

Executive-Legislative Conflicts and The Quest for Accountability in Nigeria's Presidential Democracy: A Case of the 8th National Assembly

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Abstract: This paper examines the seemingly intractable tensions and frictions between the executive and legislative branches in Nigeria. Specifically, it interrogates the intricate political and personality issues that surrounded the recurring tension and open confrontation between the presidency and the 8th National Assembly between 2015 and 2019. Using a combination of both descriptive and analytical methods and through a review of the extant literature, the paper reaffirmed and established the primacy of the legislature as an institution of accountability under the Nigeria's presidential system. The paper discovered that persistent conflicts and contradictions between the executive and legislative actors in Nigeria have made effective budget formulation and implementation a difficult task with far-reaching political and socio-economic consequences for the nation's body politic. The rifts breed suspicion and hostility between the two branches of government, creates division in the legislature, brings distraction to the governance process and, ultimately, propels the resort to the culture of impunity and total disregard to the rule of law by the governing elites. The paper concludes that the constitutional provisions defining the interface between the executive and legislative branches are adequate to engender stable and accountable government. Nevertheless, the political actors across the executive-legislative divide must be ready to embrace the dictates of separation of powers as enshrined in the 1999 constitution, abide by the rules of democratic game, and collaborate to work for the interests of the Nigerian people.

Keywords: Accountability, Executive-legislative Conflicts, Oversight Powers, Presidentialism.

I. INTRODUCTION

In Nigeria, the return to democratic rule in May 1999 necessitated the establishment of representative legislatures at all levels of government. The provisions of the 1999 Constitution, which positioned the legislature as a watch-dog to the executive branch, institutionalized a new ethos of constitutionalism in the country. This followed a prolonged rein of military dictatorship characterised by executive unilateralism and dominance (Oyewo, 2007). In essence, 1999 Constitution recognizes the principle of separation of powers as one of the crucial features for ensuring the operation of presidential democracy in Nigeria (Nwabueze, 2004; Jombo, 2019).

The hallmark of presidentialism is the safeguard against dictatorship and arbitrariness in government. For this purpose, the notion of separation of power and the doctrine of checks

and balances are intertwined. The essence, as noted by Baumgartner and Kada (2003), is not to achieve total separation and independence for the three arms of government, rather to provide a kind of equilibrium in the system where the various organs of government complement one another to make for effective governance in the overall interest of public accountability.

Across nations of the world, what many consider as the overriding import of presidential constitutions is the institutional practice which designed the policy-making process not as an exclusive preserve of the executive branch (Hochester, 2011; Lindsay and Ripley, 1994). Presidentialism promotes institutional structure that recognises multiple centres of power, operating interdependently, in a system of cooperation and collaboration. This is essentially to guide against absolutism and arbitrariness in the exercise of state power and ensure accountability in governance. However, in developing democracies such as Nigeria, precedent and the available period of democratic practice often determine the institutional balance as well as the relative influence of executive and legislative branches on public policy. Moreso, as Poteete (2010) has argued, most African democracies just emerging from long years of military or monarchical rules, favoured executive dominance over the legislature, sometimes with open resentment for accountability.

By and large, the outcome of governance in presidential democracies is principally a function of the nature of power relation between the executive and legislative branches. Thus, the competing influence of the two organs of government, over public policy, ensures a balanced legislative process devoid of executive absolutism. As Oleszek (2014, p.382) has noted, one of the essential instruments in this regard is the oversight power of the legislature; the continuous 'watchfulness of executive actions and activities'. He conceives legislative oversight as the continuous review of executive actions in line with the legislative intents, which entails but not limited to investigating the execution of statutes, supervising administration and implementation of public policies. Thus, the intensity and effectiveness of the oversight role of the legislature often determine the tone and pattern of executive-legislative relationships in presidential system, and ultimately a potential

source of conflicts and disagreements between the two branches of government (Aleman and Schwartz, 2006).

Nawbueze (1992: 53) had reasoned that executive power, by its very nature, is susceptible to arbitrary use. He argued further that the propensity of executive power 'to arbitrariness would be greatly accentuated where the functions of lawmaking also reposes in the same hands.' It is on that basis the Nigerian presidential constitution guarantees the legislature a number of measures to hold the executive accountable in the conduct of government business but which often result into incessant bickering and sometimes unhealthy rivalry between the two institutions of governance.

Problem Statement and Rationale for the Study

Under presidential systems, oversight role of the legislature is considered the most potent instrument for curtailing executive dominance and emplacing a culture of probity and accountability in government. However, effective legislative oversights require a measure of patriotism, transparency and genuineness of purpose on the part of lawmakers in the discharge of their onerous responsibility. Since 1999, executive-legislative conflicts attributable to recurring disagreements between the two principal organs of government constitute a major drawback for Nigeria's presidential democracy resulting into burgeoning governance crisis for the country.

Turbulent and conflictual executive-legislative relations is considered one of the most problematic issues in Nigeria's presidential democracy since the country returned to civil rule in 1999 (Oyewo, 2007; Fagbadebo, 2009; Aliyu, 2010). Over the years, both the executive and the legislative arms of government have tried, in varying degrees, to invoke their constitutionally assigned powers, in manners that have had implications and consequences for the smooth running of government and the overall stability of the nation's body politic.

Incessant conflicts, most especially, between the legislature and the executive, have characterised the operation of the 1999 Constitution up till date. Since the commencement of the Fourth Republic in 1999, the battle line between the arms of the Federal Government has been drawn over issues of appointment, appropriation and oversight function of the legislature (Dorgu, 2008; Basse, 2006). The sources of these conflicts were mostly on the issue of the existence, scope, and the efficacy, of the independence of the legislature and oversight function in the constitutional system. One of the morbid symptoms of this deep and unsettled condition in Nigeria is the 'gladiatorial contest between the Presidency and the National Assembly' (Basse, 2006, p.128).

The needed and expected cordial relationship between the legislature and the executive was a rarity, even, in cases where a political party controls the executive and the legislature (Awotokun, 1998; Aiyede, 2005). Evidently, in a number of cases, the control by a single party of both the executive and the legislature did not guarantee harmonious relationships. For

example, the Peoples Democratic Party (PDP) controlled both the presidency and the National Assembly from 1999 to 2015; yet that did not guarantee harmonious relationships between the two arms of the federal government. The same went for the All Progressives Congress (APC) between 2015 and 2019 (Aiyede, 2005; Fawole, 2013; Jombo, 2019; Animashaun, 2021).

Nonetheless, beyond journalistic innuendoes devoid of empirical rigour, this paper seeks to examine the seemingly intractable tensions and frictions between the executive and legislative branches in Nigeria. What are the intricate political and personality issues that surrounded the recurring tension and open confrontation between the presidency and the 8th National Assembly? In what ways and patterns have these recurring feuds impacted on the central legislature and its oversight responsibilities? What measures are needed to reposition and recalibrate the National Assembly as an institution of accountability? These and many more constitute the problematique and central focus of this paper.

Objective of the Study

This paper examines the seemingly intractable tensions and frictions between the executive and legislative branches in Nigeria. Specifically, it interrogates, through empirical means, the intricate political and personality issues that surrounded the recurring tension and open confrontation between the presidency and the 8th National Assembly between 2015 and 2019.

II. RESEARCH METHODOLOGY

In arriving at the choice of a particular research design appropriate for this study, the researcher considered the goal of the research and the subject matter of the executive-legislative relationships under the Nigeria's presidential system.

The paper adopted an interpretative paradigm to probe the core of the research problematique. The interpretative tradition dwells mainly on the nature of social interaction and interrelations in the society. Its emphasis is on 'the meanings individual actors give to social interactions' (Walter, 2017, p.17). From the interpretative perspective, the society is construed as a world of meaning in which human actions occur because of 'shared understanding' (Creswell, 1998; 2009). As Maggie Walter (2017) has argued, understanding human society requires an in-depth knowledge of the motives behind people's actions, which is contingent on their 'interpretation of the world'. The main concern of this approach is the exploration of the 'meanings actors give to their circumstances' because these meanings provide 'explanations of what they do' (Walter, 2017, p.17-18).

To corroborate the interpretative paradigm, which guided this study, the researcher utilized the qualitative method for the purposes of gathering data. This study is an examination of the interplay of power between the executive and legislative actors in Nigeria's presidential system. Dougherty (2002) argues that the qualitative method provides the researcher with the opportunity to study things in their natural settings, in a bid to interpreting them in terms of the meanings ascribed to them.

The usefulness of this method to the qualitative researcher lies in its flexibility to exploring phenomena in their natural settings. Creswell (2009) opines that the main objective of a qualitative researcher is to gain an in-depth understanding of the intricacy of decision making as well as web of interactions among actors operating within the political structures.

A large proportion of the data utilized for the study was gathered from secondary sources while it also made use of data from archival materials, such as government publications and Hansard proceedings of the National Assembly for the period under review. This was done in order to strengthen and validate data derived from secondary sources. These written records served as a kind of cross-validation mechanism for the information obtained from the extant literature. Analysis of data was undertaken using descriptive method and content analysis.

The paper is organized into five sections. Section one comprises the foregoing introduction and is followed by section two, which captures the literature review and explicates the major themes relevant to the substantive issues under review. Section three presents the study data by highlighting the principle of separation of power as espoused by the 1999 Constitution of Nigeria. Section four discusses the research findings and interrogates the intricate issues surrounding the recurring face-offs between the Buhari's Presidency and the 8th National Assembly while section five concludes the paper, with reflections on the prospects for institutionalizing effective public accountability regime in Nigeria through the instrumentality of credible and active legislature.

III. CONCEPTUAL EXPLICATIONS AND LITERATURE REVIEW

Presidentialism operates on the principles and application of the doctrines of separation of powers and checks and balances (Shugart and Haggard, 2001). Hochstetler (2011, p.297) has noted that separating the power of the legislature from the power of the executive, was 'the principal virtue of presidential system' because they created internal tensions that helped to protect individual rights and liberties. In other words, to advance the cause of good and accountable governance, and safeguard the collective interests of the people, the drafters of presidential constitutions usually allocate substantial oversight powers to the legislature, which place it at a vantage position to serve as a check on the exercise of executive power (Hochstetler, 2011; Oleszek, 2014).

The major concern of the founding fathers of the American presidential constitution was the need for an appropriate strategy that could dissuade any disproportionate distribution of powers (Shugart and Carey, 1992; Shugart and Haggard, 2001). James Madison, a foremost proponent of the American presidential constitution, had argued in the Federalist Paper Number 47 that 'an essential precaution in favour of liberty can be found in the extant principles of separation of power' (cf. Fagbadebo and Francis, 2016, p.3). He averred that given the nature of men in relation to the exercise of governmental power, the only precautionary strategy in the defence of liberty

was a clear and distinctive separation of the three principal powers of government. According to him, this would insulate the exercise of governmental power from abuse. 'The accumulation of all powers, legislative, executive, judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may just be pronounced the very definition of tyranny' (Federalist Papers Number 47).

Madison's standpoint reaffirmed the classical position of Baron de Montesquieu, the progenitor of the principle of separation of powers. Presidentialism espouses the fragmentation of power by the various branches of government. The underlying principle of presidentialism revolves around the exercise of power (Mainwaring, 1993; Mainwaring and Shugart, 1997; Shugart and Haggard, 2001). In other words, power is central to the operation of presidentialism as a governing system. The differing perspectives of scholars on the capability of presidential principles to engender stability in democratic regimes revolved around fragmentation of powers among the arms of government (Shugart and Carey, 1992; Mainwaring, 1993; Perez-Linan, 2007; Gerring et al, 2009; Linz, 2010).

Most debates on the principles of presidentialism often centre on the appropriate strategy to ensure a modicum of synergy among the different structures of the state exercising governmental powers (Parson et al, 1997; Ahrens, 2001; Oleszek, 2014). For instance, the position of Juan Linz (1993; 2010) on the perils of presidentialism emanates from the possibility that the exercise and control of power by the executive and legislative branches of government have the proclivity towards gridlocks and immobilism in governance process. To him, the presidential principles lacked the institutional mechanism for resolving conflicts between the executive and legislative branches of government in the face of serious disagreement.

Linz associates this prospect of 'gridlock and immobilism' with the problem of dual legitimacy, personalized executive power and rigidity of fixed term characteristic of presidential system (Fagbadebo and Francis, 2016). He avers that the independent sources of power of the two powerful institutions of government necessitate their separate struggles for electoral legitimacy and this propels conflicts in the legislative process. The fixed terms of office for the president could also generate anxiety in the executive branch because of the limited time and opportunity to articulate its policies and programmes (Parson et al, 1997).

In view of what Linz (2010) referred to as the institutional inadequacies of presidential system, he recommends the parliamentary system as a more profound alternative to achieving good governance and regime stability because of its operational mechanism. This, according to him, dwells principally on the fusion of powers and unity of purpose between the executive and legislative branches of government. The overriding institutional ethos of parliamentarism, found in the principle of collective responsibility and fusion of power, ties political strength of the two organs of government; and

therefore, promotes unity, regime stability and good governance (Linz 2010).

Gerring et al (2009) attribute the failure of the presidential system to its institutionalized fragmentation of powers among the various arms of government. According to them, the extent to which the executive and legislative branches of government 'continue to depend on separate and independent sources for electoral power, the prospects for harmony in the power relation between the two is seriously abridged' (Gerring et al, 2009, p.335).

However, in defence of presidential system, many scholars have downplayed the sprawling power of the heads of the executive branch as an invitation for arbitrariness (Aleman and Schwartz, 2006; Perez-Linan, 2007; Oleszek, 2014). They argue that the possession of such powers did not translate into arbitrary application, against the collective interests of the governed. According to them, the involvement of the legislature in the policy process limits the exercise of executive power and safeguards the interests and aspirations of the citizenry (Oleszek, 2014; Palanza and Sin, 2014).

Nevertheless, the unifying platform, under which the differing perspectives of scholars on presidentialism coalesce, is that the nature of power relation between the executive and legislative branches determines the outcome of governance in presidential democracies. Thus, the competing influence of the two organs of government, over public policy, creates an inclusive legislative process devoid of executive absolutism. Oleszek (2014) considers the oversight power of the legislature as one of the most potent instruments for promoting accountability in governance. He describes legislative oversight as the continuous review of executive actions in line with the legislative intents, which entails but not limited to investigating the execution of statutes, supervising administration and implementation of public policies. Thus, the level of probity, transparency and accountability that can be achieved in presidential regimes is largely dependent on the intensity and effectiveness of the oversight role of the legislature (Bundi, 2018; Ile and Makiva, 2017; Mulgan, 2017; Shikano et al. 2017).

Fawole (2013), while considering the gridlocks associated with the conduct of government business at the central level of government in Nigeria, contends that the issue of incessant executive-legislature face-offs remained the most potent but sinister threat to the Nigeria's fragile democracy. He reasoned that the constant feuds between the executive and legislative arms could be explained not only from the point of view of the cold and sometimes hostile relationships between the chief executives and the principal officers of the legislatures, but also has to do with several other factors. Among which are newness of the unfolding democratic culture in Nigeria after a prolonged military dictatorship, and the unnecessary demonstration of arrogance by the executive. Others are, belligerent and insensitive misuse of legislative powers by the legislature, and the failure of the ill-informed political actors from both sides of the divide to understand and internalize the principles and

intentions of the doctrine of separation of powers built into the country's constitution. These often led to the needless face-offs between the two branches of government.

Of particular importance is Fawole's assertion about the ill-informed legislative actors, which validated the theoretical insights into the adverse attitudes and dispositions of the legislative arm to governance issues since 1999. For the most part, both national and state legislatures have been vilified, excessively, by groups sympathetic to the executive describing their main role in governance as that of an adversary of the executive branch and have therefore resorted to antagonizing the executive at the slightest excuse. For instance, the 8th National Assembly in Nigeria was perceived in the court of public opinion as antagonistic for excessively attacking the executive branch and even portraying itself as distinct from the federal government; forgetting that the two branches are only interdependent parts of the same central government. Some observers believed that the National Assembly ran a parallel government outside the executive branch (Vanguard, 2016).

In presidential democracies, the legislature has the constitutional mandates to hold the executive arm of government accountable (Adamolekun 2010; Hochstetler 2011; Fagbadebo 2016). Moreso, both the notion of separation of powers and the doctrine of checks and balances are deliberate structural designs of presidentialism to promote probity, transparency and accountability in government. Accountability simply entails the 'obligation to answer for the performance of duties with a view to rectifying failure or abuse of responsibilities through deterrence' (Mulgan 2011, p.19). Essentially, at the core of accountability in a presidential system like Nigeria are the measures for correction such as legislative oversight and media investigation via public hearing, which requires that relevant units or agencies of government are sanctioned in a transparent manner (Jombo and Fagbadebo, 2019).

Through the exercise of oversight power in a system of separated but shared powers, the legislature is recognized, constitutionally, to carry out extensive scrutiny of government policies and programmes in a bid to ensuring effective service delivery to the citizenry. The central theme of the concept of legislative oversight, Oleszek (2014) has argued, is to ensure effective governance through continuous monitoring of the activities of the executive by the legislature. Overall, the overriding objective of legislative oversight (scrutiny) is 'to hold executive officials accountable for the implementation of delegated authority' (Oleszek 2014, p.382).

The hallmark of presidentialism as a governing system is the existence of co-equals centres of power, where the three main organs of government –the legislature, the executive and the judiciary- operate within the ambit of their constitutional boundaries. They were designed to collaborate, as co-equal partners, in the running of government business in order to avert tyranny, dictatorship and arbitrariness in government (Kada, 2002; Fagbadebo, 2016). For these reasons or so it seems, the presidential constitution of Nigeria, 1999, as

amended, recognizes and puts the legislature in a vantage position as the 'principal institution responsible for enforcing the accountability of the executive branch' (Jombo and Fagbadebo, 2019, p.129).

IV. DATA PRESENTATION AND DISCUSSION OF RESEARCH FINDINGS

Separation of Power Principle and the 1999 Constitution of Nigeria

The 1999 Constitution provided the second constitutional framework for the operation of a presidential system in Nigeria. This was a direct consequence of the experiences of both the Second and the aborted Third Republics (Akinsanya and Davies, 2002; Basse, 2006). In spite of the collapse of the previous Republics, the presidential system was never discredited, and this informed its retention in the current democratic dispensation (Osipitan, 2004).

Prior to the collapse of the botched Third Republic, however, executive-legislative face-offs were becoming a major challenge for the practice of presidential system in Nigeria. Hence, the drafters of the 1999 Constitution made some anticipatory provisions that sought to rectify some of the problems identified with the executive-legislative impasse in the preceding Republics. These areas are money bills and impeachment of the president of the country or governor of a state (Aiyede, 2006).

The 1999 Constitution provided for a clear separation of powers and functions among the three arms of government. Part II of the constitution, comprising sections 4, 5 and 6, specified the powers of the Federal Republic of Nigeria and compartmentalize such into legislative, executive, and judicial powers of the federation.

Section 4 (1-9) vested the legislative powers of the Federation in the National Assembly and that of a state in the House of Assembly of the State. Specifically, section 4(1 and 2) of the 1999 Constitution conferred on the National Assembly the power to 'make laws for peace, order and good government of the Federation, or any part thereof with respect to any other matter included in the Exclusive Legislative List set out in Part I of the Second Schedule to this Constitution'. In line with the federal principle, the constitution further divided the legislative powers into Exclusive and Concurrent Lists.

The Nigerian constitution defined the sphere of legislative competences for the federal and state governments and designated these as legislative lists. Constitutionally, state governments are subordinate to the federal government. The exclusive legislative list has items under the legislative competence of the federal government and the concurrent legislative list contains items that fall under the legislative competence of both the federal and state governments. In any case, while the state government cannot act on any items listed in the exclusive list, its federal counterpart can legislate on any items in both lists.

The exclusive list contains items that only the National Assembly could legislate, while the concurrent list comprises items that both the National Assembly and States' Houses of Assembly could legislate. Section 4(3) of the 1999 Constitution states 'the power of the National Assembly to make laws for the peace, order and good government of the Federation with respect to any matter included in the Exclusive Legislative List shall, save as otherwise provided in this Constitution, be to the exclusion of the Houses of Assembly of States.' Such items include Aviation, foreign affairs, national currency, banking, Armed forces, immigrations, population census, general elections, and many others. A full list of these items is set out in part I of the second schedule to the constitution.

These include agriculture, education, public utilities, issues relating to health and the likes. However, in case of any clash or conflict between the National Assembly and any state House of Assembly, with respect to the exercise of concurrent powers, section 4(5) of the constitution gave precedent to the National Assembly. It states 'If any Law enacted by the House of Assembly of a State is inconsistent with any law validly made by the National Assembly, the law made by the National Assembly shall prevail, and that other Law shall, to the extent of the inconsistency, be void' (Section 4(5), Constitution of the Federal Republic of Nigeria 1999).

In the exercise of its law-making powers, section 4(3 and 7) of the constitution grant the National Assembly the exclusive leverage to make laws 'for the peace, order and good government of the federation' and states' Houses of Assembly reserve the right to make laws for peace, orderliness and good government of their respective states. However, such acts of the legislature require the assent of the executive before they can have the force of law.

Presidential assent is required for the bills passed by the National Assembly to become law, while in the case of a House of Assembly of a State, the final process of passing legislation is the presentation to the executive arm for governor's assent. According to sections 58 and 100 of the 1999 constitution, bills passed by the National Assembly and a State House of Assembly must be assented to by the president and governors respectively for it to become law. However, in the events that the president or governor declines his assent, after 14 days, the legislative assembly can override the executive by passing it into law via the mandatory two-third majority of members in parliament.

Similarly, in the conduct of its oversight functions, sections 88 and 89 empowered the National Assembly to conduct investigation as well as the powers to take evidence and summon any person in Nigeria to give evidence. It can also issue a warrant to compel the attendance of any person, and failure to comply with such summon may lead to his compulsion. This also includes the power to order such a person to pay the 'cost' of such compulsion or imposed fine for such failure or neglect. The National Assembly also has power to approve (or disapprove) the appointments made by the President to such positions as ministers, ambassadors and the

likes. In respect of appointments and law making, this also applies to the States except that such matters to which the House of Assembly of a state could legislate must not be included in the exclusive legislative list. Section 4(7a) of the 1999 constitution only empowers a State House of Assembly to legislate on items not listed in the exclusive legislative list. It reads 'the House of Assembly of a State shall have power to make laws for the peace, order and good government of the State or any part thereof with respect to the following matters, that is to say, any matter not included in the Exclusive Legislative List set out in Part I of the Second Schedule to this Constitution.

Section 5(1-5) vested the executive powers of the Federation on the president, and that of States on the governor of a state. Section 5(1) of the constitution stated that

subject to the provisions of this Constitution, the executive powers of the Federation shall be 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 either directly or through the Vice-President and Ministers of the Government of the Federation or officers in the public service of the Federation.

Sub-section 2 under this same section provided that

subject to the provisions of this Constitution, the executive powers of a State shall be vested in the Governor of that State and may, subject as aforesaid and to the provisions of any Law made by a House of Assembly, be exercised by him either directly or through the Deputy Governor and Commissioners of the Government of that State or officers in the public service of the State (Section 5(2), Constitution of the Federal Republic of Nigeria 1999).

Such powers extend to the execution and maintenance of the Constitution as well as all laws made by the National Assembly and states' Houses of Assembly, respectively. In the exercise of executive powers of the federation, granted by the constitution, the President cannot declare a state of war between the Federation and another country except with the sanction of the National Assembly sitting in a joint session. Nor can the President deploy the armed forces on combat duty outside Nigeria except with prior approval of the Senate. Nevertheless, in the case of imminent threat or danger, the President, in consultation with the National Defence Council, may deploy members of the armed forces of the federation on a limited combat duty outside Nigeria.

Section 6(1-6) of the constitution vested the judicial powers in the courts. This section empowered the courts to determine the legality and constitutionality of actions (or inactions) of the other two organs of government. Sections 315 (3) and 6(d) conferred on the courts or any tribunal established by law, the power to declare invalid any provisions of any existing law on ground of inconsistency with the constitution or Act of the National Assembly. For these reasons, and by virtue of section 4(8) of the Constitution, the legislature is forbidden from passing laws that oust the jurisdiction of the courts. It states:

Save as otherwise provided by this Constitution, 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 oust or purports to oust the jurisdiction of a court of law or of a judicial tribunal established by law (section 4(8), Constitution of the Federal Republic of Nigeria 1999).

As noted by Ugor (2005), the combined effect of sections 4(8), 6(6), 251 and 315(3) of the Constitution is to make acts of the National Assembly or a State House of Assembly and the President or the Governor of a State subject to judicial review.

As regards money bills, sections 80-83, in case of the National Assembly, and sections 120-123, in case of the House of Assembly of a state, under the powers and control over public funds, provided a budget process, typical of a presidential system of government. The executive and the legislative arms of government are to operate as interdependent institutions in a system of separate but shared powers. Section 81(1) assigned the responsibility of drafting budget proposals to the executive. However, section 80(4) precluded the executive from discountenancing the input of the legislature. This is emphasized by the clause, 'except in the manner prescribed by the National Assembly.' Nevertheless, section 82 provided a way out for the executive for the period of six month in the event of a deadlock between it and the legislature.

This part has examined the issue of executive-legislative impasse within the context of the 1999 constitution in a bid to ascertain whether the recurrent conflicts between the two branches of government could be linked to any contradiction inherent in the constitution. It was discovered that the constitution formally structured the interaction between the executive and legislative branches but the relationships that exist, in practice, depend largely on the political context as well as the characteristics of the governing elites.

In line with the principle of separation of powers and checks and balances characteristic of presidential constitutions, the 1999 constitution stated the powers allocated to the different organs of government. Specifically, sections 4, 5, and 6 of the constitution allocated and divided the powers of the Federal Republic of Nigeria into the legislative, the executive, and the judicial powers of the federation. Fatile and Adejuwon (2016) have noted that these provisions were comparable and compatible with what exist in established presidential democracies such as the United States, Canada, Germany and Australia. Hence, the incessant executive-legislative feuds that have characterised the country's democracy, as argued by Adejumo (2002), have little or nothing to do with the structures provided by the 1999 constitution.

In Nigeria, the constitutional provisions that listed the areas of interface between the executive and the legislature are instruments for the promotion of accountability and good governance. These provisions stated that the executive should implement policies for the good governance of the nation while

the legislature, construed as the custodian of the constitution, is empowered to monitor activities of the executive to ensure government is accountable to the people (Sections 4(1-7), 5(1-2), 88, 89, 128 and 129, Constitution of the Federal Republic of Nigeria 1999). It is however doubtful whether the political actors have really come to terms with the original intents of the drafters of the constitution.

The 8th National Assembly and the Burden of Public Accountability

The 8th National Assembly in Nigeria was inaugurated on the 9th of June, 2015. The Assembly started its political journey and official proceedings on a threshold of controversy following the intra-party political horse-trading that preceded and characterised the selection of principal officers for the bicameral legislature. Against the position of the ruling All Progressives Congress (APC) who has majority of parliamentarians, the leadership of both the Senate and the House of Representatives emerged largely through the supports and connivance of lawmakers from the opposition political camp, the Peoples Democratic Party (PDP). Dr. Bukola Saraki emerged as Senate President as against the ruling party's choice of Ahmad Lawal while Yakubu Dogara became the Speaker, House of Representatives also against his party's anointed candidate for the plumb job. These developments subsequently set the tone of executive-legislative relations for the period between 2015 and 2019.

In any case, the attempt by the ruling party in conjunction with the Buhari government to determine the choice of leadership for the assembly was nothing short of executive incursion into the internal affairs of the legislature. This is contrary to the provisions of section 50(1a-b) of the 1999 constitution which make the composition of the assembly leadership the prerogatives of members. Against this background, the ensuing developments generated serious tension between the Presidency and the 8th National Assembly and caused serious setbacks for the enthronement of harmonious working relationships between the two arms of the Federal Government.

One of the immediate aftermaths of the leadership imbroglio of the 8th National Assembly was the arraignment of the Senate President, Bukola Saraki before the Code of Conduct Tribunal for alleged infractions said to have been committed while in office as Governor of Kwara State. Most lawmakers in the country, including many of Saraki's colleagues in the Senate and House of Representatives saw the move by the Federal Government as nothing short of political persecution rather than the renewed fight against corruption being touted by the executive branch as the reason for the trial (The Cable, 2021). For this reason, for the entire duration of the tribunal trial up to the Supreme Court, the National Assembly, particularly the Senate was often shutdown anytime Saraki appeared in court because of majority of principal officers and many other members of the Senate who usually accompanied him in solidarity and ostensibly to spite the executive branch for its vilification of the legislature.

Throughout the duration of the court trial up to the very end when Bukola Saraki was eventually acquitted of all the charges and cleared of any wrongdoing by the Supreme Court, the heightened tension between the national assembly and the presidency created serious setbacks in the political process and generated untoward negative impacts over public policy (The Business Day, 2018). Many a time, the assembly was vilified in the court of public opinion as constituting an unyielding opposition to the executive branch, and was therefore seen as a needless distraction to the Buhari administration. Even when the parliamentarians were simply performing their constitutionally assigned responsibilities of calling executive actions to scrutiny in line with legislative oversight powers granted by the 1999 constitution, the public was always swift in misrepresenting the legislative assembly.

For instance, the Senate rejection of the nomination of Ibrahim Magu, the former Acting Chairman, Economic and Financial Crimes Commission (EFCC), on two different occasions, was widely condemned by many in the court of public opinion. It was even considered by a large section of Nigerians as a ploy by the National Assembly to halt or frustrate the anti-corruption fight of the Buhari administration. Meanwhile the Senate had claimed that the nomination was rejected on account of the damning report presented on Magu by the Directorate of State Security Service (DSS). In any case, the manner in which Ibrahim Magu was relieved of his post as well as the facts and events that followed his removal from office seemed to have justified the decision of the 8th Senate (Premium Times, 2020). Nonetheless, the frosty relationship between the National Assembly and the Presidency during the period slowed down the budget process and hampered the passage of bills. Statistics obtained from the Budget Office for a 10-year period revealed that it took the 8th National Assembly six months and 10 days to pass the 2018 budget thereby making it the longest federal budget to get parliamentary approval since the nation returned to democratic rule in 1999 (Animashaun, 2021).

At the height of executive-legislative face-offs, the central legislature attributed the unusual delay in budgets passage to negligence on the part of the executive arm which it claimed set unenviable records of delay in budget presentation and defense. According to the lawmakers, the 2016, 2017, 2018 and 2019 budget estimates got to the National Assembly on December 22, 2015; December 14, 2016; November 7, 2017 and December 19, 2018 respectively (Premium Times, 2020). On bill passage, throughout the lifespan of the assembly, the Buhari administration sponsored only ten non-budgetary executive bills, one of which was subsequently withdrawn due to the inter-agency squabbles between the Justice Minister and Acting Chairman of EFCC. For the period of four years, the 8th Senate passed 318 bills, the highest ever in the country's history (Animashaun, 2021). However, majority of these bills were either not assented to by the President or later signed into law after the 8th assembly had wound down. Examples of such include the Petroleum Industry Governance Bill (PIGB), CAMA Act (Amendment) Bill, Police Reform Bill and many others (Premium Times, 2020).

Over the years, the legislature has struggled to convince the Nigerian public of its importance, as an institution of accountability, under the country's presidential system. The negative public perception is not borne out of ignorance but rather a direct consequence of the various unethical practices, scandals and allegations of corruption that have characterised the conducts of parliamentarians in the country (Jombo and Fagbadebo, 2019). As a result, the citizens have always construed legislative opposition to executive actions as unnecessary antagonism driven by primordial consideration rather than the concerns for public good. It should be noted, however, that legislative scrutiny of government policies and programmes is a routine constitutional responsibility of the legislature rather than antagonism to the executive branch. The omnibus power granted the legislature under section 4(2) of the 1999 constitution enables it to legislate on all the sixty items listed under the Exclusive Legislative list and the thirty-eight items set out in the Concurrent Legislative list. Taking that into cognizance, the legislature is considered a key player in the democratic process.

Even though the president and majority of members of the legislature were members of the same political party, the All Progressives Congress (APC), the legislature did not perceive a commonality of interests between them and the president. Apart from the political skirmishes that trailed emergence of the leadership of both chambers of the bicameral legislature, ostensibly against the party's choice and president's wish, the major source of disagreement was the differing perception of the roles and powers in the operation of the principles of separation of powers and checks and balances.

The development that has in a way confirmed the position of Linz in relation to the 'perils of presidentialism', which he identifies as the major pitfall of presidential systems (Linz, 1993; 2010). This was corroborated by Peterson and Greene (1993), in their study of executive-legislative conflicts in the United States between 1947 and 1990. They identify partisan and constituent reasons as the basis for the recurring executive-legislative impasses during the period. Apart from the partisan basis for conflict which manifested in their separate and competitive political contests for power, they contend that the constituent basis which is rooted in the manner in which the president and members of Congress are elected also provide potential avenues for conflicts between the two branches of government. The executive, they reason, has a national constituency and therefore is more concerned with matters of national policy while members of the legislature, who have smaller, more homogeneous constituencies, are more concerned with the geographically distributive effects of these policies.

In the light of the foregoing, it is apposite to note that the main issue at the centre of executive-legislative acrimony were often the two conflicting conceptions and perception of relative institutional order, two different views of the constitutional process, and two variant visions of the future by the political actors across the executive and legislative divide (Bassey, 2006). Moreover, what gives this misconception its tragic

quality was that the view of either arm of government might have prevailed but for the existence of the other. In terms of institutional checks and balances, either side has the power to prevent each other from realizing its objectives. Neither the executive nor the legislature could realize its goals without the direct or indirect inputs from one another. The essence of this political synergy in a presidential system, as Fagbadebo (2016) has noted, is to ensure probity and accountability.

In Nigeria, the legislature is considered an important mechanism for achieving some forms of representation for all spheres and strata of the society. It includes among its members, more than any other government institution, individuals representing the broadest range of interests and wide range of viewpoints. In other word, while the legislature or parliament as a body is representing the people of the country as a whole by upholding and protecting the welfare and interests of the people, each of its members is elected to represent the respective constituencies that make up the country or state as the case may be. A member is in the legislature not to speak for himself but to seek and speak for the interests and welfare of the people of his constituency. In other words, the legislature, as the symbolic representation of the people, is the driving force for equal and wider representation (Yaqub, 2004).

V. CONCLUSION AND RECOMMENDATIONS

Under presidential democracies, the legislature occupies a central position as an institution of accountability. It is expected to promote good governance and champion the cause of delivering essential political goods to the citizenry. However, the extent to which the legislature can meet such high expectations is dependent on the seamless and effective discharge of its oversight responsibilities. The 8th National Assembly, no doubt, was inaugurated with these high hopes from Nigerians but the deleterious effects of the leadership crisis that trailed its inauguration generated the untoward negative perception that eventually misrepresented it in the eyes of the public. The executive arm, to a large extent, succeeded in turning the court of public opinion against the assembly, especially in the exercise of its oversight powers guaranteed by the constitution. This unsavory development dealt a huge blow to the credibility of the central legislature as an institution of public accountability.

Persistent conflicts and contradictions between the executive and legislative actors in Nigeria have made effective budget formulation and implementation a difficult task with far-reaching political and socio-economic consequences for the nation's body politic. On a large scale, and for a long time, prospects for sustainable democracy on the altar of inclusive growth, political stability, and economic emancipation of the citizenry remained elusive. This is because, rifts between the executive and legislature often breed suspicion and hostility between the two branches of government. It creates division in the legislature, brings distraction to the governance process and, ultimately, propels the resort to the culture of impunity and total disregard to the rule of law by the governing elites.

Overall, the constitutional provisions defining the interface between the executive and legislative branches are adequate to engender stable and accountable government. There is, therefore, the need for the governing elites across the executive-legislative divide to re-work their strategies to comply with the basic rules of the game. A cursory look at the nature of conflicts between the executive and the legislature over the period under review revealed that most of these acrimonies had little or nothing to do with so-called contradictions in the 1999 constitution, neither does it have to do with the demands of the principles of separation of powers and checks mechanism built into the country's constitution. On this note, emphasis should be on respect for constitutionalism and the rule of law by the governing elites.

To avert or minimize both real and potential feuds in the executive-legislative interface, the relevant political actors in the two branches of government should embrace the dictates of separation of powers in the constitution, abide by the rules of democratic game, and collaborate to work for the interests of the people.

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