated by the fact that the governor's party did not command majority seat in the State legislative assembly (Oyediran, 1980). While the Governor was elected on the platform of Peoples Redemption Party (PRP), the State's legislative assembly was dominated by a rivalry party - the National Party of Nigeria (NPN). This is a case of minority government in which the government's party does not have control of majority of the seats in the legislature. It was expected therefore, that legislature-executive confrontations would be more rigorous given this scenario. At the peak of the confrontations, Governor Balarebe Musa who was legitimately elected by the electorate was impeached by the Kaduna State House of Assembly (Awotokun, 1998).

The experience of Kaduna State however, contrasted the acrimony that greeted legislature-executive relations in the then Bendel State, where the government party - Unity Party of Nigeria also controlled a comfortable majority in the State House of Assembly (Mbah, 2007). The impeachment of the State Governor by the Bendel State House of Assembly is suggestive of the dynamic and complex nature of legislature-executive relations in the Nigeria's presidential system especially at the state level (Oyediran, 1980). In a similar dimension, the Deputy Governor of Kano State was impeached by the State's legislative assembly on the ground of his refusal to perform the duties assigned to him by the Governor. In the then Gongola State however, the impeachment proceeding initiated by the State House of Assembly against the Governor of the State on the account of gross misconduct was



frustrated. In fact, the state assembly had secured the signatory of 43 out of the 61 members of the house to impeach the Governor but the impeachment proceeding was closed following the denial of the allegations by the Governor. A Similar incidence also happened in Rivers State where a motion of impeachment was moved against the state Governor for alleged financial impropriety, nepotism and indiscipline. The motion however, could not secure the support of the majority of its members and was therefore, rebuffed (Akinsanya and Davies, 2002). The Governor of Ondo State was also victim of legislature-executive hostility that resulted in impeachment threat.

When the legislature was permitted to exist under schemes of diarchy during the aborted third republic, confrontations characterized legislature-executive relations in the country (Awotokun, 1998). At the State level, in Osun State, the Governor- Mr. Isiaka Adeleke appointed two commissioners whose candidatures Osun State House of Assembly had earlier rejected on the ground of tax default. When the state assembly questioned the Governor over such unconstitutional act, the Governor simply objected based on Decree 50 of 1991 which shielded the executive from legislative scrutiny (Davies, 1996). In Lagos State also, the State House of Assembly threatened the state Governor – Otedola with impeachment for his contempt on the House by revoking the land allocated to its members. The Governor of Cross River State also faced impeachment threat from the State assembly for daring to ask the basis for fixing N25, 000.00 per annum to each legislator as salary and allowance of a personal assistant (Awotokun, 1998).

The legislature-executive face-offs during the Second Republic were however, slight compared with what happened in the Fourth Republic (Lawan, 2010). The impeachment of Governor - Diepreye Alamesieagha by the Bayelsa State House of Assembly was one of such legislature-executive face-offs at the State level of Nigeria's presidential system in the Fourth Republic. Governor Diepreye Alamesieagha was impeached by the State's legislators on the ground of gross misconduct in the performance of the functions of his office which included corruption, abuse of office and extra-budgetary and fraudulent expenditures (Owei, 2002). His impeachment however, showed abuse of the powers of impeachment by the state legislature. The Governor was impeached by fifteen (15) out of the twenty-four (24) members of the state assembly (Lawan, 2010). This number

obviously, did not constitute the two-third ( $2/3^{\text{rd}}$ ) majority of the House required by section 188 of the 1999 Constitution to initiate impeachment proceeding.

Another case of legislature-executive face-off at the state government level was the acrimony that led to the impeachment of Senator Rasheed Ladoja the Governor of Oyo State on January 12, 2006 (Lawan, 2010). The removal process was also clearly unconstitutional. Less than two-third ( $2/3^{\text{rd}}$ ) of the members of the State House of Assembly (18 out of 32 members) were present at the hotel in the capital city, Ibadan when the House made the resolution adopting the report of the panel of investigation on allegation brought against him (Ogunmade, 2006).

The controversial impeachment of the Anambra state governor - Peter Obi by the State House of Assembly on November 2, 2006 was another instance of legislature-executive conflict at the state level of the federation. The Mike Belonwu-led faction of the Anambra State House of Assembly got the governor impeached. The impeachment proceeding was done outside the assembly complex at the early hour of 5.00am under the cover of darkness (Onah, 2007). At the time of the impeachment, the panel constituted by the state judge – Justice Chuka Okoli to investigate allegations of corruption against the governor was yet to submit its report which was constitutionally required to be adopted by two-third ( $2/3^{\text{rd}}$ ) members of the house before commencing the impeachment proceeding (Lawan, 2010). Mike Belonwu however, got the twenty-one (21) votes of the 30-member to impeach the governor despite that no fewer than thirteen (13) legislators were purportedly to be Obi's loyalist, while one (1) of the legislators was hospitalized in London during the impeachment verdict and two (2) other members of the House denied ever being part of the plot. It was however, alleged that the legislators actions were orchestrated by PDP leadership and Chief Andy Ubah who wanted to be the next governor of the state (Airahuobhor, 2007).

The case of Ekiti State also comes to the fore in the analysis of legislative and executive relations at the state level in Nigeria's Fourth Republic. Governor Peter Ayodele Fayose and his deputy, Mrs. Biodun Olujimi of Ekiti State were impeached on 16<sup>th</sup> October,

2006 by twenty-four (24) out of the twenty (26) members of the State House of Assembly. It was only in this case that the constitutional requirement of at least two-third (2/3<sup>rd</sup>) members of the house to conduct the impeachment proceeding was satisfied (Lawan, 2010). The deliberation by the House on the report of the seven-man panel led by Ebenezer Omotoso submitted to it, found the governor and his deputy guilty of all the financial allegations levelled against them (Ogunmade, 2006). They were accused of embezzling state funds, particularly the Ekiti State Poultry Project handled by Governor Fayose childhood friend and contractor, Gbenga James. Consequently, the speaker, Mr. Friday Aderemi was sworn as acting governor of Ekiti State (Ailemen, 2007).

Another governor who fell victim of legislature-executive squabble was Joshua Dariye the Governor of Plateau State who was impeached in controversial circumstances on November 13, 2006 by 8 out of the 24 members of the State House of Assembly (Olojede, 2008). He was impeached by the State lawmakers after a legislative panel set up to try him for corruption, submitted its findings to the House (Onah, 2007). The lawmakers alleged that he stole the resources of the people of Plateau State and converted same to his own, laundered the money (eight million pounds, i.e, two billion naira) and siphoned it into various accounts in England contrary to Section 15(5) of the Constitution of the Federal Republic of Nigeria (Ngamsa, 2007). The Supreme Court however, ordered his reinstatement on 27 April, 2007 on the ground that one-third (8 out of 24) of the members of the Plateau State House of Assembly did not form a quorum for the purpose of commencing and concluding impeachment process under section 188 of the 199 Constitution of the Federal Republic of Nigeria. Dariye's term of office as Governor of Plateau State however, concluded on 29 May 2007 and so, he could not return to office (Ailemen, 2007). It is pertinent to note that the House of Assembly group that plotted the impeachment action firmly enjoyed the support of the Federal Government (Olojede, 2008).

The impeachment move against Governor Borni Haruna of Adamawa State was however, unsuccessful. While Governor Boni Haruna was out of the country for medical treatment, 17 of the 25 members of the Adamawa State House of Assembly commenced

impeachment process against him for alleged gross misconduct, misappropriation of several billions of naira and involvement in money laundering and inability to perform the functions of his office as demanded by the 1999 Constitution (Airahuobhor, 2007). The House accused the governor of diverting over N50 billion meant for the payment of the state's foreign debts incurred by the defunct Gongola State. This legislative action was also alleged to have been instigated by President Obasanjo. It must be noted that Boni Haruna became the Governor of Adamawa state in April 1999 when Vice-President Atiku Abubakar, the elected governor was elevated to the position of the Vice-President. He was reelected in April 2003 (Airahuobhor, 2007). Boni Haruna tenaciously remained loyal to his political godfather, the vice president – Atiku Abubakar. This constituted an obstacle to President Obasanjo in his war to obliterate the political influence of Vice President Atiku in Adamawa State (Onah, 2007). In March 2006, Boni Haruna spoke against a third term for President Olusegun Obasanjo and repeated his opposition during an April 2006 meeting of 20 state governors. Haruna's action in this manner obviously would have pitched him against the President hence the plot to have him (Haruna) impeached.

It is perhaps pertinent to point out that most of these cases of legislature-executive tussle were orchestrated largely by local godfathers in alliance with the presidency (Olojede, 2008). The PDP-led federal government was complicit in most of these acrimonies. The federal government stage-managed the impeachment of Governor Alamesieagha through the EFCC. The Oyo State lawmakers acted the script of a federal government backed Lamidi Adedibu who felt betrayed by the governor for not making financial returns to him (Lawan, 2010). In fact, the impeachment move was after the lawmakers returned from a series of meetings with the President and leadership of the Peoples Democratic Party (PDP) in Abuja (Ngamsa, 2007).

The experience of the inter-branch relations in Nigeria presidential democratic governance both at the Federal and State level over the years seems to be contrary to the position of Madison (1992) who, while defending the newly proposed American constitution in 1788, noted an underlying principle of competition and rivalry among the

branches, as means of limiting and controlling government. As Nigeria works out representational democracy, conflicts continue to persist between the executive and legislative branches, the major issues of gridlocks being on appropriations and other proposed legislation (Ojo, 2008, Okoosi-Simbine, 2010). Thus more often than not, the executive and the legislature in the Nigeria's presidential democratic governance have been relating with each other as adversaries, not as responsible partners in governing!

#### **4.6. Legislative and Executive Power Relations in Nigeria's Politics**

The power relation between the executive and the legislature remains germane to the analysis of legislature-executive relations in the government and politics of Nigeria. The executive in the presidential system tends to monopolize power and discretionary authority not in Nigeria alone but in presidential regimes across nations of the world (Aiyede, 2006). The singular nature of the office, its power to initiate and enact laws, rules and regulations, and ensure their compliance, its control of administration of the country, and its role as the main provider of public goods and services, including security and defense, and maintenance of law and order; its power to formulate and implement national policies; and control major material and financial resources, mobilize people and provide employment clearly places tremendous powers and discretionary authority at the disposal of the executive (Awotokun, 1998; Baker, 2005). Legislative politics in Nigeria on the other hand, right from the period of colonialism, has been severely underdeveloped. This is due to absence of democracy and the consequential effects of prevailing political authoritarianism that either proscribed outrightly or completely subordinated the legislature to the executive arm of government (Lafenwa, 2009).

The Nigerian Legislature developed as an appendage and necessary extension of the colonial state which brought it to existence not to perform legislative functions as the most important institution of liberal democratic state, but to perform ratificatory functions for the executive directives issued by the Colonial Governor (Awotokun, 1998). Thus legislative institution in Nigerian, from its creation and embryonic stage, was subordinated to the needs and logic of the legislature of the metropolis and as a result was prevented from developing as an autonomous institution with the attributes of legislature

in modern democratic state (Adebo, 1988). The colonial legislature were not designed to perform such enviable role as were characteristic of their precursors in Europe in limiting royal absolutism, but were merely designed to compliment the work of the colonial governments by serving as agencies for articulation of views and ventilation of popular feelings that were not expected to radically change the patterns and policies of the respective colonial governments (Alabi, 2009). This orientation was to have a long lasting effect on the performance of the legislature, not only during but even years after effective renunciation of colonial rule. In 1963 a national daily newspaper was quoted to have referred to the Federal Legislature as an expensive and irrelevant talking shop (Awotokun, 1998). The Report of the Political Bureau of March 1987 revealed that up until 1979, when the Nigerian state returned to a civilian administration thirteen years after military rule, legislatures were the weakest link in the making of public policies in Nigeria (MAMSER, 1987). The authoritarian legacy of colonialism destroyed the power balance of the organs of government (Schraeder, 2000).

The second and aborted third Republics' legislatures did not improve significantly in terms of their performance. This basic institution of democratic governance remained weak and vulnerable to executive manipulation under conditions of enormous concentration of power and resources in the executive presidency (Akinsanya and Davies, 2002; Ibeanu and Egwu, 2007).

The Nigerian legislative institution, though started as a deliberative organ of the colonial government, has however, developed to become a full fledged legislative institution of law making, representation and oversight. Paradoxically, the emerging legislature remained junior partners of the executive in the politics and government of Nigeria after independence. Despite the powers, functions and privileges provided for the legislature in most Nigerian constitutions after independence, this organ of government has not been able to live up to expectation. Public policy making continued to be dominated by the executive, post independent Nigeria.

The challenges of governance faced by Nigeria, decades after independence further reinforced the weaknesses of Nigeria's legislative institutions. These systems either put the legislature in abeyance or subjected it to manipulations and control of the patrimonial executive rulers (Saliu and Muhammad, 2010). With the advent of independence of Nigeria from the colonial master in 1960, the country began to set up new dreams and expectations as instrument of power was being handed to the indigenous people. These dreams were however, soon shattered as government after government began to fall victims to the coup d'état of the military junta. The hope of a democratic rule began to give way to military dictatorship and ushered in what would mark another era in the political history of Nigeria. The new military rulers accused the civilian government of everything from corruption and incompetence to mismanagement of the national economy. Rather than solve the Nigerian contemporary political and socio-economic problems, military coups d'état seemed to drive the country into further turmoil (Eso, 1996). The precarious situation of the legislative body in Nigeria was further worsened by military incursion into Nigeria's politics (Okoosi-Simbine, 2010). For almost three decades under different military regimes, the National Assembly suffered various forms of subjugation and proscription under the government (Mentan, 2009).

Among the first actions of military regime in Nigeria was the dissolution of pre-existing democratic structures, the legislature being the greatest victim of such dissolution (Alabi, 2002). The executive arm of government however, existed and indeed waxed stronger. Each time the legislative institution came under military assault, the legislature is abrogated, and its powers merged with that of the executive military rulers who, through a supreme military governing organ, wielded both the legislative and executive (and a times, judicial) powers (Fasagba and Olujinmi, 2010), and exercised legislative powers by way of promulgating Military Decrees (Mackintosh, 1966). In such a situation, the legislatures could not but be seriously weakened as institution of governance while on the other hand, the executive continued to wax stronger.

When the legislature was permitted to exist under schemes of diarchy during the aborted third republic, the organ of government remained within the stranglehold of the military

rulers who used the legislature to create some sense of legitimacy for their administrations (Awotokun, 1998). Legislative institution in Nigeria during the decades of military administration was therefore denied the advantage of experience which is the cornerstone of the enviable tradition of legislative supremacy and significance in the governance of the advanced democracies (Kaiser, 2005). Because the Nigeria's legislatures were hardly permitted to make mistakes and learn from lessons of the past by the military rulers who seized every opportunity of major disagreements in parliaments to truncate democratic rule, the legislatures got weakened and remained inexperienced compared to other arms of government as soon as a return to democratic rules were permitted. The legislative arm is thus, the least institutionalized compared to the executive arm, following this long history of authoritarianism in Nigeria (Saliu and Muhammad, 2010).

More germane to the discussion here is perhaps, the tremendous influence which the departed military rulers have wielded in molding the succeeding legislatures to remain subservient to executive powers even under democratic rule (Awotokun, 1988). The military transition programmes in Nigeria, including the making of the constitutions, were designed and supervised by the military rulers. Majority of those conscripted to draft such constitutions or give legitimacy to such exercise, through Constituent Assemblies were stage-managed to serve the interest of the ruling class and hence such instruments were molded along the preferred interests of the military rulers. The general pattern has been to designate the legislature as the first arm of the civil government, while legal provisions are used to make it subservient to executive powers (Omoweh, 2006; Lafenwa, 2009). Thus, the constitutions of the Nigeria's post-military era created strong presidency and a weak legislature. Moreover, some quasi-legislative powers are given to the executive which are often used by the latter to subvert the legislative process. The implication of this is that while the legislatures exist as veritable instruments of representative democracy, they are unable to perform their avowed role of serving as effective checks on the executive. Thus even in the new democratic dispensation ushered in on May 29, 1999, the legislature as a basic institution of democratic governance remained weak and vulnerable to executive manipulation under conditions of enormous



concentration of power and resources in the executive presidency (Ibeanu and Egwu, 2007; Olujinmi and Fashagba, 2010).

Several other factors have reinforced to weaken the Nigerian legislature as an institutional check on the executive in Nigeria. One of these factors includes the absence of well established political parties and political process (Benjamin, 2010). In most democracies of the world, the performance of the legislature is to a great extent, determined by the party system in place (Mukherjee, 2003). Paradoxically however, party system in Nigeria is characterized by party instability and fragmentation, lack of clear ideology, cross carpeting, ethnic politics, poor structuring of the relationship between elected legislators and party bosses and godfatherism (Anifowose and Akinbobola, 2005; Omotola, 2009; Omodia, 2010). As a result, political parties in the country have failed to metamorphose into enduring and sustainable democratic institutions (Muhammad, 2008). This instance of course, has rubbed on the workings of the legislators in Nigeria since independence. In many cases, members' loyalties to political parties or leaders far outweigh concerns for the legislature as an institution (Dudley, 1982, Benjamin, 2010).

Another major factor which has weakened the Nigerian legislature is corruption. The Nigerian legislature at all level of government – federal, state and local have been unable to adequately discharge the onerous duty of protecting public funds and other resources due to its corrupt practices in connivance with members of the executive arm. The legislature is seen as the accredited representatives of the people and has the duty of protecting and controlling public treasury (Stapenhurst, Ulrich and Strohal, 2006). While the organ is expected to facilitate accountability through scrutiny of administration, the concern of the Nigerian legislature have been on material and financial benefits it could amass using its office and power (Alabi and Fasagba, 2009).

Closely related to the factor mentioned above is the personal ambition and parochial interest and agenda of legislators. The self serving and pathological conception of politics in Nigeria is such that control of political power is seen as a means of perpetuating selfish

interests (Muhammad, 2008). The legislature and other activity sectors in the country is as a result, saddled with persons who have more consciousness and drive for self service rather than the concern for public service, their constituents and the common good. Consequently, most legislators see their positions as means of promoting selfish and parochial interest rather than national interest (Lafenwa, 2009).

The dysfunctional constituents in Nigeria is another factor that has affected negatively, the effectiveness of Nigeria's legislature. Many individuals and groups in civil society do not understand the workings of the legislature, and are often unskilled in articulating their needs to the organ. Conversely, many legislators do not operate constituency offices and rarely interact with their constituents, thus resulting to serious disengagement between them (legislators) and the people they represent (Okoosi-Simbine, 2010).

The presence of amateur or underdeveloped legislators has also hampered the effectiveness of the legislative institution in Nigeria (Omoweh, 2006). The Nigeria legislature has no space previously to experience the value of law making derived from a representative social order because there was no legislature distinct from the executive in politics and governance during the prolonged dictatorial and authoritarian rule by the military (Oyovbaire, 2007). Indeed, many Nigerians who were elected into the legislative arm in 1999 knew little or nothing about legislation and the legislative process outside of the idea and provisions of the constitution (Olujimi, 2009). Furthermore, the job of a legislator is complex, yet few Nigeria's legislatures provide adequate training opportunities for either new or returning members. Most of them therefore, are often unaware of their authority, how to best organize their time and conduct their business (Alabi, 2010).

The above factors together with the easy vulnerability of electoral systems to various kinds of manipulation, the under-funding of parliament and poor harnessing of the funds available for deepening the foundations of democratic politics account for the poor performance of the National Assembly and state legislatures in the discharge of its

functions in Nigeria (Awotokun, 1998; Akinsanya and Davies, 2002; Akinboye and Anifowose, 2008; Olujinmi and Fasagba, 2010).

Despite these challenges, however, legislative politics in the country has undergone significant institutional development. A gradual decline in executive dominance in Nigeria seemed discernable. This is triggered by the spontaneous awakening of the civil society organisations and the media's protests against authoritarianism, the abuse of power and corruption and demands for individual freedom, human rights and the right to participate effectively in the development and democratisation processes of the country.

The resultant threats of impeachment of President Obasanjo by the National Assembly, for constitutional violations can be seen as a move by the legislature to assert its independence and oversight on the executive (Lafenwa, 2009). The investigations conducted by the Senate of the National Assembly into the Presidency's handling of the Petroleum Trust Development Fund (PTDF) thereby exposing several corrupt dealings of the Presidency all continue to give a glimmer of hope for the independence of the legislature in Nigeria (Alabi, 2009). The independence of the National Assembly was most evident in its exercise of legislative power to thwart the tenure extension attempt of President Obasanjo (Oyewo, 2007). The threat of impeachment against President Goodluck Jonathan for non-implementation of the 2012 budget, The appalling exposures by the National Assembly of corrupt practices in the energy, oil and financial sector is an indication that the Nigerian legislature has wielded considerable influence in oversight roles and citizens' representation, though not without some scandalous corrupt practices by some members of the body itself.

#### **4.7. Conclusion**

The historical development of the executive and legislative political institutions in Nigeria has been examined in this chapter. It is obvious that the roles of these institutions of governance have always been established to complement each other under the presidential constitutions of Nigeria. The presidential practice in the country since 1979 when the country adopted the system of government, have nonetheless, witnessed

legislature-executive gridlocks, deadlocks and stalemates over important policy issues. The legislative institution of Nigeria is adjudged to have been unable to adequately perform its constitutional roles in the face of executive dominance in the Nigeria's presidential model. Recent performance of the legislature of the Fourth Republic in Nigeria however, gives a glimmer of hope for sustainable democracy in the country as a gradual decline in executive dominance in Nigeria is discernable. Moreover, the 2011 general elections in Nigeria indicated that Nigeria is beginning to accept and use elections as the only legitimate process for assuming power and the foundations of accountability.

## References

- Adamu, Haroun and Ogunsanwo (1982) *Nigeria: The Making of the Presidential System – 1979 General Elections*. Kano: Triumph Publishing Co. Ltd.
- Adebo Ademola (1988) “The Legislature: (A) Overview and Performance”. In Victor Ayeni and Kayode Soremekun (eds) *Nigeria’s Second Republic*. Apapa: Daily Times Publications.pp: 85-96.
- Agande, Ben Henry Umoru and Inalegwu Shaibu (2012) Senators, Reps React to Fuel Price Hike. *Vanguard*. January 21. p.1
- Ailemen, Tony (2007) “Impeachment - When Adamawa Lawmakers Move Against Haruna.” *Daily Champion*. February 7.
- Airahuobhor, Andrew (2007) “Trouble For The Governor”. *NewsWatch*. Sunday, February 11.
- Aiyede, Remi E. (2005) “Executive-Legislature Relations in Nigeria’s Emerging Presidential Democracy.” *UNILAG Journal of Politics*. Vol. 2, No1. pp: 65-87.
- Ajaero, Chris (2012) “Paralysis.” *Newswatch*. Monday, January 23.
- Ajani, Jide (2010) “Constitution Amendment Imbroglio: Presidential Assent: Needed or not Needed?” *Vanguard*. August, 14.
- Akande, Jadesola O. (1982) *The Constitution of the Federal Republic of Nigeria 1979, with Annotations*. London: Sweet and Maxwell.
- Akinboye S. and Anifowose R. (1999) “Nigerian Government and Politics.” In Anifowose R. and Enemuo F. (ed) *Elements of Politics*. Lagos:Sam Iroanusi Publication.pp:238-260.
- Akinsanya, Adeoye A (2005) “The Judiciary and Interpretation of Aspects of the 1979 Nigerian Constitution 1979- 1983.” In Adeoye A. Akinsanya and John A. Ayoade (eds) *Readings in Nigerian Government and Politics*. Ijebu-Ode: Gratia Associates International. pp: 163-189.
- Akinsanya, Adeoye and Davies Arthur Egun (2002) “Legislative-Executive Relations.” In A. A. Akinsanya, et ‘al (eds) *Nigerina Government and Politics, 1979-1983*. Calabar: Wusen Publishers. pp: 150-154.
- Akpan, Mike (2012) “The President’s Misadvisers.” *Newswatch*. Friday, May 25.
- Alabi, Mojeed Olujimi A and Joseph Yinka Fasagba (2009) “The Legislature and Anti-corruption Crusade under the Fourth Republic of Nigeria: Constitutional Imperatives and Practical Realities.” *International Journal of Politics and Good Governance*. Volume 1, No. 1 and2. pp:1 -39.

- Alabi, Mojeed Olujinmi A. (2009) “The legislatures in Africa: A trajectory of weakness”. *African Journal of Political Science and International Relations*. Vol. 3 (5). pp: 233-241.
- Ameh, John (2012) “Reps May Soon Drop Impeachment Threat –Investigation.” *Punch*. August 4.
- Anifowose, Remi and Ayo Akinbobola (2005) “Party Discipline and the Electoral Process in Nigeria’s Fourth Republic (1999-2005): An Analysis of Problems and Prospects”. *Lagos Historical Review*, Vol. 5. pp: 111-130.
- Anyanwu, C. N. D. (1999) *The Law Makers: Federal Republic of Nigeria 1999 – 2003*. Korea: Statcraft.
- Awotokun, Kunle (1988) “Legislative-Executive Relations: Case Studies.” In Ayeni Victor and Kayode Soremekun (eds) *Nigeria’s Second Republic*. Apapa: Daily Trust Publications. pp:85-106
- Awotokun, A. M. (1998) “Legislative, Executive and Judicial Duties in Sustaining Democracy: A Theoretical Discourse in Nigeria”. *Indian Socio-Legal Journal*. Vol. XXIV No. 1 and 2. pp: 53-60.
- Awotokun, Kunle (1998) “The Legislative/Executive Instruments of Nigeria Second Republic and the Electoral Politics”. *Journal of Constitutional and Parliamentary Studies*. Vol. XXXII. Nos. 1 and 2. pp: 85-110.
- Awotokun, Kunle (1998) *Governance and Legislative Control in Nigeria. Lessons from the Second and Third Republics*. Bethesda: International Scholars Publications.
- Awotokun, Kunle (2000) “The Development of Legislative and Executive Relations in Nigeria, 1861-1979.” *Indian Socio-Legal Journal*. Vol. XXVI, Nos. 1 and 2. pp: 93-102.
- Baker, C. and M. J. Balogun (1975) *Ife Essay in Administration*. Ife: University of Ife Press.
- Baker, Samuel H. (2005) “Why Executive Power Centralizes Government”. *Public Finance Review*. Vol 33. pp:747 – 766.
- Bello-Imam, I.B (2004), “The Legislature: Its Role, Performance, Problems and Prospect in Nigeria.” in I. B. Bello-Imam and Mike Obadan (eds) *Democratic Governance and Development Management in Nigeria’s 4th Republic, 1999-2003*. Ibadan: Centre for Local Government and Rural Development Studies. p: 408.

- Benjamin, Solomon Akhere (2010) National Assembly: The Limit of Party Politics in Legislative Process. *Nigeria Journal of Legislative Affairs*. Vol. 3. No. 1 and 2. pp: 44-77.
- Davies, Arthur Ebun (1996) "Executive-Legislature Relations and Democratization during the Transition Programme." In A. Gboyega (ed) *Corruption and Democratization in Nigeria*. Lagos: Friedrich Ebert Foundation. pp: 36-46.
- Edosa, E and Azelama, J. (1995) "Institutions of Government." In Ikelegbe, A. O. (eds) *Politics and Government: An Introductory and Comparative Perspective*. Benin City: Uri Publishing Ltd. pp: 35-55
- Ekwarieme, William (2001) *Relationship between the Executive and Legislature in Nigeria's Fourth Republic*.
- Eme, Okechukwu Innocent and Anyadike Nkechi (2011) "Intra and Inter-Party Crises in Nigeria's Fourth Republic: Implications for the Sustainability and Consolidation of Democracy in Post Third Term Nigeria". *Journal of Social Science and Public Policy*. Vol. 3. pp: 38-52.
- Ikoronye, Innocent (2005) "Legislative Executive Relationship and Powers Functions of the Legislature in Local Government Administration". *Journal of Nigerian Government and Politics*. Vol. 1. No1. pp: 123-131.
- Juergensmeyer, Julian Conrad (1964) "African Presidentialism: A Comparison of the "Executive" under the Constitutions of the Federation of Nigeria, the Federal Republics of the Congo and Cameroon, and the Republics of Ghana, Chad, Congo and the Entente." *Journal of African Law*, Vol. 8, No. 3. pp. 157-177.
- Kim, Young Hun and Donna Bahry (2008) "Interrupted Presidencies in Third Wave Democracies." *The Journal of Politics*. Vol. 70, No. 3, July 2008, Pp. 807–822.
- Lafenwa, Stephen A. (2009) "The Legislature and the Challenges of Democratic Governance in Africa: The Nigerian Case." *A seminar paper delivered at a conference on Governance and Development on Democratization in Africa: Retrospective and Future, Prospects*, held on December 4-5, at University of Leeds, United Kingdom.
- Lawan, Mamman (2010) Abuse of Powers of Impeachment in Nigeria." *Journal of Modern African Studies*. Vol. 48. No.2. pp: 311-338.
- Lewis, Peter (2003) "Nigeria: Elections in a Fragile Regime." *Journal of Democracy*, Vol. 14, No. 3. pp. 131-144.
- Lewis, Peter M. (2011) *Nigeria Country Report*. Cape Town: University of Cape Town Centre for Social Science Report.

- MAMSER (1987) *Report of the Political Bureau (March 1987)*. Abuja: Directorate for Social Mobilisation (MAMSER).
- Mentan, Tatah (2009) "Cameroon: Gambling with Democracy." *CODESRIA Bulletin*, No. 1 and 2. p. 23.
- Mohammadu, Turi and Mohammadu, Haruna (1989) "The Making of the 1979 Constitution." In Peter Ekeh, Patrick Dele-Cole, Gabriel O. Olusanya (eds) *Nigeria Since Independence. The First 25 Years Volume V (Politics and Constitution)*. Ibadan: Heinemann Educational Books (Nigeria) Limited
- Muhammad, Abdulrasheed A (2008) "Intra Party Relations and Conflict in Nigeria." *Pakistan Journal of Social Sciences*. Vol. 5. No.1 pp: 42-50.
- Mukherjee, Bumba (2003) "Political Parties and the Size of Government in Multiparty Legislatures: Examining Cross-Country and Panel Data Evidence." *Comparative Political Studies*. Vol. 36 No. 6, pp: 699-728.
- Ngamsa, John (2007) "Boni Haruna's Impeachment - The Plot, the Intrigues." *Dailytrust*. March 6.
- Ogunmade, Philip (2006) "Impeachment as Political Weapon." *Thisday*. November 13.
- Ogunmupe, Bayo and Anza Phillips (2002) "Death of Electoral Act." *Newswatch*. Vol. 35. No 2, January 14.
- Ojiako, J. O (1981) *The Nigeria Year Book*. Lagos: Daily Times Limited.
- Ojo, J. D. (1998) "The Executive under the Nigerian Presidential System, 1960 – 1995". In Amuwo, K, Agbaje, A Suberu, R. and Herault, G. (eds) *Federalism and Political Restructuring in Nigeria*. Ibadan: Spectrum Books Ltd. pp: 299- 315.
- Okechukwu Ibeanu and Samuel Egwu, (2007) *Popular Perceptions of Democracy and Political Governance in Nigeria*. Abuja: Centre for Democracy and Development.
- Okocha, Chuks and Dele Ogbodo (2012) "Presidency Cautions against Impeachment Threats." *Thisday*. Sep. 24.
- Okocha, Chucks (2012) "Impeachment Threat: President Jonathan Ready to Work with House." *Thisday*, July 22.
- Okoosi-Simbine, A. T. (2010) "Understanding the Role of the Legislature in the Fourth Republic: The Case of Oyo State House of Assembly". *Nigeria Journal of Legislative Affairs*. Vol. 3. Numbers 1 and 2. pp: 1-27.



- Okorie, Uche (2010) "Constitution Amendment: Presidential Right of Assent vs. Legislative Obduracy." *Nigerian Tribune*. Monday, September, 13.
- Omodia, S. M. (2010) "Political Parties and Party Politics in the Nigerian Fourth Republic". *Trakia Journal of Sciences*, Vol. 8, No. 3, pp: 65-69.
- Omotola, Shola J. (2009) "Nigerian Parties and Political Ideology." *Journal of Alternative Perspectives in the Social Sciences*. Vol 1. No 3. pp: 612-634.
- Omotola, Shola J. (2010) "Political Parties and the Quest for Political Stability in Nigeria." *Taiwan Journal of Democracy*. Vol. 6, No. 2. pp: 125-145.
- Omoweh, D. A. (2006) *The Parliament and the Crisis of Democratization in Nigeria*. Dakar, Senegal: CODESRIA Democratic Institute.
- Onah, Matthew (2007) "Tension in Adamawa over Plot to Impeach Haruna." *Thisday*, 4 February.
- Owei, David (2002) "Impeachment Charges Levied Against the Governor of Bayelsa State". *The Guardian Newspaper*. Friday, March 15.
- Oyediran, Oyeleye (1980) *Nigerian Legislative House; Which Way (ed)*. Ibadan: Ibadan Consultancy Unit.
- Oyediran, Oyeleye (1981) "Civilian Rule for How Long?" In Oyeleye Oyediran (ed) *Nigerian Government and Politics under Military Rule (1966 – 79)*. London: The Macmillan Press Ltd. pp: 276 – 287.
- Oyewo, Oyelowo (2007) "Constitutionalism and the Oversight Functions of the Legislature in Nigeria." *Draft paper presented at African Network of Constitutional Law Conference on Fostering Constitutionalism in Africa*. Nairobi, Kenya April, 18-21.
- Oyovbaire, Sam Ejite (2007) "The Crisis of Governance in Nigeria". *A Convocation Lecture Delivered on the Occasion of the 23<sup>rd</sup> Convocation Ceremony of the University of Port Harcourt Port Harcourt*. Port Harcourt, Rivers State, Nigeria. Thursday 15 March.
- USAID (2006) *Democracy and Governance Assessment of Nigeria*. Burlington, Vermont: ARD, Inc.

# CHAPTER FIVE

## METHODS OF THE STUDY

### 5.1. Introduction

This chapter presents the methodology adopted for the research and the analysis of the data gathered in the course of the research. It dwells on the mix of methodology deemed appropriate for the research study including the research design, the sources of data, sample and sampling technique, instrument for data collection, procedure for data gathering and method of data analysis. The chapter also dwells on the presentation and analysis of the data gathered in the course of the study. This also includes discussion of research findings and juxtaposition of the research findings with the research propositions.

### 5.2. Research Design

The quality of research findings are usually measured against the quality of the methodology adopted (Kerlinger, 1973; Ojo, 2003; Aworh *et.al.*, 2006). The research typology adopted for this study is the survey design using well structured in-depth interviews and questionnaires. Survey research design can be used to collect large and standardized data from the field- specified population (Ojo, 2003, Fawole *et. al.*, 2006). Quantitative and qualitative data were generated through field survey research design. Qualitative method is predicated on the fact that the principle of power dispersion between the executive and the legislature and the characterizing relationship require a conscious approach that is best captured by the descriptive and analytical methods. As noted by Osuala (1982), qualitative method enables proper appraisal of process that enables critical evaluations of information gathered from secondary sources. Quantitative research, on the other hand, involved the systematic empirical investigation of the quantitative properties and phenomena and their relationships using survey design in data collection and statistical techniques in data analysis (Morgan and Smircich, 1980; Miles and Huberman, 1994; Creswell, 2003; Andrade, 2009). The combination of qualitative

and quantitative research methods in this study is substantiated by Fawole *et.al*, (2006) who aver that qualitative and quantitative researches are often complementary, and both may feature in a research design.

The study is descriptive in nature. As observed by Benjamin (2010) with descriptive methodology, one is able to examine a given situation and presents its result as it is; it exposes the major elements and characteristics of any phenomenon or attributes. With descriptive research, therefore, people's attitudes, actions, behaviour or opinions towards situations are assessed (Ojo, 2003). Calmorin (1995) averred that this approach is appropriate wherever the objects of any class vary among themselves and one is interested in knowing the extent to which different conditions obtain among these objects. Descriptive research therefore, enables the study to look at the problem by exploring the views of different sets of respondents, as well as by exploring different literatures related to the study.

### **5.3. Sources of Data**

The study engaged both primary and secondary sources of data. The required primary data were collected directly from the sample under study through the use of a well structured questionnaire and in-depth, non-scheduled structured interviews. The secondary data, on the other hand, were gathered from government gazettes, Legislative Hansards, bulletin, magazines, journals, newspapers, articles, relevant textbooks, materials from internet, term papers and archival documents on the subject area.

### **5.4. Population of Study**

The executive and the legislature in Lagos and Ogun States of Nigeria constitute the study population. The executive at the state level is headed by the Governor and is seen as the Chief Executive. The commissioners are appointed by him and are mere advisers to him and so the Governor can rule with or without the advice of his commissioners. The legislature at the state level, on the other hand, is the State House of Assembly. In this regard, the study examines the relationship between the Governor and the State House of Assembly in Lagos and Ogun States.

### **5.5. Sampling Technique**

The method used in selecting respondents for this study is a combination of simple random and purposive sampling techniques. Simple random sampling technique was used to select respondents for the administration of the questionnaire. This sampling technique was complemented with purposive sampling technique to select participants for interview (Bernard, 1995; Marshall, 1996). The choice of the purposive sampling technique in this research is predicated upon the fact that the primary data required for this study can only be provided by political actors that are well informed and possess adequate knowledge of the subject matter of this study. This necessitates a conscious identification of the individuals with such unique characteristics.

### **5.6. Research Instrument for Data Collection**

The survey data on the pattern, causes and consequences of legislature-executive relations in Lagos and Ogun States were gathered using a well structured questionnaire and in-depth interview. The questionnaire contained both closed and open-ended questions and was divided into five sections. Each of the sections addressed a specific segment of the study. The first section of the questionnaire solicited information on the personal background, such as age, sex educational attainment, marital status and political party affiliation of the respondents. The second segment, however, dwelled on the extent to which the legislatures in Lagos and Ogun States were able to maintain viable independent positions in carrying out their constitutional functions in the face of executive's influence in the two States. The third section focused on the nature of legislature-executive relations in Lagos and Ogun States. The fourth section, however, solicited data on the factors responsible for such pattern, while section five dwelled on the implications of such pattern on governance in the two states. The in-depth interview, in like manner, covered the themes of this study as contained in the research objectives.

### **5.7. Data Collection Procedure**

A total number of 300 respondents were selected from Lagos and Ogun States on a ration 1:1 basis for administration of the questionnaire. Respondents were selected from members of the state executive and the State House of Assembly. Respondents were also

selected from the civil service, leaders of political parties, political actors, civil society and media organisations and academia. In addition, some political actors directly or indirectly involved in the political process during the period of study were identified and selected for personal interviews. The interviews were conducted with the aid of a tape recorder. A combination of the questionnaire and interview methods provided a platform for in-depth probing into salient issues that are relevant to the study. Moreover, this method has been used in similar studies (Simbine-Okoosi 2010; and Fasagba 2009). Also, historical analysis from literature also formed part of the background information of this study. The historical account of the research involved investigating, recording and analyzing past events as they relate to inter-branch relations in Nigeria. The weakness of historical research, however, lies in the fact that it is difficult to delimit the problem so that a satisfactory analysis is possible, and faulty past records mean faulty results or findings. Nevertheless, because of its usefulness in research it cannot be ignored (Osunde, 1993).

### **5.8. Validity and Reliability of Survey Instrument**

The need to ensure that a measurement instrument measures accurately what it intended and the procedure produces consistent results overtime is very germane and of course, the concern of every researcher. This is because the accuracy and dependability of research findings hinge on these two fundamental characteristics of a measurement instrument and procedure (Allen, 1979). In order to ensure the validity and reliability of the instrument employed in this research, the choice of methods and variables employed was guided by previous legislative studies (Maestas, Neeley and Richardson, 2003; Fasagba, 2009; Odumu, 2010; Simbine-Okoosi, 2010; Benjamin, 2010; Freedom House, 2010). The variables chosen were also subjected to experts and political scientists with respect to the adequacy of the variables to cover the basic legislative activities and executive-legislature relations. In addition, experts in the field of social sciences were consulted on appropriateness of the instruments and procedure for the study. The instrument was then submitted to both supervisors for review and final approval.

The Cronbach's Alpha was used to measure the internal consistency of the instrument. Cronbach's Alpha is commonly used to determine the reliability of the scale when a Likert questionnaire is used for a survey. The range of coefficient varies from zero to one. A research instrument with high reliability would tend towards one, while an instrument with low or no reliability will have a score tending towards zero. The Cronbach Alpha for this instrument is .899. This reliability statistics is shown in the table below.

Cronbach's Alpha	N of Items
.899	47

### **5.9. Method of Data Analysis**

The primary and secondary data obtained were analyzed and computed based on the research objectives of this study. The primary data were analysed using measures of central tendency and simple percentage statistical techniques with the aid of the Statistical Package for Social Sciences software (SPSS version 17.0). Measures of central tendency and simple percentage are considered appropriate as quantitative tools for analysis in this study. The combination of these two statistical techniques is predicated on their ability to demonstrate with statistical accuracy, the extent to which the legislature vis-à-vis the executive are involved in policy decisions and governance (Creswell, 2003; Fasagba, 2009; Simbine-Okosi, 2010). The qualitative data obtained from the interview were analysed using content analysis.

### **5.10. Presentation and Analysis of Data**

This section dwells on presentation and analysis of the data obtained in the course of this study. Statistical analyses include frequency distribution, simple percentages and measures of central tendency. A total of 300 copies of the questionnaire were self-administered on 300 respondents (150 respondents in each of Lagos and Ogun States) out of which 246 copies of the questionnaire (125 in Lagos State and 121 in Ogun State) were duly recovered for analysis. In the ensuing data presentation and analysis, the word

“undecided” stands for respondents that were indifferent to some of the questions. Short descriptive analyses of the tables are also presented for clarity purpose. The return rate is indicated in the table below

State	Copies of Questionnaire administered	Copies of Questionnaire Retrieved	%
Lagos	150	125	83.3
Ogun	150	121	80.7
Total	300	276	92

Source: Field Report, 2012

### 5.10.1. Socio-Demographic Characteristics of Respondents

This section presents the frequency distribution by socio-demographic characteristics of the respondents.

**Table 5. 1 Frequency Distribution of Respondents by Gender**

GENDER	Lagos State		Ogun State		Total	Total
	f	%	F	%	F	%
Male	69	55	75	62	144	<b>59</b>
Female	56	45	46	38	102	<b>41</b>
<b>Total</b>	125	100	121	100	246	<b>100</b>

Source: Field Report, 2012

Table 5.1 above is the frequency distribution of respondents according to their gender. The table shows that 144 (59%) out of the 246 respondents in both Lagos and Ogun States are male and 102 (41%) are female. Thus the male constitute the majority of the total respondents in the two states. In Lagos State, 69 (55%) of the 125 respondents are male and 56 (45%), female. In Ogun State however, 75 (62%) of the 121 respondents are male while 46 (38%) are female. This shows more male respondents than female. The disparity in gender is however, higher in Ogun State indicating that there are more male respondents than female in the state.

**Table 5.2: Distribution of Respondents by Age**

AGE	Lagos State		Ogun State		Total	
	f	%	f	%	f	%
<b>18 – 30</b>	8	6	8	7	16	7
<b>31 – 40</b>	48	38	41	34	89	36
<b>41 - 50</b>	53	42	58	48	111	45
<b>51-Above</b>	16	13	14	12	30	12
<b>Total</b>	125	100	121	100	246	100

*Source: Field Report, 2012*

Table 5.2 presented above shows the age distribution of respondents. The table reveals that 16 (i.e., 7%) out of the 246 respondents fall between the age 18 and 30. A total of 89 (48 for Lagos State and 41 for Ogun State) out of the 246 respondents fall between the age 31 and 40. This represents 36% of the respondents. However, the number of respondents between the age of 41 and 50 stands at 58 or 45% (53 in Lagos State and 58 in Ogun State), while 30 i.e. 12% of the respondents (16 in Lagos State and 14 in Ogun State) are 51 years and above. It is clear from the table that more of the respondents were above 31 years of age. This is helpful for this study because it affords the researcher to gather very useful information since individuals in these age groups are experienced and all things being equal, are expected to have a substantial knowledge about the field of study in both states.

**Table 5. 3. Frequency Distribution of Respondents by Marital Status**

MARITAL STATUS	Lagos State		Ogun State		Total	
	f	%	F	%	F	%
<b>Single</b>	14	11	20	17	31	13
<b>Married</b>	96	77	95	79	191	78
<b>Divorced</b>	11	9	3	3	14	6
<b>Widow</b>	4	3.2	3	2.5	7	3
<b>Total</b>	125	100.0	121	100.0	246	100

*Source: Field Report 2012*



Table 5.3 above reveals the percentage distribution of marital status of respondents. 31% (31) of the respondents in both states (14 in Lagos State and 20 in Ogun State) were single while 78% (191) of respondents in both states (96 in Lagos state and 95 in Ogun state) were married. The percentage of respondents who were divorcees in both states was 6% (14 out of which Lagos state is 11 and Ogun state, 3).

**Table 5. 4. Frequency Distribution of Respondents by Academic Qualifications**

EDUCATION	Lagos State		Ogun State		Total	
	F	%	f	%	f	%
<b>Primary</b>	-	-	-	-		-
<b>Secondary</b>	5	4	6	5	11	4
<b>Tertiary</b>	120	96.0	115	95	235	94
<b>Total</b>	125	100.0	121	100	246	100

*Source: Field Reports, 2012*

Table 5.4 is the frequency distribution of the age of respondents. The table shows a high level of literacy among the respondents in both states. 235 representing 94 % of the respondents have education up to tertiary level. The numbers of respondents with maximum secondary school education in the two states are 11 (i.e., 4%). This high level of literacy among the respondents enabled them answer the questions responsibly.

**Table 5.5 Frequency Distribution of Respondents by Place of Work**

PLACE OF WORK	Lagos State		Ogun State		Total	
	F	%	F	%	F	%
<b>State House of Assembly</b>	19	15	15	12	34	14
<b>State Executive</b>	8	6	9	7	17	7
<b>Civil Service</b>	21	17	25	21	46	19
<b>Academic</b>	30	24	28	23	58	24
<b>Party Sec</b>	12	10	10	8	22	9
<b>Media</b>	18	14	16	13	34	14
<b>Civil Society Org.</b>	17	14	18	15	35	14
<b>Total</b>	<b>125</b>	<b>100</b>	<b>121</b>	<b>100</b>	<b>246</b>	<b>100</b>

*Source: Field Reports, 2012*

The distribution of respondents according their places of work is presented in table 5.5. According to the table, the total percentage of respondents who are members of the legislature are 14 (Lagos State House of Assembly is 15% while that of Ogun State is 12%). 7% of the respondents are from the executive (6% in Lagos State Executive and 7% in Ogun State Executive). The total percentage of respondents from the civil service is 19% (17% in Lagos State and 21% in Ogun State) while the percentage of respondents from academic institutions is 24% (24% in Lagos State and 23% in Ogun State). 9% of the respondents are from party secretariats (Lagos State is 10% and Ogun State, 8%). 14% (14% in Lagos State and 13%, Ogun State) of the respondents are from the media institutions. The percentage of respondents from the civil society organisation is also 14% (15% in Lagos State and 14% in Ogun State). It is instructive to note that the distribution of respondents across various institutions in the study area as presented in this analysis enabled the researcher gather comprehensive and balanced information on the subject matter.

**Table 5. 6. Frequency Distribution of Respondents by Religious Affiliation**

Religion	Lagos State		Ogun State		Total	
	F	%	F	%	f	%
Christianity	65	52	68	56	133	54
Islam	54	43	51	42	105	43
Others	6	5	2	2	8	3
<b>Total</b>	125	100	121	100	246	100

*Source: Field Report, 2012*

The religion affiliations of the respondents are presented in the table 5.6 above. The table shows that 54% of the respondents in Lagos State belong to the Christianity faith while 43% is from the Islamic faith. 3% of the respondents either indicated they belong to other religions which were not specified or indicated they are not affiliated to any religion.

**Table 5. 7. Frequency Distribution of Respondents by Party Affiliation**

Party Affiliation	Lagos State		Ogun State		Total	
	f	%	F	%	f	%
<b>PDP</b>	20	16	19	16	39	16
<b>ACN</b>	36	29	25	24	61	25
<b>PPN</b>	0	0	5	4	5	2
<b>CPC</b>	6	9	2	2	8	3
<b>APGA</b>	2	2	0	0	2	1
<b>Others</b>	14	11	14	12	28	11
<b>None</b>	47	38	56	46	103	42
<b>Total</b>	<b>125</b>	<b>100</b>	<b>121</b>	<b>100</b>	<b>246</b>	<b>100</b>

*Source: Field Report, 2012*

Table 5.7 presents the frequency distribution of respondents' party affiliations. It shows that 16% of the respondents in each of Lagos and Ogun States are affiliated to People's Democratic Party (PDP). 29% of the respondents in Lagos State indicated affiliation with the Action Congress of Nigeria (ACN) while 24% of the respondents are affiliated to the same party in Ogun State. 4% of the respondents in Ogun State are members of the People's Party of Nigeria (PPN). There is however no respondent in who indicated affiliation to the party (PPN) in Lagos State. The table shows that 9% of the respondents in Lagos indicated membership of the Congress for Progressive Change (CPC) and 2% indicated affiliations with the same party in Ogun State.

**Table 5. 8. Frequency Distribution of Respondents by State**

STATE	FREQUENCY	PERCENTAGE
<b>Lagos</b>	125	51
<b>Ogun</b>	121	49
<b>Total</b>	<b>246</b>	<b>100</b>

*Source: Field Report, 2012*

In table 5.8, the number of respondents from Lagos and Ogun States are presented. From the frequency table, 125 of the respondents (i.e., 51%) are from Lagos State while the remaining 121 respondents (i.e., 49%) are from Ogun State.

### **5.10.2. Independence of the Legislature from Executive's Interference in Lagos and Ogun States.**

This section presents and analyses data on the extent of legislature's independence of executive's interference and control in Lagos State and Ogun States between 1999 and 2011.

The functions of the legislature are done through the legislative process (Okoosi-Simbine, 2010; Anyaegbunan, 2010; Omoleye, 2011). The examination of the extent to which the legislature is independent of executive's interference in its legislative process is therefore, an investigation of the extent to which the legislature is able to perform its constitutional functions without undue interference of the executive. It is at the backdrop of this that this section analyzes the extent to which the legislative processes of the Lagos and Ogun States Houses of Assembly were independent of executive's interference between 1999 and 2011. Esebagbon (2005) and Anyaegbunam (2010) identify these legislative processes to include internal procedures and business of the House, debates and passage of bills, parliamentary finance, investigation process, scrutiny and approval of nominees for political positions, consideration and amendment and approval process of appropriation bills. Table 5.9 below presents the frequency distribution of respondents' positions on the extent to which the legislative assemblies in Lagos and Ogun States were independent of executive's influence in their various constitutional legislative processes between 1999 and 2011.

**Table 5.9. Frequency Distribution of Respondents on Executive’s interference in the Legislative Process of Lagos and Ogun States House of Assembly.**

Legislative Processes	Strongly agree		Agree		Undecided		Disagree		Strongly disagree	
	F	%	F	%	F	%	F	%	F	%
<b>Lagos State</b>										
Adoption of rules of Procedure	15	12	14	11	16	13	70	56	10	8
Parliamentary finance	14	11	10	8	60	48	21	17	14	11
Motions and Resolutions of the House	17	14	16	13	11	9	28	23	54	45
Elections and removal of Principal Officers of the House	16	12	13	11	16	13	70	56	10	8
Debate and passage of bills	4	3	9	7	12	10	81	65	19	15
Investigation process	4	3	14	11	5	4	85	68	17	14
Scrutiny and approval of nominees for political positions in the State	11	9	15	12	13	11	70	56	16	13
Approval of appropriation bills	15	12	14	11	16	13	70	56	10	8
<b>Ogun State</b>										
Adoption of rules of Procedure	17	14	16	13	6	5	28	23	54	45
Parliamentary finance	9	7	23	19	11	9	68	56	10	8
Motions and Resolutions of the House	9	7	21	17	12	10	67	55	12	10
Elections and removal of Principal Officers of the House	9	7	23	19	11	9	68	56	10	8
Debate and passage of bills	7	6	21	17	3	3	30	25	60	50
Investigation process	2	2	13	11	8	7	40	33	58	50
Scrutiny and approval of nominees for political positions in the State	12	10	18	15	8	7	78	65	5	4
Approval of appropriation bills	22	18	23	19	8	7	19	16	49	40

*Source: Field Reports, 2012*

The table above presents the percentage response of the respondents on whether or not the legislative processes of adopting rules of procedure by the Lagos and Ogun States House of Assembly were independent of executive’s interference between 1999 and 2011. The table shows that a total 23% (12% strongly agree and 11% agree) of the respondents in Lagos State agreed that the legislative processes of the State House of Assembly were independent of executive’s interference between 1999 and 2011. 13% of the respondents was indifferent while 64 % (56% disagree and 8% strongly disagree) did not agree that this process was independent of executive’ interference in the State. Similarly, in Ogun State, 33% (14% strongly agree and 13% agree) of the respondents agreed that the legislative processes of adopting rules of procedure by Ogun Satate House of Assembly between 1999 and 2011 were independent of executive’s interference. 5%

of the respondents were undecided while a total of 68% of the respondents disagreed. This analysis shows that majority of the respondents in both Lagos and Ogun States did not agree that the legislative processes of adopting rules of procedure by the House of Assembly in the two states were independent of executive's interference between 1999 and 2011.

In respect of the parliamentary finance, the table indicates that 11% strongly agreed that funding of Lagos State House of Assembly was independent of executive's manipulation between 1999 and 2011 while 8% merely agreed. 48% were however, indifferent. 17% of the respondent disagreed and 11% strongly disagreed. Similarly, in Ogun State, 7% of the respondents strongly agreed that the parliamentary finance of Ogun State House of was independent of executive's interference, while 19% merely agreed. 9% was undecided while 56% disagreed and 8% strongly disagreed. This analysis shows majority of our respondents in Lagos and Ogun States did not agree that funding of the legislative assemblies in the two states were independent of executive's manipulation between 1999 and 2011.

With respect to the motions and resolutions of the House Assembly in Lagos and Ogun States, 27%, of the respondents in Lagos believed that the processes were independent of executive's interference. 10% were undecided while 68% believed that the processes were not free from executive's interference between 1999 and 2011. Similarly, in Ogun State, 24% of the respondents believed that motions and resolutions of the State House of Assembly were free from executive's interference, 9% were undecided while 65% disagreed that the State House of Assembly was independent of executive's influence in its motions and resolutions. The analysis thus indicates that majority of the respondents in the two states affirmed that the executive did influence the motions and resolutions of the House of Assembly in the two states.

The table also shows the percentage response of the respondents on executive's interference in the legislative processes of electing and removing Principal Officers of the Lagos and Ogun States House of Assembly. The table shows that 12% of the

respondents strongly agreed that these legislative processes in the Lagos State House of Assembly were independent of executive's interference, 11% simply agreed while 13% undecided. 56% of the respondents however disagreed while 8% strongly disagreed. In Ogun State on the other hand, 7% of the respondents strongly agreed that the legislative processes of electing and removing Principal Officers of Ogun House of Assembly were independent of executive's interference between 1999 and 2011. 19% of the respondent simply agreed while 9% were undecided. 56% however, disagreed and 8% strongly disagreed. It is observed from this analysis that majority of the respondents in both Lagos and Ogun States disagreed that the processes of electing and removing Principal Officers of the legislative assemblies in Lagos and Ogun States were not independent of executive's interference between 1999 and 2011.

In respect of debate and passage of bills by the State House of Assembly in Lagos and Ogun States, Table 5.9 reveals that a large percentage of respondents (80% in Lagos State and 75% in Ogun State) believed that this fundamental function of the legislature was subject to executive's influence in Lagos State as well as in Ogun State. While 13% and 23% of the respondents in Lagos and Ogun States respectively, disagreed with this view, 10% of the respondents in each of the two states were undecided.

The percentage response of the respondents on the extent to which the investigative processes of the State House of Assembly in Lagos and Ogun States were independent of the executive's interference is also presented in Table 5.9. In the table, 3% of the respondents in Lagos State strongly agreed that these legislative processes were independent of executive's meddlesomeness in Lagos State while 11% merely agreed with the notion. 4% of the respondents were however undecided. Whereas 68% of the respondents merely disagreed, 14% of the respondents expressed their strong disagreement on the notion. The percentage response of the respondents in Ogun State on the other hand, shows that 2% of the respondents strongly agreed and 11% simply agreed that Ogun State House of Assembly was independent of executive's interference in the performance of its investigative functions between 1999 and 2011. 7% of the respondents were undecided. 33% however expressed their disagreement and 50% strongly

disagreed. From this analysis, it can be seen that majority of the respondents in Lagos and Ogun States were of the view that the legislative assemblies in Lagos and Ogun States were not independent of executive's influence while performing their investigative functions between 1999 and 2011.

The table also presents the percentage response of the respondents on the independence of the Lagos and Ogun States Houses of Assembly from executive's interference in their process of scrutinizing and approving the Governor's nominees for political positions. From the table, 9% of the respondents in Lagos State strongly agreed, 12% simply agreed, 11% was indifferent, 56% strongly disagreed and 13% merely disagreed that Lagos States House of Assembly was independent of executive's interference in its processes of scrutinizing and approving Governor's nominees for political positions in the state. Conversely, in Ogun State, 10% of the respondents strongly agreed that the processes of scrutinizing and approving Governor's nominees for political positions between 1999 and 2011 were independent of executive's interference, while 15% merely agreed. 7% of the respondents was indifferent. 65% disagreed and 4% expressed strong disagreement. This analysis shows that majority of the respondents both in Lagos and Ogun States were of the view that the legislative processes of scrutinising and approving Governors' nominees for political positions in the State were not independent of executive's interference between 1999 and 2011.

The percentage response of the respondents on the independence of Lagos and Ogun States Houses of Assembly in their legislative processes of approving appropriation bills of the states between 1999 and 2011 are also presented in Table 5.9. The table shows that 12% of the respondents strongly agreed, 11% simply agreed, 13% indifference while 56% agreed and 8% strongly disagreed that Lagos State House of Assembly was independent of executive's interference in the processes of approving appropriation bills between 1999 and 2011. In the same vein, for Ogun State, the table indicates that 18% of the respondents strongly agreed, 19% merely agreed, 7% were undecided while 16% disagreed and 40% strongly disagreed that the processes of approving appropriation bills by the Ogun State House of Assembly between 1999 and 2011 were independent of



executive's interference. By this analysis, it is clear that majority of the respondents in both Lagos and Ogun States viewed that the approval processes of appropriation bills by the states House of Assembly were not independent of executive's interference between 1999 and 2011. Table I. below is the descriptive statistical analysis of the respondents on the extent of executive's interference in the legislative process of Lagos and Ogun States House of Assembly.

**Table 5.10: Descriptive Statistics of Executive's Interference in the Legislative Process of Lagos and Ogun States House of Assembly.**

Lagos State	N	Sum	Mean
	Statistic	Statistic	Statistic
Adoption of rules of Procedure	125	376.00	3.0080
Parliamentary finance	125	465.00	3.7200
Motions and Resolutions of the House	125	468.00	3.7440
Election and removal of Principal Officers of the House	125	481.00	3.8480
Debate and passage of bills	125	472.00	3.7760
Investigation process	125	375.00	3.0000
Scrutiny and approval of nominees for political positions in the State	125	465.00	3.7200
Approval of appropriation bills	125	376.00	3.0080
Ogun State	N	Sum	Mean
	Statistic	Statistic	Statistic
Adoption of rules of Procedure	121	449.00	3.7107
Parliamentary finance	121	410.00	3.3884
Motions and Resolutions of the House	121	411.00	3.3966
Elections and removal of Principal Officers of the House	121	432.00	3.5702
Debate and passage of bills	121	448.00	3.7024
Investigation process	121	317.00	2.6198
Scrutiny and approval of nominees for political positions in the State	121	409.00	3.3802
Approval of appropriation bills	121	331.00	2.7355

*Source: Field Data, 2012*

The result of the statistical test indicated in Table 5.10 above shows the extent to which the legislative assemblies in Lagos and Ogun States were independent of executive's interference in their legislative processes between 1999 and 2011. In respect of the process of adopting rules of procedure, the test shows a mean of 3.0080 for Lagos State House of Assembly. This reveals that this legislative process in the Lagos State House of Assembly was not independent of executive's interference between 1999 and 2011. Similarly in Ogun State, the extent of executive's interference in the adoption of rules of

procedure by the State House of Assembly is indicated by a mean of 3.7107. With this statistical result, it is affirmed that the adoption of rules of procedure by the Ogun State House of Assembly between 1999 and 2011 was not independent of executive's interference.

The table also reveals the test result of the extent of executive's interference in the parliamentary finances of the legislative assemblies in Lagos and Ogun States. For Lagos State, the test indicates a mean of 3.7200 while that of Ogun State reveals 3.3884. These results indicate high executive's interference in the parliamentary finances of the Houses of Assembly in both States. It is instructive to note that the high mean value obtained in both states is as a result of the high percentage of respondents who disagreed that the parliamentary finances of the legislative assemblies were independent of executive meddlesomeness between the periods of study. On the motions and resolutions of the state, the test result shows a mean value of 3.7440 for Lagos State while that of Ogun State is 3.3884. With these high mean values for each of the two states, it is affirmed that motions and resolutions of the legislative houses in Lagos and Ogun States were not independent of executive's influences between 1999 and 2011.

The test result also affirmed that the process of electing and removing principal officers of the legislative assemblies in Lagos and Ogun States were not independent of executive's manipulations. This is indicated by a mean of 3.7440 for Lagos State and 3.8480 for Ogun State as shown in Table 5.10 above. It is worthy of note that the high mean for the two states is a consequence of the very high percentage of respondents who disagreed that the processes of electing and removing principal officers of the legislative assemblies in the two states were independent of executive's interference between 1999 and 2011.

The crucial process of debating and passage of bills by the legislature was found not independent of executive's manipulations in Lagos State House of Assembly and in Ogun State House of Assembly. This is indicated by the statistical mean of 3.7760 for Lagos State and 3.7024 for Ogun State. The high mean value for both states is indicative of high

disapproval by our respondents that debates and passage of bills in the legislative houses of Lagos and Ogun were independent of executive's interference.

The extent to which the legislature in Lagos and Ogun States were able to perform their oversight function independent of executive manipulation was also tested. The result indicated that this important function of the legislature was not independent of executive's interference in Lagos State between 1999 and 2011. Table 5.10 reveals the statistical test result of a mean of 3.0000 for this legislative process. In a similar dimension, the statistical test result for Ogun State shows a mean of 2.6198. It is instructive to note that this mean value for Ogun State, though shows respondents' disagreement with the independence of the State House of Assembly in the performance of its oversight function, the disagreement is however, very weak. Comparatively, therefore, while executive's interference in the investigation process of the legislature in Lagos State was high, such interference was very low in Ogun State.

On the important function of scrutiny and approval of nominees for political positions by the Lagos State House of Assembly, the mean of 3.7200 indicated that the process was not independent of executive's interference. Similarly, Ogun State reveals a mean of 2.9102 indicating respondents' disagreement that the process was independent of executive's interference between 1999 and 2011. The other test was on the approval of appropriation bills by the legislature. While Lagos State revealed a mean of 3.0080, that of Ogun State was 2.7355. We therefore, conclude that this legislative process was not independent of executive's interference in the two states. It is instructive to note that the level of interference in Lagos State was higher than that of Ogun State.

These findings on legislative independence of the State House of Assembly for each of Lagos and Ogun States are discussed in details below.

### **5.10.3. Discussion of Findings on the Independence of the Legislature from Executive's Interference in Lagos and Ogun States.**

The 1999 Constitution of the Federal Republic of Nigeria provides for the separation of the personnel, powers and functions of the executive and the legislature. The separation of powers is understood to be a way of controlling the exercise of state power by fragmenting it among the three different institutions – the executive, the legislature and the judiciary. This separation of powers is the basic principle of the presidential system of government adopted in Nigeria since 1979 and enshrined in sections 4, 5 and 6 of the 1999 Constitution. By the general principle of checks and balances, however, the powers are distinct but not wholly separate. Each of the powers designated a specific sphere of action and there are situations when one power has a partial agency in the operation of another. The whole essence is to provide for balance of power among the organs of government. Accordingly, no one arm of government is superior to the other, neither is any subordinate to the other. Each organ is independent within its own sphere of influence.

As noted by Campbell (2004), however, the principle of separation of powers is abrogated when a power is exercised by a branch of the government which possesses a different power. By the principle of separations of powers, the legislature is independent of the executive in performing its constitutionally specified functions and in conducting its internal affairs. A good legislature accordingly, has to be relatively independent of the executive and participate in policy initiation rather than being a rubber stamp of executive proposals. Furthermore, one of the basic principles of a democratic system is the inherent right of the legislature to regulate its own affairs by determining the pattern and form of procedure to be followed in the conduct of legislative business (Okoosi-Simbine, 2010). Independence of the legislature from executive control is therefore, critical to the performance of the legislature's constitutional functions of citizens' representation through legislations and checking executive excesses, arbitrariness and abuse of governmental power. It is central to democratic governance. It is in the view of this that Section 60 and 101 of the 1999 Constitution of Nigeria provide that the nation's legislative assemblies (National Assembly and State House of Assembly) shall have

powers to regulate its own procedure, including the procedure for summoning and recess of the House. It is therefore, not only a duty but also a right of the legislature to exercise its power independently without executive meddlesomeness. The extent to which this occurred in Lagos and Ogun State is discussed below.

#### **5.10.3.1. Internal Procedure and Business of the House**

The hallmark of legislative independence is its ability to adopt its rule of procedure and regulate its own business. This is the spirit behind the provision of Section 60 and 101 of the 1999 Constitution of Nigeria. The internal procedure and business of the legislative assemblies in Lagos and Ogun States were however, not independent of executive's interference between 1999 and 2011.

One of the fundamental internal procedures of the legislature is the nomination, election and removal of Principal Officers of the House. In the State legislature, the Speaker together with the Deputy Speaker and all other elected functionaries are referred to as the Principal Officers (Omoleye, 2011). The Speaker, who is the presiding officer of the House is nominated and elected from among fellow honourable members. According to Section 92 (1) of the 1999 Constitution, there shall be a Speaker and a Deputy Speaker of a House of Assembly who shall be elected by the members of the House from among themselves. The removal process of the Speaker and the Deputy Speaker is also stated in Section 92 (2) of the 1999 Constitution. It states that these key principal officers of the House of Assembly shall vacate their offices if they cease to be members of the House of Assembly, otherwise than by reason of the dissolution of the House, when the House first sits after dissolution of the House; or if he is removed from office by a resolution of the House of Assembly by votes of not less than two-third majority of the members of the House. It is obvious therefore, that the election and removal of the Speaker of the House of Assembly is intended, by the constitution, to be purely the affairs of the legislative house void of executive meddlesomeness.

In Lagos State, the processes of electing and removing principal officers of the Lagos State House of Assembly between 1999 and 2011 were not independent of executive's

interference. This important legislative process, during this period, was remotely manipulated by the executive. One of such executive's interferences was the election of the Speaker of the House at the inception of the Fourth Republic in June, 1999. In fact, investigation revealed that the Governor at the inauguration of the Lagos State House of Assembly on the 2<sup>nd</sup> of June, 1999 had to monitor the election process of the Speaker in order to ensure that his preferred candidate won the speakership position of the House. Consequently, Dr. Adeleke Olorunnimbe Mamora from Kosofe 1 Constituency emerged as the Speaker of the Assembly and remained in that position for that period until 2003 when he was elected into the Senate on the platform of the Action Congress (AC) and again re-elected into the Senate in 2007 (Akogun, 2010).

Another instance of executive's interference in the legislative processes of electing and removing principal officers of the Lagos State House of Assembly was the impeachment of Mr Jokotola Pelumi as the Speaker of the House on 30<sup>th</sup> December, 2005. Mr Jokotola Pelumi was elected as Speaker of the Fifth Lagos State Legislative Assembly in 2003. It was alleged however, that trouble started brewing for him following agitations by members of the House for a sharing formula relating to the N20 million (155,642 US dollar) withheld council fund paid to the State. It was alleged that the House leadership under Pelumi was on the verge of blackmailing Governor Bola Tinubu with the view to compel him to accede to the demands of the House which also included allocation of plots of land and constituency projects, before the intrigue of his impeachment. In order to forestall the House from doing this, it was alleged that Governor Bola Tinubu had to instigate the state legislators for a change of leadership in the Assembly. Indeed, Governor Bola Tinubu who was a Guest of Honour at Professor Segun Gbadegesin's book launch at the Nigerian Institute of International Affairs (NIIA), during the period of impeachment, monitored the proceedings on the floor of the House with his mobile phone while the event lasted (Ajanaku and Farotimi, 2005, BBC Monitoring International Reports, 2005). Through executive's manipulation of the House members, most of whose elections into the House were sponsored by the Governor, Pelumi's impeachment was endorsed by 33 out of the 40 members of the House.

In a similar dimension, the legislative processes of electing and removing principal officers of the Ogun State House of Assembly were not independent of executive's interference between 1999 and 2011. The emergence of Mrs. Titi Oseni as the Speaker of the Ogun State House of Assembly in 1999 is one of such instances of executive's interference in the election process of principal officers of the State's legislative assembly. Finding revealed that Oseni's victory against Mr. Fasiu Bakenne of Abeokuta South Constituency 1 with 19 to 7 votes was a result of her closeness to the Executive Governor of the state - Otunba Gbenga Daniel (Ogunsakin, 2003). The Governor's support for Oseni's victory hinged on the latter's role as a strong factor in the defunct Daniel Campaign Organisation as well as strong supporter of the Gateway Foundation, a brainchild of the governor. Oseni's husband is from the Ijebu ethnic group. Moreover, Bakenne's alleged closeness to one of the aspirants that lost the gubernatorial seat to Daniel at PDP primaries would have made him (Daniel) support any candidate against Bakenne (Ogunsakin, 2003). Findings revealed that prior to Oseni's election, the PDP leaders from Ogun Central Senatorial Zone, comprising Abeokuta and its environs, had unanimously agreed to support the candidature of Bakenne since the party had zoned the speakership to the area. Moreover the party stalwarts opposed Oseni candidature because her husband is an Ijebu which could tilt her loyalty towards the ethnic group especially going by the fact that the governor also has Ijebu origin. Just out of the blues however, Oseni joined the race and won. It would appear therefore, that the Governor had used his clout against Bakenne in favour of Oseni.

Another case of executive's interference in the legislative processes of electing and removing principal officers of the Ogun State Assembly was the impeachment of Honourable Tunji Egbedokun as the Speaker of the House under a questionable circumstance by a group of 11 lawmakers popularly known as G-11. It is instructive to note that Egbedokun has been the leader of the G-15, the anti-Daniel group in the State Assembly who was resolute on impeaching the governor (Olukoya, 2009). Since his emergence as the Speaker of the State Assembly, the relationship between the House and the Governor has been hostile. The Governor would as a result, had to resort to using every possible means to get rid of him. In his antics he (Governor) was able to propel a

machinery of the minority of the legislators (11 out of 26 members) to unconstitutionally removed Egbedokun as the Speaker of the State Assembly while Mr. Soyemi Coker became the new Speaker.

The impeachment of Alhaji Isa Kawu, the Speaker of Niger State House of Assembly is similar to the analysis above. Kawu's election to replace the impeached Speaker Mohammed Tsowa Gamunu seemed to receive warmth acceptance by his colleagues in the House because of his record of personal reputation and integrity. It was alleged that he (Kawu) had at one time rejected perks, including a car that the executive arm of the state government gave to all the members of the State House of Assembly. The rejection of such largesse would have been seen by the Governor as indicating Kawu's antipathy to his administration. Thus, the emergence of Kawu as the Speaker was not comfortable to the Governor. Consequently, through executive's political intrigues, Kalu was impeached exactly a week after his election, by a vote of no confidence passed by twenty-one votes of the legislature (DailyTrust, 2012).

It is pertinent to note the strategic position that the Speaker of a State House of Assembly occupies to the extent that the control of his election and removal by the executive could invariably place the operations, activities and performance of the Assembly at the whims and caprices of the executive. In such situation, the legislature becomes no better than a stooge in the hands of the executive who through leadership of the House manipulates the former to legitimize his policy directions and exerts his dominance in the polity thereby undermining the principle of separation of powers in presidential democratic governance.

Another factor that is critical to the internal processes and effective functioning of the legislature is parliamentary financial autonomy. According to the legislators interviewed, parliamentary finance is imperative for the legislature to carry out the onerous responsibilities placed upon it by virtue of being the people's representative through law making and oversight on the operations of government. These fundamental roles in a democratic polity inform the need for the legislature to be financially self-directed and not to be tied to the apron strings of the executive. The funding of the three arms of



government, though separately derives directly from the annual appropriation act of the State, the decision to release money to any department of government is ultimately the prerogative of the executive. While the 1999 Constitution grants financial autonomy for the National Assembly, state legislative assemblies in the country do not have such right in the Constitution. Conversely, financial autonomy of the legislature is indispensable for its independence in order for it to effectively carry out its tedious responsibilities. It was on the basis of this that the self-accounting law, which aimed at guaranteeing the financial autonomy of the State House of Assembly, was passed in 2000 (Lagos State House of Assembly (LSHA), 2000, vol.2) and authenticated on the 8<sup>th</sup> of January 2001.

Parliamentary finance is nonetheless, one of the areas in which the Lagos State House of Assembly was not independent of executive meddlesomeness between 1999 and 2011. This period witnessed executive hegemony which deliberately trickle funds to the legislature as a means of controlling the operations of the House in the state. While the self-accounting law was passed in 2000, it was not implemented by the executive (Ajayi, 2010; Akoni and Sessou, 2012). Our interview with Mr. Quadri Wasiu Adesanya, Head, Parliamentary Education Unit, revealed that not until 2009, the Lagos State House of Assembly did not enjoy regular funding from the executive. Some of the legislators interviewed argued that the legislature's financial subjugation under the whims and caprices of the executive greatly handicapped the assembly in carrying out in-depth investigations necessary for its role of legislation and oversight.

In a similar dimension, parliamentary finance is one of the areas in which the Ogun State House of Assembly was not free from executive meddlesomeness. The period between 2003 and 2010 for instance, witnessed executive meddling with the money appropriated for the internal operations of the State House of Assembly. The House passed the House of Assembly Self-Accounting Bill No. 5, into law in 2003 (Ogun State House of Assembly (OGHA), 2003 vol. 1). By this Bill, Ogun State House of Assembly Account is to be established and maintained and the Clerk of the House becomes the accounting officer. Despite that these bills have been assented to by the Governor, he did not implement it thereby starving the Assembly of funds (Ali, 2009).

Our interview with Mr. Femi Ademosun, the Director, Bills, Ogun State House of Assembly, revealed that since the removal of Titi Oseni as the Speaker of the State House of Assembly, the Governor had continued to deliberately starve the state assembly of the required fund for running the institution. The Assembly had no control over its budget and finances which was under the whims and caprices of the Governor who likewise used the instrument to manipulate the assembly. In fact, at a point, the House had to adjourn its plenary sessions indefinitely on the grounds that it could no longer muster enough funds to run the affairs of the House such as purchase of diesel and photocopying papers (Coffie-Gyanfi, 2010). The allegation of starvation funds was however, refuted by the then State Commissioner for Information and Orientation, Mr. Sina Kawonise who argued that it was the state's debt burden that crippled allocations to all the state government institutions and agencies since November, 2009. Our interview with some key political actors in the State however, revealed that the Governor deliberately withheld the State Assembly's allocation in retaliation to the House refusal to grant him the legal backing for obtaining a proposed N40million loan from the capital market.

Fiscal autonomy for the legislature enables it exercise control over its internal operations. The non-release of funds appropriated for the legislature on the other hand, has great consequence for the activities and operations of the assembly. It constitutes great hindrance to its oversight performance. For instance, committees' sites tour, researches, organizing public hearing among others, require fund. Failure to properly fund the legislature would then mean limited investigative ability of the assembly.

It is the crucial position that parliamentary finance holds to legislative independence and effectiveness that informed the sixth National Assembly's attempt at passing the bill for the financial autonomy of states house of assemblies in the country. The bill however, got the support of only 23 States Assemblies against 24 needed for the bill to be passed to law (Bamgboye, 2012). The issue of financial autonomy for the state legislative assemblies constituted one of the major discussions at the Conference of Speakers of State Houses of Assembly held in May/June, 2012 in Lagos State (Okoeki, 2012, Jaiyeola and Durojaiye, 2012). The states lawmakers however, seemed to have recognized the

fundamental place of financial autonomy in legislative independence. This perhaps was the reason for the mass support of the resolution at the Conference. According to the Chairman of the Speakers' Conference, Mohammed Inuwa, it was now a unanimous decision among the state lawmakers that state legislatures must be seen as actually independent of the executive (Jaiyeola and Durojaiye, 2012). As at May, 2012, the bill for an act to alter the provisions of the 1999 Constitution to give financial autonomy to State Assemblies has passed through the second reading in the House of Representatives (Okoeki, 2012; Oluwaseun and Anofi, 2012).

### **5.10.3.2. Debate and Passage of Bills**

Law making is the fundamental responsibility of the legislature in a democratic state (Esebagbon, 2005). According to Section 4 of the 1999 Constitution, the primary function of the legislature is to make law for the peace, order and good governance of the federation. Legislation, therefore, occupies a prime place in modern governance as it provides the necessary legal authority for governmental actions for the peace, order and good governance. The law making responsibility in a state is conferred on the House of Assembly by Section 4 (6) and (7) of the 1999 Constitution of the Federal Republic of Nigeria which state that the legislative power of a State of the Federation shall be vested in the House of Assembly of a State which shall have power to make law for the peace, order and good government of the State.

Legislatures adopt policies and make laws through the process of deliberation and passage of bills. Section 100 (1) of the 1999 Constitution of the Federal Republic of Nigeria states that the power of the House of Assembly to make laws shall be exercised by bills passed by the House of Assembly. A bill may be introduced or initiated by a member of the assembly or a group of members of the House (Private member's bill) or emanates from the executive (executive bill).

The Lagos State House of Assembly, particularly the Fourth and the Fifth Assembly have been weak in fashioning out transparent development strategy for the state through public legislation. For instance, the Fourth Lagos State House of Assembly (1999 to 2003)

passed 30 bills (motions and resolutions inclusive) out of which only four (4) were private member bills. While most of the bills were introduced by the Chief Executive, the State Assembly merely provided the legitimacy required for the Governor to implement them.

Among the four (4) bills initiated by members of the Assembly during this period is the Lagos State (Constituency) Project Development Law, 1999. It is pertinent to note that while Constituency Project could be seen as efforts to decentralize development spending and decision making with the potential of addressing the peculiar development needs of the constituencies, it however, compromises the principle of separation of powers enshrined in the constitution of the country. The constitutional role of the legislature is to make law and not to implement laws or projects. By involving in the execution of projects, legislators would automatically lose their powers of watchdogs in holding the government accountable, a crucial oversight role in making sure that the Government undertakes its obligations as required. As Alabi (2008) observed, by the Constituency Project Law, legislators are turned into instruments for carrying out executive responsibilities through their involvement in projects execution. Moreover, in a country where political actors are laden with corruption and economic exigency, such law appears not to be at the interest of the public but for parochial and selfish gain of the legislators. The second private members bill passed into law by the State Assembly within this period was the Self Accounting Law on the 8<sup>th</sup> January, 2001 (LSHA, 2001, Vol. 1). By this law, the State Assembly would have independent control over its yearly allocations as opposed to the practice of intermittent release of allocations to them by the executive. This law would have strengthened the independence of the legislature in the State. Conversely, the law though assented by the Governor, was not implemented. The other two laws include the Safety of Workers in Construction and Allied Industries in Lagos State Law, 2003 and Lagos State Emergency Relief Agency Functions of the Agency Law, 2003 (LSHA, 2003, Vol. 2).

While it is noted that in most democratic legislatures, the executive branch introduces most of the legislations (NDI, 2000), the impact of the legislature is however, brought to

bear on the legislations through objective debates and amendments and by so doing, the interests of the people who they represent are reflected in those legislations. In Lagos State House of Assembly, particularly the Fourth and the Fifth Assembly (1999-2003 and 2003-2007 respectively) however, while bills introduced by private members were greeted with serious and hot debates leading to amendments either modifications, changing part of such bills or adding new provisions, debates on executive bills were in most cases often, shallow with no substantial legislative influence. For instance, towards the end of 2000, the Assembly approved for the bill for a law to raise N10 billion loan from the capital market and on August 02, 2001, barely six months after, the Governor forwarded another bill for the assembly's approval to raise another N25 billion loan from the capital market which was also approved hookline and sinker (Sanni, 2001).

In the same dimension, the Sixth Lagos State House of Assembly (2007 – 2011), was more of a clearing house for the executive. For instance, the State legislature passed six bills at one of its sittings, all of which were executive bills. The bills included Administration of Criminal Justice (Repeal and Re-enactment) Bill, 2011, Criminal Law of Lagos State Bill, 2011 and Lagos State Audit Bill, 2011, Lagos State Safety Commission Bill, 2011, Lagos State Emergency Management Agency (Amendment) Bill, 2011 and Customary Courts Bill, 2011 (LSHA, 2011, Vol. 2). Thus, the Sixth Lagos State Assembly was more or less a deliberative assembly and a rubber stamp for the executive. Parochial interests and political ambitions often preoccupied members' actions and subjected them to the whims and caprices of their godfather at the expense of the electorates. The period also witnessed politics of godfatherism between the Governor Fashola and his godfather – Tinubu the former governor of Lagos State. The Assembly whose members were largely sponsored by Tinubu could not but get itself immersed in the game thereby derailing from its constitutional role of citizens' representation through legislation.

The ineffectiveness of the Lagos State House of Assembly in the performance of its constituent representational role through legislation is perhaps captured by Governor Babatunde Fashola statement to the State Assembly;

I anticipate that deliberations in the House will translate to better service delivery to our people. Legislative work is a career nurtured to serve the common and public good rather than a desire to prosper individual interest (Nigerian Tribune, 2012).

In this nature of governance where most bills passed by the legislature are executive bills and the legislature could not serve as mature and autonomous point of deliberation in the law making process, the legislature as a matter of fact, could be regarded as a mere extension of the executive domain and the government cannot be deemed democratic.

The Seventh Lagos State Assembly inaugurated on June 4, 2011, however, appeared to have made a clean break from business as usual. Within the first year of its inauguration, the House passed 9 bills and 42 resolutions with 21 motions. Executive dominance though, was evident in these legislations, motions and resolutions of the assembly enabled the legislators to perform representational roles. It is pertinent to note that the legislature influences government policies through motions and resolutions (Usman, 2010), however, motions and resolutions are suggestions and persuasions to the executive and do not have the force of law (NDI, 2000; Omoleye, 2011). While the implementation of the motions and resolutions are subject to the discretion of the executive, they can effectively raise awareness on issues that could influence the executive's actions on those issues. Through sponsoring and passing of motions therefore, the Assembly could deliver to the electorates, the benefit of representative democracy.

Conversely in Ogun State however, the Fourth Ogun State Assembly existed during the administration of Governor Segun Osoba (1999-2003) under one-party hegemony. Alliance for Democracy (AD) controlled both the government and majority of the seats in the State legislative assembly. Legislative process of law-making in the State during this period was dominated by the executive. For instance, 30 bills were passed by the Ogun State Fourth Assembly most of which were sponsored by the executive. During this period however, the Ogun State Assembly, rather than merely existing as a ratifying assembly, executive bills were often subjected to debates both on the floor of the House and when referred to standing committees before such bills were passed. Furthermore, out of the 30 bills passed by the Fourth Ogun State Assembly, 7 of them appeared to be bills initiated in response to the motions and resolutions of the legislature. One of such

bills was the bill for a law to provide for remuneration of certain public/political office holders in the Executive/Legislative arms of the Local Government levels in Ogun State which was assented to on 2/3/2001. The bill was initiated by the executive in response to a resolution of the House following an executive bill assented to on 17/10/2000 to provide for the remuneration of certain public office holders in the Executive Arm in the State and other matters incidental thereto. Incidentally however, the Fourth Ogun State Assembly seemed to lack the legislative capacity, the wherewithal in terms of experience, professional staff, adequacy of facilities and technology to carryout research on bills in order to make meaningful contributions or amemdments (if necessary) before passage. Thus more often, debates on executive bills were not more than legislative routine that would have no substantial impact on those bills. In these circumstances therefore, the Fourth State House of Assembly could only play marginal role in law-making process of the State.

The Fifth Assembly of Ogun State (2003 – 2007) existed under executive subjugation. During this period, the Ogun State House of Assembly, which was 100%, controlled by PDP - the government party, existed as a mere rubber stamp assembly. The Governor often manipulated the internal processes of the State Assembly through the Speaker of the House, Hon. Titi Oseni to favour executive bills. Investigations revealed that Titi Oseni's emergence as the Speaker was instigated by the Governor (Ogunsakin, 2003). In this situation, selfish policies and programmes of the executive had smooth sails with the legislature merely giving the legal right necessary for him to execute those policies. One of such bills was the bill for law to transfer landed properties vested in Ogun State Properties and Investment Corporation (OPIC) to the Ogun State Bureau of Lands and Survey passed 9/01/2006 and assented to on 27/2/2006. Findings revealed that through this law, the Governor was able to acquire vast landed properties of the State for private use. Another of such obnoxious bills was the bill for law to amend the Appropriation law, 2004 by transferring the sum of N776.458 million from capital expenditure to recurrent expenditure as well as re-align the total budget. The bill was passed by the assembly on 16/11/2004 and assented to on 30/12/2004. It must be noted that recurrent expenditure for that year's budget was 46% (including N4 billion for public debts charges, loan

repayments including interest due), while capital expenditure was about 53% (N16 billion out of the total of N30 billion). Transferring from capital expenditure to meet recurrent expenditure that was already half of the total expenditure would suggest less emphasis by the Governor, on the state's much needed development. During this period (2003 -2007), the State legislature was incapacitated and incarcerated to perform its law making responsibility. It was weak in initiating private member's bills and in scrutinizing executive bills. This is evidenced by the trivial role and influence it played in the 42 bills passed throughout the duration of the Fifth Assembly. Out of these bills only 2 were private members bills. They include the bill to establish the House of Assembly Service Commission and for other matters connected therewith and a bill to make provision for the Ogun State House of Assembly to be self accounting and for the other connected matters passed on 2/10/2003 and 4/11/2003 respectively. Findings revealed that these laws were assented by the Governor but he did not implement them because they could have substantial effects on his government. While the self accounting law would guarantee the financial autonomy of the State Assembly, the Service Commission law would enable the House to have firm control of its staff and other machinery of operation. The two laws would therefore, strengthen the legislature's independence and reduce its manipulation by the executive in the State. The weakness of the legislature in contributing meaningfully to law-making process is therefore, a demonstration of executive dominance in the policy direction of the State between 2003 and 2007.

It was not surprising, that when Titi Oseni was impeached as the Speaker of the Sixth Assembly of Ogun State and Tunji Egbedokun was unanimously elected on May 15, 2009, by a vote of 24 out of 26 members of the assembly, Governor GbengaDaniel tried everything he could to make the House reverse the impeachment (Fabiya and Falola, 2009). When he could not succeed, he resorted to using intrigues and instruments of state power at his disposal to get Egbedokun illegally impeached by 9 out of the 26 members of the State Assembly contrarily to the constitutional requirement of two-third members of the House.



The Sixth Assembly (2007 -2011) could not pass meaningful legislations or deliberate on issues that would have moved the gateway state forward. Several requests were pending before the Assembly which it could not deliberate upon because of the crisis in the House and its subsequent proscription by the Federal Government for almost a year. During this period of the crisis, several bills including bills for the N100 billion bond, confirmation of some executive nominees and the Supplementary Appropriation could not be passed by the House. In fact, the 2011 Appropriation bill was passed into law within 35 minutes of deliberation by 9 (belonging to the G-11) out of the 26-member State Assembly. Within that short session (September 6, 2010), the Assembly impeached Tunji Egbedokun as the Speaker, “elected Mr. Soyemi Coker as the new Speaker, “debated” and passed the appropriation bill and 20 other bills. The session held under tight security with the presence of heavily armed policemen and the State Security Service (SSS) because the assembly was under proscription. The Mace - the symbol of the Assembly’s power was not present at the deliberation. It is instructive to note that on September 6, 2010, the Assembly was closed down by the Presidency following the crisis in the House and was not reopened until May 31, 2011 almost a year after. The proscription no doubt had negative implication for the amount of time in session (the constitutional stipulation of 181 days sitting) required for the House to conduct its legislative activities. Equally, the judicious deliberations required for passage of bills would not but be circumvented on the altar of partisan politics.

The Ogun State Seventh Legislature was inaugurated in June 7, 2011 by the newly elected Executive Governor - Senator Ibikunle Amosun. While the memory of the drama that ensued at the twilight of the past administration still lingered in the mind of political observers, the 7<sup>th</sup> Assembly of the State led by the Speaker - Hon. Suraj Adekunbi seemed to have awakened to its constitutional legislative duties of making legislations that would have enduring impact on the democratic governance in Ogun State. This is evidenced by the fact that the Assembly, as at May 2, 2012, has sat for 188 legislative days against the statutory 180 days per annum and within the period, has passed 12 bills and 86 motions. This seemed to demonstrate a clean break from the past and signified the willingness of the State Assembly to serve the people of the state by working round the

clock to ensure that bills are passed to laws in the overall interest of the state. It seemed to contradict the much touted rubber stamp image of the House given the fact that the Action Congress of Nigeria (ACN) which controlled the executive also controlled majority seats in the State Assembly. Following the defection of three members of the opposition in the House to the ruling ACN, the ruling party now had a comfortable majority seat in the Assembly.

Moreover, the manner and procedure with which the 7<sup>th</sup> Assembly handled the executive bill number 20/OG/2012 may have shown the maturity and professionalism of the lawmakers. The bill titled “A bill for a law to provide for the raising of loans through issuance of bonds, notes and other securities and for connected purposes” was forwarded by the Governor seeking it to be passed into law (OGHA, 2012. Vol.1). The reminiscence of the past experience of the state on bond which were usually marred by bad politicking and corruption, would have informed the House to thoroughly scrutinize the bill before passage.

It is instructive to note that Section 10 and 11 of the bill has implication of usurping the power of the legislators on public fund management. Specifically, section (10) authorises the Government, through Ogun State Debt Management Office with the approval of the Executive Council, to raise loans for both economic and social development purposes while Section 11 (1) authorises same to issue any instrument or any other form of debt securities and raise and borrow any sums of money required to finance the capital budget of the government or to refinance the obligations of the Government in respect of its public investment projects. Section 11 (2) however, authorises the Governor to direct the Accountant-General, to issue on behalf of the government, the appropriate irrevocable undertaking or such other undertakings and or documents or authorizations as may be required for the purpose of raising any loan or borrowing any sum of money. With the provision of this sections therefore, the approval of the legislature would no longer be required for the government to secure loan. The Assembly, though populated by ACN members, rather than allowing party politics and parochial interests to allow the bill have a smooth sail, subjected it to due process. After thorough debates on the bill, the House

submitted that the executive bill, though supported by the House as it would provide the framework for accessing and repayment of loans, should be amended to retain the legislative's powers over public funds.

### **5.10.3.3. Investigation Process**

The legislature exercises its oversight functions over the conducts and activities of the executive through investigative process (Esebagbon, 2005). Section 128 and 129 of the 1999 constitution confers on the House of Assembly, the power to investigate the conduct of affairs of any person, authority, ministry or government department charged or intended to be charged with the duty of or responsibility for executing or administering laws enacted by that House of Assembly and disbursing or administering moneys appropriated or to be appropriated by the House of Assembly. The purpose of investigation, according to this section, is to expose corruption, inefficiency or waste in the execution or administration of laws within the legislative competence and in the disbursement or administration of funds appropriated by it.

Investigative or oversight function is carried out through confirmation, scrutinizing, monitoring and supervising and it may occur during the budget process, during confirmation of executive nominees presented for appointment into offices, during the normal course of a legislative session, or on special occasions, it reviews the executive programme or some of its establishments/agencies, it may be through public hearing, tours of project sites and invitation of people relevant to the subject under investigation (Okosi-Simbine, 2010). The legislature's oversight responsibility is usually carried out by legislative committees set up to monitor or investigate the activities of any government ministry, parastatals, departments and agencies and can summon witnesses to testify before it (Fasagba (2009). The essence is to ensure that public policies and expenditures are justified to achieve intended objectives. Legislative oversight is an enormous task and therefore demands adequate proficiency.

The Fourth Lagos Legislative Assembly (1999 – 2003) performed its investigative roles, especially the confirmatory and screening roles, following its inauguration on June 2,

1999. The experience required for this assembly to effectively carry out this responsibility was however, lacking. This is evidenced by the fact that only one (1) (Hon. Fabikun Adeniyi Segun) out of the forty (40) members of the assembly had a previous experience of legislative business, being a member of the 3<sup>rd</sup> Lagos State Assembly that existed during the aborted Third Republic. In addition to lack of experience, the AD which was the ruling party also controlled 37 out of the 40 seats in the assembly. Furthermore, findings revealed that though various committees existed in the Assembly, they seemed to lack institutional capacity to operate. Moreover, the supporting staff of these committees and other administrative staff of the Assembly were under the executive who reserved the power to deploy and redeploy them at will. No commission existed to oversee the recruitment, deployment and operation of its staff which would have strengthened the independence of the Assembly. It was on this note that the Lagos State Legislative Service Commission Law was passed in 2001, but the Governor did not implement it. These factors made the Fourth Assembly easy victim of executive manipulation in the performance of its oversight role in the State. The first assignment of the House was the confirmation of the state executive council nominees sent to the House by the state governor. All the nominees were confirmed without grilling. Throughout its duration, the assembly seemed not prepared to investigate or scrutinise government activities.

The investigation of the allegation of perjury and forgery of the credentials of Governor Tinubu, that qualified him to run for the 1999 gubernatorial election in the State depicts the bungling approach given to the crucial responsibility of investigation by the Fourth Lagos State Legislative Assembly and confirms the extent to which executive's interference hindered the effective performance of the oversight role of the Assembly. In this case, Honourable Thomas Ayodele Fadeyi, representing Mushin Constituency 2 raised a motion on the floor of the House on Tuesday, September 21, 1999, for the investigation of an alleged perjury and forgery by the Governor in respect of discrepancy in his date of birth as contained in the profile published during his inauguration (LSHA, 1999, Vol. 2). The publication declared that he was born in 1952 while the date of birth on his transcript from Chicago State University stated that he was born in 1954. It was

also alleged that the governor did not attend Government College, Ibadan as was stated in his profile and INEC FORM CF. 001. Furthermore, that he did not attend University of Chicago as he claimed in INEC FORM CF. 001 and an affidavit sworn to at the Ikeja High Court of Justice on 29<sup>th</sup> December 1998. Following the motion therefore, an ad-hoc committee chaired by Hon. Babajide Omoworare was set up to investigate the allegation. In his defence before the committee however, Governor Tinubu attributed the alleged discrepancies in the documents to needless errors and genuine errors resulting from the acrimonious primaries of the Alliance for Democracy in Lagos State and its attendant crisis. In a flippant manner however, the ad hoc committee or the Lagos State House of Assembly did not make any attempt at verifying those documents presented by the Governor with the various institutions they were purported to have emanated from. Rather, the House relied on oral evidence of the Governor. Besides, no effort was made to further probe the possibility of Tinubu, having dropped out of Government College for financial problem, could complete his secondary education from Richard Daley College, Chicago within two years (1969 -1971) and also could earn a Bachelors of Science Degree with distinction in Business and Administration, majoring in Accounting within two year (1977 -1979) while at the same period, working as a student. No effort was also made to verify the possibility of Tinubu to transfer credit hours from a secondary school to a university, the possibility of teaching in a university as an undergraduate student. Furthermore, Tinubu's claim to have left Nigeria for the US in 1970, contradicted his earlier claim that he was at Richard Daley College from 1969 to 1971 (Anukwenze, 1999). All these obvious incoherencies and loopholes were accepted by the committee without questions or independent confirmation. It would appear therefore, that the House compromised its power of investigation on the matter.

The experience of the 5<sup>th</sup> and the 6<sup>th</sup> Assembly was not different largely because members have largely been the obedient 'boys' of the Governor and ACN leader, Asiwaju Bola Ahmed Tinubu. Since the obedient boys would need the support of the Governor and the leader of ACN for the funding of their constituency projects and for them to be reelected into the House or achieve their political ambitions, they had to

rubber stamp and okay every government project and activity in the State without meaningful scrutiny.

Investigation however, revealed that the 7<sup>th</sup> Lagos State Assemblies seemed to have demonstrated that it would be able to effectively perform its statutory functions independent of executive manipulation. Following its inauguration on June 4, 2011, the House has been able to resolve some petitions forwarded to it such as the Lagos Butchers Association, Ikosi Fruit Market, Ladipo Spare Parts Market, Abila community land dispute, and cases of hoodlums turning recreation centres to hide out, the suspension of demolition of Onigbongbo Market among others. Executive nominees forwarded to it were interrogated on several issues before their confirmation. It has also set up committees to study projects being handled by each ministry and agencies of the state government. For this purpose, the House would not sit every Wednesday and Friday as members utilized these days to monitor the projects. One major reason for this paradigm shift seemed to be the bold step taken by the Governor –Fashola to toe the path of good governance as against being continuously tied to the politics of clientelism structured by his godfather - Tinubu.

In respect of the legislator's role of screening and approving executive nominees for political positions, the legislature, by virtue of Sections 271 (1), 197 (c) and 198 of the 1999 Constitution is empowered to give legitimacy to the actions of the executive through screening and approval of people nominated by the Chief Executive for public offices such as Commissioners, Chief Judge of the State and Chairmen and members of statutory bodies or Commissioners and Special Advisers. This crucial legislative process of the Lagos State House of Assembly was however, not independent of the executive's interference between 1999 and 2011. During the period under study, screenings of people nominated for political offices were often conducted in a manner which suggested lack of seriousness. In fact, during screening processes, merit, competence and quality of persons nominated for political office were usually sacrificed at the altar of party consideration. Candidates were sure to scale through legislative screening process in as much as such nominated persons are endorsed by the ACN leadership which was under the grim control of the incumbent governor.

A case of executive's interference in the legislative process of scrutiny and approval of nominees of the Governor for political positions by the Lagos State House of Assembly in the state is seen in the ratification of the appointment of Mr. Femi Pedro as the deputy governor of the state on January 14, 2003. In fact, speculations had earlier seen his ratification proceedings as a hurdle that might enmesh the State House of Assembly in crisis. Femi Pedro who was presented by Governor Tinubu to party delegates however, scaled through the ratification huddle. During the ratification sitting, it was only Mr. Ola Animasaun (Ikorodu 1 Constituency) who attempted at cross examining the nominee. Animasaun averred that the choice of Femi Pedro from Lagos Island was an act of injustice to the other four divisions that make up the state. Also citing section 177 and section 187(2) of the 1999 Constitution, which deals with the qualification of the governor and his deputy, Animasaun contended that Governor Ahmed Tinubu erred in picking a non-party man as his running mate at the next round of polls. His objection was however, overruled by the Speaker who also stopped him from cross-examining the deputy governorship nominee. Going by the attitude of the House towards Pedro's ratification, Animasaun observed that the Assembly had been turned into a clearing house by the executive (Aderibigbe and Babalola, 2003). It would appear that the House's legislative process of scrutinizing Femi Pedro for the position of the Deputy Governor of the state had been influenced by the Governor. Thus, the process of cross-examining the nominee which was expected to be a rigorous exercise by the House was taken as a mere routine constitutional requirement for legitimizing the governor's desire.

In fact, it was not until a regime change following the 2007 elections that led to the emergence of Babtunde Fashola as the Governor of the state that the Sixth Lagos State House Assembly could independently perform its role of scrutinizing and approving governor's political nominees without executive's interference. For instance, in July 2007 the state's legislators, while scrutinizing the Governor's cabinet nominees, rejected the nomination of Chief Enoch Ajiboso and Mr. Ademorin Kuye out of the 22 commissionership nominees sent to it for approval. According to the Speaker of the House, Hon. Adeyemi Ikuforiji, the decision of the House to reject Ajiboso was

predicated on a pending petition against him while Kuye's rejection was because he did not satisfy the conditions stipulated by the House (Vanguard, 06/07/2007).

The Sixth Lagos State House of Assembly also performed its oversight function in the instance of the disbursement of funds to Local Government Areas. The House faulted the modalities for the distribution of funds to the councils and so set up an Ad-hoc Committee to determine whether the state government complied fully with the allocation formula in the disbursement of funds to Local Government Areas as stipulated in the state's Joint Local Government Account Committee Law of 2003. After thorough investigation, the House submitted that the funds were disbursed in a way contrary to the constitutional provisions and extant laws of the state. It therefore, directed the Commissioner for Finance - Adetokunbo Abiru to stop further payments in respect of Joint Account Allocation Committee (JAAC), except the payment of salaries of pensionable and non-pensionable staff, pending a resolution of the House in order to prevent further breaches of the law. Furthermore, the House directed the Accountant-General of the state to furnish the House with the reports in respect of payment made to each Local Government in the state from 2009 in compliance with section 9 of the JAAC law (LSHA, 2010. vol.2).

In a similar dimension, the oversight function of the Ogun State House of Assembly between 1999 and 2011 was largely not independent of executive's interference. The period between 1999 and 2003 witnessed the predominance of one party (AD) under Governor Osoba. During this period, the Fourth Ogun State Assembly seemed to lack the institutional capacity and the wherewithal both in terms of experience, professional staff, adequacy of facilities and technology to carryout impactful investigations that could lead to meaningful oversight of the executive. Moreover, a high level of party loyalty existed in AD which controlled the executive and absolute majority seats in the State Assembly. These factors tended to limit the legislature's power and motivation to assert its independence and to discharge its oversight role over executive policies and programmes in the State. For instance, the governor unilaterally suspended both the executive and legislative arms of three local government councils of the state on February 15, 2002 and imposed permanent secretaries, who were his cronies and stooges, as Sole Administrators



for those local councils. This contemptuous flouting of the constitution by the executive could only happen in an environment where the oversight role of the legislature has been subjugated.

The Fifth Ogun State Assembly was inaugurated on June 4, 2003 by Governor Gbenga Daniel (OGD). The assembly however, witnessed the desire of the executive to exercise total control over the state's legislature. This led to the emergence of Titi Oseni as the Speaker of the state's legislative assembly against the preferences of majority of members. During this period, obnoxious policies and programmes of the OGD government got approvals of the legislature without any meaningful scrutiny or oversight role. The continuous subjugation of the State Assembly by the Governor however, insinuated crisis in the Sixth Legislative Assembly of the State. The lawmakers had felt that the Speaker of the House, Hon. Titi Oseni has been incarcerated by the Governor. In order to regain the independence of the House therefore, the lawmakers instigated a regime change in the House. Thus, Titi Oseni was impeached from the speakership position and Hon Tunji Egbedukun elected as the new Speaker. Following the impeachment of Mrs. Titi Oseni, crisis engulfed the House leading to polarization into two factions – the pro-Gbenga G-11 and the anti-Gbenga G-15. It is pertinent to state that the crisis was not without external influence arising from leadership tussles within the State Chapter of the PDP and personality clash among the political juggernauts in the State. The protracted crisis no doubt hampered the constitutional requirement of 181 days sitting for the House and prevented it from carrying out its oversight function on the executive. Furthermore, the House of Assembly Service Commission Bill which was passed into law in the state was not implemented by the governor (Ali, 2009). Its implementation would have given the State Assembly the power to oversee the recruitment, deployment, and operation of its administrative staff and thereby strengthened its independence in carryout its oversight role. The capacity of the legislature to effectively oversee the activities of the executive was greatly undermined by the non existence of a House of Assembly Commission. The supporting staff of the House some of who are also members of the various House committees for investigations was under the control of the executive who often deployed and redeployed them to do its

bidings. This informed most of the frustrations often expressed by the legislature sometimes in the form of open confrontation with the executive. Moreover, the administration of OGD lacked transparency as information about programmes being reviewed were often deliberately concealed. It was not surprising therefore, that the assembly at one time, declared that it was not aware of how the governor expended the money it approved for the state (Adamolekun, 2008). It is pertinent to note that such claim is an indication of failure of the assembly to perform its oversight responsibility to the people of Ogun State.

On the 6<sup>th</sup> of September 2010, nine (9) (belonging to the G-11) out of the 26-member of the State Assembly impeached the Speaker of the House, suspended all members of the G15 and elected Hon. Soyemi Coker as the new speaker. The new leadership at the same meeting which lasted for 35 minutes passed over 20 bills and approved the N100 billion bond bill, ratified the governor's political nominees including the nominees for the State Independent Electoral Commission, passed the supplementary budget and revoked the earlier suspension of two Honourable members of the House among other resolutions.

It is conclusive from the analysis in this section, that excessive domination of the legislature in the policy making process and oversight undermines the fundamental role of the later as citizens' representative in the modern democracy. The health of democracy declines when the legislature lacks the capacity to effectively oversee the executive or influence policy. The analysis of executive's domination in the legislative processes of the House of Assembly in Lagos and Ogun States therefore, gives credence to our proposition in this research that executive's interference in the legislative process undermines the legislature's roles of citizens' representation through legislation and oversight and such political governance cannot be deemed democratic.

#### **5.10.4. Pattern of Legislature-Executive Relations in Lagos and Ogun States between 1999 and 2011**

The focus of this section is the pattern of legislature-executive relations in Lagos and Ogun States between 1999 and 2011. The patterns of executive-legislative relations found in literature were listed and respondents were asked to signify those they believed existed

in Lagos and Ogun States. The percentage distributions of the responses in the two states are presented in Table 5.11 followed by brief interpretations.

**5.3.2 Table 5.11. Frequency Distribution of the Pattern of Legislative-Executive Relations in Lagos and Ogun States between 1999 and 2011**

Lagos State	Strongly agree		Agree		Undecided		Disagree		Strongly disagree	
	F	%	F	%	F	%	F	%	F	%
Polarized Relationship	16	13	29	24	15	12	28	23	22	18
Rubber Stamp Assembly	30	60	33	26	8	6	8	6	46	37
Gridlocks on policies of government	40	32	29	23	9	7	10	8	37	30
Disagreement on political appointments	50	40	33	26	8	6	8	6	26	21
Disagreement on Budget and financial matters	29	23	70	56	8	6	10	8	8	6
Struggle for political power	34	27	42	34	12	10	20	16	19	15
Overbearing executive	20	16	15	12	20	16	40	32	27	22
Legislative arrogance	41	33	37	30	15	12	19	15	13	10
Ogun State	Strongly agree		Agree		Undecided		Disagree		Strongly disagree	
	F	%	F	%	F	%	F	%	F	%
Polarized Relationship	68	54	20	16	11	9	22	18	4	3
Rubber Stamp Assembly	23	19	79	65	9	7	5	4	5	4
Gridlocks on policies of government	54	45	27	22	11	9	28	23	1	0.8
Disagreement on political appointments	61	50	42	35	6	5	8	7	4	3
Disagreement on Budget and financial matters	18	20	72	60	8	7	13	11	10	8
Struggle for political power	31	26	45	37	19	16	16	13	10	8
Overbearing executive	19	23	25	21	14	12	29	24	34	28
Legislative arrogance	38	31	30	25	11	9	28	23	14	12

*Source: Field Reports, 2012*

Table 5.11 shows the frequency distribution of respondents on the pattern of legislature-executive relations in Lagos and Ogun States. The table indicates that 13% of the respondents strongly agreed that the relationship between the executive (Governor) and the Lagos State House of Assembly between 1999 and 2011 was the polarized type. 24% merely agreed while 12% were undecided. 23% however, disagreed and 18% strongly disagreed that polarised relationship existed between the legislature and the executive in Lagos State between 1999 and 2011. Contrarily, in Ogun State, 54% of the respondents strongly agreed that the pattern of legislature-executive relations in the State between 1999 and 2011 was the polarised type. 16% of the respondents merely agreed. 9% of the

respondents were however, undecided. 18% of the respondents merely disagreed and 3% strongly disagreed. This analysis indicates that while majority of the respondents in Lagos State disagreed that polarised legislature-executive relations existed in the State between 1999 and 2011, contrarily, majority of the respondents in Ogun State agreed that polarized legislature-executive relations existed in the state between 1999 and 2011.

Respondents also expressed their positions on whether or not the pattern of legislature-executive relations in Lagos and Ogun States was characterized by rubber stamp assembly between 1999 and 2011. From Table 5.11, 60% of the respondents in Lagos State strongly agreed that legislature-executive relations in the state were characterized by rubber stamp assembly. 26% simply agreed. 6% of the respondents were undecided. 6% of the respondents however, strongly disagreed and 37% disagreed that rubber stamp assembly characterized legislature-executive relations in Lagos State. In Ogun State on the other hand, 19% of the respondents in Ogun State strongly agreed that the nature of legislature-executive relations in the state between 1999 and 2011 was that of rubber stamp legislature. 21% merely agreed while 12% were undecided. 24% of the respondents however, disagreed and 28% strongly disagreed with the notion. Thus, in this analysis, majority of the respondents in Lagos State agreed that legislature-executive relations in the state were characterized by rubber stamp assembly. In Ogun State however, majority of the respondents disagreed that the pattern of legislature-executive relations in the State between 1999 and 2011 was characterized by rubber stamp assembly.

On whether policies of government constituted area of legislature-executive conflict in Lagos and Ogun States between 1999 and 2011, 32% of the respondents strongly agreed and 23% merely agreed that policies of government constituted area of legislature-executive conflict in Lagos State. 7% of the respondents were undecided while 8% and 30% expressed mere and strong disagreement respectively. In Ogun State, 45% of the respondents strongly agreed that policies of government constituted area of legislature-executive conflict in the state between 1999 and 2011 while 22% merely agreed. 9% were undecided. 23% disagreed while only 1% of the respondents strongly disagreed. It

is concluded from this analysis therefore, that majority of the respondents in Lagos State disagreed that gridlocks on government policies characterized legislature-executive relations the State. Contrarily, majority of the respondents in Ogun State agreed that policies of government constituted issues of legislature-executive conflicts in the state.

Table 5.11 also shows the distributions of respondents' responses on whether political appointments constituted an area of legislature-executive conflict in Lagos and Ogun States between 1999 and 2011. The table shows that 40% of the respondents strongly agreed that political appointments constituted area of legislature-executive conflicts in Lagos State between 1999 and 2011. 26% of the respondents merely agreed while 6% were undecided. 6% of the respondents however, disagreed while 21% expressed their strong disagreement with the notion. Similarly in Ogun State, 50% of the respondents strongly agreed that political appointments constituted an area of legislature-executive conflict in the State between 1999 and 2011 and 35% of the respondents merely agreed with the notion. 5% were undecided. 7% of the respondents disagreed while 3% strongly disagreed that political appointments constituted areas of legislature-executive conflicts in Ogun State between 1999 and 2011. This analysis indicates that in Lagos State, majority of the respondents disagreed that political appointments constituted legislature-executive conflicts in the State. In Ogun State however, majority of the respondents agreed that political appointments constituted an area of legislature-executive conflict in the state between 1999 and 2011.

In addition, Table 5.11 also contains the distribution of respondents' responses on whether budget and financial related matters constituted area of conflicts between the executive and the legislature in Lagos and Ogun States between 1999 and 2011. The table shows that 60% of the respondents strongly agreed that budget and financial matters constituted area of legislature-executive conflicts in Lagos State. 26% merely agreed with the notion. 6% were undecided. 6% of the respondents however disagreed while 37% strongly disagreed. Similarly, in Ogun State, 19% of the respondents strongly agreed and 65% merely agreed that budget and financial matters constituted area of legislature-executive conflicts in the State. 7% of the respondents were undecided. 4% merely

disagreed while 4% strongly disagreed. This frequency distributions hence, revealed that majority of the respondents in both Lagos and Ogun States agreed that budget and financial matters constituted area of legislature-executive conflicts in Lagos and Ogun States between 1999 and 2011.

The frequency distribution table also indicates that 23% of the respondents strongly agreed that legislature-executive relations in Lagos and Ogun States between 1999 and 2011 were characterized by struggle for political power. 56% of the respondents also concurred with the notion while 6% were undecided. 8% of the respondents merely disagreed while 6% of the respondents strongly disagreed. In Ogun State, 20% strongly agreed that legislature-executive relations in the state were characterized by struggle for political power between 1999 and 2011, while 60% merely concurred with the notion. 7% were undecided. 11% disagreed and only 8% of the respondents strongly disagreed with the notion. It is clear from this analysis that majority of the respondents in both Lagos and Ogun States believed that legislature-executive relations in each of the two states were characterized by struggle for political power between 1999 and 2011. Only few of them disagreed with this notion.

Table 5.11 shows the frequency distribution of the respondents on whether legislature-executive relations in Lagos and Ogun States were characterized by overbearing executive between 1999 and 2011. In the table, 27% of the respondents strongly agreed that legislature-executive relations in Lagos State were characterized by overbearing executive while 34% merely agreed with the notion. 10% of the respondents were undecided. 16% merely disagreed and 15% strongly disagreed with the notion that legislature-executive relations in Lagos State were characterized by overbearing executive. In a similar dimension, 26% of the respondents in Ogun State strongly agreed that legislature-executive relations in the state were characterized by overbearing executive while 37% merely agreed. 16% of the respondents in the state were undecided. 13% disagreed and only 8% strongly disagreed with the notion. This analysis shows that majority of the respondents in both Lagos and Ogun States agreed that the nature of

legislature-executive relations in each of the two states between 1999 and 2011 were characterized by overbearing executive.

Table 5.11 shows that 33% of the respondents strongly agreed that legislature-executive relations in Lagos State were characterized by legislative arrogance while 30% merely agreed. 12% were undecided. 15% disagreed and 10% strongly agreed. In Ogun State, 31% of the respondents strongly agreed, while 25% merely agreed that legislature-executive relations in the state were characterized by legislative arrogance. 9% were undecided. 23% merely disagreed while 12% strongly disagreed. This shows that majority of the respondents in both states agreed that legislature-executive relations in the states were characterized by legislative arrogance between 1999 and 2011.

Table III below is the statistical test of the nature of legislature-executive relations in Lagos and Ogun States. The table is followed by result interpretation and analysis.

**Table 5.12: Descriptive Statistics of the Pattern of Legislative-Executive Relations in Lagos and Ogun States between 1999 and 2011**

<b>Lagos State</b>	<b>N</b>	<b>Sum</b>	<b>Mean</b>
	<b>Statistic</b>	<b>Statistic</b>	<b>Statistic</b>
Polarized Relationship	125	301.00	2.408
Rubber Stamp Assembly	125	202.00	1.6160
Gridlocks on policies of government	125	444.50	3.5560
Disagreement on political appointments	125	407.00	3.2560
Disagreement on Budget and financial matters	125	272.00	2.1760
Struggle for political power	125	210.00	1.6800
Overbearing executive	125	225.00	1.8000
Legislative arrogance	125	198.00	1.5840
<b>Ogun State</b>	<b>N</b>	<b>Sum</b>	<b>Mean</b>
	<b>Statistic</b>	<b>Statistic</b>	<b>Statistic</b>
Polarized Relationship	121	176.00	1.4545
Rubber Stamp Assembly	121	398.00	3.2892
Gridlocks on policies of government	121	189.00	1.5619
Disagreement on political appointments	121	301.00	2.4876
Disagreement on Budget and financial matters	121	164.00	1.3553
Struggle for political power	121	173.00	1.4300
Overbearing of the executive	121	149.00	1.2314
Legislative arrogance	121	284.00	2.3471

**Source:** *Field Data, 2012*

Table 5.12 shows the test results on whether or not polarized legislature-executive relations existed in Lagos and Ogun States between 1999 and 2011. The result shows a mean of 2.408 for Lagos State. It is instructive to note that this does not show a strong disposition towards polarized legislature-executive relationship in the State. This indicates that legislature-executive relationship in the state though not healthy but not too conflictual. Anyaegbunam (2010) refers to this pattern of relationship as mild hostility. In Ogun State however, the test result revealed a mean of 1.4545 thus accepting that legislature-executive relationship in the state was conflictual or polarized. Furthermore, while the test indicated that legislature-executive relations in Lagos State between 1999 and 2011 were characterized by rubber stamp assembly, in Ogun State, the reverse was the case. This is indicated by a mean of 1.6160 and 3.2892 for Lagos and Ogun States respectively.

The mean of 3.5560 indicated on the test result table for Lagos is an indication that legislature-executive relations in the state were not characterized by gridlocks over policies of government. Contrarily, the result shows a mean of 1.5619 indicating that gridlocks on policies of government characterized legislature-executive relations in Ogun State. The high mean value 3.5560 and 2.4876 for Lagos and Ogun States respectively, indicate that while legislature-executive relations in Ogun State was characterized by disagreement over political appointments, in Lagos State however, legislature-executive relations was void of gridlocks over political appointment. The low mean for Ogun State is a result of the indication by majority of the respondents in the state that gridlocks on political appointments characterized legislature-executive relations in the State. On the issue of public finance, the test results of 2.1760 and 1.3553 for Lagos and Ogun States respectively suggest that issues of public finance characterized legislature-executive relations in the two States. In a similar dimension, the test result shows that struggle for political power characterised legislature-executive relations in both states. This conclusion is based on the mean of 1.6800 and 1.4300 for Lagos and Ogun States respectively. It is instructive to note that the low mean values for the two states were the result of high percentage of respondents in both states who agreed that legislature-executive relations in the states were characterized by struggle for political power.



Similarly, it is also conclusive from the test result that in Lagos and Ogun States, legislature-executive relations were characterized by overbearing executive. The decision is based on the mean value of 1.8000 and 1.2314 for Lagos and Ogun respectively.

Finally, the test result indicated in Table 5.12, reveals that legislative arrogance characterized the pattern of legislature-executive relations in both Lagos and Ogun States. This decision is based on the statistical mean of 1.5840 and 2.3471 for Lagos and Ogun States. The findings in the above analysis are discussed in detail below.

#### **5.10.5. Discussion of Findings on the Pattern of Legislature-Executive Relations in Lagos and Ogun States between 1999 and 2011**

The relationship between the legislature and the executive is central to Nigeria's constitutional and political system. Nigeria adopted the executive presidential and gubernatorial system of government in the 1979 Constitution following the restoration of civil rule and the system was replicated in 1999 Constitution of the Fourth Republic. Pursuant to the adoption of the presidential system, therefore, no one arm of government is superior to the other; neither is any subordinate to the other. Each organ is independent within its own sphere of influence. While Section 4 (6) of the 1999 Constitution vests the legislative powers of a State of the Federation in the House of Assembly of the State, a unicameral legislature, Section 5 (2) on the other hand, vests the executive powers of a State in the Governor of the State. Separation of powers of the executive and the legislature though, is the hallmark of Nigeria's presidential system, the division of powers is not meant to encourage isolation of any arm of government. It involves a sharing of the powers of government, a system of checks and balances which allows each arm of government to defend its position in the constitutional framework of government. For the purpose of government however, these two institutions of government are expected to operate in an atmosphere of cordial relationship. In this way, the purpose of government is fulfilled through their contributions as partners in progress. The pattern of this relationship in Lagos State between 1999 and 2011 is discussed below.

#### **5.10.5.1. Lagos State**

Nigeria's return to civil rule in 1999 marked the re-emergence of party politics in Lagos State after 16 years of military dictatorship in the country. The nature of party system in the state however, was one-party hegemony in which one party controlled both the government and the State House of Assembly despite the multiparty system guaranteed by the 1999 Constitution of Nigeria. Since 1999, the gubernatorial seat and majority seats in the Lagos State House of Assembly have solely been controlled by the ACN and the AD whose rubble the former evolved from. With the multi-party structure in the country, the PDP and APP seemed to be the only opposition parties in the State.

The Afenifere (Yoruba Socio-political group) led by a respected Yoruba leader, Pa Abraham Adesanya together with his lieutenants, formed the AD in 1998. Findings revealed that the Afenifere and the AD leadership had wanted to tenaciously trail the sound party organizations and discipline and the progressive welfare-oriented ideology (democratic socialism) of Late Chief Awolowo and on this basis, maintained discipline and party loyalty among members. But while Chief Awolowo believed in the principles of transparency, rule of law, wide consultation with the civil society and respect for a fair and free electoral process at party level as the means of achieving his democratic socialism, the Afenifere and AD failed to follow these democratic ideals. Instead, the group and the party resorted to manipulative hegemony and imposition. The ACN that emerged from the wreckage of AD and Afenifere, rather than repairing these anti-democratic tendencies, has since its formation perpetuated this ethos of manipulation, imposition, patrimonialism, clientelism and godfatherism.

The Fourth Legislative Assembly of Lagos State (1999 – 2003) was inaugurated by the Governor of the State on 2<sup>nd</sup> of June, 1999. The Assembly was made up of 40 elected members representing 40 State constituencies. The Alliance for Democracy (AD) controlled 37 seats while the remaining 3 seats belonged to the All People's Party (APP). Senator Bolaji Ahmed Tinubu also became governor of the state through the AD. With this composition, the AD had a comfortable control of both the executive and the legislature.

The pattern of legislature-executive relations in the state between 1999 and 2003 revealed more of cooperative legislature-executive relations than conflictual relations. Anyaegbunam (2010) refers to this pattern of legislature-executive relations as cordial relationship between the executive and legislature in which disagreements over policies are resolved through consultation and understanding. This cooperative approach was dictated by the subjugation of the legislature under the executive and the predominance of one party i.e., AD in the executive and the legislature. The effectiveness of the AD leadership to mediate between the two arms of government through party loyalty also contributed to this pattern of relationship. Thus, throughout the period there was hardly an open confrontation between the Governor and the State House of Assembly.

The cordial legislature-executive relations in the State was however, threatened in 2001 when the Governor delayed the implementation of the salary fixed for the House by the Revenue Mobilization Allocation and Fiscal Commission (RMAFC). The Lagos State House of Assembly demanded for N8.7 million each which was the total sum of arrears accrued to them, if the State Government had started the payment from May 2000 when the salary was fixed. While the Governor agreed on initial payment of N1.5million each and the remaining to be paid at a latter time, the Assembly insisted on collecting N2.5million each as initial payment. It contended that if other States in the federation which were poorer than Lagos State could afford to pay the approved salary, Lagos State Government had no excuse for failing to pay. The Governor on the other hand, argued that the state was not financially buoyant to pay the approved salary (Ajayi, 2001).

In order to press for their demand, the Assembly on November 27, 2001 adjourned sittings indefinitely pending when the State Government would be ready to accede to their demand. According to our interview with Dr. Williams Idowu, the action of the legislature in this regards depicts share legislative arrogance, a new paradigm of legislative politics in Nigeria. The legislature in Ngeria now sees itself as omnipotent and whose interests the executive must accede to if the later must have its policies approved by the former.

It is perhaps, important to note how crucial this particular period of the year that the House decided to press for their demand. It was the period that the State Government would forward to the State House of Assembly, the 2002 Appropriation Bill for approval. It would thus, appear that the legislators had found this period auspicious for them to compel the State Government to accede their demand if he must enjoy the cooperation of the House on the impending 2002 Appropriation Bill. On the other hand, acceding to the demand of the House by the Governor at this point in time would also mean buying their favourable disposition to the 2002 Appropriation Bill. The intrigues played out. The State Government approved the initial payment of N2.5 million each for members of the House in addition to selling their official Honda Civic cars to them for N700, 000 and the three bedroom flat allocated to each of them at Moshood Abiola Garden for a cost of N3.5 million each (Ajayi, 2001). In turn, on December 29, the State House of Assembly approved the 2002 Appropriation Bill of N52.868 billion sent to it by the Governor (Lagos State House of Assembly, 2002). The total sum which comprised of N34.866 billion recurrent costs and N18.002 billion capital expenditure was merely deliberated upon for the purpose of conferring the legitimacy required for implementation and acceptability of the estimates in a democratic environment. This was evident by the zero amendment to the proposed estimate.

The Fifth Lagos State House of Assembly (2003 – 2007) had almost all its seats controlled by the ACN. The Lagos State House of Assembly election that took place on May 3, 2003 saw the party won 39 out of the 40 seats in the State House of Assembly. Only one member (Hon. Ajose Julius representing Badagry 11 Constituency) was elected from the platform of the People's Democratic Party (PDP). With this composition, ACN had absolute majority in the State Assembly. Senator Ahmed Tinubu was also reelected on the platform of ACN in that 2003 election. The success of the ACN in the 2003 elections of the State was attributed to the powers of the incumbent governor. With his towering political base and huge clientelistic influence, Tinubu was pivotal for any ACN member who sought to clinch power in the State.

This landslide victory in the House of Assembly invariably put the party at an edge to produce the next Speaker of the House. At the inauguration of the Fifth Lagos Assembly on Monday, 2<sup>nd</sup> of June, 2003, Hon Waheed Jokotola Pelumi from Epe Constituency 11 was elected Speaker of the Assembly. He was however, impeached on 29<sup>th</sup> of December 2005 following his disagreements with other members of the House (Olumide, 2011).

The period witnessed executive hegemony whereby the Governor, using the vast state resources - financial, material and managerial at his disposal, exercised domineering influence in his relationship with the State House of Assembly and influenced legislative actions and decisions to get bills, policies and programmes of the government approved with little or no objection. As the ACN party leader and the major financier (though unofficial) of the party, he controlled the primaries and the selection of candidates in an atmosphere of lack of party democracy. Findings revealed that most members of the State legislature were sponsored into the House by the Governor. These anti-democratic tendencies thus made the legislators and the ruling ACN leadership subservient to the Governor. The over-dependence of the Action Congress of Nigeria (ACN) on the powers of the incumbent governor enabled the executive to use party loyalty as a tool for manipulating the legislature. This perhaps, is in agreement with Derbyshire (1999) who averred that increasing party strength has become a major reason for the decline in the power of the legislature in relation to that of the executive. As Cheibub (2002) observed, party discipline in which members of the ruling party in the legislature are expected to vote in line with the direction of the party programme being executed by the executive, is an important factor in analyzing legislature-executive relations. Party loyalty constitutes great significance in the performance of the Lagos State House of Assembly and its relationship with the executive in the State. An instance of Party discipline and supremacy in Lagos State politics was the forceful relinquishing of the Speakership position by the Lagos East to the Lagos West on the order of the ACN party leadership. This was contrary to the zoning arrangement of the party. In a related issue, the unanimous decision by members of the Lagos State House of Assembly, to re-elect Adeyemi Ikuforiji as Speaker of the House was not without the influence of the ACN party leadership which was under the control of the incumbent governor. In such

instance, the State Assembly would operate as mere extension of the executive domain and would thus enhanced the executive's success in getting his agenda approved by the state legislative body. As Bowling and Ferguson (2001) and Morehouse (1998) averred, where the chamber(s) of the legislature is controlled by the chief executive's party, executive legislative success should be enhanced because it gives the executive a built-in core of support.

While one party dominance and executive intemperance seemed to enhance smooth operation of government in Lagos State, it however, gave rise to the existence of rubber stamp assembly whereby the legislature tended to agree with every directive of the executive. Party loyalty among members of the AD and subsequently ACN government party in the State legislative assembly tended to subvert the legislature's motivation to criticize the activities of the government. For instance, The N48.5 billion Appropriation for 2001 was rubber stamped by the State House of Assembly without impactful debate on the bill. In the same year 2001, the State Legislative House seized the opportunity of the period that the Governor needed the cooperation of the House on the 2002 appropriation bill, to demand from the Governor, the payment of the salaries fixed for its members by the Revenue Mobilization Allocation and Fiscal Commission. The State House of Assembly still bowed to the executive's power and approved the sum of N52.868 billion for the 2002 fiscal year as presented to it by the Governor. In that year's appropriation, N34.866 billion was approved recurrent costs and N18.002 billion for capital expenditure (Odugbesan and Aborisade, 2001).

A close observation of the budget would suggest that the huge estimate for recurrent expenditure vis-à-vis that of capital expenditure required thorough legislative's investigation. This is because by the estimate, the recurrent expenditure for that year would be about 66%, thus suggest lack of serious concern for capital projects and hence less development for the state. Instead of doing that, the Assembly merely rubber stamped the estimate for the Governor. Following the routine exercise of passing appropriation bill by the State House of Assembly, the N7billion supplementary appropriation bill presented to it in 2003 was approved hook line and sinker without

meaningful debates on the bill. The bill was sent to the Assembly on September 16, 2003 and was approved on 29<sup>th</sup> of September, 2003 (Aina, 2003). The list of Commissioners sent by the Governor to the State House of Assembly was also routinely approved without any impactful scrutiny (Banjoko, 2003). Investigations revealed that nominees only had to take a bow before the House and then proceed out of the House without any probing interrogation.

It is pertinent to note that the period between 1999 and 2007, the minority party in the house could not provide viable opposition or influence on the decision of the assembly whether good or bad and rarely criticized the policies of the ruling party. This culminated in lack of credible opposition as the majority party, by its assertive posture, often ultimately lent support to the policies and actions of the executive. Despite this cooperation between the majority and opposition parties the minority parties found no accommodation with the executive. It is perhaps crucial to stress the role of the opposition parties in the legislative assembly. The opposition parties have the role of challenging legislation forwarded by the government, advocate an alternative set of priorities or different way to address the issue being deliberated or introduce amendments to bill (NDI, 2000). By so doing, the bills finally passed in the assembly and consequently, government policies are more citizens centered as required in democratic governance. While there were some motions or suggestions emanating from members of the opposition party on the floor of the house, they had very little or zero chance of consideration or acceptance by the AD and later the ACN controlled government.

As part of its oversight and representative function, the legislature, through its committees attends to petitions from aggrieved or oppressed members of the public whose rights might have been infringed upon either by government or other members of the public (Omoleye, 2011). Petition constitutes one of the medium of public participation in policy-making in the form of complaints, grievances or requests addressed to the legislature on issues related to legislation, public policy or programmes and activities of the government for consideration in expectation that it will influence government decisions (Macintosh 2004). Public petition is part of the representational

roles of the legislature. This important legislative role of receiving public petition on the floor of the house so as to secure justice or correct the wrongs perpetrated by government officials or to prevent abuse of executive power appeared neglected by the Lagos State Assembly within the period under study. Usually, in response to prayers contained in complaints or petitions, relevant committees are mandated by the House to carry out necessary investigations with a view to resolving the matters. While the State House of Assembly usually received public petitions at the Assembly complex, such petitions were however, left unattended to as the Speaker would only pacify the aggrieved groups with promises that would not be followed up by sending such to committee for investigation. For instance, the Sixth Assembly received a petition on Thursday, 18<sup>th</sup> September, 2008 from one, Beku Onimoba family of no. 130 Igando Road, Lagos State alleging an unlawful and illegal acquisition of the family's property by the former governor of Lagos State. The petition was only read by the Deputy Clerk without any further action on it by the State Assembly (LSHA, 2008, vol. 2).

According to some of our interviewees, the cordial working relationship enjoyed by the State executive and the legislature under Senator Bola Tinubu's administration has contributed to the development of the state specifically in the area of transportation and education. During his eight-year period of office, he made large investments in education in the state (Dike, 2007). He also initiated new road construction, required to meet the needs of the fast-growing population of the state (Babafemi, 2005). The loss of the oversight function of the State legislature to the overwhelming influence of the executive, however had implications for the cost of governance in the State. Most of the contracts awarded by the State Government within that period were either awarded to companies belonging either to the Governor or his relations at very ridiculous amounts.

By the supreme' mandatory provisions of Section 182 of the 1999 Constitution of the Federal Republic of Nigeria as amended, a Governor of Nigeria is, subject to the provisions of the Constitution, entitled to a maximum of four years in office in his first term and may be re-elected for a second term of another four years. In all, a governor has a maximum of eight years or two terms of four years each in office. By this provision



therefore, the term of office of Senator Bola Tinubu constitutionally ended in 2007 having served in that capacity for two consecutive terms of four years each in office from 1999 to 2007. The 2007 elections brought a regime change in the state albeit, the elections were marred with imposition, political violence and intra-party conflicts.

Following the 2007 elections, Babatunde Raji Fashola, former Chief- of-Staff under Tinubu's administration emerged as the next Governor of the Centre of Excellence from the platform of the ACN. The politics of patronage and godfatherism between him and Bola Tinubu, the former governor of the state no doubt, paved way for his emergence as the Governor of the State. The elections also ushered in the Sixth House of Assembly of Lagos State which was inaugurated by the Governor on Monday 4<sup>th</sup> of June, 2007. In the assembly, 17 legislators were successfully returned while the rest 23 were new members. The Action Congress of Nigeria continued to enjoy a convenient majority in the House with 37 members while Peoples' Democratic Party (PDP) had 3 members. Following the elections of the principal functionaries of the House, Hon Adeyemi Ikuforiji re-emerged as the Speaker of the House.

The relationship between the Governor and the Sixth Lagos Assembly at the beginning of the new dispensation followed the previous pattern of one- party hegemony as ACN controlled both the executive and a comfortable majority in the State House of Assembly. It also witnessed the previous pattern of legislature-executive cordial relationship consequential upon the fact that Fashola administration basically continued the programmes and policies of his predecessor and godfather—Bola Tinubu and largely on Fashola's continued faithful servanthood to him by maintaining his (Tinubu) laid down structure of the politics of patronage and clientelism and as well by keeping tenaciously to the dictate of his godfather in the politics of patrimonialism in which government machinery is treated as a type of income-generating property which would ensure that the political godfather is well placed financially such that he could always allow the effects to trickle down.

The tone of legislature-executive relations in the State however, took a new dimension to mild hostility in 2010. This pattern of legislature-executive relations ensued over issues

bothering on the performance of the oversight function of the State House of Assembly on the government. It is pertinent to note that this fundamental role of the legislature in a democratic system was conspicuously neglected by the Fourth and Fifth Lagos State House throughout the eight (8) years of Tinubu's administration. The Sixth Lagos State Legislative Assembly now seemed to be awake to its oversight role of controlling and monitoring public funds and of investigating into public complaint or activities of the executive. The attempt by the Sixth Assembly to perform its oversight role resulted in mild hostility between it and the executive in the State.

One of such instance of mild hostility between the legislature and the executive under Fashola administration was on the 2010 appropriation bill which the Governor presented to the Lagos House of Assembly on the 17th of November, 2009 with an expectation that it will be approved by 1<sup>st</sup> January, 2010. The draft budget however, did not get the approval of the State House until March, 2010. When it was finally approved, the budget estimate of N429.59 billion that was presented to the House by the state government was reduced by N40 billion based on the recommendation of the House Committee on Economic Planning and Budget. The sum of N389.5 billion was therefore, approved for the fiscal year. The reason for the reduction according to the House, was to block some leakages noticed in the previous year's budget in that while N41.523 billion was released for personnel cost in year 2009, the actual expenditure for the year was N31.142 billion. In view of this, the House reduced the personnel cost from N55.07 billion to N45.077 billion; overhead cost from N67.002 billion to N66.559 billion and capital expenditure from N250.778bn to N224.196bn. The House, however, increased the capital expenditure of the state Ministry of Agriculture and Cooperatives by N1418 billion and added N3.2 billion to the overhead cost of the State House of Assembly. Hon. Kolapo Osunsanya, the Chariman of the Committee noted that the reason for increasing the overhead cost of the House was because the Assembly was grossly under-funded. Interview conducted with some members of the Appropriation Committee indicated that the change in the parliamentary budget derived from the need to provide enough resources for the constitutional role assigned to the parliament. This is because no

parliament can engage effectively with the constitutional role without having the prerequisite resources to do so.

It is pertinent to note that the role of the legislature and the executive in public finance is critical to the success of any government. While revenue and expenditure of government were unilaterally and arbitrarily decided under the military regime, in the democratic dispensation, particularly, the Fourth Republic requires that both the executive and the legislature involve in the budgetary preparation, approval, implementation and evaluation. While the executive prepares and drafts Appropriation Bills and the accompanying draft estimates, the legislature sanctions such appropriations before they are implemented by the executive. The budget process therefore, involves the participation of both the executive and the legislature and constitutes one of the constitutional provisions for separation of powers and checks and balances in Nigeria's presidential system.

The Lagos State House of Assembly, by virtue of the 1999 Constitution, has the power to approve the annual bills without which the executive cannot embark on any appropriation. According to Section 120 (3) and (4) of this constitution, no money shall be withdrawn from any public fund of the State, unless the issue of those moneys has been authorized by a Law of the House of Assembly of a State. The House also has the power to examine details of sums granted to statutory corporations of other State government agencies to meet public expenditure and to invite such bodies where need be to give clarifications before the House or to brief the appropriation House Committees on their activities. While the exercise of this power by the Lagos State House of Assembly over the 2010 appropriation was not disputed by the executive, the bone of contention however, was that the changes made to the estimate by the House were not discussed with the executive before voting.

It is important to note that the policy direction of a state is determined by the budgeting system. The extent to which the legislature can amend the budget will have direct implications for delivering democratic goods to the people. The reduction of the 2010

budget by a whopping sum of N40billion could be seen from the perspective of legislature exerting its dominance on the affairs of the state through its constitutional legislative oversight function. Such action however, if not done base on objective analysis of the macroeconomic variables prevalent in the state, but on parochial and political scheming, had the tendency of circumventing the interests of the governed who the legislature purported to have represented by its decision. Although the Speaker, Mr. Adeyemi Ikuforiji, attributed the delay to the determination of the House to tackle the exigencies surrounding the bill, including the fact of its being the last full one under the four-year tenure of the Fashola administration, the budget was significantly delayed due to the stand-off between the State Assembly and the government (Akoni and Akanmu, 2010). Conversely, the 2011 budget of N445.180 billion was passed speedily on 27th of January, 2011 with a marginal increment by N5.595 billion and on Jan 31, 2011, the bill totaling N450.775 billion was signed into law without any legislative-executive rancour that marred the passage of that of 2010.

Another instance of legislature-executive conflicts emanating from the performance of the legislature's oversight roles in Lagos State was in the instance of the disbursement of funds to the local government councils of the State. The House faulted the modalities for the distribution of funds to the councils and therefore, set up an Ad-hoc Committee to determine whether the state government complied fully with the allocation formula in the disbursement of funds to the local councils as stipulated in the state Joint Local Government Account Committee Law of 2003. It submitted that the pattern of disbursement was done in contravention of the constitutional provisions and extant laws of the state. On this platform, the House directed the Commissioner for Finance, Adetokunbo Abiru to stop further payments in respect of Joint Account Allocation Committee pending a resolution of the House in order to prevent further breaches of the law. Furthermore, the House directed the Accountant-General of the state to furnish the House with the reports in respect of payment made to each Local Government in the state from 2009 in compliance with section 9 of the JAAC law.

Another instance of acrimony between Lagos State Governor, Raji Fashola, and the State House of Assembly was on the allegation of financial impropriety levied against the State Government in January 2010 by the “True Face of Lagos” (Durojaiye, 2010). Based on allegations of staggering financial impropriety raised against the State Governor by a group known as True Face of Lagos, the Lagos State House of Assembly initiated a proceeding to probe the State Governor (Lagos State House of Assembly, 2010). It however, took the intervention of the Court under Justice Habeeb Abiru to, on March 6, 2010, stop the House from proceeding on the planned probe. Justice Abiru hinged his judgment on the fact that the House unconstitutionally and illegally set up a six-man committee to investigate the allegations against the governor and some members of the House without first publishing the resolution in its journal or gazette. Justice Abiru declared that such action was a breach of the provisions of Section 128(1) of the 1999 Constitution. He faulted the action of the House for acting on mere allegations published in the advertorial by a group, which he described as faceless instead of a petition addressed directly to the Assembly (Akpeh, 2010). Moreover, the allegations were published in the morning of 28th of January, 2010 and it was on the same day that the House passed the resolution to set up a committee to investigate the issues of financial impropriety raised in the publication. Again, it was not a case of the House reacting to public outcry against the allegations and no reason was adduced by the House for this urgent action.

The Lagos State House of Assembly however, launched another investigation into possible mishandling of public funds by Fashola. A seven-man Ad-hoc committee was for this purpose, set up by the Lagos State House of Assembly (Lagos State House of assembly, 2010). The Ikeja High court under Justice Opeyemi Oke, on Wednesday, May 4, 2010 again, renewed the earlier court order restraining the panel and its agents from proceeding with the investigation. The Lawmakers through its counsel, Mr. Oludipe from the Lagos State Multi Door Court House, however promised amicable resolution of the dispute noting that the parties in the suit were one family who were at the vanguard of improving Lagos state (Akintunde, 2010).

Findings of this research revealed various schools of thought concerning the motive of the investigation panel. One school of thought considered the investigation as part of the steps in the plot to impeach the state governor following his disagreement with his godfather, former governor of the State, Bola Tinubu (Obasa, 2009). There are insinuations that the disagreement between the godson and godfather was because the former did not allow the latter to have an unfettered access to the state vault (Affe, 2009; Ajayi, 2010). This school of thought raised a very important eyebrow on why the Lagos State House of Assembly has not probed the 8-year rule of the supposed godfather.

It is pertinent to note that many of the published allegations of staggering financial impropriety by the True Face of Lagos against the Lagos state government span back to the Tinubu administration of which Fashola was a part. It would appear therefore, that the legislature in the state performed the oversight function whimsically, when it suits, it colludes with the executive for selfish gain, when the executive fails to reward it for looking the other way, it threatens it with impeachment, a legislative action that has become instrument of blackmail in the current experiment with democracy in Nigeria. The statement of Justice Abiru while handing down his verdict on the court case, perhaps shed more light in this regard. According to him;

The group, 'The True Face of Lagos', had not hitherto been known for or associated with the struggle for good governance and probity in government expenditure in Nigeria. Yet, the House decided to set up a committee, expending tax payers' money and the time meant to be used for making laws for the good of the people of Lagos State to investigate the allegations without stating any cogent reason in the House proceeding for that day, why it deemed the allegations important enough to direct that they be investigated (Odiogor, 2010).

It would then mean that the State House decided to carry out its oversight role, not in the spirit of good governance but as a vendetta for other ulterior motives. This investigation followed the plan in December 2009 by the state legislature to impeach the governor primarily because of his disagreements with his godfather, Tinubu the former governor of the State. Ironically, a similar situation played itself out between Tinubu and his deputy, Femi Pedro, in the run-up to the gubernatorial elections in 2007. The disagreement between the two made the governor to instigate the State House to impeach his deputy.

Another school of thought concerning the motive behind the investigation held that the House decided to probe the allegation as part of its constitutional role of overseeing the government. According to this school of thought, the fact that Fashola was being rated as one of the performing Governors in the country does not automatically exonerate him from the legislative oversight role. The legislature, through its oversight functions, holds the government and its agencies accountable to the public. Since the government has the responsibility to appropriate and allocate funds to the various government institutions for its operations, it naturally follows that the legislature must oversee these institutions to ensure that the public get value for their money and also ensure that these institutions are run in accordance with the laws of the land. To this school of thought, accountability in governance is the hallmark of political advancement. The unfolding political drama between the executive and the legislative arms of Lagos State government is therefore an advancement of democracy in the State.

As pointed out by Oarhe (2010), in political patronage and clientelism, relationships can become strain if the distribution of resources is lopsided and no longer mutually satisfying. Conflict between the patron and client thus arises quite often from control of state resources or political influence in government appointment rather than ideological difference. Rancor therefore, broke out between Bola Tinubu and Babatunde Fashola who may have decided to reduce Tinubu's control of the state's political apparatus and distanced himself from running the State government in the old ways of starching state funds to the private accounts of party faithfuls especially, Tinubu his godfather. For instance, findings revealed that Fashola decided to review the tax consultancy regime foisted on the state by Tinubu's administration, which ensured that Alpha-Beta Consulting Limited, the Lagos State Government appointed consultant agent to control and monitor the collection of State revenue takes home 10% of the states earnings on a monthly basis. It is pertinent to note that major programmes and constructions projects in the State were awarded to Alpha-Beta Consulting Limited, HITECH Construction Company and the Lekki Concession Company (LCC) (Tinubu is alleged to be holding lion shares of these companies) with the contract sum shrouded in secrecy.

Moreso, Fashola's demonstration of single mindedness on the critical issue of funding of ACN activities in the country did not go down well with Tinubu and the ACN as the Party needed more funds to perpetually keep PDP away from gaining political dominance in Lagos and other ACN controlled States. Furthermore, it would appear that Governor Fashola whose administration has focused on infrastructural development seemed to have reneged on the lobbying approach of his predecessor and emphasized due process approach. The implication is that lawmakers in the State House, political leaders and the traditional institution in the state would no longer have special favours going towards them from the State funds, unlike in the Tinubu era. They would have no influence on the budgets in a way that would afford them political patronage.

The decision by the Fashola government to abate the politics of patronage and godfatherism would seem not to be of mean consequence especially in a political landscape where the godfather is the de facto leader and the determinant of all issues in the party (ACN) that lacked internal democracy and was, on the basis of that, instrumental to the victory of almost all members of the House of Assembly. Members of the House owed their allegiance to him more than the Assembly and continued to see Fashola as his (Tinubu) Chief-of-Staff even two years after he became the governor. Consequently therefore, every ploy had to be engaged by the godfather to either get Fashola impeached or stopped from going for second term as governor in 2011 and the State legislature seemed to be the potent instrument to achieve this plot. The politics of godfatherism thus pitched the legislature against the governor in an acrimonious relationship characterized by struggle for political power rather than being responsible partners in governing.

Fashola's government however, continued to gain public sympathy and support consequential on some measure of achievements he made in his first two years in office. To the average Lagosian who believed that he has performed creditably in the past 1000 days in office, the attempt to investigate or impeach the governor, was an act of political prejudice (Odiogor, 2010). Within the two years, Fashola received the 2009 Yikzak Rabin Centre for African Development, Governor of the Decade for Peace Award and he



is the recipient of the 2010 Award of Excellence in Leadership and of the Martin Luther King Jnr. Foundation. Fashola also received the 2009 Good Governance Award from the United Kingdom-based African Business Magazine. He is The Guardian, The Vanguard and The Sun newspapers' Man of The Year for 2009. He is the Daily Champion Man of the Year for 2010. He is also the 2010 Award winner of the City People Magazine Best Governor of the Year and Best Southwest Governor of the Year. These accolades seemed to be evidence of his good governance and dropping him from being the gubernatorial candidate of the ACN for the 2011 elections would appear not healthy for Tinubu and ACN's ambition to maintain firm control of Lagos State. This was because Fashola could decamp to Labour Party, and then use power of incumbency and the goodwill he had earned as one of the best performing governors in the country to return himself as Governor in 2011. In fact findings revealed that Fashola was already laying the foundation for the Labour Party's political strength in the State as an alternative platform to contest for the gubernatorial position in the 2011 election should ACN denied him the party's candidature.

The primary election of ACN in the State that held on January 19, 2011 followed the usual manipulations and imposition of candidates by the party leadership for the House and the National Assembly membership as delegates were not free to vote for candidates of their choice (Akoni and Olowoopejo, 2011). Only candidates who would likely give their unflinching support to Ikuforiji's retention as the Speaker were returned to the House. The April 26, 2011 gubernatorial poll however saw Fashola re-elected in an overwhelming victory for a second term in office and expectedly, at the inauguration of the Seventh Lagos State Assembly on June 4, 2011, Adeyemi Ikuforiji was also reelected as the Speaker.

The pattern of relationship between Fashola and the Seventh Lagos Assembly inaugurated on June 2011 was still young for drawing conclusions at the time of this research. It is pertinent to note however, that the two powers seemed to have chosen the path of harmonious relationship for the smooth operation of the government. For instance, the legislature, in a three-day exercise, screened and approved without rancor, the executive nominees sent to it by the Governor (Akoni, Akanmu and Olowoopejo,

2011). The smooth process that greeted the approval process was contrary to earlier speculations that the list of nominees presented by the governor might enmesh the Governor and the State House of Assembly in crisis. This is because of the disagreements between the Governor and his godfather - Tinubu on the choice of some of the nominees. Investigation revealed that Fashola's choice of technocrats as members of his cabinet was contrary to the directive of Tinubu and ACN party leaders. It was alleged that Tinubu was not happy that such list was sent to the State House of Assembly by the Governor without concluding with him and had therefore instructed members of the House to reject the list, pending his approval (Awosiyan, 2011). On the contrary, the Assembly screened and approved the nominees on their merit instead of primordial sentiment. With this action, the State Assembly demonstrated signs of maturity and readiness to gain its independence. The State Assembly also approved the 2012 appropriation bill sent to it on November 14, 2011 by the Governor. The initial sum of N485.292 forwarded by the executive was amended to N491.827 by the House after constructive debate and scrutiny on the bill (LSHA, 2011, vol. 2). It is instructive to note that despite this increase of the estimate with about N6billion, the decision did not generate any rancor between the Governor and the State Assembly.

On a conclusive note, the analysis of the pattern of legislature-executive relationship in Lagos State between 1999 and 2011 revealed more of a master-servant relationship and overbearing executive in an environment where politics of patronage determined the level of cordiality enjoyed with the legislature and which also reduced the legislature to a rubber stamp assembly. It also revealed the extent to which the politics of godfatherism in an atmosphere of party politics that lacks internal democracy have exerted pressure and strains on the institutions of governance hence threatened the basic underlies of presidentialism.

#### **5.10.5.2. Ogun State.**

The return of Nigeria to civil rule in 1999 saw Aremo Segun Osoba as governor of the state on the platform of AD. Osoba was the governor of the State in the botched third republic on the ticket of the SDP. The Fourth Legislative Assembly that existed during this period had majority of its members controlled by the government party - AD. The

pattern of interactions between the legislature and the executive during this period revealed cooperative and harmonious relationship. The fact that the same party controlled both the executive and the legislature would have prompted the relatively stable and harmonious pattern of legislature-executive relations during this period. Investigations however, revealed that more importantly, the pattern of relationship was not just because of the majority government that existed during this period but because of the pivotal role played by Afenifere, the Yoruba Socio-political group led by a respected Yoruba leader, Pa Abraham Adesanya, who together with his lieutenants, formed the AD in 1998. Findings revealed that the Afenifere and the AD maintained discipline and party loyalty among members with the view of tenaciously toeing the path and legacy of the late sage, Chief Obafemi Awolowo, whose parties – AG and UPN were reputed for sound organizations and discipline. Aligning to the tenets of Chief Awolowo therefore, Afenifere encouraged a harmonious and consensus legislature-executive relations in Ogun State between 1999 and 2003.

The one party monopoly in the State and the consensus approach to legislature-executive relations however encouraged executive hegemony in the decision making process of the state and weakened legislative oversight powers over the executive. This is evident in the action of the governor when he (Olusegun Osoba) unilaterally suspended both the executive and legislative arms of Ijebu North East, Yewa North and Ijebu Ode local government councils of the Ogun State on Friday, February 15, 2002 without consultation with the State House of Assembly. The Governor thereafter imposed permanent secretaries, namely Ademola Olusanya, Alhaji Kola Olaniyan and Mr. Festus Akindele as Sole Administrators on these local governments. It is instructive to note that Section 7(1) of the 1999 Constitution guarantees the existence of local government by democratically elected local government councils. Through the effective mediatory role and conflict resolution of the Party leadership however, such actions of the executive did not degenerate into discord between the two arms of government.

The presence of strong executive leadership in the state during this period also weakened legislative role in appropriation, hence the executive usually had the appropriation bills

legitimized by the legislature. Deliberations on executive bills during this period were mere constitutional routine exercise that had no significant influence on the bills forwarded by the government. In most cases, the State House of Assembly merely deliberated on executive bills for the purpose of conferring the legitimacy required for implementation and acceptability of the bills in a democratic environment. For instance, the State House of Assembly unanimously passed the year 2001 Appropriation Bill totaling N19.7 billion as presented by the Governor Olusegun Osoba to the House (House Bill 14, Ogun State Appropriation Bill Year 2001). This was done without the State House having any meaningful influence on the bill despite that it took the House 3 months to consider and approve it.

The nature of cooperative legislature-executive relations during Aremo Segun Osoba administration however, is believed by majority of our respondents to enhance stability and good governance in the State as it enabled the governor to implement his programmes particularly, in the area of rural development such as electricity, provision of pipe- borne water and road development, among others. Osoba's AD administration and the Fourth Assembly of Ogun State however ended in 2003. At the 2003 polls in the State, Osoba lost the gubernatorial election due to a combination of political treachery, manipulations and contrived acts of propaganda by his opponents (Odunaro, 2011).

During the first tenure of Governor Gbenga Daniel's PDP led government (2003 – 2007) the intragovernmental relations between the executive and legislature revealed cooperative approach dictated by the predominance of one party in the executive and legislature. The House, during this period, was largely compliant with the executive approving every bill and request thrown at it by the governor. The period witnessed the emergence of the executive domination of the legislative arm of the state government and a lack of concern for keeping with the dictates of the principles of separation of power as expected of a presidential system of government. The nature of States political milieu encouraged flagrant disregard for the rule of the game, such that executive's interference in the workings of the legislature pervaded system.

The second tenure of Gbenga Daniel's administration however, marked the period of legislature-executive strife that threatened the political stability of a state that was once known for its peaceful coexistence. The fact that the PDP controlled both the executive and the legislature in the State did not automatically meant an easy passage of executive bills, neither did it lead to an easy implementation of the government programmes and activities. This situation is similar to the pattern of legislature-executive relations in the former Bendel State where the Unity Party of Nigeria controlled both the executive and a comfortable majority in the State House of Assembly (Mbah, 2007), and despite that, the conflict between the two arms of government saw the governor of the State impeached (Oyediran, 1980). This scenario and that of Ogun State under examination is suggestive of the dynamic and complex nature of legislature-executive relations at the state level of Nigeria's presidential system.

One of the areas of legislature-executive polarity in the state bothered on fiscal autonomy for the state legislature. In order to enhance the financial autonomy of the Ogun State House of Assembly, a bill tagged the Self-Accounting Law of Ogun State and Autonomy of the Ogun State House of Assembly (Law No.5 of 2003) was passed. The House also passed the House of Assembly Service Commission in 2003 (OGHA, 2003, vol. 1). By this, the State Assembly Account is to be established and maintained and the Clerk of the House becomes the accounting officer. The Bill however, limits the self-accounting status of the House to recurrent expenditure and shall not include control over revenue, which is to be paid into the consolidated fund of the state. Despite that these bills have been assented to by the Governor, they were not implemented thereby starving the Assembly of funds (Ali, 2009). It is pertinent to note that these two laws if implemented would enhance legislative independence in the State. The refusal of the Governor to implement these laws would mean his deliberate intrigues to perpetually keep the legislature under subjugation and manipulations of the executive.

Our interview with Mr. Femi Ademosun, the Director, Bills revealed that since the removal of Titi Oseni from the speakership position of the State Assembly, the Governor continued to deliberately starve the state legislative assembly of the required fund for running the institution. He pointed out that the State Assembly had no control over its

budget and finances but was under the whims and caprices of the Governor who likewise used the instrument to manipulate the former. In fact, at some point, the House had to adjourn its plenary sessions indefinitely on the grounds that it could no longer muster enough funds to run the affairs of the House (OGHA, 2009, vol.2). Our interview with Former Chairman, House Committee on Information, Dr. Olatokunbo Oshin revealed that the failure of Governor Gbenga Daniel to implement the Self-Accounting Law of Ogun State and his continued subversion of the autonomy of the Ogun State House of Assembly instigated the state lawmakers against him (governor).

In January, 2009, the Speaker of the House Hon. Tunji Egbetokun wrote to the executive in respect of the self-accounting laws of the state, requesting for the lump sum of N138 million for the recurrent and capital expenditure appropriated for the House. The request was however, turned down by the Governor claiming that he had been complying with the self accounting law by releasing to the State House, on monthly basis, from the appropriation. The Governor alleged that the N138 million that the State House claimed as allocations for Constituency Projects was actually demanded as bribe to end the face-off between him and the State. The legislature described the allegation as frivolous, libelous and wicked against the House (Salaudeen, Leke and Ernest Nwokolo, 2009). According to the then Chairman, House Committee on Information, Dr. Olatokunbo Oshin;

the N138 million is the statutory right of the House according to Law No.5 of 2003 tagged Ogun State House of Assembly Accounting Law. The amount included N78 million constituency project allowance and other running cost of the House. This is a far cry from what Governor Daniel claimed as overnight and travel allowances within Nigeria. He does not stay in the hotel; he stays in his personal houses. So how much is N138 million for 26 members? But, because he knows that when we are self-accounting there will be a lot to expose, he is against it (Nwokolo, 2009).

The objection of the Governor to pay the money further worsened the polarized relationship between the executive and the legislature in the State and made the House to pass a resolution to impeach the governor if he would not implement the said laws and other issues as required of him by the constitution (OGHA, 2009). According to the legislators interviewed, the legislature's financial autonomy is imperative for it to carry

out the onerous responsibilities placed upon it as the people's representative and therefore, the true eye, ear and voice of the people in the polity. By virtue of this role, the legislature performs the critical roles of constituency representation, law making and oversight on the operations of government. These fundamental roles of the legislature in a democratic polity inform the need for the organ of government to be financially self-directed and not to be tied to the apron strings of the executive. The implementation of the Self Accounting Law is indispensable for legislative independence in the State and would enhance the Assembly to perform its responsibility without fear or favour and without actually compromising its stand on issues that pertain to the extension of the frontiers of citizenship. As noted by Professor Lai Olerede;

the legislature has often been attached to the executive and the legislature can become arm twisted when it knows very well that it will have to go to the executive to seek for approval on what to spend and what it can spend on. This limits its capacity and freedom to be truly autonomous and truly independent, especially being independent of the executive branch of government (Cited in Nigeria Observer, 2012).

Financial autonomy will therefore, detach the state legislature from being sycophant and agent of the governor and strengthen its oversight responsibilities.

Another instance of legislature-executive conflict in Ogun State bothered on the performance of the oversight functions of the State House of Assembly. Legislature-executive acrimony ensued in the state over the plan by the State Governor – Otunba Gbenga Daniel to raise N100 billion loan from the Nigeria capital market (Oni, 2010). This exercise was considered grisly by the state legislature as it was capable of mortgaging the future of the state by placing the state treasury in the hands of banks waiting in the wings to take control of its purse for a prolonged period of time. Moreover, the timing of the plan was considered worrisome in that the governor had few months before the expiration of his tenure. Thus such action would appear strategic by the Governor to empty the state treasury before his departure from office. Further, the governor would be buying himself political immunity by moving to the Senate. All these issues would have insinuated the state legislature's (especially the G15) unfavourable disposition towards the N100 billion loan (Adeniji, 2010).

It is perhaps worthy of note that the idea of government securing such a huge amount of money to embark on development project at a time the tenure of such government was about to terminate and without the possibility of being re-elected, really deserved thorough legislative scrutiny. This is because one wonders why such plan was not embarked upon but delayed to the period when the tenure of such government was almost winding up. Such plan if not properly scrutinized but simply rubber stamped could just mean an open cheque for such government to loot the resources of the state.

The disagreement over the reduction of the amount in the 2010 appropriation bill submitted to the State House by the executive was another instance of legislature-executive conflict in the State. The power game between the two arms of the government was on the power of the legislature to amend the budget as submitted by the executive. The State Assembly, after its deliberations on the appropriation bill, reduced the 2010 estimate from N100.73billion proposed by the State Governor to N88.09billion following the report presented by the Chairman, House Committee on Finance and Appropriation, Chief Adekunle Adegboyega. The assembly expunged the inclusion of the N28billion to be raised through bonds from the proposed capital receipt of the state for the year and the N9.8billion earmarked for servicing the bond. The House, however, increased allocation to the House from N760m to N1bn and allocation to the Ministry of Works from N1.8billion to N2.5billion. On this note, the Assembly approved N42.461billion for the state capital expenditure and N36.99billion as recurrent expenditure for 2010 after three months of delay (OGHA, 2010, vol. 3). On the contrary, the executive viewed such reduction as ridiculous and capable of impeding the developmental process. He delayed the signing of the state 2010 appropriation bill for three weeks after the State House of Assembly passed it with the argument that some grey areas needed to be resolved with the State Assembly before the passage (Adeniji, 2010).

It is perhaps vital to stress that appropriation law serves as a legal instrument for raising funds necessary for the operations of the government. The process involves both the executive and the legislature. While orderly government requires that the executive should propose the estimate, the proposal is subjected to legislature's investigation and



approval. Through amendment process, the legislature oversees the affairs of the government and exerts citizen's influence on the budget. As noted by (NDI, 2000) the budget process represents one of the vital checks and balances of democracy. The crisis between the Ogun State House of Assembly and Governor Gbengal Daniel however added personal, ethnic and diabolically obscurantist complications to legislature-executive relations in the state.

Having completed eight years of two terms tenure in the Governor's House, Gbenga Daniel's PDP led government ended in 2011. With the vast resources of the State in terms of manpower base and industries, with good governance, so much would have been achieved in the state in the area of infrastructural development, job creations, provision of basic amenities and of course, dividends of democracy. Unfortunately, the reverse seemed to be the case in the Gateway State especially when the few amenities provided by this administration are compared with the cost of governance in the State.

The Seventh Legislative Assembly of Ogun State was inaugurated by the state governor, Senator Ibikunle Amosun, on 7 June, 2011 with Honourable Suraj Ishola Adekunbi, representing Egbado North I State Constituency, elected as the Speaker. The Assembly consisted of twenty-six (26) members out of whom the ACN initially had seventeen (17) while the PDP had six (6) members and the Peoples Party of Nigeria (PPN), three (3) members. Three (3) members (Hon. Babatunde Egunjobi, Hon. Harrison Adeyemi and Hon. Sola Sonuga) however, defected to the ACN. Their defection followed the inability of the PDP leadership at the national level to resolve the crisis rocking the state chapter of the party since 2008 (Olatunji, 2012). The defection thus brought the number of ACN members to twenty (20) out of the twenty-six (26) members of the House.

With this composition of the Assembly, it seemed that the Amosun ACN's led administration would have no need engaging in high level lobbying in the House in order for any bill, resolution or any legislative action to favour his administration. This is based on the simple fact that the ruling ACN had the required two-third majority to have a bill and resolution passed in any legislative action after the debate or consideration of any

matter on the floor of the House. Against this inconsequential minority opposition in the House, it would appear that the Ogun State Seventh Legislative Assembly would be a rubber stamp assembly for the ACN controlled government, considering what it was known for especially during the first term of the former Governor, Otunba Gbenga Daniel. Contrarily, the nature of legislature-executive relations in the state within the few months (2011 -2012) that Amosun administration began, seemed to have taken a different dimension, following legislative independence and its awakening to its pivotal role of citizens' representative in an atmosphere of healthy intra-governmental relations in the State.

This is evidenced in the consensus manner with which the two organs of government handled their differences on executive bill number 20/OG/2012 titled "A bill for a law to provide for the raising of loans through issuance of bonds, notes and other securities and for connected purposes" (OGHA, 2012. Vol.1), already reported earlier in this study. In the course of considering the bill on the floor of the House, the Assembly noted that bond is a vital instrument through which an economy of the state could be boosted and agreed that the bill would provide the framework for accessing and repayment of loans. It however observed that a wholesale approval of such bill has implication of usurping the power of the legislators over public fund management. The House therefore passed a resolution that the bill should be amended by the Governor to retain the legislative's powers over public funds as a condition for its passage by the House.

Furthermore, a close observation of the nature of legislature-executive relations in Ogun State under the new dispensation of Amosun led government, was the influence of the opposition parties. The opposition parties in the House seemed to be presenting constructive oppositions to the decisions and activities of the assembly and the executive. It is instructive to note that following the defection of three (3) members of the PDP in the House to the ACN ruling party, six (6) members of the House belonged to the PDP and PPN. The ACN ruling party with 20 members now had comfortable two-third (2/3) majority in the State House of Assembly. Despite that the opposition parties do not have the one-third (1/3) members in the House, they seemed to have provided viable

oppositions and critique to the proposals and policies of the ruling party. For instance, members of the opposition parties shunned a special meeting convened by the Governor on July 31, 2012 in the governor's office at Oke-Mosan, Abeokuta. The nine Assembly members are the Minority Leader, Job Akintan; the PDP Whip, Olusola Sonuga; PPN Whip, John Obafemi; Babatunde Edunjobi (Yewa South); Abiodun Akovoyon (Ipokia Idiroko); Salmon Adeleke (Imeko/Afon; Bowale Solaja (Ijebu NorthI); Joseph Adegbesan (Ijebu North II); and Adeyemi Harrison (Ogun Waterside). Finding revealed that they disregarded the meeting as a protest against the outcome of the July 21 local government election in the state which process they viewed as lacking credibility.

Furthermore, a major circumstance that led to the Assembly's decision to mandate the Governor to review the executive bill 20/OG/2012 on raising of loans reported earlier in this study was the influence of members of the opposition party in the House. The Minority Leader of the House, Job Akintan representing Egbado North II State Constituency on the PDP platform, and other members of the opposition parties maintained their opposition to the wholesale approval of the bill and were able to make the difference by scuttling the easy process envisaged for a majority bill even when they were in the minority. They made reference to Section 120, 121 and 122 of the constitution which confers power on public finance to the House of Assembly and as such argued that a decision to hurriedly pass the bill would cede the powers of the legislature on public finance to the executive (OGHA, 2012, vol.1). The House, on the bases of this, referred the bill back to the Governor for amendments to reflect the retention of the powers of the State House on public funds.

It is interesting to note at this juncture that, with the ensuing development in the legislature-executive relations in Ogun State there seemed to be a paradigm shift in that the Ogun State 7<sup>th</sup> Legislative Assembly seemed to be awake to its role as the people's representatives through legislation and a veritable watchdog over government emerging despotism and financial impudence in the State.

In concluding this section, it is imperative to note that the analysis of the pattern of legislature-executive relations in Lagos and Ogun States has been characterised by the desire of the executive to continue to control the legislature and the latter's strive for

independence. This seemingly mutual inclusive interplay tended to have pitched the executive and the legislature in a perpetual struggle for political power. This finding is in tandem with the second preposition of this study that the relationship between the executive and the legislature in Lagos and Ogun States has been more of power struggle than being responsible partners in governing.

#### **5.10.6. Factors Responsible for the Pattern of Legislature-Executive Relations in Lagos and Ogun States between 1999 and 2011**

This section dwells on the presentation and analysis of empirical data obtained from Lagos and Ogun States on the factors responsible for the pattern of legislature-executive relations in the two states between 1999 and 2011. Table 5.12 is the frequency distribution of responses from the respondents in both Lagos and Ogun States. The table is followed by brief descriptive analysis for the purpose of clarity.

**Table 5.13: Factors Responsible for the Pattern of Legislature-Executive Relations in Lagos and Ogun States between 1999 and 2011**

Lagos State	Strongly agree		Agree		Undecided		Disagree		Strongly disagree	
	F	%	F	%	F	%	F	%	F	%
External Interference	36	29	41	33	9	7	21	17	18	14
Influence of political party	70	56	26	21	7	6	18	14	4	3
Partisan/factional politics	6	5	27	22	14	11	60	48	18	14
Attempts to personalize political authority	24	19	75	60	10	8	3	2	13	10
Lack of professionalism and underdeveloped nature of the legislators	32	26	26	21	18	14	21	17	27	22
Personality/egoistic rivalry	29	23	75	60	11	9	6	5	4	3
Corruption/Personal/ parochial advantage lack of transparency and accountability	17	14	80	64	15	12	5	4	8	6
Godfatherism	48	38	40	32	20	16	13	10	4	3
Ethnicity	16	13	16	13	21	17	50	40	22	18
Ogun State	Strongly agree		Agree		Undecided		Disagree		Strongly disagree	
	F	%	F	%	F	%	F	%	F	%
External Interference	33	27	45	37	15	12	19	16	8	7
Influence of political party	61	50	42	35	6	5	8	7	4	3
Partisan/factional politics	62	51	27	22	15	12	16	13	1	0.8
Attempts to personalize political authority	29	24	67	55	8	7	14	12	3	3
Lack of professionalism and underdeveloped nature of the legislators	21	17	60	50	9	7	21	17	10	8
Personality/egoistic rivalry	17	14	60	50	15	12	23	19	6	5
Corruption/Personal/ parochial advantage lack of transparency and accountability	22	18	91	75	0	0	3	3	5	4
Godfatherism	57	47	49	40	2	2	10	8	3	3
Ethnicity	25	21	44	36	4	3	47	39	1	1

*Source: Field Reports, 2012*

Table 5.12 indicates the percentage distribution of responses on the factors responsible for the pattern of legislature-executive relations in Lagos and Ogun States. The table shows that in Lagos State, 29% strongly agreed, 33% simply agreed, 7% were undecided, 17% disagreed and 14% strongly disagreed that executive's interference in the affairs of the legislature was responsible for the pattern of legislature-executive relations in Lagos State. Similarly, in Ogun State, 27% of the respondents strongly agreed while 37% simply agreed, 12% were undecided, 16% simply disagreed and 7% strongly disagreed. It is observed from this analysis, that majority of the respondents in both Lagos and Ogun

States agreed that executive's interference in the legislative affairs of the House of Assembly in the two states was a factor responsible for the pattern of the legislature-executive relations in the states.

From Table 5.12 above, 56% of the respondents strongly agreed; 21% agreed; 6% were undecided; 14% disagreed and 3% strongly disagreed that political party plaid influential role in determining the pattern of legislature-executive relations in Lagos State between 1999 and 2011. In Ogun State however, 50% of the respondents strongly agreed and 35% merely agreed that political party plaid influential role in determining the pattern of legislature-executive relations in the state. 5% were however, undecided. 7% of the respondents disagreed and 3% strongly disagreed. This analysis indicates that majority of the respondents in both Lagos and Ogun States agreed that that political party plaid influential role in determining the pattern of legislature-executive relations in the two states between 1999 and 2011.

The table also contains frequency distribution of respondents' position on whether partisan/factional politics was responsible for the pattern of legislature-executive relations in Lagos and Ogun States between 1999 and 2011. In Lagos State, 5% of the respondents strongly agreed while 22% merely agreed. 11% were undecided. 48% disagreed while 14% strongly disagreed that partisan/factional politics was responsible for the pattern of the legislature-executive relations in Lagos State between 1999 and 2011. In Ogun State however, 51% of the respondents strongly agreed and 22% simply agreed while 12% were undecided. 13% simply disagreed and 0.8% strongly disagreed that partisan/factional politics was responsible for the pattern of the legislature-executive relations in Ogun State between 1999 and 2011. It is conclusive therefore, that while majority of the respondents in Lagos State disagreed that partisan/factional politics was responsible for the pattern of legislature-executive relations in the state between 1999 and 2011, in Ogun State on the contrary, majority of respondents agreed that partisan/factional politics was responsible for the pattern of legislature-executive relations in the State between 1999 and 2011.

Table 5.12 also depicts the percentage distribution of respondents on whether or not, attempt to personalize political office was a factor responsible for the pattern of legislature-executive relations in Lagos and Ogun States between 1999 and 2011. The table shows that 19% of the respondents in Lagos State strongly agreed while 60% simply agreed that attempt to personalize political office was one of the factors responsible for the pattern of legislature-executive relations in Lagos State between 1999 and 2011. 8% of the respondents were however undecided. 2% simply disagreed and 10% strongly disagreed. Responses from Ogun State also followed a similar dimension. 24% of the respondents strongly agreed and 55% simply agreed that attempt to personalize political office was a factor responsible for the pattern of legislature-executive relations in the state between 1999 and 2011. 7% of the respondents were undecided. 12% simply disagreed and 3% indicated their strong objection. This analysis shows that majority of the respondents in Lagos State and in Ogun State agreed that attempt to personalize political office was a factor responsible for the pattern of legislature-executive relations in each of the two states between 1999 and 2011.

Respondents were also asked to indicate their agreement or otherwise on whether on not lack of professionalism and underdeveloped nature of the legislators were responsible for the pattern of legislature-executive relations in Lagos and Ogun States between 1999 and 2011. Table 5.12 shows that 26% of the respondents in Lagos State strongly agreed and 21% simply agreed that lack of professionalism and underdeveloped nature of the legislators were responsible for the pattern of legislature-executive relations in Lagos State between 1999 and 2011. 14% of the respondents were however undecided while 17% disagreed and 22% strongly disagreed. In Ogun State, 17% of the respondents indicated a strong agreement and 50% simply agreed. 7% were undecided while 17% merely agreed and 8% indicated strong disagreement. This analysis shows that majority of the respondents in both states agreed that lack of professionalism and underdeveloped nature of the legislators were responsible for the pattern of legislature-executive relations in Lagos and Ogun States between 1999 and 2011. It is also observed that the level of agreement with this notion was very high in Ogun State as compared with Lagos State.

The percentage of respondents that agreed in Lagos State was 46% while that of Ogun State, 81%.

Personality/egoistic rivalry was another factor tested in the survey. Table 5.12 indicates that 23% of the respondents in Lagos State expressed strong agreement with the position that personality/egoistic rivalry contributed to the pattern of legislature-executive relations in the state between 1999 and 2011. 60% simply agree while 9% were undecided. 5% however, simply agreed and 3% strongly agreed. Ogun State also shows a similar outcome. 14% of the respondents strongly agreed that personality/egoistic rivalry contributed to the pattern of legislature-executive relations in the state between 1999 and 2011, 50% simply agreed, 12% were undecided, 19% disagreed and 5% strongly disagreed. It is observed from this analysis therefore, that majority of the respondents in both Lagos and Ogun States agreed that personality/egoistic rivalry was among the factors responsible for the pattern of legislature-executive relations in Lagos and in Ogun States between 1999 and 2011.

The percentage distribution of respondents on whether or not corruption and lack of transparency and accountability affected the pattern of legislature-executive relations in Lagos and Ogun States is depicted in Table 5.11. The table shows that 14% of the respondents strongly agreed that corruption and lack of transparency and accountability constitute factors responsible for the pattern of legislature-executive relations in Lagos State between 1999 and 2011. 64% of the respondents simply agreed while 12% were undecided. 4% however disagreed and 6% strongly disagreed. In Ogun State on the other hand, 18% of the respondents strongly agreed while 75% simply agreed. 3% of the respondents however, disagreed and 4% strongly disagreed that corruption and lack of transparency and accountability were responsible for the pattern of legislature-executive relations in Ogun State. It is therefore observed from this analysis that majority of the respondents in the two states are of the view that corruption and lack of transparency and accountability were responsible for the pattern of legislature-executive relations in Lagos and Ogun States between 1999 and 2011.



Another factor tested in this survey is political godfatherism. Respondents were asked whether political godfatherism was a factor responsible for the pattern of legislature-executive relations in Lagos and Ogun States between 1999 and 2011. The percentage distribution of respondents' responses is illustrated in Table 5.12. The table shows that 38% of the respondents strongly agreed that political godfatherism was a factor responsible for the pattern of legislature-executive relations in Lagos State between 1999 and 2011 while 32% merely agreed. 16% were undecided. 10% disagreed and 3% strongly disagreed. In a similarly dimension, 47% of the respondents in Ogun State strongly agreed that political godfatherism was a factor responsible for the pattern of legislature-executive relations in Ogun State between 1999 and 2011 while 40% merely agreed. 2% were undecided while 8% disagreed and 3% strongly disagreed. A very germane observation in this analysis is that the percentage of respondents who affirmed that political godfatherism was a factor responsible for the pattern of legislature-executive relations in Lagos and Ogun States between 1999 and 2011 seriously outnumbered those who disagreed.

The impact of ethnicity on the pattern of legislature-executive relations in Lagos and Ogun States between 1999 and 2011 was also surveyed. Percentage response of the respondents is depicted in Table 5.12. Percentage distribution of respondents in Lagos State indicates that 13% strongly agreed and 13% merely agreed that ethnicity affected the pattern of legislature-executive relations in the state. 17% was however, undecided. 40% disagreed and 18% strongly disagreed. Contrarily, in Ogun State, 23% of the respondents strongly agreed while 40% simply agreed that ethnicity impacted on the pattern of legislature-executive relations in Ogun State between 1999 and 2011. 17% were however undecided. 10% disagreed and 10% strongly disagreed with the conception. An important deduction from this analysis is the fact that while majority of the respondents in Lagos State are of the view that the pattern of legislature-executive relations in Lagos State between 1999 and 2011 was not a result of politics of ethnicity, in Ogun State however, majority of the respondents affirmed that ethnic politics impacted on the pattern of legislature-executive relations in the state between 1999 and 2011.

**5.14: Descriptive Statistics of the Factors Responsible for the Pattern of Legislature-Executive Relations in Lagos and Ogun States between 1999 and 2011**

Lagos State	N	Sum	Mean
	Statistic	Statistic	Statistic
External Interference	125	341.00	2.7281
Influence of political party	125	168.00	1.3441
Partisan/factional politics	125	302.00	2.4120
Attempts to personalize political authority	125	217.00	1.7360
Lack of professionalism and underdeveloped nature of the legislators	125	204.00	1.6320
Personality/egoistic rivalry	125	218.00	1.7440
Corruption/Personal/ parochial advantage lack of transparency and accountability	125	259.00	2.0720
Godfatherism	125	233.00	1.8640
Ethnicity	125	412.00	3.2960
Ogun State	N	Sum	Mean
	Statistic	Statistic	Statistic
External Interference	121	202.00	1.6719
Influence of political party	121	241.00	1.9917
Partisan/factional politics	121	229.00	1.8926
Attempts to personalize political authority	121	145.00	1.1980
Lack of professionalism and underdeveloped nature of the legislators	121	293.00	2.4198
Personality/egoistic rivalry	121	233.00	1.9240
Corruption/Personal/ parochial advantage lack of transparency and accountability	121	142.00	1.1707
Godfatherism	121	262.00	2.1680
Ethnicity	121	197.00	1.6281

*Source: Field Data, 2012*

Table 5.14 is the result of the statistical test on the factors responsible for the pattern of the legislature-executive relations in Lagos and Ogun States between 1999 and 2011. The test reveals a mean of 3.1280 and 2.7281 on the impact of external interference on legislature-executive relations in for Lagos and Ogun States respectively. This indicates that external influence affected the pattern of the legislature-executive relations in the two states. The result also indicates that the nature of political party in the state affected the pattern of legislature-executive relations. This is indicated by a mean of 1.3441 and

1.9917 for Lagos and Ogun States respectively. On the impact of partisan or factional politics on the pattern of legislature-executive relations in the state, the test reveals a mean of 2.4120 and 1.8926 for Lagos and Ogun States respectively. This means that factional or partisan politics contributed to the pattern of legislature-executive relation in the two states. Similarly, the test also signifies that lack of professionalism and underdeveloped nature of the legislators affected the pattern of legislature-executive relations in the two states. This is shown by the mean of 1.6320 and 1.1980 for Lagos and Ogun States respectively. With the mean values of 1.7440 and 1.9240 for Lagos and Ogun States respectively, it is conclusive that personality and egoistic rivalry also contributed to the pattern of legislature-executive relations in the two states. Another factor that affected the pattern of legislature-executive relations in Lagos and Ogun States is personal interests and corruption among the organs of government. This is shown by the mean values of 2.0720 and 1.1707 for both Lagos and Ogun States respectively. Godfatherism also contributed to the pattern of legislature-executive relations in the two states. This can be seen from the mean of 1.8640 and 2.1680 for Lagos and Ogun States respectively. The last factor tested in this study is the impact of ethnicity. The test however reveals that while ethnicity was responsible for the pattern of legislature-executive relations in Ogun State, ethnic politics had little or no impact on the pattern of executive-relations in Lagos State. These findings are discussed in detail in the next segment.

#### **5.10.7. Discussion of Findings on the Factors Responsible for the Pattern of Legislature-Executive Relations in Lagos State between 1999 and 2011**

The relationship that exists between the executive and the legislature is largely structured by constitutional prerogatives vested in the legislature and the executive (National Democratic Institute (NDI), 2000). The constitution sets the powers and limits of both the executive and the legislature and as well determines the interactions that should exist between the two powers. In the presidential system of government, there exists a separation of the powers of the executive and the legislature in an atmosphere of checks and balances. There are however, numerous informal rules and conventions that equally

affect the nature of legislature-executive relations. The findings of the factors responsible for the nature of legislature-executive relations in Lagos State include the following;

#### **5.10.7.1. One-Party Hegemony**

Political parties are the connecting link between divers groups of people and government and are seen to have tremendous impact on intra-governmental relations in a democratic political system. This stems from the fact that the Chief Executive and members of the legislature belong to and emanate from political parties. While Nigeria operates a multiparty system, there exists a one-party hegemony with one party in control of both the government and the State House of Assembly of Lagos State. Lagos State was under the control of the Alliance for Democracy (AD) between 1999 and 2003 and Action Congress of Nigeria from 2003 and was still in control of the state the year this study was conducted. The landslide victory recorded by these political parties in the House of Assembly elections in Lagos State invariably put the parties in control of the majority of the seats in the legislative assemblies. Ordinarily, where the chief executive's (Governor) party controls a majority of members of the legislative assembly as the case of Lagos State, much of the problems of minority government arising from presidentialism would have been overcome as a higher degree of unity and cooperation would have naturally been embedded in the party's programmes, visions and mission. Thus a high level of party loyalty is expected of members of the ruling party in the legislative assembly. Party loyalty in which the decisions of the ruling ACN party leadership are expected to be acceded to by members in the State Assembly has been of great significance to the performance of the Lagos State House of Assembly and its relationship with the executive in the State. The analysis of the impact of party loyalty and supremacy on legislature-executive relations in Lagos State above supports Lijphart (1999) postulation that in a presidential system, the strength and cohesion of the Chief Executive's party in the legislature will determine his power relative to the legislature.

In addition, the ACN ruling party over depended on the powers of the incumbent government. Most of the legislators in the state are therefore, loyal to the Governor and the ruling party (ACN) than to the State Assembly and their zealotry to win next

election and maintain their positions makes them uncritical of executive policies. The ever loyalty of members of the ruling party to the Governor enables the executive to use political parties as tools for manipulating the legislature and further reduces the degree of independence that the legislators are expected to enjoy. This further reinforces strong executive leadership in the state. This situation is in congruence with Derbyshire (1999) who averred that increasing party strength has become a major reason for the decline in the power of the legislature in relation to that of the executive.

#### **5.10.7.2. Lack of Party Democracy**

Closely related to the above factor is the lack of internal democracy in the AD and ACN party that have been controlling the State since 1999. The ACN primary elections were often characterized by manipulations and imposition of candidates. Finding revealed that as the ACN party leader and the major financier (though unofficial), Tinubu controlled the primaries and the selection of candidates for political positions. In this circumstance, only candidates considered loyal to him were often compensated with the party candidatures to the State House and the National Assembly. For instance, the 2007 primary ACN election was marred with politics of manipulation and imposition, the emergence of Fashola as the AC governorship candidate was riddled with manipulation and imposition (Ojedokun, 2010). In the 2011 ACN primaries also, findings revealed that Tinubu fielded his wife Remi Tinubu as the party senatorial candidate for Lagos Central, his daughter Sade Tinubu for Agege Lagos State House of Assembly, his son in-law Oyetunde Ojo for House of Representative and Lola Akande, his sister-in-law for House of Assembly. Most members of the State legislature were often hand-picked by the ACN leadership. In the 2011 House of Assembly election, only candidates who would support the re-election of Ikuforiji were given the party's candidature and members of the party were not allowed to vote for candidates of their choice. Consequently, Ikuforiji returned unopposed as the Speaker of the 7<sup>th</sup> Lagos Assembly. As Omoweh (2012) rightly observed, a few and rich politicians have captured and privatized the political parties to meet their narrow gains, thereby re-orienting the parties away from their basic functions of interest articulation, aggregation and political education. The subversion of internal democracy often made the legislature subservient to executive manipulations.

### **5.10.7.3. Attempts by Political Office Holder to Personalize Political Authority**

The attempt by political office holders to personalize political authority is a fundamental factor responsible for nature of legislature-executive relations in Lagos State. This is a precarious nature of Nigerian politics in which most of elite perceive that the system serves their interests and hence circumvent the democratic system. The attempt to personalize political office is observed in Lagos State between 1999 and 2007 in which the Governor used his power of incumbency and patronage to suppress and manipulate the legislative assembly for personal interests and political ambitions.

The impact of selfish advantage on legislature-executive relations in Lagos State could perhaps also be deduced from a statement in the address of the Executive Governor of the State Rhaji Babatunde Fashola at the inauguration of the 7<sup>th</sup> Lagos State House of Assembly. According to him, “Legislative work is a career nurtured by experience and passion to serve the common and public good rather than a desire to prosper individual interest” (Ajayi, 2011). The desire to prosper individual interests accounts for high level of corruption in both arms of government. This is because of the erroneous perception that politics and politicking in Nigeria as a whole is an avenue for the pursuit of economic gain. The many alleged cases of corruption against the Speaker, Adeyemi Ikuforiji and Tinubu by the EFCC and the indictment of the True Face of Nigeria against the State government over financial impropriety, all points to the level of corruption in Lagos State which also worsened the legislature-executive relations in the State.

### **5.10.7.4. Lack of Professionalism and Underdeveloped Nature of the Legislators**

Legislative professionalism generally refers to the enhancement of the capacity of the legislature to perform its role in the policy-making process with an expertise, seriousness, and effort comparable to that of other actors in that process (Mooney, 1994). Legislative professionalism influences the behaviour of political actors within and outside of legislatures. The degree of legislative professionalism shapes the internal structure and composition of a legislature, influences membership diversity and the presence of divided government and party composition, membership stability and turnover and contributes to the legislative-executive relations (Rosenthal 1998; Ferguson, 2003; Moncrief, Niemi,

and Powell 2004; Squire 2007). One of the factors that determine the level of legislator's professionalism is availability of infrastructure and the length of legislative working experience (King, 2000; National Assembly, 2009).

The problem of inexperience of the legislators is a direct effect of the prolonged absence of the legislature in Nigeria's political development. The long period of time that the military, occupied Nigeria's political process, the executive arm functioned alongside a castrated judiciary, while the legislature had no place in military government. For almost three decades under different military regimes, the legislative institutions in Nigeria suffered various forms of subjugation and proscription. In such a situation, the legislatures could not but be seriously weakened as institution of governance while on the other hand the executive continued to wax stronger. Even when the legislature was permitted to exist under schemes of diarchy during the aborted third republic, the organ of government remained within the stranglehold of the military rulers who used the legislature to create some sense of legitimacy for their administrations (Awotokun, 1998).

Consequently, while the continuity of the executive had enabled it to develop and mature, the legislature is often filled with inexperience legislators who sometimes are made up of mostly party loyalists and rascality each time the institution was restored after successive military rules. The impact of military on legislative underdevelopment is encapsulated by Hon Adeyemi Ikuforiji who noted that;

We all know the truth about the Nigerian democratic setting. The legislature in the country is 13 years old, while the executive is as old as Nigeria, if we look back to where we started in 1999, it is laughable. We have been having the executive arm of government since the amalgamation of Nigeria in 1914. The truth of the matter is that a 98 year old papa who had been put under the oversight of a 13 years old boy, you do not expect the child to carry out his duty without fumbling, stumbling or boxing himself to a corner (Obineche, 2012).

The inertia suffered by the legislative institution of Nigeria during the decades of military administration did not only robbed the institution the advantage of experience which is the cornerstone of the enviable tradition of legislative effective performance, supremacy and significance in the governance of the advanced democracies, but also culminated in the absence of legislative culture.

The low level of experience by the legislators is one of the major factors responsible for the nature of legislature-executive relations in the State. The extent of inexperience in the Lagos State House of Assembly especially at the dawn of the Fourth Republic was encapsulated by the Speaker of the House - Adeyemi Ikuforiji who noted that;

The fact is that if we look back to where we started in 1999, you will discover that those people who came out to be lawmakers were jobless people. Most Nigerians did not believe that the military was going to hand over power. Most professionals and business men just stayed back, so a lot of job seekers came out as politicians and tried their luck. Those who succeeded just became our legislators. Of course they did not have anybody to learn from, they started from the beginning and they groped in the dark, and when their tenure was up, most didn't make it back and the learning curve continued for many. So the legislature is in a precarious situation more than any arm of government in the country and has many curves which are totally different from others (Obiagwu, 2012:1).

The observation made by Ikuforiji is evidenced by the fact that the Lagos State Fourth Legislative Assembly (1999 and 2003) had only one returned member from the defunct 3<sup>rd</sup> Assembly in the person of Hon. Fabikun Adeniyi Segun from Isolo/Ilasa/Ejigbo Constituency but represented Oshodi/Isolo Constituency 11. The implication was that it took quite a while for the members of the assembly to acquire legislative skills. There was however, an improvement in the Fifth Lagos State Legislative Assembly (2003-2007) as seventeen (17) members were re-elected while twenty-three (23) members were new legislators. In the 2007 elections, the 17 members that re-contested were returned to the House, thus the Sixth Legislative Assembly did not witness any change in terms of the ratio of returnees to newly elected members. The seventh Lagos State House of Assembly which started from June 2011 however, has twenty-two (22) returnees with the rest eighteen (18) members newly elected members (Omoleye, 2011). This limited experience on the part of the legislature, accounted for the subservience of the State House of Assembly to executive apron string in Lagos State.

#### **5.10.7.5. Godfatherism Factor**

The factor of godfatherism also impacted on the nature of legislature-executive relations in Lagos State. The legislative arrogance of the 6<sup>th</sup> and 7<sup>th</sup> Legislative Assembly of Lagos State has its root in politics of godfatherism that brought both Fashola, the Chief



Executive of the State and Ikuforiji, the Speaker of the State House of Assembly to power in the state. The scuffle between Governor Fashola and the State House of Assembly was alleged to have been instigated by the ACN leadership in an attempt to undermine Fashola because of the brawl between him (Fashola) and his godfather, former governor Tinubu. The Speaker of the House Adeyemi Ikuforiji was sponsored to ensure that Babatunde Fashola was either impeached or that he (Fashola) was denied the second term ticket as the state's Governor in the 2011 elections. Findings revealed that Ikuforiji was used successfully by Tinubu to checkmate Fashola during his first term in office. Ikuforiji used every available opportunity including the Town Hall Meetings organized by the Lagos State House of Assembly to haunt and harassed the governor (Obasola, 2009). In one of the meetings, he lambasted Fashola not to be carried away with the applause he was receiving from the public, telling him to concentrate on governance (Ajayi, 2011). The politics of godfatherism is attributable to the pattern and character of funding and campaign financing. Through this, the godfather is able to control the party and imposed anti-democratic whims and caprices evidenced by the imposition of virtually all principal officers and candidates for public offices in the party.

#### **5.10.7.6. Personality Clash/Egoistic Rivalry**

Another factor that accounted for the nature of legislature-executive relations in Lagos State particularly between 2007 and 2012 was personality clash or egoistic rivalry between Tinubu and Fashola on one side and between the Speaker- Ikuforiji and Fashola on the other hand. Investigation revealed that Tinubu was becoming exasperated over the many accolades and praises being showered upon Fashola as the best performing governor. These numerous praises was beginning to overshadow the success story of Tinubu as a former governor of the State. This led to using the legislators especially those loyal to him to attempt at rubbing the political career of Fashola. The other form of personality and egoistic clash was between Ikuforiji the Speaker and Fashola the governor. According to some of our interviewees, the legislators especially the Speaker of the House – Ikuforiji still continued to see Fashola as Tinubu's Chief of Staff even two years after Fashola became the governor of the State and would use every available opportunity to lambast him.

### **5.10.8. Discussion of Findings on the Factors Responsible for the Pattern of Legislature-Executive Relations in Lagos and Ogun States between 1999 and 2011**

Our findings on the major factors responsible for the nature of legislature-executive relations in Ogun State between 1999 and 2011 are discussed below.

#### **5.10.8.1. Ethno-religious Politics**

One of the major causes of legislature-executive conflicts in Ogun State was ethnic politics. In fact, the crisis centered on the politics of which of the three major ethnic groups – Egba, Yewa/Awori and Ijebu would produce the governor in 2011 elections. The story has been that the Egbas dominated the political affairs of the state and had wanted the next governor after Gbenga Daniel in 2011 to come from the ethnic group. Along this political thinking therefore, Senator Iyabo Obasanjo-Bello and Speaker Dimeji Bankole had plans for the governorship position. Gbenga Daniel on the other hand, was scheming to ensure that his successor came from the Yewas/Awori ethnic group. This ethnic politics virtually put leaders of the ruling Peoples Democratic Party (PDP) in the State and Governor Gbenga Daniel at loggerheads after the 2007 general elections. Prominent among those who opposed Daniels plot were the former President Olusegun Obasanjo, Speaker of the House of Representatives, Dimeji Bankole, Senator Iyabo Obasanjo-Bello, Dr. Doyin Okupe and other eminent citizens of the state, especially those from Ogun Central Senatorial zone and the Egbas.

The protracted crisis affected legislature-executive relations in the state as it polarized the State House of Assembly along two major groups. One, was a group of fifteen members popularly referred to as G15 and the other group made up of eleven members - G11. The G 15 was led Speaker Tunji Egbetokun and was antagonistic to Governor Gbenga Daniel. The G11 however, comprised of legislators who were sympathetic to the governor. This crisis led to the impeachment of the former Speaker Titi Oseni a pro-Gbenga Daniel lawmaker. The G 15 instigated her removal and installed Egbetokun as the Speaker. The executive's scheming however saw Egbedokun impeached by 9 members of the House and installed Coker as the new speaker. In an environment where access to political

position such as the governorship of a state is seen as a means of controlling state resources for selfish gains, such political crises would defy all resolution mechanisms. Thus, the intervention of the PDP national leadership, prominent traditional rulers in the state including the Alake of Egbaland, the Awujale of Ijebuland and others to settle the rift achieved no success.

Closely related to the impact of ethnicity on the nature of legislature-executive relations in Ogun State is religion factor. Investigations revealed that past governors in the State have always been Christians. The Muslims both in the State House of Assembly and as well in the State at large therefore wanted a person from the Muslim faith to be the next governor of the state after Otunba Gbenga Daniel. Thus Muslim leaders started devising means of ensuring that their aspiration was realized and hence started working through some members of the State House of Assembly against the incumbent Governor

#### **5.10.8.2. Executive's interference**

One of the major causes of the polarised legislature-executive conflicts in Ogun State was executive's interference in the legislative business of the State House of Assembly. The interference was instigated by the morbid desire of the Governor to emasculate the state legislative assembly. The interference was evidenced in the emergence of Mrs. Titi Oseni as the Speaker of the Ogun State House of Assembly in 1999. Oseni's victory against the other contender of the position - Mr. Fasiu Bakenne with 19 votes to 7 votes was alleged to be a result of intrigues played by the executive of the state (Ogunsakin, 2003). The continuous manipulations of the State Assembly by the executive led to a regime change which ousted Titi Oseni from the speakership position of the State House. Another case of executive interference in the business of the state legislative assembly was the impeachment of Egbedokun as the Speaker of the House under a questionable circumstance by 9 lawmakers (belonging to the G11) out of the 26 members of the State assembly. The presence of heavily armed policemen, men of the State Security Service (SSS) at the meeting are suggestive of the governor's meddlesomness in the process. The continuous interference in the legislative business of the State assembly polarized the House into G11 (Governor's loyalists) and the G15 (antagonists of Gbenga antics).

### **5.10.8.3. Lack of Party Discipline**

Another major factor for legislature-executive polarization in Ogun State between 2003 and 2011 was the weak party discipline among the Government party members in the Ogun State House of Assembly. Ogun State was under the firm grip of the AD between 1999 and 2003 and PDP between 2003 and 2011. The landslide victory recorded by PDP in the 2003 and 2007 elections in the State invariably put the party in control of both the executive and the majority of the seats in the legislative assemblies. Ordinarily, since the Governor and the majority members of the Ogun State House of Assembly belonged to PDP, much of the problems of minority government arising from presidentialism would have been overcome as a higher degree of unity and cooperation would have naturally been embedded in the party's programmes, visions and mission. Lack of party discipline however, featured prominently among members of the party in the Ogun State legislative assembly. One of the fallouts of this was factionalization within the party. As noted by Anifowose and Akinbobola (2005), in any human organization, discipline includes the means available to group leaders to induce members to act according to rules laid down by the leaders. The whole concept of discipline then implies some kind of hierarchical relations or chain of command between the group's leader and members. Members of the government party (PDP) in the Ogun State House of Assembly were however devoid of this fundamental cord of party unity.

Although the ruling PDP was able to secure electoral majorities in the state between 2003 and 2011, its members lacked party discipline and the party was unable to define a strong identity around ideology or programmes. The PDP though firmly controlled political activities in Ogun State, its members in the House however, often voted differently from the governor's positions, and would oppose their party if the organizational position differed from their constituents' views or personal interests. Thus, it was routine for members of the party to cross party lines on a given vote, typically following the interests of their, ethnicity, religion or following other members of a borderline group within their party. The turbulence within the party system also worked against the establishment of strong internal leadership in the state. Despite the feuds in PDP in the state, Otunba Gbenga Daniel completed his second tenure. This was possible

because, as Guillaud, (2008) noted, in a presidential system, if party members refuse to vote inline with the party in the legislature, such action can not necessarily bring down the government.

#### **5.10.8.4. Intra-party Conflict**

The internal crisis among the powerful financial and political oligarchs in the Ogun State Chapter of PDP are attributable to the pattern and character of legislature-executive relations especially between 2003 and 2011 when Ogun State was controlled by PDP. Intra-party conflict in the State chapter of PDP started after the 2007 general elections when the governor was alleged to have perfected strategies to take over the party allegedly to manipulate it to further his political interest ahead of the governorship election in 2011. This drew prominent members of the party, specifically, former President Olusegun Obasanjo, Chief Jubril Martins Kuye, Dr. Doyin Okupe, Chief Adebayo Dayo, Brigadier General Tunji Olurin and other eminent citizens of the state in the state into the fray putting virtually leaders of the ruling PDP and Governor Gbenga Daniel at loggerheads. In an environment where access to political positions are seen as a means of controlling state resources for selfish gains, such political crises would not but defied all resolution mechanisms. Thus, intervention of the national leadership of the party could not abate the crisis. The crisis of who was the party gubernatorial flag bearer fractionalized the Dayo Soremi led executive committee of the party between Chief Adebayo Dayo, Chief Jubril Martins Kuye, Prince Buruji Kashamu, Sarafa Tunji Isola and Governor Gbenga Daniel. While the Dayo faction was recognised by the Independent National Electoral Commission, the PDP headquarters recognised Tunji Olurin. Following this Governor Daniel and his followers formed the Peoples Party of Nigeria (PPN). Different versions of the party's primaries where held with different individuals as the party's gubernatorial flag bearer. It took the intervention of the judiciary to declare the "authentic" party primary and gubernatorial candidates. The inability of the party to resolve its internal crisis led to its poor performance in the 2011 elections in the State. The failure of PDP in the elections demonstrated the incapability and the internal organizational shambles of the party. Right from the party's primaries and congresses, elections were marred by conflict, divisions, blackmails, violence and litigations. The

crisis and factionalisation within the party snowballed to polarization and critical divisions within the organs of government especially the State legislative assembly and the executive.

#### **5.10.8.5. External Influence**

Another factor that instigated the acrimonious relationship between the executive and the legislature in Ogun state was external influence. It was gathered from the interview that we conducted that external influence particularly from the ACN leadership who was bent on ensuring that the party took over the state in the 2011 elections fueled the legislature-executive crises in the State. Investigation revealed that the the ACN leadership was sponsoring some members of the State Assembly against the Governor as a ploy to discredit PDP government in the State.

#### **5.10.9. Implications of the Pattern of the Legislature-Executive Relations on the Governance of Lagos and Ogun States between 1999 and 2011**

The focus of this section is the examination of the implications of the nature of legislature-executive relations in Lagos and Ogun States between 1999 and 2011. This section draws strength from issues in the previous sections as well as from the interview and questionnaire conducted on our respondents. While interviewees were asked to explain the impact of the nature of legislature-executive relations during the various administrations of the States, with respect to questionnaire, respondents were asked to indicate their responses on a number of implications of the nature of legislature-executive relations in the States. Table 5.15 shows the frequency distribution of the respondents' reactions on the subject matter.

**Table 5.15: Implications of the Pattern of the Legislature- Executive Relations on the Governance of Lagos and Ogun States between 1999 and 2011**

Lagos State	Strongly agree		Agree		Undecided		Disagree		Strongly disagree	
	F	%	F	%	F	%	F	%	F	%
Ineffective decision making process	26	21	60	48	2	2	24	19	13	10
Delays in passage of appropriation bills	24	19	15	12	11	9	24	19	26	21
Ineffective legislative oversight	45	36	25	20	6	5	33	26	16	13
Slows down economic activities in the State	25	20	51	41	7	6	23	18	19	15
Wastage of state resources	21	17	60	48	11	9	7	6	20	16
Instability	20	16	19	28	3	2	24	50	40	22
Ethno-cultural rivalry and divisions	2	2	8	6	13	10	85	68	17	14
Despotic rule	24	19	26	21	11	9	24	19	15	12
Healthy for democratic development in the State	18	14	31	25	9	7	39	31	28	22
Ogun State	Strongly agree		Agree		Undecided		Disagree		Strongly disagree	
	F	%	F	%	F	%	F	%	F	%
Ineffective decision making process	57	47	45	37	2	1	7	6	10	8
Delays in passage of appropriation bills	28		25		7		21		19	
Ineffective legislative oversight	36	30	45	37	1	1	13	11	16	13
Slows down economic activities in the State	40	34	37	31	2	2	30	25	12	10
Wastage of state resources	43	36	24	20	7	6	20	17	27	22
Instability	36	30	42	34	6	5	15	12	22	18
Ethno-cultural rivalry and divisions	50	41	30	24	8	7	28	23	5	4
Despotic rule	40	36	30	24	4	3	9	7	17	14
Healthy for democratic development in the State	18	15	25	20	4	3	28	23	46	38

*Source: Field Reports, 2012*

The percentage distribution of responses on the implication of the pattern of legislature-executive relations on decision making process of Lagos and Ogun State government is illustrated in Table 5.13. The table shows that 21% of the respondents in Lagos State strongly agreed that the pattern of legislature-executive relations between 1999 and 2011 adversely affected decision making process in the state, 48% merely agreed while 2% were undecided. On the other hand, 19% of the respondent disagreed and 10% strongly disagreed. Similarly, in Ogun State, 47% of the respondents strongly agreed that the pattern of legislature-executive relations in Ogun State between 1999 and 2011 adversely affected decision making process in the state. 37% agreed while 1%, undecided. 6%

however disagreed and 8% strongly disagreed. Observation of this analysis therefore indicates that majority of the respondents in Lagos State and in Ogun State agreed that the pattern of legislature-executive relations in these states between 1999 and 2011 adversely affected decision making process in each of the two states.

Another implication of the pattern of legislature-executive relations in Lagos and Ogun states between 1999 and 2011 surveyed was delay in passage of appropriation bills. While 36% of the respondents strongly disagreed, 20% simply agreed that the pattern of legislature-executive relations in Lagos State between 1999 and 2011 caused delays in the passage of appropriation bills in the state. 5% were undecided. 26% merely disagreed while 13% strongly disagreed. In Ogun State on the other hand, 30% strongly agreed, while 37% merely agreed that the pattern of legislature-executive relations between 1999 and 2011 in the state caused delays in the passage of appropriation bills within that period. 1% however, was undecided. 11% on the other hand, disagreed while 12% strongly disagreed. This analysis indicate that majority of the respondents held that the pattern of legislature-executive relations in Lagos State and in Ogun State between 1999 and 2011 affected timely passage of appropriation bills.

In Table 5.15 also, the percentage distribution of respondents on the implication of the pattern of legislature-executive relations on legislative oversight in Lagos and Ogun States are presented. The table indicates that in Lagos State, 36% of the respondents strongly agreed that the pattern of legislature-executive relations in Lagos State hindered effective legislative oversight in the state. 20% merely agreed while 5%, undecided. 26% on the other hand, disagreed and 13%, strongly disagreed. In a similar dimension, 30% of the respondents in Ogun State strongly agreed that the pattern of legislature-executive relations in Ogun State hindered effective legislative oversight in the state. 37% merely agreed while 1%, undecided. 11% of the respondents however, disagreed and 13% strongly disagreed. This illustration implies that majority of the respondents both in Lagos and Ogun States agreed that the pattern of legislature-executive relations in each of the two states hindered effective legislative oversight in the states.



Table 5.13 also contains responses of the respondents in Lagos and Ogun States on the implication of the pattern of legislature-executive relations in Lagos State between 1999 and 2011 on the economic activities in the states. In Lagos State, 20% of the respondents strongly agreed that the pattern of legislature-executive relations in the state adversely affected economic activities in the state within the period of study. 41% just agreed and 6% were undecided. 3% however, disagreed and 18% strongly disagreed. Responses in Ogun State on the other hand, show that 34% of the respondents strongly agreed and 31% simply agreed that the pattern of legislature-executive relations in Ogun State between 1999 and 2011 had adverse effects on the economic activities of the state. 2% was undecided. 25% of the respondents disagreed and 10% strongly disagreed. An important observation on this illustration is the fact that majority of respondents in Lagos and Ogun States agreed that the pattern of legislature-executive relations in the two states between 1999 and 2011 had adverse effects on the economic activities in the states.

The percentage response of the respondents on the implication of the pattern of legislature-executive relations in Lagos State and Ogun State on the states' resources is illustrated in the Table 5.13. In the table, 17% of the respondents in Lagos State strongly agreed and 48% simply agreed that the pattern of legislature-executive relations in the state between 1999 and 2011 encouraged wastages of the state resources. 9% were undecided. On the contrary, 6% of the respondents disagreed and 16% strongly disagreed. In Ogun State, however, 43% strongly agreed and 20% merely agreed that the pattern of legislature-executive relations in the state between 1999 and 2011 encouraged wastages of the State resources within that period. 6% were however, undecided. Contrarily, 17% disagreed and 22% strongly disagreed. This analysis indicate that majority of the respondents agreed that the pattern of legislature-executive relations in Lagos and Ogun States between 1999 and 2011 encouraged wastage of resources in the two states.

The percentage distribution of the respondents in Lagos and Ogun States on the implication of the pattern of legislature-executive relations in the states between 1999 and 2011 on the political stability of the two states is depicted in Table 5.15. The table reveals

that 16% of the respondents in Lagos State strongly agreed and 19% merely agreed that the pattern of legislature-executive relations in the state between 1999 and 2011 caused political instability in the state. 2% were undecided. 50% on the other hand, disagreed while 22% strongly disagreed. In Ogun State, 30% of the respondents strongly agreed that the pattern of legislature-executive relations in the state between 1999 and 2011 had adverse effects on the political stability of the state. 34% merely agreed while 5% were undecided. 12% however, disagreed while 18% strongly disagreed. A pertinent observation in this analysis is that while majority of the respondents in Lagos State disagreed that the pattern of legislature-executive relations in the state between 1999 and 2011 encouraged wastages of the state resources within the period, on the contrary, majority of the respondents in Ogun State agreed that the pattern of legislature-executive relations in the state between 1999 and 2011 encouraged wastage of the state resources within the period of study.

Table 5.13 also shows the percentage distribution of responses from the respondents on whether the pattern of legislature-executive relations in Lagos and Ogun States between 1999 and 2011 provoked ethno-cultural rivalry and divisions in the two states. It is seen in the table that 2% of the respondents in Lagos State agreed that the pattern of legislature-executive relations in the state between 1999 and 2011 provoked ethno-cultural rivalry and divisions in the state. 6% simply agreed while 10% were indifferent. 68% merely disagreed and 14% strongly disagreed that the pattern of legislature-executive relations in the state between 1999 and 2011 provoked ethno-cultural rivalry and divisions in the state. Responses from Ogun State however, took a different dimension. In the state, 41% of the respondents strongly agreed that the pattern of legislature-executive relations in the state between 1999 and 2011 provoked ethno-cultural rivalry and divisions in the state while 24% merely agreed. 7% were however, undecided. 23% of the respondents disagreed and 4% strongly disagreed. It is seen from this analysis, that while majority of the respondents in Lagos State objected that the pattern of legislature-executive relations in the state encouraged ethno-cultural divisions within the state, respondents in Ogun state held a contrary idea. The analysis shows that

majority of the respondents in the state agree that the pattern of legislature-executive relations in the state encouraged ethno-cultural rivalry and divisions in the state.

Table 5.15 also illustrates the percentage distribution on whether or not the pattern of legislature-executive relations encouraged despotic rule in Lagos and Ogun State between 1999 and 2011. In Lagos State, 19% of the respondents strongly agreed that the pattern of legislature-executive relations in the state encouraged despotic rule between 1999 and 2011. 21% merely agreed while 9%, undecided. On the contrary, 19% disagreed and 12% strongly disagreed. In Ogun State on the other hand, 36% strongly agreed that the pattern of legislature-executive relations in Ogun State encouraged despotic rule between 1999 and 2011. 24% merely agreed while 3% were undecided. 7% however, disagreed and 14% strongly disagreed.

With respect to the implication of the pattern of legislature-executive relations in Lagos and Ogun States on the democratic development of the two states, Table 5.13 indicates that 14% of the respondents strongly agreed that the pattern was healthy for the democratic development of Lagos state between 1999 and 2011 and 25% merely agree. 7% were however indifferent. 31% disagreed while 22% strongly disagreed. In Ogun State however, a total of 15% of the respondents strongly agreed that the pattern of legislature-executive relations in the state was healthy for the democratic development of the state while 20% simply agreed. 3% of the respondents were indifferent. 23% disagreed and 38% strongly disagreed that that the pattern of legislature-executive relations in the state was healthy for the democratic development of the state between 1999 and 2011. It is observed from this analysis that majority of respondents in Lagos and Ogun States disagreed that the pattern of legislature-executive relations in the states was healthy for the democratic development of the states.

Table 5.16 below shows the descriptive statistical test result of the implications of the nature of legislature-executive relations in Lagos State and Ogun State.

**Table 5.16: Descriptive Statistics on the Implications of the Nature of the Legislature-Executive Relations on the Governance of Lagos and Ogun States between 1999 and 2011**

Lagos State	N	Sum	Mean
	Statistic	Statistic	Statistic
Ineffective decision making process	125	272.00	2.1760
Delays in passage of appropriation bills	125	439.00	3.5081
Ineffective legislative oversight	125	228.00	1.8273
Slows down economic activities in the State	125	302.00	2.4160
Wastages of State resources	125	165.00	1.3201
Instability	125	310.00	2.4760
Ethno-cultural rivalry and divisions	125	343.00	2.7440
Despotic rule	125	267.00	2.394
Healthy for democratic development in the State	125	262.00	2.9601
Ogun State	N	Sum	Mean
	Statistic	Statistic	Statistic
ineffective in decision making process	121	198.00	1.5868
Delays in passage of appropriation bills	121	242.00	2.0000
Ineffective legislative oversight	121		1.8676
Slows down economic activities in the State	121	251.00	2.0760
Wastages of State resources	121	222.00	1.8314
Instability	121	382.00	1.7015
Ethno-cultural rivalry and divisions	121	206.00	2.6446
Despotic rule	121	237.00	1.9578
Healthy for democratic development in the State	121	354.00	2.9231

*Source: Field Data, 2012*

The data in Table 5.16 is the statistical test result of the implications of the implications of the pattern of the legislature-executive relations on the governance of Lagos and Ogun States between 1999 and 2011. The test reveals that the pattern of legislature-executive relations the two states had a negative consequences on the decision making process in the states. This is revealed by mean values of 2.1760 and 1.5868 for Lagos and Ogun States respectively. While the pattern of legislature-executive relations in Ogun State delayed the process of passing bills to law, the reverse was the case in Lagos State. This is depicted by the value of 3.5081 and 2.000 respectively. Another implication of the

pattern of legislature-executive relations in Lagos and Ogun States is ineffective legislative oversight. This depicted by 1.8273 and 1.8676 mean value for the two states. The result also showed that the pattern of legislature-executive relations slowed down economic activities in Ogun. The mean value as indicated by a mean of 2.4160 and 2.0760 for Lagos and Ogun States respectively. Another major implication of the pattern of legislature-executive relations in both states is wastages of state's resources. This conclusion is drawn from the mean value of 1.3202 for Lagos State and 1.8314 for Ogun State. Similarly, political instability is another consequence of the pattern of legislature-executive relations in both Lagos and Ogun States between 1999 and 2011. This can be seen from the mean value for the two states in Table 5.16. The table shows a mean of 2.4760 for Lagos State and 1.7015 for Ogun State.

While the pattern of legislature-executive relations has no implication on ethnic divisions in Lagos State as indicated by the mean of 2.7440, in Ogun State however, the test result of a mean of 2.1446 shows that the pattern of legislature-executive relations had great consequence for ethno-cultural rivalry and divisions for the State. The result however accepted that the pattern of the relationship between the executive and the legislature during the period of study (1999 -2012) created despotic rule in the two states. Finally, on whether the pattern of legislature-executive relations in Lagos and Ogun States was healthy for Nigeria's presidential system, Lagos State reveal a mean of 2.9601 while Ogun State, 2.9231. This indicates that the pattern of the relationship in both states was not healthy for Nigeria's presidential system. The findings above are discussed in detail in the next segment.

#### **5.10.10. Discussion of Findings on the Implications of the Pattern of Legislature-Executive Relations in Lagos and Ogun States between 1999 and 2011**

Decision making in the presidential democracy is designed to be the concerted efforts of the executive and the legislature. While policy decisions are in most cases, initiated in the form of bills by the executive, the legislature, as the people's representative, thoroughly debates and approves such initiatives and through that process, brings the interests of the

people to bear on the decisions and policies of the government. Lagos and Ogun States however, witnessed excessive executive interference, domination and hegemony in decision making process between 1999 and 2011. The legislative assemblies in these two states operated mostly as mere rubber stamp assemblies. The lack of adequate capacity and level playing field for the legislative assemblies in Lagos and Ogun States to substantially impact on the policies of government had the tendency of subverting democratic governance in the States.

The development, deliberation and passage of appropriation bills involve joint participation by the executive and the legislature. While the executive dominates the budgetary process, the legislature exerts its influence through debates and amendment process. As noted by NDI (2000), this process represents vital checks and balances in modern democracy. Conversely, the presence of strong and domineering executive vis-a-viz weak legislative institutions in the states during the periods under study hindered the fundamental requirement of legislative influence on appropriation bills in a democratic environment.

Furthermore, the Governors' nominees for political appointment in the States were in most cases, not subjected to thorough scrutiny before approval. In this situation, miscreants and party faithfuls were in most cases appointed into governmental positions with no regards to merit and competence of the nominees. This practice portends great consequences for effective governance in the State. Moreso, the role of opposition party in the legislature which would have served as a watchdog through constructive criticisms of the policies and programmes of the ruling party was eroded. This factor has implication of turning the legislature to a mere rubber stamp and a clearing house for decisions made elsewhere which could be precarious for the representativeness of the people in governance. Under these circumstances of no balance of power between the executive and the legislature, but largely exclusive rule by the executive, Lagos and Ogun States within the period under study had the tendency of operating largely under despotic rule.

The nature of legislature-executive relations in the two states under studies also had implications on the oversight functions of the legislature. The legislative assemblies in the two states obviously appeared lacking in capacity and political will to perform their oversight function over the sophisticated and domineering executive. Thus, activities of governments and the implementation of policies and programmes in the states during that period were often not investigated to ascertain the extent to which they complied with the legislatures' approval and represented the peoples' interests. Executive subjugation incarcerated the legislature and hence hindered it from effectively performing its oversight function through scrutiny and investigations. Since the strength of a democracy declines dramatically when the executive branches excessively dominates the legislature (NDI, 2000), democratic governance in both Lagos and Ogun States within the period under study was very weak because the governments in both States operated largely with legislative institutions that lacked the capacity to effectively influence policy and oversee the executive.

The acrimonious legislature-executive relations delayed decision making processes. During the period of legislature-executive fluid in Ogun State, so many bills were delayed. For instance, the self-accounting law No. 5 of 2003, law on the autonomy of the legislative arm, and the law on Ogun Border Communities Commission formulated to protect some communities in Yewa part of the state from incessant incursion of Fulani cattle rearers were passed but not implemented by the government. Appropriation bills also suffered delay before passage. As earlier documented in this work, at some point, Nine (9) members belong to G11 of the Ogun State House of Assembly had to break into the Legislative Assembly Complex that was proscribed by the Federal Government and passed the appropriation bill including some other bills that were pending on the floor as a result of the legislature-executive acrimony. Similarly, as earlier reported in this study, approval process of the Lagos State 2009 appropriation bill suffered unwarranted delay due to the frosty relationship between Fashola and the State Assembly during that period. It is very germane to state that delay in policy decision making process has the consequence of subverting the very essence of adopting presidential system in Nigeria which is dispatch in policy decisions by a single executive.

Besides, delay in the passage of appropriation bills also had implications on slowing down economic activities in the states. For an economy largely driven by public sector spending, delay in the passage of government appropriations would definitely have great consequences on economic planning and activities of both private and public sector organisations.

Acrimonious relationship between both arms particularly in Lagos State during Fashola's administration and Ogun State under Governor Gbenga Daniel had implications on the quality of decisions in the States. Because of the acrimony, very little time was spent on the nitty-gritty of law making. Bills were not thoroughly debated by the legislature before passage into laws. In fact, as previously reported in this study, Ogun State Assembly suffered almost a year proscription by the Federal Government due to the acrimonious legislature-executive relations in the State. Similarly, in Lagos State, the inability of the State legislature to really devote time for their fundamental assignment of legislation is evidenced in the statement by Justice Habeeb Abiru when he stopped the State Assembly from probing the Governor. According to him the actions of the lawmakers amounted to mere wasting of the tax-payers' money and the time meant to be used for making laws for the good people of Lagos (Akpeh, 2010). The great consequence of the legislature-executive hostile relationship is poor decisions and the policies of government in the two states between 1999 and 2011.

The loss of the State legislature's oversight power to the overwhelming influence of the executive also manifested in the inability of the legislature to conduct investigations into the management of public funds by the government of Lagos and Ogun State. For instance, in November 2000, the Lagos State Government appointed Alpha-Beta Consulting Limited, a firm in which the governor of the state is a director, as the sole agent to control and monitor the collection of State revenue with the total commission of 10 % paid to the revenue consultants. According to the World Bank Report (2007) this cost of the government's revenue collection as a percentage of the total revenue, is exorbitantly on the high side. The report also noted some important deviations of actual expenditure from the budget approved by the State House of Assembly especially for



capital expenditures. All these financial actions of the government could not be checked by the State Assembly.

There are various cases and allegations of corrupt charges by the EFCC on the past governments in each of the two states. Such cases of corrupt practice in Ogun State include using the state funds by the Governor for personal projects such as expending a whopping sum of four million (N4, 000,000.00) to eight million naira (N8, 000,000.00) every three months for the school fees of his children he relocated from Atlantic Hall, Nigeria to Caterham School, Surrey, England soon after he became governor in 2003 (Akomah, 2011). Other financial inproprieties of the Gbenga Daniel include among others, building of exotic private houses in Ijebu Ode, Shagamu (nicknamed Buckingham Palace), Abeokuta and Maryland, Lagos, acquisition of an eight bedroom mansion named GAITERS located in Bishop Walk, Croydon CRO 5BA Croydon. It was alleged that the mansion which he acquired on December 17, 2004, cost a princely sum of over three million pounds (£3,000,000.00 or N729, 000,000.00) to acquire and furnish (Elendu, 2006; Akinrefon, 2012). Furthermore, the report of the five-member Judicial Commission of Inquiry on Lands submitted to Ogun State Government on 18<sup>th</sup> January 2012 revealed that Otunba Gbenga Daniel fraudulently acquired several government lands including the land on which he built the church in honour of his father, the Most Rev. Abraham Adebola Daniel (Ogun State Government, 2012). Otunba Gbenga also sold three state-owned hotels, popularly called Gateway Hotels, located in different towns in the state without following due process. The Ogun State House of Assembly described the sales of the hotels as illegal and not in the interest of the state (Akomah, 2011).

According to the report released by Saturday Punch on August 4, 2012, Lagos and Ogun States are among the most indebted states in the country. Lagos topped the list of external debtors with \$517,677,672 as of June 30, 2012 while Ogun State is the fourth with \$96,285.547 as of June 30, 2012. These external debts especially in Ogun State, were said to be inherited from past administration (Saturday Punch, 2012). The Governor of Ogun State, Ibikunle Amosun had also alleged that the past administration of Gbenga Daniel had plunged Ogun State to a debt burden totalling N87 billion.

The analysis above indicated the extent of corruption permitted by lack of effective legislative oversight on the government in Lagos and Ogun State particularly, the administrations of Bola Tinubu and Gbenga Daniel. The analysis also demonstrated the concomitance of the inability of the legislatures to perform their oversight role on wastages and economic mismanagement in the two states. Lastly, it demonstrated what the the nature of legislature-executive relations in the two States portend for high cost of governance.

Another major consequence of the nature of legislature-executive relations in Ogun State, especially between 2007 and 2011 was ethno-religious rivalry which threatened the very unity of the once peaceful State. Rather than fostering the unity of the various groups and sections in the State, legislature-executive relations in the state tended to divide the people along ethno-cultural and religious lines. Members of the State House Assembly and prominent politicians in the state who were drawn into the fray seemed to take the tone of ethnic politics between the Ogun Central Senatorial zone and the Egbas on one side and the Ijebu/Remo and Yewas/Awori of Ogun East Senatorial zone on the other.

The acrimonious relationship between the executive and the legislative in Ogun State however went beyond mere physical conflict and transcended to blackmails and diabolical practices such as blood oath taking. It was alleged that the G 15 members of the House of Assembly had to take a blood oath at a shrine in Ijebu-Igbo to ensure a united front against Governor Gbenga Daniel. It was alleged that each participant submitted to the death of their first born, should they renege on the prescribed course of opposition against the Governor. The oath was said to have been sponsored by some politicians including the father of a prominent politician in Abuja, a Senator, a former South-West governor, a former minister and another prominent politician in Ogun State (Nigerian Compass, 29/6/09). In a counter allegation however, Mr. Wale Alausa representing Ijebu-Ode State Constituency, whose nude picture appeared in the Nigerian Compass newspaper, admitted swearing to an oath but alleged it was under the intimidation and threat of Governor Gbenga Daniel to him and his father - Agboola Alausa, the chairman of the Ogun East senatorial district of the PDP. According to the

allegation, the governor had mounted pressure on him to renounce his membership of the G-15 since it was contrary to the oath he earlier took. According to the report, most government officials, council chairmen, all the members of the Fifth Legislative House and other political appointees also took the secret oath of allegiance to Governor Daniel (Ogunbayo, 2009). It is important to note that such diabolical practice portends great danger for nation building and was capable of destroying democratic practice.

Political disorder, lawlessness, intimidation, instability and security breakdown constitute another consequence of the nature of legislature-executive relations in Lagos and Ogun States. In Ogun State for instance, a substantial part of the second tenure of Gbenga Daniel's administration operated without a legislature following the closure of the House of Assembly on September 7, 2010 by the Presidency over altercations between two factions, the Group of 11 and Group of 15, which led to a fracas on the floor of the House as members from the two camps in the State Assembly engaged in open and physical assaults during which some of them were critically injured. In a various disturbing avowal for instance, Oba Michael Sonariwo, Akarigbo of Remo was quoted in the Vanguard Newspaper of August 6, 2008, to have stated that if lawmakers in Ogun State would not stop causing trouble for the governor, he would not hesitate to call on the people of the state to lynch them. It is important to note that such statement coming from an eminent traditional ruler is a threat to live and stability of the State.

The overbearing executive pattern of executive legislative relations in Lagos and Ogun States created political instability. In fact, executive meddlesomeness in the business of the legislature led to the instability in the leadership of of the legislative assemblies of the two States previously reported in this study. Executive manipulations did not only caused instability in the two states, but also reduced the Governors particularly Tinubu in Lagos State and Gbenga Daniel in Ogun State to a near-absolute and arbitrary ruler.

### **5.11. Conclusion**

In this chapter, we have examined the nature of legislature-executive relations in Lagos and Ogun States. Specifically, we have observed the extent of legislative independence in

the two states. We have also investigated the contending issues in the legislature-executive relations and the various factors that instigated the nature of the relationship. The implications of such relationship in the governance of Lagos and Ogun States have also been analysed. It is noted that the ability of any democratic government to deliver the concrete benefits of good governance to the citizens is determined by the smooth functioning of the executive and the legislative institutions of governance in an environment devoid of arbitrariness, tyranny and recklessness. This is affirmed by the principle of separation of the powers which constitute the basic features of the presidential system that Nigeria adopted following the promulgation of the 1979 Constitution of Nigeria. As averred by Appadorai (1975), such separation is necessary for the purpose of preserving the liberty of the individuals and for avoiding tyranny, since no one of arm of government is to have controlling power over the other.

The analysis of the nature of legislature-executive relations in Lagos and Ogun States between 1999 and 2012 however, has largely been that of over-bearing and reckless executive arm which, with the state resources at its disposal meddled with the internal business of the states legislative assemblies for the purpose of manipulating them for political and selfish ambitions. The legislative institutions on the other hand appeared not too sure of its place and relevance in democratic governance. Attempt by the legislature to untie itself from the whims and caprices of the executive often resulted to legislature-executive conflicts. While the constitution is explicit on the power relations between the executive and the legislature, various socio-political and economic factors mutually determine the nature of legislature-executive relations in Lagos and Ogun States of Nigeria.

## References

- Adamolekun, Ladipo (2008) "All the Lawmakers are my Boys: 100% of them, Without Exception. - Gbenga Daniel, Governor of Ogun state." *Vanguard*. August 6.
- Adeniji, Gbenga (2010) "100 Bond: Ogun Lawmakers Challenge Daniel to Public Debate." *The Punch*. August, 25.
- Affe, Mudiaga (2009) "Impeachment Threat: Fashola, Tinubu in Marathon Meeting". *The Punch*. December 9.
- Aina, Yemisi (2003) "Assembly Approves N7billion Supplementary Budget". *The Punch*. September 30.
- Ajayi, Adewale (2010) "Fashola, Tinubu and the Impeachment Battle in Lagos." *Nigerian Tribune*. February, 08. P:1.
- Ajayi, Adewale (2011) "Intrigues as Lagos Assembly Elects Principal Officers." *Nigerian Tribune*. Thursday, June, 09.
- Ajayi, Adewale (2001) "What is Between Tinubu and Lagos Lawmakers?" *Nigerian Tribune*. Wednesday, 19 December. Pg.13.
- Akintunde, Akinwale (2010) "Again, Lagos Court Stops House from Probing Fashola". *Thisday*. November 02.
- Akinrefon Dapo (2012) "I Remain the Symbol of the PDP in Ogun – Gbenga Daniel." *Vanguard*. August, 5.
- Akoni, Olasunkanmi and Akanmu Gbenga (2011) "Lagos Assembly Approves N41.827 Budget for 2012." *Vanguard*. December 31.
- Akoni, Olasunkanmi and Monsur Olowoapejo (2011) "Lagos Assembly Clears 13 Commissioners - Nominess." *Vanguard*. June 30.
- Akoni, Olasunkanmi and Monsur Olowoapejo (2011) "Mixed Reactions Trail ACN Primaries in Lagos." *Vanguard*. January 12.
- Akoni, Olasunkanmi and Sessou, Egun (2012) "Lagos Assembly Pushes for Financial Autonomy." *Vanguard*. July 25.
- Akpeh, Ebele (2010) "Court Stops Lagos Assembly from Probing Fashola". *Daily Champion*. March 17.
- Alli, Yusuf (2009) "Our Lives in Danger, Ogun Lawmakers write Mark." *The Nation*. February 14.

- Anifowose, Remi and Ayo Akinbobola (2005) "Party Discipline and the Electoral Process in Nigeria's Fourth Republic (1999-2005): An Analysis of Problems and Prospects". *Lagos Historical Review*. Vol. 5 pp: 111-130.
- Anukwenze, Ugo (1999) "Governor Tinubu Responds to Fraud Charges." *DemocracyWatch*. August 25.
- Babafemi, Femi (2005) "New Road Opens up Ijegun Community". *Daily Sun*. June 29.
- Bangboye, Adelanwa (2012) "Deepening Nigeria's Law Making Process." *Sunday Trust*. Sunday, July, 22.
- Banjoko, Dele (2003) "Tinubu Sends list of Prospective Commissioners to House of Assembly." *Daily Times*. June, 11.
- Bowling, Cynthia J., and Margaret R. Ferguson (2001) "Divided Government, Legislative Gridlock and Policy Differences: Evidence from the Fifty States." *Journal of Politics*. Vol. 63, pp: 182-200.
- Coffie-Gyanfi Charles (2010) "Ogun Faults Assembly over Adjournment Resolution." *The Guardian Newspaper*. My 13.
- DailyTrust (2012) "Nigeria: The Peculiar Case of Niger State House of Assembly." *Editorial*. May 25.
- Davidson, R. H. (1989) "The Presidency and Congress". In R. B. Ripley and E.E. Stotnick (eds) *Reading in American Government and Politics*. NY: McGraw-Hill Book Company.
- Dike, Gabriel (2007) "Build on Tinubu's Legacy in Education, Fashola Urged". *Daily Sun*. July 3.
- Duurojaiye, Femi (2010) "Fashola's Probe: True Face Exonerates Lagos Lawmakers". *The Guardian*. February, 17.
- Elendu, Jonathan (2006) *Gbenga Daniel: A Celebration of Profligacy*. Nigerian Village Square. ([www.nigerianvillagesquare.com](http://www.nigerianvillagesquare.com))
- Esebagbon, Ray (2005) *The Nigerian Legislative Process; Bills, Budgetary Control and Committee System*. Abuja: Law-Link Consult.
- Fabiyi, Olusola and Francis Falola (2009) "Row in Ogun House of Assembly." *The Guardian Newspaper*. March 04.
- Guillaud, Elvire (2008) *Demand for Redistribution and Party Fractionalization: How does it Impact the Size of Government?* Paris: Amable, Gatti and Guillaud.

Interview with Adegbesan Adebowale Rasheed, Assistant Secretary, Committee on Human Rights and Public Petitions; Public Accounts (Local) and Education, Lagos State House of Assembly, Alausa, Ikeja. April, 2012.

Interview with Ajibogun Ademola, Parliamentary Education Unit, Directorate of Legislative Matters, Lagos State House of Assembly, Alausa, Ikeja. May, 2012.

Interview with Barrister Ayo Adebuseye, National Coordinator, Lagos State Civil Society Partnership (LACSOP) on March, 2012.

Interview with Barrister Olasupo, Committee for Defence of Human Rights (CDHR), 43, Adeniyi Jones Avenue, Ikeja, Lagos. May, 2012.

Interview with Chief Babatunde Akinyemi, A PDP Chieftain in Ogun State on February, 2012.

Interview with Dr. Olatokunbo Oshin, Former Chairman, House Committee on Information, Ogun State House of Assembly, Oke Mosan, Abeokuta, Ogun State. April, 2012.

Interview with Erinle Olusegun Oluwakemi, Senior Legislative Officer and Secretary, Home Affairs and Culture Committee, Lagos State House of Assembly, Alausa, Ikeja. April, 2012.

Interview with Hon Adefunmilayo Tejuoso, Chairman, House Committee on Finance, Lagos State House of Assembly, Alausa, Ikeja. March, 2012.

Interview with Hon. Adijat Adeleye-Oladapo, the House Committee Chairman on Local Government and Chieftaincy Affairs, Ogun State House of Assembly a re-elected member who defected from PDP to ACN. May, 2012.

Interview with Hon. Remmy Hassan, the Deputy Speaker of the Ogun State House of Assembly, a re-elected member who defected from PDP to ACN. April, 2012.

Interview with Hon. Sikirulahi Wale Ogundele, former Chairman of Ifo Local Government, Ogun State, Nigeria and a former House of Assembly member for 8 years.

Interview with Mr. Ademosun Femi, Director, Bills, Ogun State House of Assembly, Oke Mosan, Abeokuta on April, 2012.

Interview with Mr. Adesanya Quadri Wasiu, Head, Parliamentary Education Unit, Legislative Matters Directorate and Secretary, public Accounts Committee (Local), Lagos State House of Assembly, Alausa, Ikeja. May, 2012

- Interview with Obanusi Felix of State Accountability and Voice Initiative (SAVI), March 2012.
- Interview with Okeowo, Baruwa Idris, Senior Legislative Officer and Assistant Secretary, Committee on Economic Planning and Budget; Tourism and Intergovernmental Relations. Lagos State House of Assembly, Alausa, Ikeja. May, 2012.
- Interview with Rotimi Adebayo, the Chief Press Secretary to the Speaker of the 7th Lagos State Legislative Assembly on May 10, 2012.
- Interview with Shelle Mondiat Oluwafunke, Senior Legislative Officer and Secretary, Committee on Special Duties, Lagos State House of Assembly, Alausa, Ikeja. April, 2012
- Interview with William Idowu, (2012) Department of Philosophy, Obafemi Awolowo University, Ife. April, 2012.
- Jaiyeola, Andrews and Durojaiye, Femi (2012) “Speakers’ Conference Demands Financial Autonomy.” *Thisday*. Jun, 03. pg. 1.
- Kumolu, Charles (2102) “Some Governors Suppress their Legislative Houses – Speaker Ikufuroji”. *Vanguard*. June 1.
- Lagos State House of Assembly (1999) *Proceedings of the Lagos State House of Assembly, Official Report, Fourth Assembly, 1st Session, Vol. 1.*
- Lagos State House of Assembly (1999) *Proceedings of the Lagos State House of Assembly, Official Report, Fourth Assembly, 1st Session, Vol. 2.*
- Lagos State House of Assembly (2000) *Proceedings of the Lagos State House of Assembly, Official Report, Fourth Assembly, 1st Session, Vol. 2.*
- Lagos State House of Assembly (2000) *Proceedings of the Lagos State House of Assembly, Fourth Assembly, Official Report, First Session, Vol. 2.*
- Lagos State House of Assembly (2001) *Proceedings of the Lagos State House of Assembly, Official Report, Fourth Assembly, 2<sup>nd</sup> Session, Vol. 1.*
- Lagos State House of Assembly (2002) *Proceedings of the Lagos State House of Assembly, Official Report, Fourth Assembly, 3<sup>rd</sup> Session, Vol. 4.*
- Lagos State House of Assembly (2003) *Proceedings of the Lagos State House of Assembly, Official Report, Fifth Assembly, 1<sup>st</sup> Session, Vol. 2.*



- Lagos State House of Assembly (2008) *Proceedings of the Lagos State House of Assembly, Fourth Assembly, Official Report, Sixth Session, Vol. 2.*
- Lagos State House of Assembly (2010) *Proceedings of the Lagos State House of Assembly, Official Report, Sixth Assembly, 3<sup>rd</sup> Session, Vol. 2.*
- Lagos State House of Assembly (2011) *Proceedings of the Lagos State House of Assembly, Official Report, Seventh Assembly, 1st Session, Vol. 1.*
- Lagos State House of Assembly (2012) *Proceedings of the Lagos State House of Assembly, Seventh Assembly, Official Report, First Session, Vol. 2.*
- Larewaju, Kolade (2001) "Nigeria: Ogun House of Assembly Passes 2001 Appropriation Bill." *Vanguard*, 19 January.
- Morehouse, Sarah McCally. (1998) *The Governor as Party Leader*. Ann Arbor, MI: University of Michigan Press.
- Nwokolo, Ernest (2009) "Ogun Assembly Threatens to sack Daniel." *The Nation*. February 12.
- Oarhe, Osumah (2010) "Patron-Client Politics: Democracy and Governance in Nigeria, 1999-2007." *Africana*. Vol. 4, No. 2 pp: 39 – 64.
- Obasola, Kemi (2009) "Disquiet in Lagos Assembly over Fashola's Future". *The Punch*. December, 08.
- Obiagwu, Kodilinye (2012) "States Won't Hamper Amendment of Constitution, says Ikuforiji". *The Guardian*. Thursday, June, 07.
- Obineche, Chidi (2012) "Allegations Of Fraud: Why I Won't Step Down, By Ikuforiji". *The Sun*. Thursday, May 31.
- Odugbesan and Aborisade (2011) "Tinubu Presents N52bn Budget to Assembly". *The Punch*. December 20.
- Odunaro, Kayode (2011) "De javu Experience of Osoba and Bankole." *Sunday Tribune*. Sunday, 24 April.
- Ogun State House of Assembly (1999) *House of Assembly Debates, Fifth Assembly, Official Report, Fourth Session.*
- Ogun State House of Assembly (2003) *House of Assembly Debates, Fifth Assembly, Official Report, First Session.*
- Ogun State House of Assembly (2009) *House of Assembly Debates, Sixth Assembly, Official Report, Second Session.*

- Ogun State of House of Assembly (2009) *House of Assembly Debates*. Sixth Session, *Official Report*. Third Session
- Ogun State House of Assembly (2011) *House of Assembly Debates, Seventh Assembly, Official Report*, Fourth Session.
- Ogun State House of Assembly (2012) *House of Assembly Debates, Seventh Assembly, Official Report*, First Session.
- Ogunbayo, Modupe (2009) "Oath-Taking Controversy in Ogun." *Newswatch*. Sunday, July, 05.
- Ogunsakin, Mustapha (2003) "Daniel Denies Role in Oseni's Emergence as Speaker". *The Guardian Newspaper*. June, 16.
- Okoeki, Oziegbe (2012) "Speakers seek Financial Autonomy for State Legislatures." *The Nation*. June 02.pp: 1.
- Olatunji, Daud (2012) "Three Ogun PDP Lawmakers Dump Party over Crisis". *Vanguard*. September 12.
- Olukoya, olayinka (2009) "Ogun Crisis: House Denies Plan to Impeach Daniel". *Nigeria Tribune*. Monday 29 June, p.5.
- Olumide, Seye (2011) "How Ikuforiji Emerged Speaker Again in Lagos" *The Guardian*. Monday, June, 06 2011.
- Oluwaseun and Anofi, Dele (2012) "Bill to Give House of Assembly Financial Autonomy Passes Second Reading". *The Nation*. Thursday, May 10. Pg. 2.
- Omoleye, Oludotun A. (2011) *Lagos Legislative Fact Finder*. Lagos: Straight Path Communications.
- Onwuamaeze, Dike (2011) "Politics of 2011 Appropriation Bill." *Newswatch*. Tuesday. 26 April.
- Oni, Ademola (2010) "Ogun Executive Accepts Public Debate with Assembly." *The Punch*. August 27.
- Oyeweso, Femi (2011) "Lagos Assembly Speakership: Will Ikuforiji Scale the Hurdle?" *National Mirror*. May 19.
- Sakyi , Kojo E. (2010) "A survey of MPs' Opinions about the Challenges of Blending Executive and Legislative Functions of Government under Ghana's 1992 Constitution". *African Journal of Political Science and International Relations*. Vol. 4. No. 7. pp. 263-271.

Sanni, Lekan (2001) "Tinubu Seeks Assembly's Approval for N25b Loan from Capital Market." *Guardian*. August 02.

The Nigerian Observer (2012) INEC Commissioner Backs Financial Autonomy for State Assemblies. Retrieved on Friday, October 5, from internet (<http://nigerianobservernews.com/14052012/news/>).

Ukudolo, Emmanuel and Wale Akinola (2011) "Outrage over Lagos Assembly's Jumbo Pay". *Nigerian Compass*. Saturday, May 21.

World Bank Report (2007) States Finances Review and Agenda for Action. <http://openknowledge.worldbank.org/bitstream/handle/10986/7750/385690NG>.

## CHAPTER SIX

### SUMMARY, RECOMMENDATIONS AND CONCLUSION

#### 6.1. Summary

The focus of this study is the anatomy of legislature-executive relations in the presidential system of government with particular reference to Lagos and Ogun States, Nigeria. The study therefore, investigates the extent to which the legislatures in Lagos and Ogun States were able to perform their constitutional functions independent of executive's interference. It examines the pattern of legislature-executive relations in the two states from 1999 to 2011 and interrogates factors responsible for such experience. Furthermore, the implications of the pattern of the relationship were examined with a view to proffer solutions for healthy legislature-executive relations in the two states. To this end, the study was divided into six (6) chapters.

It was observed in the first chapter that Nigeria at the dawn of independence opted for parliamentary constitutional structure in which the executive and the legislature were fused both in powers and in personnel. The executive was part of, and derived its power from, being included in the legislature. This system was however, regarded as confrontational and conflict generating as the Prime Minister shared power with the President and there was no complete separation of powers between the executive and the legislature, hence, the system was exposed to instability and consequently led to the collapse of the First Republic. The restoration of civil rule in 1979 after decade of military dictatorship saw the adoption of another system of government predicated on a presidential single executive system of democratic governance. In this new system, there is a clear separation between the executive and the legislature with each deriving their legitimacy from electorate's mandate and from the constitution. Neither is any organ of government superior nor subordinate to the other. Each organ is therefore, independent within its own sphere of influence though in an environment of checks and balances. For the purpose of government however, these two institutions of government are expected to

operate in an atmosphere of cordial relationship. Various viewpoints have however, been expressed on the nature of legislature-executive relations in the presidential system, as to whether confrontational or cordial, by virtue of its institutional framework of separate origin and survival of the executive and the legislature. Different views also permeate literature on the implications of the nature (cooperative or conflictual) of the relationship on governance. Against the backdrop of this therefore, certain questions were raised in order to determine the nature and implications of the pattern of relationship between the executive and the legislature in the presidential system. Lagos and Ogun States of Nigeria's presidential system were chosen as testing ground for the issues raised.

A review of extant literature was extensively carried out using a thematic approach in chapter two of the study. The essence is to situate the study in proper context and to create a bond between it and related previous studies and as well to identify gaps in knowledge with respect to the study of the subject matter and to appropriately intervene by providing the missing link and by updating and contributing to the existing body of knowledge in the field. The review gave us insight into political institutions, forms, model and operations of government and other issues that are relevant to the relationship between the executive and the legislature in a presidential political system. Attempt was also made to situate the study within an appropriate theoretical framework. In the light of this, the study observed from the previous studies on legislature-executive relations, a consistent exemplification of the formal institutional structure of legislature-executive relations by researchers while the informal structure and its implications have largely been neglected over the years. The need for an understanding of the extent to which institutional designs determine legislature-executive relations in the face of informal practices therefore, calls for a more in-depth and holistic study of legislature-executive relations. This is with a view to determining the degree to which both institutional and informal factors largely insinuated by Nigeria's socio-political and economic environments, uniquely and correlates to, influence legislature-executive relations.

Chapter three took a theoretical examination of legislature-executive relations in a presidential structure of government with the purpose of ascertaining how presidential

institutional factors shape legislature-executive relations. It observed that institutional arrangement of separate origin and survival of executive and legislative branches portend implications for legislature-executive relations in a presidential system. Thus in a presidential system of government, the terms of both the legislature and the executive are fixed and are not contingent on mutual confidence. The President and the legislature have their own electoral mandates, being separately elected, thus, a system of mutual independence of the executive and the legislature. Case study analyses of legislature-executive relations in the presidential model of government across the globe revealed that the characteristic separate origin and survival of the executive and the legislature in the presidential system insinuates a mutual interdependence between the two branches of government. The system of checks and balance at the face of separation of powers escalated by party fragmentation, a concomitant of multipartism, that characterize a presidential system of government however, often create deadlock and gridlock between the legislature and the executive. In the face of this therefore, the Chief Executive would have to seek for paraconstitutional means of getting legislation in the parliament passed in favour of his preference. This makes the presidential system to behave like parliamentary system. The ability of the executive to do this is enhanced by his power to distribute pork. This scenario is common among the various countries that operate presidential form of government.

The origin and development of the executive and the legislative institutions in Nigeria is the focus of chapter four. The origin and nature of Nigeria's Presidential System with reference to the powers of the executive and the legislature was also examined. In addition, the chapter examined the nature of legislature-executive relations in the Nigeria's presidential system beginning from the Second Republic when the constitution of the country was first drafted in favour of presidentialism. It observed that the roles of the executive and legislative institutions of governance are established to complement each other under the presidential constitutions of Nigeria. The presidential practice since its adoption in the country however, continued to witness legislature-executive gridlocks, deadlocks and stalemates over important policy issues. The legislative institution of Nigeria is adjudged to have been unable to adequately perform its constitutional roles in

the face of executive dominance in the Nigeria's presidential model. Recent performance of the legislature of the Fourth Republic in Nigeria however, gives a glimmer of hope for sustainable democracy in the country as a gradual decline in executive dominance in Nigeria is discernable.

The data gathered from the field on the extent to which the legislatures in Lagos and Ogun States were independent of the executive's meddlesomeness in performing their constitutional functions, the pattern of legislature-executive relations, the factors responsible for such pattern of relationship and the implications on governance in the two states were presented and analysed in chapter five. One striking findings of this research is that though constitutional prerogative defines the nature and character of the relationship between the executive and the legislature in Lagos and Ogun States of Nigeria's presidential system, such formal prerogative is at the mercy of the socio-political and economic dynamics of the states.

Findings revealed that the continued interference by the executive in the legislative process of the House of Assemblies in both Lagos and Ogun States weakened the ability of the legislative bodies to effectively perform their fundamental roles of citizens' representatives through legislation and oversight functions. The cordial legislature-executive relationship in Lagos was propelled by overbearing executive with the ability, through access to the state resources for patronage politics, to perpetually subjugate the legislature under its whims and caprices and thus reduced it to a rubber stamp assembly for conferring the legitimacy required to function in a democratic environment. The cordial relationship however, became strained under a new administration following a resources distribution that was no longer mutually satisfactory to both parties. The concomitance of the strain was legislature-executive gridlock that was based not on the legislative assertiveness of its representational role in governance. Findings also revealed the extent to which the politics of godfatherism, in an atmosphere of party politics that lack internal democracy, have exerted pressure and strains on the executive and the legislative institutions of governance, hence threatened the basic underlies of the presidential political system.

The relationship between the executive and the legislature in Ogun State on the other hand, revealed a struggle for legislative independence in an environment of executive despotism. The resultant acrimonious relationship soon turned farcically diabolic such that was capable of destroying the very essence of governance as an apparatus for inducing peaceful, orderly society that guarantees security of life. Finding also revealed a case of the impact of external force of ethnicity and intra-party conflicts that resulted from the State Chapter of the PDP leaders' strive for political power, control and governance in the state, which injected into the body politics of Ogun State and infuriated the legislature-executive polarization in the state.

Another major finding of this study is the systematic and gradual paradigm shift from the culture of overbearing executive especially in Lagos State to legislative omnipotence. The seemingly emerging legislative assembly now feels it must be oiled very well by any executive that wants to have smooth sales in Office.

## **6.2. Policy Recommendations**

Financial autonomy is pivotal to legislative independence. Financial autonomy will be achieved through the implementation of the Self Accounting Law that have been passed by both Lagos State and Ogun State but which the State Government have not implemented. Implementation of the law will insulate the State House of Assembly in Lagos and Ogun States from the financial apron string of the Executive. The State Government in Lagos and Ogun should therefore, implement the Self Accounting Law without any further delay.

The bill by the National Assembly to alter the 1999 Constitution of Nigeria to provide for financial autonomy of the State House of Assembly in the country is a good step in the right direction. The amendment will allow the funding of the State House of Assembly in the federation to be charged on the Consolidated Revenue Fund. The first attempt at passing the bill by the National Assembly was halted by the inability to muster the support of two-third (2/3) of the State House of Assemblies in the Federation. The bill



has however, passed the second reading as at May, 2012. A joint session of all members of the House of Assemblies in the Federation should therefore, be conveyed to properly sensitize them with the need for financial autonomy for the legislature. The passage process should also be hastened to guarantee the constitutional financial autonomy of State House of Assembly in the country like the National Assembly.

The most important means by which the legislature effectively and efficiently carries out its statutory oversight functions of supervising and scrutinizing the activities of the executive is the committee system. The capacity of the House Committees especially those with direct responsibility for oversight and accountability should therefore, be strengthened both in term of infrastructure and staff capacity building. The first step to this is to implement without further delay, the Service Commission Law by the government of Lagos and Ogun States.

The Lagos State Town Hall Meetings serve as a veritable avenue for public participation in law making process by way of public hearing. Unfortunately however, this avenue was only a medium of intimidation and expression of grievances between the legislature and the executive in the State. A similar instance occurred in Ogun State when the State Assembly called Governor Gbenga Daniel to public debate on his proposed N100 million bond from the capital market. Gbenga Daniel however, did not turn up for the debate. The public can be involved in decision process involving passage of bills by way of public hearing. A periodic public hearing assembly should therefore, be established in Lagos and Ogun States solely for the purpose of engaging the general public in decision making process of the assembly.

The constitution in Nigeria's context, is not a static but dynamic instrument of governance. Its application is subject to judicial interpretation, formal amendments, custom and usage which help to ensure flexibility in the changing and dynamic society. While the power of the State House of Assembly to approve appropriation bill is explicitly guaranteed by the constitution, the extent to which the House can unilaterally alter the estimate without consultation with the executive was the contending issue between the executive and the legislature in Lagos and Ogun States. The constitution

should therefore be amended to explicitly specify the expectations of both the executive and the legislature as regards legislative review of appropriation bill.

The role of opposition party in the State House of Assembly is imperative to effective legislative oversight. The constructive criticisms of the opposition lawmakers enhance quality decisions of the legislative assembly. The scope of the opposition lawmakers should therefore, be widened by making members of the opposition parties automatic heads of committees responsible for investigation and oversight roles of the House of Assembly.

The need for internal democracy among political parties in the states particularly the Action Congress of Nigeria (ACN) being the ruling party in Lagos and Ogun States, is very germane to legislature-executive harmony in the presidential system of Nigeria. The idea of imposition of candidates is not only inimical to democratic principles but capable of exasperating political crisis among the institutions of governance as was observed in Lagos State. To this end therefore, political parties should as a matter of policy, practise internal democracy in the process of fielding candidates for political positions. The Independent National Electoral Commission (INEC) should mandate political parties to, as a matter of urgency, institutionalize a guideline to be approved by the electoral body, for the operations and procedures for practising internal democracy.

While the Lagos and the Ogun States House of Assemblies do go on excursion programmes and organize workshop for the purpose of acquiring legislative skills, such exercises are often done with a mindset devoid of business-like approach. A more rigorous town and gown, with academic institutions, exercise should be institutionalized. Therefore, a compulsorily state legislature-funded annual two-week rigorous training and refresher programme for the legislators should be established in collaboration with Universities within and around Lagos and Ogun States.

Another recommendation is the presence of an empowered civil society that can demand that the executive always govern according to constitutional stipulations. Government

should partner with civil society organisations to embark on aggressive awareness and enlightenment campaign towards enlightening the general public on the need for public vigilance on the activities of government and their power as constituents to recall their representatives adjudged to be non-performing in the State Assembly.

A mechanism for mediating between party members in the executive and the legislature should be instituted by political parties in Nigeria. Such mechanism should be constitutionally supreme over its members. Such mechanism must be able to legally mediate between party members in the legislative assembly and must be able to sanction such members whose activities in government are capable of breeding acrimony. However, such mechanism will have influential control over members in the legislature only if deflection from one party to another by members of the House is prohibited. Any serving member of the House who may wish to leave the party on which platform he or she was elected into the House should have his seat in the House vacated and then be subjected to competitive election.

It is significant that both the executive and the legislature see their roles as mutually supportive. A separation of powers though, exists between the two organs, each needs the other to function properly. Thus a harmonious working relationship is the ideal that both should aspire and pursue.

Political parties should be based on well defined ideology and concrete manifesto. These should be explicitly spelt out for members seeking for political position and which must be the legal compass for their actions in political offices. This will help both the executive and the legislature to pursue a joint agenda when elected.

### **6.3. Conclusion**

The relationship between the legislature and the executive in the presidential system adopted in Nigeria is premised on separation of the powers, functions and personnel of the executive and the legislature under a mechanism of checks and balances. Following

the return to civil rule in 1999, the powers and functions of these organs are explicitly stated in the Nigeria's 1999 Constitution (Section 4 and 5).

The success of the presidential system however, depends on healthy legislature-executive interactions predicated upon democratic ethos. While the institutional designs and legal frameworks of presidentialism make friction between the legislature and the executive inevitable, inter-branch conflicts can be healthy for democratic consolidation if such emanate from the attempt by each organ to assert its functions and position within the constitutional framework of government. Conversely, the political landscape of Lagos and Ogun States between 1999 and 2011 revealed a political culture of personal aggrandizement, patronage, and political clientelism. This political culture continued to condition the character of the relationship between the legislature and the executive in a manner that is not only injurious to democratic consolidation, but also treacherous to political development.

The realisation of democratic governance in the presidential system is determined by the extent to which the legislature independently and vibrantly performs its pivotal role of citizens' representation through legislation and oversight. The health of democracy declines when the level playing ground and the capacity for the legislature to effectively influence policy and oversee the executive are lacking. Executive's domination and meddlesomeness in the legislative processes and constitutional functions of the legislative assemblies in Lagos and Ogun States between 1999 and 2011 weakened the latter's role as citizens' representative in the modern democracy. More often, the legislatures in the two states existed as mere instruments in the hand of the executive for conferring the legitimacy constitutionally required for the implementation of its decisions and such political governance cannot be deemed democratic. The inability of the legislatures to meaningfully impact on policy process and perform their oversight role on the executive thus portends a reversal from democratic to dictatorial governance.

The study on this note concludes that presidentialism has not ushered in the much envisaged democratic order and political stability through healthy legislature-executive

relations not much a problem with its institutional design, but due to the ubiquitous political culture that continued to motivate political actors in the States to struggle for political power in a manner contrary to lay down principles and institutional frameworks. As Omoweh (2012) averred, political leadership in Nigeria resorts to bloody violence at all levels of political competition in order to remain in power. Coupled with the state managers' tenuous relationship with production, politics has become the only lucrative business and the dominant means of accumulation in town. Hence, the political elites fight fiercely to penetrate the state, access its political power and retain it at all cost once it is captured.

#### **6.4. Contribution to Knowledge**

1. The study has shown that both the formal structure and the socio-political and economic dynamics of the states mutually reinforce to determine the nature of legislature-executive relations in the presidential system of Lagos and Ogun States in Nigeria's Fourth Republic. Constitutional prerogative is very important in determining the relationship between the executive and the legislature. In the presidential system of government, the relationship between the executive and the legislature is formally defined by the provision for a separation of the powers, personnel and functions of the two branches and a system of checks and balances between them. In Lagos and Ogun States of Nigeria however, such provision is largely at the mercy of the interplay of the socio-political and economic environment of the states in determining legislature-executive relations in the states.
2. This study has also demonstrated that legislature-executive deadlock is found not only in presidential states with minority government. A presidential system with possible case of majority government such as Ogun State, where the government party also had absolute majority in the legislative house does not automatically transcend to having legislations in favour of the executive's preference or easy implementation of the executive programmes and activities. Both minority and majority government may be faced with legislature-executive gridlocks. In fact while that of the minority government can be self-explanatory, that of the majority government is very complex.

3. The study has also revealed that legislature-executive relations in a presidential system may be viewed not only from the theoretical perspective of the principles of separation of powers; in addition, it is also understood from the theoretical construct of structural-functionalism. The relationship between the executive and the legislature has, more often than not, been studied according to the Montesquieu formula of the separation of powers. The principle, as a theoretical framework, provides a useful guide to the distribution of legislative and executive powers. Nevertheless, the theoretical division of governmental functions seems impossible to apply with beneficial results in the formation of any concrete political organization. When interpreted too rigidly and applied universally, the principle leads to misconception rather than enlightenment. Structural-functionalism approach to the study of legislature-executive relations however, views that whatever the institutional trappings and cultural, ideological, economic, and even chronological and spatial differences, the legislature and the executive share in the performance of a number of crucial political functions in the polity. The study of legislature-executive relations from the theoretical framework of structural-functionalism gives context for and limits at some degree of reciprocal influence among these institutions of governance.
  
4. This study has also demonstrated that conflict between the executive and the legislature in Lagos and Ogun States often ensue when the latter attempted to perform its oversight role on the former. Legislative oversight is fundamental to democratic control of the executive in an increasingly large and complex government. The legislature, through its oversight functions, holds the government and its agencies accountable to the public, ensures that it is kept under scrutiny and prevented from abusing its power. However, the attempt by the legislature in Lagos and Ogun States to perform this crucial role of oversight by controlling and monitoring public funds and by investigating into public complaint or activities of the executive often resulted to hostility between it and the executive.

### **6.5. Suggestions for Further Study**

1. Further research in this area should be conducted in other states of the federation
2. There is the need for further research on the impact of minority government on legislature-executive relations in a presidential system.
3. A comparative study of the nature of legislature-executive relations in the Second and Fourth Republic will expand the frontiers of knowledge on the trends of legislature-executive relations in the Nigeria's presidential system.
4. There is also a need for research on the impact of the 1999 constitution on legislature-executive relations in Nigeria's presidential system.

## Reference

Omoweh, Daniel A (2012) “Deconstructing the Democratic Developmental State; Blocked Democratization and Political Parties in Nigeria and South Korea.” In Omoweh Daniel (ed) *The Feasibility of the Democratic Developmental State in the South*. Dakar: CODESRIA. Pp: 41-57



# BIBLIOGRAPHY

## BOOKS

- Abonyi, Nichodemous (2006) *Intergovernmental Relations in Democratic Federations*. Enugu: John Jacob's Classic Publishers Ltd.
- Adamu, Haroun and Ogunsanwo (1982) *Nigeria: The Making of the Presidential System – 1979 General Elections*. Kano: Triumph Publishing Co. Ltd.
- Adler, Mortimer J. (1996), *The Common Sense of Politics*. New York: Fordham University Press,
- Aiyede, Remi E. and Isumonah, Adefemi V. (2002) *Towards Democratic Consolidation in Nigeria: Executive-Legislative Relation and the Budgetary Process*. Ibadan: Development Policy Centre.
- Akande, Jadesola O. (1982) *The Constitution of the Federal Republic of Nigeria 1979, with annotations*. London: Sweet and Maxwell.
- Akintola, Jimoh (1999) *Law Practice and Procedure of Legislature*. Ibadan: Spectrum Publishing.
- Almond, Gabriel and G. Bingham Powell (1975) *Comparative Politics: A Developmental Approach*. Boston: Little Brown.
- Ames, Barry (2001) *The Deadlock of Democracy in Brazil*. Ann Arbor: The University of Michigan Press.
- Aniagolu, A. N. (1993), *The Making of the 1989 Constitution of Nigeria*. Ibadan: Spectrum books Limited.
- Anyaegbunam, E. O. (2000) *Assembly Handbook: A Legislator's Companion*. Lagos: FEF.
- Anyanwu, C. N. D. (1999) *The Law Makers: Federal Republic of Nigeria 1999 – 2003*. Korea: Statcraft.
- Appadorai, A. (1975) *The Substance of Politics*. Delhi: Oxford University Press.
- Awotokun, Kunle (1998) *Governance and Legislative Control in Nigeria. Lessons from the Second and Third Republics*. Bethesda: International Scholars Publications.
- Baker, C. and M. J. Balogun (1975) *Ife Essay in Administration*. Ife: University of Ife Press.

- Ball, Alan R. (1977) *Modern Politics and Government 2<sup>nd</sup> Edition*. London: Macmillan Press Ltd.
- Bogdanor, Vernon (1991) *The Blackwell Encyclopedia of Political Science*. Oxford: Blackwell Publishers.
- Bryce, James and Viscount Bryce (1921) *Modern Democracies*. London: The Macmillan Company.
- Bunch, Charlotte (2005) "Not by Degrees: Feminist Theory and Education." In Kolmar Wendy et'al (ed) *Feminist Theory (2<sup>nd</sup> ed)*. Boston: McGraw Hill.
- Calabresi, S., and Yoo, C. S. (2008) *A History of the Unitary Executive: Executive Branch Practice from 1789 to 2005*. New Haven, CT: Yale University Press.
- Campbell, Tom (2004) *Separation of Powers in Practice*. California: Stanford University Press.
- Charlesworth, J. C. (1968). *Contemporary Political Analysis*. The Free Press, New York.
- Cheibub, Jose Antonio (2007) *Presidentialism, Parliamentarism and Democracy*. New York: Cambridge University Press.
- Colher, Anne M., Miller, Busia C. and Stone, Harold S. (1989) *Montesquieu: The Spirit of the Law*. Cambridge: Cambridge University Press.
- Crossman, R. H.S. (1972) *The Myths of Cabinet Government* Cambridge: Harvard University Press.
- Dalberg-Acton, John Emerich Edward (1949), *Essays on Freedom and Power*, Boston: Beacon Press.
- Davidson, R. H. (1989) "The Presidency and Congress". In R. B. Ripley and E.E. Stotnick (eds) *Reading in American Government and Politics*. NY: McGraw-Hill Book Company.
- Dudley, Billy (1982), *An Introduction to Nigerian Government and Politics*. London: Macmillan Press Ltd.
- Esebagbon, Ray (2005) *The Nigerian Legislative Process; Bills, Budgetary Control and Committee System*. Abuja: Law-Link Consult.
- Garner, Wilford James (1928) *Political Science and Government*. New York: American Book Company.

- Goodnow, Frank Johnson (2003) *Politics and Administration: A Study in Government*. New Brunswick, NJ: Transaction Publishers.
- Gozler, Kemal (2000) *President of - the Government*. Catismasi, Bursa: Spring Crop.
- Grant, McConell (1967) *The Modern Presidency*. New York: St. Martins Press.
- Guillaud, Elvire (2008) *Demand for Redistribution and Party Fractionalization: How does it Impact the Size of Government?* Paris: Amable, Gatti and Guillaud.
- Heywood, Andrew (2007) *Politics (3<sup>rd</sup> Edition)*. New York: Palgrave Macmillan.
- Holme, Richard (2007) *Relations between the executive, the judiciary and Parliament*. London: The Stationery Office Limited.
- Kousoulas, George D. (1975) *On Government and Politics*. Belmont: Duxbury Press.
- Laski, Harold J. (1919) *Authority in the Modern State*. Ontario: Yale University Press.
- Laski, Harold J. (1961) *An Introduction to Politics*. London: George Allen and Unwin.
- Laski, Harold J. (1992) *A Grammar of Politics*. London: George Allen and Unwin.
- Lemos, Leany and Timothy Power (2011) *Determinants of Oversight in a Reactive Legislature: The Case of Brazil, 1988 – 2005*. Oxford: University College.
- Lessa, R. (1988). *The Republican Invention - Sales Fields, the Bases and the Decay of the First Brazilian Republic*. São Paulo: Vertex.
- Lewis, Peter M. (2011) *Nigeria Country Report*. Cape Town: University of Cape Town Centre for Social Science Report.
- Lijphart, Arend (1999): *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries*, New Haven and London: Yale University Press.
- Magstadt, Thomas (2005) *Nations and Government: Comparative Politics in Regional Perspectives*. Canada: Thomas Learning Inc.
- MAMSER (1987) *Report of the Political Bureau (March 1987)*. Abuja: Directorate for Social Mobilisation (MAMSER).
- Morehouse, Sarah McCally (1998) *The Governor as Party Leader*. Ann Arbor, MI: University of Michigan Press.

- National Democratic Institute (2000) *Strengthening Legislative Capacity in Legislative-Executive Relations: Legislative Research Series*. Washington, D.C: The National Democratic Institute for International Affairs.
- Nwabueze, B. O. (1973), *Constitutionalism in the Emergent States*. London: Hurs and Co.
- Nwabueze, B. O. (1985). *Nigeria's Presidential Constitution: the Second Experiment in Constitutional Democracy*. London: Oxford.
- Nwabueze, B. O. (2004) *Constitutional Democracy in Africa. Vol. 4*. Ibadan: Spectrum Books.
- Nwabuzor, E.J. and M. Mueller (1985) *An Introduction to Political Science for African Students*. London: Macmillan Publishers Ltd.
- Ojiako, J. O (1981) *The Nigeria Year Book*. Lagos: Daily Times Limited.
- Okechukwu Ibeanu and Samuel Egwu, (2007), *Popular Perceptions of Democracy and Political Governance in Nigeria*. Abuja: Centre For Democracy And Development.
- Omoleye, Oludotun A. (2011) *Lagos Legislative Fact Finder*. Lagos: Straight Path Communications.
- Osaghae, E. E (2002) *Nigerian since Independence: Crippled Giant*. Ibadan: John Archers.
- Oyediran, Oyeleye (1980) *Nigerian Legislative House; Which Way (ed)*. Ibadan: Ibadan Consultancy Unit.
- Oyediran, Oyeleye (2003) *Introduction to Political Science*. Ibadan: Oyediran Consults International.
- Oyediran, Oyeleye (2007) *Nigerian Constitutional Development*. Ibadan: Oyediran Consults International.
- Parsons, Talcott (1951) *The Social System*. London: Routledge.
- Pereira, Carlos (2010) *Executive-Legislative Relations under President Rousseff's Coalition Government*. University of Miami: Center for Hemispheric Policy.
- Pereira, Carlos (2011) *Brazil's Executive-Legislative Relations under the Dilma Coalition Government*. Washington DC: Brookings Institution.

- Persson, Torsten, and Guido Tabellini (2000) *Political Economics: Explaining Economic Policy*. Cambridge: MIT Press.
- Peter, Guy B. (2005) *Institutional Theory in Political Science. The New Institutionalism*. NY: Continuum.
- Poteete, Amy R. (2010) *Renegotiation of Executive Powers and Executive-Legislative Relations in Botswana*. Montreal: Concordia University Press.
- Puke, T. A. (2007) *Substance of Government*. Lokoja: JHL Printing and Publications.
- Ranney, Austen (1974) *The Governing of Men*. New York: Holt, Rine Hart and Winston Inc.
- Ranney, Austen (1974) *The Governing of Men*. New York: Holt, Rine Hart and Winston Inc.
- Ray, S. N. (2004) *Modern Comparative Politics: Approaches, Methods and Uses*. New Delhi: Prentice-Hall Private Ltd.
- Ready, Lee J. (1985) *Forgotten Allies: The European Theatre, Volume I*. McFarland and Company.
- Rosenthal, Alan, Burdett A. Loomis, John R. Hibbling, and Karl T. Kurtz (2003) *Republic on Trial: The Case of Representative Democracy*. Washington DC: C.Q. Press.
- Sabine, George H. and Thorson, Thomas L. (1973) *A History of Political Theory*: Oxford and IBH Publishing Co. PVT Ltd. New Delhi.
- Sanyal, Kaushiki (2009) *The Executive versus the Legislature*. New Delhi: PRS Legislative Research.
- Schlesinger, Arthur M. (2004) *The Imperial Presidency*. NJ: Mariner Books.
- Shugart, Matthew S. and John M. Carey (1992) *Presidents and Assemblies: Constitutional Design and Electoral Dynamics*. New York: Cambridge.
- Simmons, Charlene Wear (2002) *Legislative Oversight of the Executive Branch*. CA: California Research Bureau.
- Smith, Raymond A (2010) *Importing Democracy Ideas from Around the World to Reform and Revitalize American Politics and Government*. California: Greenwood Publishing Group.

Taiwo, Israel. O. and Fajingbesi, Adeyemi. A. (2004) *Fiscal Federalism and Democratic Governance in Nigeria*. Ibadan: National Centre for Economic Management and Administration (Nigeria).

USAID (2006) *Democracy and Governance Assessment of Nigeria*. Burlington, Vermont: ARD, Inc.

Varma, S. P. (1975) *Modern Political Theory*. New Delhi: Vikas Publishing House PVT Ltd.

Wang, V. (2005) *The Accountability Function of Parliament in New Democracies; Tanzanian Perspectives* Bergen: Christer Michelsen Institute.

### **CHAPTERS IN BOOKS**

Abueva, Jose V. (2002) "Towards a Federal Republic of the Philippines with a Parliamentary Government by 2010". In Jose V. Abueva et 'al (eds) *Towards a Federal Republic of the Philippines with a Parliamentary Government: A Reader*.

Adebo, Ademola (1988) "The Legislature: Overview and Performance". In Ayeni Victor and Soremekun Kayode (eds) *Nigeria's Second Republic*. Lagos: Daily Times Publications.

Akinboye S. and Anifowose R. (1999), *Nigerian Government and Politics* (ed) Anifowose R. and Enemuo F. Elements of Politics, Lagos, Sam Ironusi Publication.

Akinsanya, Adeoye. A. (2005) "The Judiciary and Interpretation of Aspects of the 1979 Nigerian Constitution 1979-1983". In Akinsanya, Adeoye and Ayoade John (eds) *Readings in Nigerian Government and Politics*. Ijebu-ode: Gratia Associates International.

Amorim Neto, Octavio (2002) "Presidential Cabinets, Electoral Cycles, and Coalition Discipline in Brazil." In Scott Morgenstern and Benito Nacif (eds). *Legislative Politics in Latin America*. Cambridge: Cambridge University Press.

Anifowose, Remi (2008) "Constitution and Constitutionalism". In Anifowose, Remi and Enemuo Francis (eds) *Elements of Politics*. Lagos: Sam Ironsi Publications.

Anifowose, Remi (2008) "The Structure and Organisation of government". In Anifowose, Remi and Enemuo Francis (eds) *Elements of Politics*. Lagos: Sam Ironsi Publications.

- Awotokun, Kunle (1988) "Legislative-Executive Relations: Case Studies." In Ayeni Victor and Kayode Soremekun (eds) *Nigeria's Second Republic*. Apapa: Daily Trust Publications.
- Barkan, J. D., Ademolekun, L. and Zhou, Y. (2004) "Emerging Legislatures: Institutions of Horizontal Accountability". In Levy, B and Kpundeh, S. (eds) *Building State Capacity in Africa*. Washington: World Bank Institute. pp: 211-56.
- Bello-Imam, I.B (2004), "The Legislature: Its Role, Performance, Problems and Prospect in Nigeria." in I. B. Bello-Imam and Mike Obadan (eds) *Democratic Governance and Development Management in Nigeria's 4th Republic, 1999-2003*. Ibadan: Centre for Local Government and Rural Development Studies.
- Beyle, Thad L and Muchmore, Lynn R. (1983) "Governor in the American Federal System." In Beyle, T. L. and Muchmore, L. R. (eds) *Being Governor. The View from the Office*. Durham: Duke University Press.
- Davies, A. E. (2004) "The Role of the Legislature in Fostering an Efficient System of Public Finance". In Fageigbesi (ed) *Fiscal Federalism*. CEMA/ACBE.
- Dulani J. K. and Donge, V. (2006) 'A Decade of Legislature-Executive Squabble in Malawi, 1994-2004', in M. A. M. Salih (ed.), *African Parliaments. Between Government and Governance*. New York: Palgrave Macmillan.
- Chinsinga, Blessings (2010) 'Malawi's Political Landscape, 2004-2009 ' in M. Ott and F.E. Kanyongolo (eds.) *Democracy in Progress: Malawi's 2009 Parliamentary and Presidential Elections*. Zomba: Kachere Books.
- Edosa, E. and Azelama, J. (1995) "Institutions of Government". In In Ikelegbe, A. O. (eds) *Politics and Government: An Introductory and Comparative Perspective*. Benin City: Uri Publishing Ltd.
- Egwu, S. G. (2005) "The Legislature in Nigeria's Fourth Republic." In Gana, A. T. and Yakubu, B. C. (eds) *Democratic Rebirth in Nigeria*. Vol. 1:1999 – 2003. New Jersey: AfricaRUs Multimedia. pp: 19-40.
- Ejere, E. S. I. (2004) "Democracy, Human Rights, Rule of Law and the Doctrine of Separation of Powers". In John Ayam (eds) *Introduction to Politics*. Ota: Covenant University Press.
- Eteng, Felix Onenn (1997) 'Constitutional Development and the Military Experiment in Nigeria'. In G. O. Ozumba (ed.) *Nigeria Government and Politics*. Abia: AAU Industries.

- Fish, Stephen M. (2001) "The Dynamics of Democratic Erosion." In Richard Anderson, et al (eds) *Postcommunist and the Theory of Democracy*. NJ: Princeton University Press.
- Idahosa, S. A. and Ekpekurede, W (1995) "Ideas and Forms of Organisation of Government". In Ikelegbe, A. O. (eds) *Politics and Government: An Introductory and Comparative Perspective*. Benin City: Uri Publishing Ltd.
- Jewell, Malcolm E. (1997) "Legislature" in *The Encyclopedia Americana International* (ed.) Volume 17. Connecticut: Grolier incorporated.
- Kelley, Christopher. S. (2006) "The Significance of the Presidential Signing Statement". In C. S. Kelley (Ed.), *Executing the Constitution: Putting the President back into the Constitution*. Albany: State University of New York Press.
- Lafenwa, Stephen. A. and Gberevbie, Daniel E. I. (2007) "Legislative Oversight and Cost of Governance in Nigeria". In Akpotor, A. S. Afolabi, A. O., Aigbokhaevbolo, M. O., Iganiga, B. O. and Odiagbe, O. S. (eds) *Cost of Governance in Nigeria. An Evaluative Analysis*. Ekpoma: Ambrose Ali University Publishing House.
- Linz, Juan J. (1994) "Presidential or Parliamentary Democracy: Does it Makes a Difference"? In Juan, L. J. and Valenzuela, A. (eds) *The Failure of Parliamentary Democracy*. Baltimore: John Hopkins University Press.
- Lipset, Seymour Martin (1992) "Conditions of the Democratic Order and Social Change: A Comparative Discussion". In S. N Eisenstadt (eds) *Human Society, Democracy and Modernity*. NY: E.J. Brill.
- Loewenberg, Gerhard (1995), "Legislatures and Parliaments" in Seymour Martin Lipset (ed), *The Encyclopedia of Democracy, volume III*. London: Rutledge.
- Madison, James (1992) "The Federalist nos. 47.48." in Arend Lijphart (eds) *Parliamentary versus Presidential Government*. Oxford: Oxford University Press.
- Mohammodu, Turi and Mohammodu, Haruna (1989) The Making of the 1979 Constitution. In Peter Ekeh, Patrick Dele-Cole, Gabriel O. Olusanya (eds) *Nigeria Since Independence. The First 25 Years Volume V (Politics and Constitution)*. Ibadan: Heinemann Educational Books (Nigeria) Limited.
- Momoh, Abubakar (2000). "The History and politics of Constitution Making in Nigeria (1922 – 1999)." In Jegede Segun, Ayodele Ale and Eni Akinsola (eds) *Path to People's Constitution*. Lagos: Committee for the Defence of Human Rights.
- Nicolau, J. (1991), "The Brazilian Electoral System. The Question of the Proportionality of the Representation and its Determinative" in O. B. de Lima Jr. (ed) *Brazilian*



*Electoral System - Practical and Theory*. Rio De Janeiro: Deep River Publishing Company.

- Oburota, A. (2003) "Governance as a Source of Social Violence in Africa." in Oguejiofor J Obi (Ed.) *Philosophy, Democracy and Responsible Governance in Africa*. New Brunswick and London: Transaction Publishers.
- Ojo, J. D. (1998) "The Executive under the Nigerian Presidential System, 1960 – 1995". In Amuwo, K, Agbaje, A Suberu, R. and Herault, G. (eds) *Federalism and Political Restructuring in Nigeria*. Ibadan: Spectrum Books Ltd.
- Omoweh, Daniel A (2012) "Deconstructing the Democratic Developmental State; Blocked Democratization and Political Parties in Nigeria and South Korea." In Omoweh Daniel (ed) *The Feasibility of the Democratic Developmental State in the South*. Dakar: CODESRIA.
- Oyediran, Oyeleye (1981) "Civilian Rule for How Long?" In Oyeleye Oyediran (ed) *Nigerian Government and Politics under Military Rule (1966 – 79)*. London: The Macmillan Press Ltd.
- Packenham, R. A. (1983) 'Legislatures and Political Development'. In Kornberg and Musolf (eds) *Legislatures in Developmental Perspectives*. Tanzania.
- Patel, Nandini (2008) "The Representational Challenge in Malawi." In KAS (eds) *Towards the Consolidation of Malawi's Democracy*. Lilongwe: Konrad-Adenauer-Stiftung.
- Rasch, Bjorn Erik (2011) "Why Minority Governments? Executive-Legislative Relations in the Nordic Countries" In Persson, T. and Wiberg, M. (eds) *Parliamentary Government in the Nordic Countries at a Crossroads. Coping with Challenges from Europeanisation and Presidentialisation*. Stockholm: Santérus Academic Press Sweden.
- Roberts, F. O. Nyemutu (2002) "Performance Evaluation of the New Democracy" In Ajakaiye, D. O. and F. O. Nyemutu Roberts (eds), *Meeting the Challenges of Sustainable Democracy in Nigeria*. Ibadan: NISER.
- Schlesinger, Arthur M. (1992) "Leave the Constitution Alone ". In Arend Lijphart (eds) *Parliamentary Versus Presidential Government*. Oxford: Oxford University Press.
- Shugart, Mathew Soberg (2006) "Comparative Executive-Legislative Relations". In Rhodes, RAW, Binder Sarah A and Rockman, Bert A (eds) *Political Institutions*. New York: Oxford University Press.

Weaver, Kent R. and Rockman, Bert A. (1993) "Representing Diffuse Interests in Environmental Policymaking" In R. Kent Weaver and Bert A. Rockman (eds) *Do Institutions Matter? Government Capabilities in the United States and Abroad*. Washington DC: Brookings Institute.

## **JOURNALS**

Aiyede, Remi E. (2005) "Executive-Legislature Relations in Nigeria's Emerging Presidential Democracy." *UNILAG Journal of Politics*. Vol. 2. No. 1.

Akinwumi, Olayemi. (2004) *Conflicts and Crisis in Nigeria: A Political History since 1960*. Munster, Germany: LIT Verlag.

Alabi, Mojeed Olujinmi A. (2009) "The legislatures in Africa: A trajectory of weakness". *African Journal of Political Science and International Relations*. Vol. 3. No.5.

Alabi, Mojeed Olujimi A and Joseph Yinka Fasagba (2009) "The Legislature and Anti-corruption Crusade under the Fourth Republic of Nigeria: Constitutional Imperatives and Practical Realities." *International Journal of Politics and Good Governance*. Volume 1, No. 1 and 2.

Alexander, Groth J. (1970) "Structural-Functionalism and Political Development: The Three Problems". *The Western Political Quarterly*. Vol. 23 No.3.

Almond, Gabriel (1969) "Political Development: Analytic and Normative Perspectives," *Comparative Political Studies*. Vol. I.

Alston, Lee J. and Bernardo Mueller (2005) "Pork for Policy: Executive and Legislative Exchange in Brazil." *The Journal of Law, Economics, and Organization*. Vol. 22, No. 1.

Amorim Neto, Octavio (2006) "The Presidential Calculus: Executive Policy-Making and Cabinet Formation in the Americas." *Comparative Political Studies*. Vol. 39. No.4.

Amorim Neto, Octavio (2006) "The Presidential Calculus: Executive Policy-Making and Cabinet Formation in the Americas." *Comparative Political Studies*. Vol. 39. No.4.

Andeweg, Rudy B. (1992) "Executive-Legislative Relations in the Netherlands: Consecutive and Coexisting Patterns". *Legislative Studies Quarterly*. Vol. 17. No.2.

- Anifowose, Remi and Ayo Akinbobola (2005) "Party Discipline and the Electoral Process in Nigeria's Fourth Republic (1999-2005): An Analysis of Problems and Prospects". *Lagos Historical Review*, Vol. 5.
- Awotokun, A. M. (1998) "Legislative, Executive and Judicial Duties in Sustaining Democracy: A Theoretical Discourse in Nigeria". *Indian Socio-Legal Journal*. Vol. XXIV No. 1 and 2.
- Awotokun, Kunle (1998) "The Legislative/Executive Instruments of Nigeria Second Republic and the Electoral Politics". *Journal of Constitutional and Parliamentary Studies*. Vol. XXXII. Nos. 1 and 2.
- Awotokun, Kunle (1998) *Governance and Legislative Control in Nigeria. Lessons from the Second and Third Republics*. Bethesda: International Scholars Publications.
- Awotokun, Kunle (2000) "The Development of Legislative and Executive Relations in Nigeria, 1861-1979." *Indian Socio-Legal Journal*. Vol. XXVI, Nos. 1 and 2.
- Bang, Henrik and Esmark, Anders (2009) "Good Governance in Network Society: Reconfiguring the Political from Politics to Policy". *Administrative Theory and Praxis*. Vol. 31, No. 1.
- Bardi, L. (2007), "Electoral change and its Impact on the Party System in Italy", *West European Politics*. 30 (4).
- Benjamin, Solomon Akhere (2010) "National Assembly: The Limit of Party politics In Legislative Process." *Nigeria Journal of Legislative Affairs*, Vol. 3 No. 1 and 2.
- Bernick, E. Lee and Charles W. Wiggins (1981) "Executive-Legislative Power Relationships: Perspectives of State Lawmakers." *American Politics Quarterly* Vol. 9. No. 4.
- Bernick, E. Lee, and Wiggins, Charles W. (1981) "Executive-Legislative Power Relationships: Perspectives of State Lawmakers." *American Politics Quarterly* Vol. 9.
- Bernick, Ethan M. and Bernick, Lee E. (2008) "Executive-Legislative Relations; where You Sit Really Does Matter". *Social Science Quarterly*. Vol. 89. No. 4.
- Bowling, Cynthia J., and Margaret R. Ferguson. 2001. "Divided Government, Legislative Gridlock and Policy Differences: Evidence from the Fifty States." *Journal of Politics*. Vol. 63.
- Bowman, Ann O'M., Neal D. Woods and Milton R. Stark II (2010) "Governors Turn Pro: Separation of Powers and the Institutionalization of the American Governorship". *Political Research Quarterly*. Vol. 63 No. 2.

- Burnell Peter (2003) “Legislative-Executive Relations in Zambia: Parliamentary Reform on the Agenda.” *Journal of Contemporary African Studies*. Vol. 21. No.1.
- Burnell, Peter (2002) “Parliamentary Committees in Zambia’s Third Republic: Partial Reforms, Unfinished Agenda”. *Journals of Southern African Studies*. Vol. 28. No.2.
- Cheibub, Jose Antonio and Limongi, Fernando (2010) “From Conflict to Coordination: Perspectives on the Study of Executive-Legislative Relations”. *Latin American RIEL-Magazine of Legislative Studies*. Vol. 1. No.1.
- Cheibub, Jose Antonio (2002) “Minority Governments, Deadlock Situations, and the Survival of Presidential Democracies”. *Comparative Political Studies*. Vol. 35. No.3.
- Chilcote, J. H. (1998) “The Structural-Functionalism as a Heuristic Device” *Anthropology and Education Quarterly*. Vol. 29. No1.
- Dunmoye, Ayo R. (2002). “Resource Control: which way forward?” *The Nigerian Social Scientists*. Vol. 5.
- Dunmoye, Ayo R. (2005) “Legislative Powers and Executive- Legislature Relations in Nigeria: 1999 to 2003”. *Nigerian Journal of Political Science*. Vol. 9 No1 and 2.
- Edigheji, Omano (2006) Political Representation in Africa: Towards a Conceptual Framework. *African Development*, Vol. XXXI, No 3.
- Eme, Okechukwu Innocent and Anyadike Nkechi (2011) “Intra and Inter-Party Crises in Nigeria’s Fourth Republic: Implications for the Sustainability and Consolidation of Democracy in Post Third Term Nigeria”. *Journal of Social Science and Public Policy*. Vol. 3.
- Erturk, Omer Faruk (2011) “Winner Pays It All: Who is Loser Then? The Current Parliamentarism in Search of Presidentialism in Turkey”. *Turkish Journal of Politics* Vol. 2 No. 1.
- Fabbrini, Sergio (1995) “Presidents, Parliaments, and Good Government”. *Journal of Democracy*. Vol. 6. No.3.
- Fairlie, A. John (1923), “The Separation of Powers.” *Michigan Law Review*, Vol. 21, No. 4.
- Fashagba, Joseph ‘Yinka (2009) “The Roles of the Committee System in Enhancing Legislative Efficiency in Nigeria: The Case of Kwara State House of Assembly” *Journal of Sustainable Development in Africa* Volume 10, No.4.

- Fashagba, Joseph 'Yinka (2009) Legislative Oversight under the Nigerian Presidential System." *The Journal of Legislative Studies*. Volume 15, Issue 4.
- Fashagba, Joseph 'Yinka (2010) "The Committee system and Legislative Efficiency: The Case of Kwara State House of Assembly." *Nigeria Journal of Legislative Affairs*, Vol. 3 No. 1 & 2.
- Fashagba, Joseph 'Yinka. (2010) " "De-Constitutionalising? Democratic Governance in Nigeria: Assessing Executive-Legislative Handling of Executive Power Vacuum in the Fourth Republic". *Africana*.
- Ferguson, Margaret Robertson (2003) "Chief Executive Success in the Legislative Arena". *State Politics and Policy Quarterly*. Vol. 3. No. 2.
- Figueiredo, Argelina and Limongi Ferando (2000) "Presidential Power, Legislative Organisation, and party behaviour in the Legislature." *Comparative Politics*. Vol. 32.
- Garaysi, Barhoom. (2006) "The Parliamentary Composition Prevents a Common Dorn for Changes to the Israeli Government System," *The Israeli Scene*, 14 November.
- Garfield, Seth (1997) "The Roots of a Plant That Today Is Brazil: Indians and the Nation-State under the Brazilian Estado Novo." *Journal of Latin American Studies* Vol. 29. No. 3.
- Gill, Mel (2002) "Building Effective Approaches to Governance". *The Nonprofit Quarterly*. Volume 9: Issue 2.
- Green, Frederick (1920) "Separation of Governmental Powers". *The Yale Law Journal*. Vol. 29, No. 4.
- Hagopian, Frances, Carlos Gervasoni and Juan Andres Moraes, (2009) "From Patronage to Program: The Emergence of Party-Oriented Legislators in Brazil." *Comparative Political Studies*. Vol. 42. No. 3.
- Hammond, Thomas H. and Christopher K. Butler (2003) "Some Complex Answers to the Simple Question 'Do Institutions Matter?': Policy Choice and Policy Change in Presidential and Parliamentary Systems." *Journal of Theoretical Politics*. Vol.15. No.2.
- Howell, W. G. (2005) "Unilateral powers: A brief overview". *Presidential Studies Quarterly*. Vol. 35.
- Ikoronye, Innocent (2005) "Legislative-Executive Relationship and Powers Functions of the Legislature in Local Government Administration". *Journal of Nigerian Government and Politics*. Vol. 1 No. 1.

- Jones, Mark P (2002) "Legislator Behaviour and Executive-Legislative Relations in Latin America." *Latin American Research Review*, Vol. 37. No.3.
- Juergensmeyer, Julian Conrad (1964) "African Presidentialism: A Comparison of the "Executive" under the Constitutions of the Federation of Nigeria, the Federal Republics of the Congo and Cameroon, and the Republics of Ghana, Chad, Congo and the Entente." *Journal of African Law*, Vol. 8, No. 3.
- Kelley, Christopher S. and Marshall, Bryan W. (2009) "Assessing Presidential Power Signing Statements and Veto Threats as Coordinated Strategies". *American Politics Research*. Vol. 37. No.3.
- Kim, Young Hun and Donna Bahry (2008) "Interrupted Presidencies in Third Wave Democracies." *The Journal of Politics*. Vol. 70, No. 3.
- King, Anthony (1976) "Modes of Executive-Legislative Relations: Great Britain, France, and West Germany." *Legislative Studies Quarterly* Vol.1. No1.
- Kopecky, Petr (2004) "Power to the Executive! The Changing Executive – Legislative Relations in Eastern Europe". *Journal of Legislative Studies*. Vol. 10 No.2/3.
- Kreppel, Amie (2009) "Executive-Legislative Relations and Legislative Agenda Setting in Italy: From Leggine to Decreti and Deleghe". *Bulletin of Italian Politics*. Vol. 1, No. 2.
- Lane, Ruth (1994) "Structural-Functionalism reconsidered: A Proposed Research Model". *Comparative Politics*. Vol. 26. No. 4.
- Lawan, Mamman (2010) Abuse of Powers of Impeachment in Nigeria." *Journal of Modern African Studies*. Vol. 48. No.2.
- Lenchner, Paul (1976) "Congressional Party Unity and Executive-Legislative Relations". *Social Science Quarterly*. Vol. 57. Issue 3.
- Lewis, Peter (2003) "Nigeria: Elections in a Fragile Regime." *Journal of Democracy*, Vol. 14, No. 3.
- Lijphart, Arend (2004) "Constitutional Design for Divided Societies." *Journal of Democracy*. Vol. 15. No. 2.
- Magill, Elizabeth M. (2001) "Beyond Powers and Branches in Separation of Powers Law". *University of Pennsylvania Law Review*. Vol. 150. No. 2.
- Marsteintredet, Leiv (2008) "Executive-Legislative Deadlocks in the Dominican Republic." *Latin American Politics and Society*. Vol.50 No.2.

- Mbah, Peter (2007) Executive-Legislative Relations in Nigeria: The Presidency and the National Assembly, 1999 -2006. *Nigeria Journal of Social Sciences*. Vol. 1.
- Mezey, M. L. (1983) “The Functions of Legislatures in the Third World.” *Legislative Studies Quarterly*. Vol. 8. No. 4.
- Moe, T. M., and Howell, W. G. (1999) “Unilateral action and presidential power: A Theory.y” *Presidential Studies Quarterly*. Vol. 29.
- Muhammad, Abdurashed A (2008) “Intra Party Relations and Conflict in Nigeria.” *Pakistan Journal of Social Sciences*. Vol. 5. No.1 pp: 42-50.
- Mukherjee, Bumba (2003) “Political Parties and the Size of Government in Multiparty Legislatures: Examining Cross-Country and Panel Data Evidence”. *Comparative Political Studies*. Vol. 36 No. 6.
- Muller, Wolfgang C. (1993) “Changing Executive-Legislative Relations in Austria (1945-1992)”. *Legislative Studies Quarterly* 18:4. pp: 467-494.
- Nijzink, Lia, Mozaffar, Shaheen and Azevedo (2006) “Parliaments and the Enhancement of Democracy on the African continent: An Analysis of Institutional Capacity and Public Perceptions”. *The Journals of Legislative Studies*, Vol. 12. No. 3-4.
- O’Donelle, Guillermo (1994) Delegates Democracy” *Journal of Democracy*. Vol.5 . pp: 55 -69.
- Oarhe, Osumah (2010) Patron-Client Politics: Democracy and Governance in Nigeria, 1999-2007. *Africana*. Vol. 4, No. 2.
- Ogundiya, Ilufoye Sarafa (2010) “Democracy and good governance: Nigeria’s Dilemma”. *African Journal of Political Science and International Relations*. Vol. 4(6).
- Okoosi-Simbine, A. T. (2010) “Understanding the Role and Challenges of the Legislature in the Fourth Republic: The Case of Oyo State House of Assembly.” *Nigeria Journal of Legislative Affairs*, Vol. 3 No. 1and 2.
- Omodia, S. M. (2010) “Political Parties and Party Politics in the Nigerian Fourth Republic”. *Trakia Journal of Sciences*, Vol. 8, No. 3.
- Omotola, Shola J. (2009) “Nigerian Parties and Political Ideology.” *Journal of Alternative Perspectives in the Social Sciences*. Vol 1. No 3.
- Omotola, Shola J. (2010) “Political Parties and the Quest for Political Stability in Nigeria.” *Taiwan Journal of Democracy*. Vol. 6, No. 2.

- Oshio, P.E. (2004) "The Local Government System and Federal/State Legislature Competence under the 1999 Constitution." *Journal of Constitutional and Parliamentary Studies, India*. Vol. 38, Nos. 1- 4.
- Osumah, Oarhe and Ikelegbe, Augustine (2009) "The Peoples Democratic Party and Party Governance in Nigeria". *Journal of Social Sciences*. Vol. 19 No.3.
- Pennings, Paul (2003) 'Beyond Dichotomous Explanations: Explaining Constitutional Control of the Executive with Fuzzy-Sets'. *European Journal of Political Research*. Vol. 42.
- Pereira, Carlos and Bernardo Mueller (2004) "A Theory of Executive Dominance of Congressional Politics: The Committee System in the Brazilian Chamber of Deputies". *The Journal of Legislative Studies*. Vol.10. No. 1.
- Persson, Torsten, Gerard Roland, and Guido Tabellini (1997) "Separation of Powers and Political Accountability." *Journal of Economics*.
- Posner, Daniel N. And Young, Daniel J. (2007) "The Institutionalization of Political Power in Africa". *Journal of democracy*. Vol. 18. No. 3.
- Prins Brandon C. and Steven A. Shull (2006) Enduring Rivals: Presidential Success and Support in the House of Representatives. *Congress and the Presidency*. Vol. 33. No. 2.
- Read, James S. (1979) "The New Constitution of Nigeria 'The Washington Model'". *Journal of African Law*. Vol. 23. No.2.
- Renno, Lucio (2010) "Executive-Legislative Relations in Brazil: Is 2009 the First Year of the Rest of our Lives?" *Revista de Ciencia Politica*. Vol. 30 No. 2.
- Riggs, Fred W. (1997) "Presidentialism versus Parliamentarism: Implications for Representativeness and Legitimacy". *International Political Science Review*. Vol.18, No. 3.
- Robinson, E. V. (1903), "The Division of Governmental Power in Ancient Greece." *Political Science Quarterly*, Vol. 18.
- Saalfeld, Thomas (1990) "The West German Bundestag after 40years: The Role of Parliament in a Party Democracy." *West European Politics*. Vol.13, No.3.
- Sakyi , Kojo E. (2010) "A survey of MPs' opinions about the challenges of blending executive and legislative functions of government under Ghana's 1992 Constitution". *African Journal of Political Science and International Relations*. Vol. 4. No. 7.



- Saliu, Hassan A. and Muhammad, Abdulrashed A. (2010) "Exploring the Parliament". *Nigeria Journal of Legislative Affairs*, Vol. 3 No. 1 and 2.
- Samuels, David (2002) "Presidentialized Parties: The Separation of Powers and Party Organization and Behaviour". *Comparative Political Studies*, Vol. 35 No. 4.
- Sargentich, Thomas O. (1993) "The Presidential and Parliamentary Models of National Government". *American University Journal of International Law and Policy*. Vol. 8. No. 2 and 3.
- Steinmo, Sven and Caroline Tolbert (1998) "Do Institutions Really Matter? Taxation in Industrialized Democracies". *Comparative Political Studies*. Vol. 31 No. 3.
- Thomas, M. A. and Sissokho, O. (2005) "Liaison Legislature: The Role of the National Assembly in Senegal." *Journal of African Modern Studies*. Vol. 43. No. 1.
- Valenzuela, Arturo (2004) "Latin American Presidencies Interrupted." *Journal of Democracy*. Vol. 15. No. 4.
- Van de Walle, Nicola (2003) "Presidentialism and Clientelism in Africa's Emerging Party Systems" *Journal of Modern African Studies*. Vol. 41. No. 2.

## **INTERNET**

- Bradley, C. A., and Posner, E. A. (2006). Presidential Signing Statements and Executive Power (Public Law and Legal Theory Working Paper No. 133). Retrieved August 22, 2008, from <http://www.law.uchicago.edu/academics/publiclaw/index.html>.
- Bush, G. W. (2005) "Statement on Signing the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006." *Weekly Compilation of Presidential Documents*. Retrieved from <http://www.presidency.ucsb.edu/ws/index.php?pid=65259> on August 22, 2011.
- Elendu, Jonathan (2006) Gbenga Daniel: A celebration of Profligacy. Nigerian Village Square. ([www.nigerianvillagesquare.com](http://www.nigerianvillagesquare.com))
- Metz, Helen Chapin, (1991) *Nigeria: A Country Study*. Washington: GPO Library of Congress. Retrieved on November 12, 2010 from website ([www.mongabay.com/reference/country\\_studies/nigeria](http://www.mongabay.com/reference/country_studies/nigeria))
- Remes, D. H., Waldron, G. J., and Lang, S. A. (2006) "Presidential Signing Statements: Will Congress Pick up the Gauntlet"? Retrieved on 12/09/2011 from the internet (<http://www.Constitutionproject.org>).

Savage, C. (2006, April 30) Bush challenges hundreds of laws. Boston Globe. Retrieved on August 22, 2008, from [http://www.boston.com/news/nation/articles/2006/04/30/bush\\_challenges\\_hundreds\\_of\\_laws](http://www.boston.com/news/nation/articles/2006/04/30/bush_challenges_hundreds_of_laws).

Sonnett, N. R. (2006) *ABA task force report on presidential signing statements and the separation of powers doctrine*. Retrieved August 22, 2008, from [http://www.abanet.org/media/docs/signstate report.pdf](http://www.abanet.org/media/docs/signstate%20report.pdf).

The Nigerian Observer (2012) INEC Commissioner Backs Financial Autonomy for State Assemblies. Retrieved on Friday, October 5, from internet (<http://nigerianobservernews.com/14052012/news/>).

UNDP (2003) *Parliamentary Development*. Retrieved on 14/01/2012 from the internet (<http://www.pogar.org/publications/other/un/undp/parldev-practicenote-apr03e.pdf>

World Bank Report (2007) *States Finances Review and Agenda for Action*. <http://openknowledge.worldbank.org/bitstream/handle/10986/7750/385690NG.txt>

## **PUBLIC LECTURE**

Oyovbaire, Sam Ejite (2007) “The Crisis of Governance in Nigeria”. A *Convocation Lecture Delivered on the Occasion of the 23<sup>rd</sup> Convocation Ceremony of the University of Port Harcourt Port Harcourt*. Port Harcourt, Rivers State, Nigeria. Thursday 15 March.

## **MAGAZINES**

Baker, Samuel H. (2005) “Why Executive Power Centralizes Government”. *Public Finance Review*. Vol 33.

Mentan, Tatah (2009) “Cameroon: Gambling with Democracy.” *CODESRIA Bulletin*, No. 1 and 2.

## **REPORTS**

Commonwealth Parliamentary Association (2002) “Parliamentary Oversight of Finance; Ensuring Accountability in Public Expenditure”. *The Report of a Workshop*, Nairobi, Kenya.

Winetrobe, Barry K. (2000) “Shifting Control? Aspects of the Executive-Parliamentary Relationship.” *Executive Research Paper 00/09*. Parliament and Constitution Centre. House of Common Library.

## NEWSPAPERS

- Adamolekun, Ladipo (2008) “All the lawmakers are my boys: 100% of them, without Exception. - Gbenga Daniel, Governor of Ogun state”. *Vanguard*. August 6.
- Affe, Mudiaga (2009) “Impeachment Threat: Fashola, Tinubu in Marathon Meeting”. *The Punch*. December 9.
- Agande, Ben Henry Umoru and Inalegwu Shaibu (2012) “Senators, Reps React to Fuel Price Hike.” *Vanguard*. January 21.
- Ailemen, Tony (2007) “Impeachment - When Adamawa Lawmakers Move Against Haruna.” *Daily Champion*. February 7.
- Aina, Yemisi (2003) “Assembly Approves N7billion Supplementary Budget”. *The Punch*. September 30.
- Airahuobhor, Andrew (2007) “Trouble For The Governor”. *NewsWatch*. Sunday, February 11.
- Ajaero, Chris (2012) “Paralysis.” *NewsWatch*. Monday, January 23.
- Ajani, Jide (2010) “Constitution Amendment Imbroglia: Presidential Assent: Needed or not Needed?” *Vanguard*. August, 14.
- Ajayi, Adewale (2010) “Fashola, Tinubu and the Impeachment Battle in Lagos.” *Nigerian Tribune*. February, 08.
- Ajayi, Wale (2001) “What is Between Tinubu and Lagos Lawmakers?” *Nigerian Tribune*. Wednesday, 19 December.
- Akintunde, Akinwale (2010) “Again, Lagos Court Stops House from Probing Fashola”. *Thisday*. November 02.
- Akinrefon Dapo (2012) I Remain the Symbol of the PDP in Ogun – Gbenga Daniel. *Vanguard*. August, 5.
- Akoni, Olasunkanmi and Sessou, Egun (2012) “Lagos Assembly Pushes for Financial Autonomy.” *Vanguard*. July 25.
- Akoni, Olasunkanmi and Monsur Olowoapejo (2011) “Mixed Reactions Trail ACN Primaries in Lagos.” *Vanguard*. January 12.
- Akpan, Mike (2012) “The President’s Misadvisers.” *NewsWatch*. Friday, May 25.

- Akpeh, Ebele (2010) “Court Stops Lagos Assembly from Probing Fashola.” *Daily Champion*. March 17.
- Alli, Yusuf (2009) “Our lives in danger, Ogun lawmakers write Mark.” *The Nation*. February 14.
- Ameh, John (2012) “Reps May Soon Drop Impeachment Threat –Investigation.” *Punch*. August 4.
- Anukwenze, Ugo (1999) “Governor Tinubu Responds to Fraud Charges.” *DemocracyWatch*. August 25.
- Babafemi, Femi (2005). “New Road Opens up Ijegun Community”. *Daily Sun*. June 29.
- Bangboye, Adelanwa (2012) Deepening Nigeria’s Law Making Process. *Sunday Trust*. Sunday, July, 22.
- Banjoko, Dele (2003) “Tinubu Sends list of Prospective Commissioners to House of Assembly”. *Daily Times*. June, 11.
- Coffie-Gyanfi Charles (2010) “Ogun Faults Assembly over Adjournment Resolution.” *The Guardian Newspaper*. May 13.
- DailyTrust (2012) “Nigeria: The Peculiar Case of Niger State House of Assembly.” *Editorial*. May 25.
- Dike, Gabriel (2007) “Build on Tinubu’s Legacy in Education, Fashola Urged”. *Daily Sun*. July 3.
- Duurojaiye, Femi (2010) “Fashola’s Probe: True Face Exonerates Lagos Lawmakers”. *The Guardian*. February, 17.
- Fabiyi, Olusola and Francis Falolu (2009) “Row in Ogun House of Assembly.” *The Guardian Newspaper*. March 04.
- Jaiyeola, Andrews and Durojaiye, Femi (2012) “Speakers’ Conference Demands Financial Autonomy.” *Thisday*. Jun, 03.
- Kumolu, Charles (2102) “Some Governors Suppress their Legislative Houses – Speaker Ikufuroji”. *Vanguard*. June 1.
- Larewaju, Kolade (2001) “Nigeria: Ogun House of Assembly Passes 2001 Appropriation Bill.” *Vanguard*, 19 January.

- Ngamsa, John (2007) "Boni Haruna's Impeachment - The Plot, the Intrigues." *Dailytrust*. March 6.
- Nwannekanma, Betram and Ogbodo, John-Abba (2010) "Constitution Review Needs President's Assent, Court Rules". *The Guardian*: November 9.
- Nwokolo, Ernest (2009) "Ogun Assembly threatens to Sack Daniel". *The Nation*. February 12.
- Obasola, Kemi (2009) "Disquiet in Lagos Assembly over Fashola's Future". *The Punch*. December, 08.
- Obiagwu, Kodilinye (2012) "States Won't Hamper Amendment of Constitution, says Ikuforiji". *The Guardian*. Thursday, June, 07.
- Obineche, Chidi (2012) "Allegations Of Fraud: Why I Won't Step Down, By Ikuforiji". *The Sun*. Thursday, May 31.
- Odugbesan and Aborisade (2011) "Tinubu Presents N52bn budget to Assembly". *The Punch*. December 20.
- Odunaro, Kayode (2011) "De javu experience of Osoba and Bankole." *Sunday Tribune*. Sunday, 24 April.
- Ogunbayo, Modupe (2009) "Oath-Taking Controversy in Ogun." *Newswatch*. Sunday, July, 05.
- Ogunmade, Philip (2006) "Impeachment as Political Weapon." *Thisday*. November 13.
- Ogunmupe, Bayo and Anza Phillips (2002) "Death of Electoral Act." *Newswatch*. Vol. 35. No 2, January 14.
- Ogunsakin, Mustapha (2003) "Daniel Denies Role in Oseni's Emergence as Speaker." *The Guardian Newspaper*. June 16.
- Okocha, Chuks and Dele Ogbodo (2012) "Presidency Cautions against Impeachment Threats." *Thisday*. Sep. 24.
- Okocha, Chucks (2012) "Impeachment Threat: President Jonathan Ready to Work with House." *Thisday*, July 22.
- Okoeki, Oziegbe (2012) "Speakers seek Financial Autonomy for state Legislatures." *The Nation*. June 02.
- Okorie, Uche (2010) "Constitution Amendment: Presidential Right of Assent vs. Legislative Obduracy." *Nigerian Tribune*. Monday, September, 13.

- Olatunji, Daud (2012) Three Ogun PDP Lawmakers Dump Party over Crisis. *Vanguard*. September 12.
- Olatunji, Segun (2012) “Opposition Lawmakers Shun Meeting with Amosun.” *Punch*. July 31.
- Olukoya, Olayinka (2009) Ogun Crisis: House Denies Plan to Impeach Daniel. *Nigerian Tribune*. Monday, June 29.
- Olumide, Seye (2011) “How Ikuforiji Emerged Speaker Again in Lagos” *The Guardian*. Monday, June 06.
- Oluwaseun and Anofi, Dele (2012) “Bill to Give House of Assembly Financial Autonomy Passes Second Reading”. *The Nation*. Thursday, May 10.
- Onah, Matthew (2007) “Tension in Adamawa Over Plot to Impeach Haruna”. *Thisday*, February 4.
- Onwuamaeze, Dike (2011) “Politics of 2011 Appropriation Bill.” *Newswatch*. Tuesday. April 26.
- Owei, David (2002) “Impeachment Charges Levied Against the Governor of Bayelsa State”. *The Guardian Newspaper*. Friday, March 15.
- Oyeweso, Femi (2011) “Lagos Assembly Speakership: Will Ikuforiji Scale the Hurdle?” *National Mirror*. May 19.
- Sanni, Lekan (2001) “Tinubu Seeks Assembly’s Approval for N25b Loan from Capital Market”. *The Guardian Newspaper*. 02 August.
- Sanyaolu. K (2002) “Matters Arising on the Electoral law Verdict”. (March 31). *The Guardian*.
- Ukudolo, Emmanuel and Wale Akinola (2011) “Outrage over Lagos Assembly's Jumbo Pay”. *Nigerian Compass*. Saturday, May 21.

## **SEMINARS/CONFERENCE PAPERS**

- Andeweg, Rudy B. and Jacques Thomassen (2003) “Between Electorate and Executive: Parliament as a Linchpin”. *Paper Presented at the Workshop on Delegation in Contemporary Democracies, ECPR Joint Sessions of Workshops, Edinburgh, March 28 – April 2.*

- Beermann, Jack Michael (2011) "A Skeptical View of Presidential Terms Limits".  
Boston: BU School of Law *Working Paper* No11-04.
- Boyko, Nazar and Herron, Erik S. (2009) "Inter-Branch Relations and the Use of Deputy Requests in Ukraine, 2002-2006". *Paper Prepared for Presentation at the American Political Science Association Conference*, September.
- Hankla, Charles R. (2002) "Legislative-Executive Relations and International Trade Policy: A Cross-National Study". *International Studies Association Conference*, Emory University, Atlanta, Georgia 30322
- Ibeanu, Okechukwu, (2002) "(Sp) Oils of Politics: Petroleum, Politics and the Illusion of Development in the Niger Delta, Nigeria," paper presented at the ACAS Oil Panel, African Studies Association Conference Washington D.C., 6th December.
- Johnson, John K. and Nakamura, Robert T. (1999) *Legislatures and Good Governance*. A Paper prepared for UNDP.
- Lafenwa, Stephen A. (2009) "The Legislature and the Challenges of Democratic Governance in Africa: The Nigerian Case." *A seminar paper delivered at a conference on Governance and Development on Democratization in Africa: Retrospective and Future, Prospects*, held on December 4-5, at University of Leeds, United Kingdom.
- Omoweh, D. A. (2006) *The Parliament and the Crisis of Democratization in Nigeria*. Dakar, Senegal: CODESRIA Democratic Institute.
- Ornstein, N. (1992) *The Roles of the Legislature in democracy*. *Freedom Paper No. 3*. California: Institute of Contemporary Study (ICS).
- Oyewo, Oyelowo (2007) "Constitutionalism and the Oversight Functions of the Legislature in Nigeria." *Draft paper presented at African Network of Constitutional Law Conference on Fostering Constitutionalism in Africa*. Nairobi, Kenya April, 18-21.
- Rego, Antonio Carlos (2004) "The Virtues of Democratic Centralism: Executive-legislative Relations under Lula. Paper Presented in the Panel "Pt in Power: An Evaluation of Lula's First Year", XXV *International Congress Latin American Studies Association* (Lasa), Las Vegas, Nevada, October 7-9.
- Samuels, David and Eaton, Kent (2002) "Presidentialism and, or, and Versus Parliamentarism: The State of the Literature and an Agenda for Future Research". *A paper Presented at the Conference on Consequences of Political Institutions in Democracy* held in Duke University, April 5-7.

Santos, Fabiano and Hochman Gilberto (2000) "Executive-Legislative Relations in an Oligarchic Presidential System: Brazil (1889-1930)." *Paper presented at the 2000 meeting of the Latin American Studies Association*. Hyatt Regency, Miami, March 16-18.

## MONOGRAPH

Lagos State House of Assembly (1999) *Proceedings of the Lagos State House of Assembly, Official Report, Fourth Assembly, 1st Session, Vol. 1.*

Lagos State House of Assembly (1999) *Proceedings of the Lagos State House of Assembly, Official Report, Fourth Assembly, 1st Session, Vol. 2.*

Lagos State House of Assembly (2000) *Proceedings of the Lagos State House of Assembly, Official Report, Fourth Assembly, 1st Session, Vol. 2.*

Lagos State House of Assembly (2000) *Proceedings of the Lagos State House of Assembly, Fourth Assembly, Official Report, First Session, Vol. 2.*

Lagos State House of Assembly (2001) *Proceedings of the Lagos State House of Assembly, Official Report, Fourth Assembly, 2<sup>nd</sup> Session, Vol. 1.*

Lagos State House of Assembly (2002) *Proceedings of the Lagos State House of Assembly, Official Report, Fourth Assembly, 3<sup>rd</sup> Session, Vol. 4.*

Lagos State House of Assembly (2003) *Proceedings of the Lagos State House of Assembly, Official Report, Fifth Assembly, 1<sup>st</sup> Session, Vol. 2.*

Lagos State House of Assembly (2008) *Proceedings of the Lagos State House of Assembly, Fourth Assembly, Official Report, Sixth Session, Vol. 2.*

Lagos State House of Assembly (2010) *Proceedings of the Lagos State House of Assembly, Official Report, Sixth Assembly, 3<sup>rd</sup> Session. Vol. 2.*

Lagos State House of Assembly (2011) *Proceedings of the Lagos State House of Assembly, Official Report, Seventh Assembly, 1st Session, Vol. 1.*

Lagos State House of Assembly (2012) *Proceedings of the Lagos State House of Assembly, Seventh Assembly, Official Report, First Session, Vol. 2.*

Ogun State House of Assembly (2009) *House of Assembly Debates. Official Report. Sixth Session.*

Ogun State House of Assembly (1999) *House of Assembly Debates, Fifth Assembly, Official Report, Fourth Session.*



Ogun State House of Assembly (2003) *House of Assembly Debates, Fifth Assembly, Official Report*, First Session.

Ogun State House of Assembly (2009) *House of Assembly Debates, Sixth Assembly, Official Report*, Second Session.

Ogun State House of Assembly (2011) *House of Assembly Debates, Seventh Assembly, Official Report*, Fourth Session.

Ogun State House of Assembly (2012) *House of Assembly Debates, Seventh Assembly, Official Report*, First Session.

Omotola, Shola J. (2007) "What is this Gender Talk all about after all? Gender, Power and Politics in Contemporary Nigeria". *African Study Monographs* Vol. 28. No. 1.

#### **UNPUBLISHED WORKS**

Alvarez, Michael (1997) "Presidentialism and Parliamentarism. Which Works? Which Lasts?" *Doctoral Dissertation*. Department of Political Science, University of Chicago.

#### **PRIMARY SOURCES- INTERVIEWS**

Interview with Adegbesan Adebowale Rasheed, Assistant Secretary, Committee on Human Rights and Public Petitions; Public Accounts (Local) and Education, Lagos State House of Assembly, Alausa, Ikeja. April, 2012.

Interview with Ajibogun Ademola, Parliamentary Education Unit, Directorate of Legislative Matters, Lagos State House of Assembly, Alausa, Ikeja. May, 2012.

Interview with Barrister Ayo Adebuseye, National Coordinator, Lagos State Civil Society Partnership (LACSOP). March, 2012.

Interview with Barrister Olasupo, Committee for Defence of Human Rights (CDHR), 43, Adeniyi Jones Avenue, Ikeja, Lagos. May, 2012.

Interview with Chief Babatunde Akinyemi, A PDP Chieftain in Ogun State on February, 2012.

Interview with Dr. Olatokunbo Oshin, Former Chairman, House Committee on Information, Ogun State House of Assembly, Oke Mosan, Abeokuta, Ogun State. April, 2012.

Interview with Erinle Olusegun Oluwakemi, Senior Legislative Officer and Secretary, Home Affairs and Culture Committee, Lagos State House of Assembly, Alausa, Ikeja. April, 2012.

Interview with Hon Adefunmilayo Tejuoso, Chairman, House Committee on Finance, Lagos State House of Assembly, Alausa, Ikeja. March, 2012.

Interview with Hon. Adijat Adeleye-Oladapo, the House Committee Chairman on Local Government and Chieftaincy Affairs, Ogun State House of Assembly. May, 2012.

Interview with Hon. Remmy Hassan, the Deputy Speaker of the Ogun State House of Assembly, a re-elected member who defected from PDP to ACN. April, 2012.

Interview with Hon. Sikirulahi Wale Ogundele, former Chairman of Ifo Local Government, Ogun State, Nigeria and a former House of Assembly member for 8 years.

Interview with Mr. Ademosun Femi, Director, Bills, Ogun State House of Assembly, Oke Mosan, Abeokuta on April, 2012.

Interview with Mr. Adesanya Quadri Wasiu, Head, Parliamentary Education Unit, Legislative Matters Directorate and Secretary, Public Accounts Committee (Local), Lagos State House of Assembly, Alausa, Ikeja. May, 2012

Interview with Obanusi Felix of State Accountability and Voice Initiative (SAVI), March 2012.

Interview with Okeowo, Baruwa Idris, Senior Legislative Officer and Assistant Secretary, Committee on Economic Planning and Budget; Tourism and Intergovernmental Relations. Lagos State House of Assembly, Alausa, Ikeja. May, 2012.

Interview with Rotimi Adebayo, the Chief Press Secretary to the Speaker of the 7th Lagos State Legislative Assembly on May 10, 2012.

Interview with Shelle Mondiat Oluwafunke, Senior Legislative Officer and Secretary, Committee on Special Duties, Lagos State House of Assembly, Alausa, Ikeja. April, 2012

Interview with William Idowu, (2012) Department of Philosophy, Obafemi Awolowo University, Ife. April, 2012.