

Examining the peculiarities of Executive-legislative relations in Nigeria's presidential system:
Insights from selected states in the Fourth Republic, 1999-2015

Ojo Celestine Jombo
Student Number: 215082040

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Ojo Celestine Jombo

Supervisor: Dr Khondlo Mtshali

Co-supervisor: Dr Omololu Fagbadebo

Declaration

I, Ojo Celestine Jombo, declare that this study is my original work and that it has not been submitted for the award of any degree or examination at any other university. All the sources that I have used have been fully acknowledged and referenced. The dissertation is submitted in fulfillment of the requirements for the award of degree of Doctor of Philosophy in Political Science, University of KwaZulu-Natal, 2019.

Signature:



Date: May 6, 2019

Dedication

To the Almighty God, the Giver of life and the Great Provider;
and, my mother, Margret Jombo, and to the loving memory of my late father, George Funsho
Jombo, both of whom toiled through thick and thin, to give me University education

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Abbreviations

AC	Action Congress
ACN	Action Congress of Nigeria
AD	Alliance for Democracy
ANPP	All Nigeria Peoples Party
AP	Accord Party
APC	All Progressive Congress
APP	All Peoples Party
CDC	Constitution Drafting Committee
CRF	Consolidated Revenue Fund
EFCC	Economic and Financial Crime Commission
FCT	Federal Capital Territory
FEC	Federal Executive Council
GNPP	Great Nigeria People's Party
IGN	Interim National Government
LP	Labour Party
NA	National Assembly
NDC	National Defence Council
NDSC	National Defence and Security Council
NGF	Nigeria Governors Forum
NJC	National Judicial Council
NPN	National Party of Nigeria
NPP	Nigeria's Peoples Party
NRC	National Republican Convention
OSOPADEC	Ondo State Oil Producing Areas Development Commission
PDP	People's Democratic Party
PRP	Peoples' Redemption Party
RMAFC	Revenue Mobilisation, Allocation and Fiscal Commission
SDP	Social Democratic Party
SEC	State Executive Councils
UPN	Unity Party of Nigeria

Abstract

This study examines the peculiarities of executive-legislative relations in selected states of Ekiti, Ondo, Osun and Oyo, South-West Nigeria, in the Fourth Republic. The study interrogates the incessant antagonism and confrontation between the executive and legislative arms of government in the selected states within the ambit of the socio-cultural milieu and institutional contexts peculiar to them. It also examined the implications of the constant acrimonious executive-legislative relation on democratic stability of the states and political stability of Nigeria. Through empirical fieldwork research through interviews, coupled with primary and secondary data from archival materials, public documents and extant literature, the study reviewed and reaffirmed the primacy of the legislature in the Nigeria's presidential system. With the use of descriptive method and content analysis, the study established the peculiarities of the elites' behaviour toward the exercise of power in relation to the crisis of confidence that usually engendered constant frictions in the executive-legislative relations in the selected states. The study discovered that the particularistic nature of the political elites in the states and the varying roles and degrees of interventions by political parties, determined the intensity of the executive-legislative feuds. The study revealed the implications of the acrimonious executive-legislative relations on democratic stability of the selected states, and, by extension, Nigeria. The study concluded that eliminating friction between the executive and the legislature is somewhat difficult, if not completely impossible, given the realities of power separation and checks mechanisms built into the nation's constitution. The study found that determined commitment of the political elites across the executive-legislative divide would be necessary to stem the tide of political instability arising from the tension generated by the conflict between the two arms of government. For democratic stability to be sustained, the arms of government should operate within the limit of their constitutional powers while the judiciary is strengthened and insulated from the vagaries of politics. An activist judiciary is needed for judicious interpretation of the rules and principles that guide the operation of presidential system in Nigeria.

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Chapter One

Introduction

1.1 Background information

Modern democracies operate on the basis of shared decision-making powers, among the three principal branches of the government: the executive, legislative and the judiciary. Generally, the drafters of the constitution usual make statutory provisions to formalize the structures of these interactions. However, in practice, precedents and habits often fill in the gaps to create the political context for the daily routine operations of the government.¹ In other words, the constitution defines the interface between the executive and the legislature in the conduct of governmental affairs. Nevertheless, the nature and the context of power sharing determine the relative influence, that each of the branches of government has, over public policy (Lijphart, 1991; Aminu, 2006).

There are studies on executive-legislative relationships in democratic settings. This is predominant in presidential systems, given the independent nature of the two branches of government (Obiyan, 2013). Presidentialism operates on the principles and application of the doctrines of separation of powers and checks and balances (Nweke, 2013). Heyhood (1997, 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

¹ Under the 1999 constitution of Nigeria, section 5(1a-b) vested the executive powers of the Federation on the President while section 4(1-5) stipulates the powers of the National Assembly, i.e. the central legislature. In the same vein, section 5(2a-b) specifies the powers of a state governor while section 4(6-7) specifies the powers given to the house of assembly of a state i.e., the state legislature.

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, personalised 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 institutionalised 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).

Many believe that the overriding import of the presidential constitution is that the policy-making process is not an exclusive preserve of the executive branch (Lindsay and Ripley, 1994; Hochstetler, 2011). Presidentialism promotes institutional structure that recognises multiple centres of powers, operating interdependently, in a system of cooperation and collaboration. Nevertheless, precedent and the available period of democratic practice determined the institutional balance and the relative influence of the executive and legislative branches of government on public policy, especially in developing presidential democracies. Poteete (2010)

has argued that the institutional structure of most democracies, presidential or parliamentary, in the African continent favoured executive dominance. Most African democracies are emerging from long years of military or monarchical rules, devoid of any accountable government.

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 determined the outcome of governance in presidential democracies. 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 pattern of executive-legislative relationships in presidential system (Aleman and Schwartz, 2006).

Another defining mechanism in power relation between the executive and the legislature, in a presidential system, is the concept of veto power (Palanza and Sin, 2014). Veto simply connotes a constitutional advantage granted the executive branch to negotiate its preferences on legislative outcomes, especially on laws passed by the legislature. In the Nigerian Constitution, the executive branch, either the president or governors at the states level, has the constitutional mandate to assent to bills passed by the legislature. Hence, in a situation where the bills are not in tandem with the preferences of the executive branch, the president or governor has the right to return the bills to the legislature for amendment or outrightly withhold his assent. On the other hand, the legislature can override executive veto by invoking section 100(5) of the constitution, which empowers it to by-pass executive assent by passing the bills into laws through a two-third majority of its members.

The fact that the president can use his power of veto to obstruct legislative outcomes and the reasonableness that the legislature can override presidential veto ensures a measure of moderation and mutual caution on both sides of the divide. In addition, this normally provides a synergy between the executive and the legislature in presidential system. As Fagbadebo and

Francis (2016, p.6) have argued, in a system of divided but shared power, ‘veto becomes an instrument of negotiating a consensus on the varying interests of the legislative and executive actors in the policy process’.

Veto rids the legislative process of arbitrary tendencies and unhealthy competitions and rivalry, and thus becoming a hub of shrewd bargaining and consensus building on a variety of issues (Aleman and Schwartz, 2006; Palanza and Sin, 2014). Nonetheless, the use of veto power and the frequency of legislative override depend on the socio-cultural milieu and institutional contexts of different societies practicing presidentialism. The import of these variations in the outcomes of presidential regimes across nation-states has led to the renewed calls for the empirical evaluation of different contexts and institutional designs to determine the performance of presidential system.

The institutional contexts of contemporary societies do harbour some socio-cultural differences, which are relevant to the consideration or assessment of the relative strengths and weaknesses of presidentialism as a governing system (Lijphart, 1991; Lipset, 1993; Mainwaring, 1993; Linz and Stephan, 1996). The variations in the historical antecedents of nation-states, occupy a central position in determining the performance of presidential regimes (Cheibub and Limongi, 2002; Olson, 2002; Aleman and Schwartz, 2006; Perez-Linan, 2007; Gerring et al, 2009; Poteete, 2010; Palanza and Sin, 2014; Fagbadebo, 2016). These include the quality of leadership, behaviour of the political elites, especially the perception of the institutional actors on governance and its purpose, as well as the prevailing culture of the people and the power matrix in the larger society.

Mattes and Mozaffar’s study on the legislatures and democratic developments in six key African countries- Benin, Ghana, Kenya, Nigeria, South Africa, and Uganda, provides insights into the workings of African legislatures. They submit that most African legislatures were beginning to develop institutional capacities that had positive impact on democratic development. This development, they argue, was not so much linked to the ‘extent of democratization, but to the presence of a small but critical mass of MPs who focused on strengthening the institutional capacities of their legislatures especially in countering executive dominance’ (Mattes and Mozaffar, 2016, p.6). However, the authors were quick to add that these insights, needed a ‘wider comparative analysis and strong systemic testing’ for a more valid inference.

It is evident that increasing capacity of the legislature could not be described as a common phenomenon applicable to African states but largely depends on each nation's socio-political context as well as character of the elites (Ekeh, 1975; Joseph, 1991; Osaghae, 2002). Poteete (2010) also gives credence to this viewpoint while reviewing the case of Botswana. He avers that at both national and sub-national levels in Botswana, executive-legislative relations tilted in favour of executive dominance with little or no challenge from the legislature. Recent studies have renewed calls for investigation of factors that accounted for divided government with due consideration of the dictates of the larger society (Perez-Linan, 2007; Omotola, 2008; Fagbadebo, 2016).

In Nigeria, the establishment of representative legislatures at the federal, state, and local levels of government by the 1999 Constitution, after a prolonged military rule epitomized a fresh attempt at constitutionalism. Since constitutionalism requires differentiation of governmental functions, the drafters of the 1999 Constitution recognised the principle of separation of powers as one of the crucial features for ensuring the operation of presidential democracy in the country (Aguda, 2000; Nwabueze, 2004; Oyewo, 2007).

Nevertheless, conflicts, most especially, between the legislature and the executive, have characterised the operation of the constitution, at the federal and state levels. Since the commencement of the Fourth Republic in 1999, the battle line between the executive and the legislature both at the federal and state levels has been drawn over issues of appointment, appropriation and oversight function of the legislature (Dorgu, 2008; Bassey, 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 executive and the legislative arms of government' (Bassey, 2006, p.128).

Similarly, Adamolekun (2005) notes that modern societies depend largely on the executive arm and its administrative agencies for the implementation of all policy decisions emanating from the legislature. In addition, the executive is expected to perform various functions, which shows that it wields considerable powers. Institutionally, the role of the legislature is that of representation, legislation and oversight; while that of the executive is policy initiation, implementation, and

execution and management of the general governmental affairs, all within the confines of constitutional provisions (Oleszek, 2014).

The fact that democratic theory conceives the executive arm, as instrument to serve the people, underscored this oversight role of the legislature (Awotokun 1998). However, it is more than mere instrument; it wields tremendous power and authority. Ben Nwabueze (1992) has argued that

By its very nature, the executive function is inherently prone to arbitrary use, but its propensity to arbitrariness would be greatly accentuated where the function of lawmaking also reposes in the same hands. For it is not just that the repository of the combined power can pass oppressive laws and then execute them oppressively, he can also oppress individuals by administrative acts not authorized by law and then proceed to legalize his action by retrospective legislation. Government in such a situation is not conducted according to predetermined rules; it is a government not of laws but of will, a government according to the whims and caprices of the ruler (Nwabueze 1992, p.53).

Under the 1999 Constitution, the executive, symbolized by the president, the state governors and the local government chairmen, is exclusively responsible for policy formulation, policy implementation, including the execution of the provisions of the laws, and the general administration of the country. Nevertheless, such policies only become authoritative after legislative consideration and approval. In other words, since the constitution vested the legislature with powers to vet and monitor the implementation of projects and programmes, as well as advice, consult and liaise with the executive in the course of carrying out these functions, it follows that stable and smooth administration of the country depends critically on legislature-executive accord and cooperation.

This is the more reason why the legislators, as the elected representatives of the people, often utilize the various measures guaranteed by the constitution to hold the executive accountable. And this often results into friction, bickering and unhealthy competition between the two arms of government.

1.2 Problem Statement

Managing executive-legislative relations has been 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; Obiyan, 2013). 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.

There has been evidence of acrimony between the executive and the National Assembly, as reflected in the passage of the 2000 Appropriation Bill, the Anti- corruption Bill, Niger Delta Development Commission and the Universal Basic Education Bills (Aiyede, 2005). The 'drum beat of impeachment', at the federal and state levels, had not only slowed down government routine but also precipitated political and constitutional crisis (Oyewo, 2007; Ojo, 2006; Obiyan and Amuwo, 2013). Thus, 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 (Aiyede, 2005; Obiagwu, 2006; Fawole, 2013).

There are studies on Nigeria's presidential system in the Fourth Republic. Most of these appeared to be in agreement that executive-legislative conflicts and antagonism is at the forefront of challenges facing the country's presidential democracy (Aiyede, 2005; Aminu, 2006; Bassey, 2006; Oyewo, 2007; Fashagba, 2009; Fawole, 2013; Jude and Ika, 2013; Oni, 2013; Nwabuani, 2014; Fatile and Adejuwon, 2016; Godswealth et al, 2016; Ovwasa and Abdullahi, 2017). However, the trend is that most of these studies tend to concentrate more on the interface between the Presidency and the National Assembly while developments at the states level suffer considerable neglect of scholarly attention. In other words, there is a dearth of empirical studies that interrogate the peculiarities surrounding most cases of executive-legislative stand-offs and their consequences on the body politic, especially at the states level.

This study argues that every phenomenon of executive-legislative impasse has its own unique nature, causes, and implications for the democratic stability of Nigeria as a nation. Thus, a study on the dynamics and peculiarities of executive-legislative relations in some selected states in Nigeria aims at filling this gap in the literature. Also, by seeking to bring attention to the issues

and factors that might limit the effectiveness of Nigeria's democracy and political system, the study will also prove to be useful in shaping discourse on executive-legislative relations in other countries on the African continent, as well as provoking further research on the subject-matter.

This study examines the peculiarities of executive-legislative relations in some selected South-West states in Nigeria's Fourth Republic. It examines issues relating to executive-legislative conflicts and antagonisms, both within and across party lines, including the influence of defection from one political party to the others, mostly because of executive-legislative impasse. There are 36 states in Nigeria, each with unicameral legislature. Cases of serious impasse were recorded in three states -Ekiti, Osun and Oyo- out of the six states in the Southwest, while minor frictions occurred in the other three states -Ondo, Ogun and Lagos states- between 1999 and 2007. Ondo, Ogun, and Lagos states had all experienced relatively stable relations between the executive and the legislature over the period under review, while the same cannot be said of Osun, Oyo and Ekiti states where executive-legislative acrimony reached its climax with the impeachment of Governor Rasheed Ladoja in 2005, Ayodele Fayose, and his Deputy in 2006, respectively

This study focuses on four out of these, which include Ekiti, Oyo, Ondo and Osun states. These states are selected given the fact that they are all proximate and contiguous neighbours with almost the same political history and democratic credentials but not too similar experiences of executive-legislative relationships since the return of civil rule in 1999. The present Southwestern geopolitical zone of Nigeria emanated from the defunct Western region and peopled by the second largest ethnic group in Nigeria- the Yorubas. With the return of civil rule in 1999, the entire six states in the zone came under the control of one single political party, the Alliance for Democracy (AD). And in 2003, 5 out of the 6 states with the only exception of Lagos, fell into the hands of another single party, the PDP.

Moreover, even where known frictions have been identified between the executive and the legislature in these four cases, the nature and causes of the impasse in each state presented varied. The nature and causes of executive-legislative acrimony in each of the states presented different developments. The height of executive-legislative friction in Ekiti culminated in the impeachment of the governor and his deputy, and this later precipitated a political crisis that led to the declaration of a state of emergency in the state, by the Federal Government. While the

climax of executive-legislative impasse in Oyo, which had an ambience of godfatherism led to the removal of the governor from office by the legislature but was subsequently nullified by the courts and governor restored to office. In Osun state, the executive-legislative rift led to commencement of impeachment proceedings against the governor, and the eventual impeachment of the deputy governor (Awotokun, 1992; Aliyu, 2010; Fagbadebo, 2016; Omitola and Ogunnubi, 2016).

In other words, the various cases presented different patterns and background. In fact, the various cases did not end or play out in the same way. What informed these dis-similar patterns? Can the forces outside its immediate environment, influence the legislature? If yes, under what condition(s)? Are there factors, which promote harmonious or disharmonious executive-legislative relations? The study attempts to provide empirical responses to these questions and many others.

1.3 Key Research Questions

The study provided answers to the following research questions.

- i. What are the purposes of the checks and balances mechanism in the provisions of the 1999 Constitution of Federal Republic of Nigeria?
- ii. What are the peculiar nature and characteristics of executive-legislative relationships in the selected states over the period under review?
- iv. What are the major explanations for the incessant antagonisms and confrontations between the executive and the legislative arms of government in the selected states?
- v. What implications do acrimonious executive-legislative relations have on democratic stability in Nigeria?
- vi. What measures are the available to manage executive-legislative gridlocks in Nigeria's presidential system?

1.4 Rationale and Objectives of the study

Much of the literature on executive-legislative relations in Nigeria's Fourth Republic tended to assert that executive-legislative relationships, since the nation returned to civil rule in 1999, have been generally defective and acrimonious (Aiyede, 2005; Aminu, 2006; Basse, 2006; Oyewo, 2007; Fashagba, 2009; Fawole, 2013; Jude and Ika, 2013; Nwabuani, 2014; Fatile and Adejuwon, 2016; Godswalth et al, 2016; Owasu and Abdullai, 2017). However, the primary

objective of this study was to interrogate, through empirical means, the peculiarities surrounding most cases of executive-legislative stand-offs and their consequences on the system especially at the state levels. The major contention in this study is that each of these executive-legislative acrimonies has its own unique nature, causes and implications on the entire body politic, hence its empirical importance.

There has been concentration on the Presidency and the National Assembly, with passing remarks on the developments at the state levels (Akinbobola, 2002; Lafenwa, 2006; Oni, 2013). Thus, it is worthwhile to undertake an examination of the peculiarities in the nature and character of executive-legislative relationships in some selected states in a bid to provide explanations for the incessant antagonism and confrontation between the executive and legislative branches of government in Nigeria's presidential system.

As Oyewo (2007), Poteete (2010) and Nwaubani (2014) have reasoned, the stability and democratic stability of any nation is predicated on the harmonious executive-legislative relationship and partnership. It is on record that the events that led to the collapse of both the first and second republics in Nigeria emanated from the states². From the empirical data gathered, the study had insights from the states on executive-legislative harmony and/or disharmony as well as their implications and consequences for democratic consolidation. The exploration of the internal dynamics as well as the institutional contexts, peculiar to the states, is not only necessary to managing executive-legislative gridlocks in the country's presidential system but pivotal to the overall democratic health and political stability of Nigeria as a nation.

In addition, the study seeks to utilise empirical data to explore some of the factors promoting the recurrent executive-legislative feuds in Nigeria since the adoption of presidentialism as a governing system with a view to bringing attention to the issues and factors that might limit the effectiveness of Nigeria's presidential democracy and political system.

² The first Military coup in Nigeria in 1966 had, as one of its principal remote causes, in the Western region crisis of 1965. Similarly, the collapse of the second republic in 1983 also had its roots in the leadership failure and sheer recklessness of the political elite, which were more, pronounced in the states. For more details see Ekeh, 1975; Adegboro, 1982; Dare and Oyewole, 1983; Orji, 1983; Dudley, 1985; Babangida, 1992; Maduagwu and Oche, 1992; Agedah, 1993; Davies, 1996; Ihonvbere, 1996; Akinsanya and Davies, 2002; Anifowose, 2004; and, Lafenwa, 2006.

1.5 Methods and Methodological Approach to the Study

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 in the selected states, which serve as a mirror for the Nigeria's presidential system. Specifically, the place of methods, methodology and epistemology in addressing the problematique of the research were considered. Methods, in this sense, entail all the techniques that are used for the gathering and processing of research data. While methodology encapsulates the approach and instruments used in making the choice of research methods. In other words, the sphere of research methodology extends beyond that of research methods. In essence, research methods form part of the methodology. Kothari (2004) argues that

When we talk of research methodology we not only talk of the research methods but also consider the logic behind the methods we use in the context of our research study and explain why we are not using others so that research results are capable of being evaluated either by the researcher himself or by others (Kothari, 2004, p.8).

Methodology provides answers to the all important questions of how research problem is defined, what data have been obtained and which particular method is suitable and why certain technique of data analysis will bring out the appropriate outcome as well as a host of similar other questions relevant to the subject-matter of research (Creswell, 1998; 2009; Elo and Kyngas, 2008).

Epistemology, on the other hand, directs attention to the cultural components of the ways of knowing (Walter, 2017). It is primarily concerned with understanding the nature of how the rules of what was regarded as knowledge were set, what constituted knowledge, and who could or could not be considered as knowledgeable (Dooley, 1990). In this context, epistemological considerations show what should be the ideal relationship between a researcher and the subject under investigation. In order to eliminate bias, it ponders on the extent of involvement of the researcher with the people in the study (Neuman, 2004). Given the logic that 'social sciences is often informed and influenced by our worldviews and perspectives' as Walter (2017, p.23) has argued, epistemology becomes an important tool for consideration in the research process.

The study 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 utilised the qualitative method for the purposes of gathering data. This study is an examination of the peculiarities in 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.

In a related manner, Bouma and Ling (2004) submit that the 'key task of qualitative research is meaning making'; a process, they reason, 'does not usually requires statistics or large-scale data' (Bouma and Ling, 2004, p.30). Hence, the main focus of researchers in qualitative studies is often on few individuals in the society, using methods that draws out the meanings, perspectives, and understanding which such 'individuals or groups attach to behaviours, experiences and social phenomena' (Babbie, 2002, p.16; Creswell, 1998; 2009). In addition, Maggie Walter reasons that the qualitative method is a 'subjective approach whereby the researcher aims to understand and interpret experiences by viewing the world through the eyes of the individuals being studied' (Walter, 2017, p.20). In addition, considering the subject matter of this study, it was appropriate to adopt the qualitative approach, which relied majorly on recounting the experiences of relevant actors in the executive-legislative process.

1.5.1 Data Collection Methods

Data for this study were obtained from the in-depth interviews of key informants. This technique gives the researcher the freedom to obtain information from the respondents, without any restraint and in the pattern that would make the researcher attained the desired data (Babbie, 2002). In-depth interview enables the researcher with the means to explore a relevant and varied view point and perspectives, in a bid to gain a wider range of insights on the subject matter of the research (Seidler, 2004).

For the purpose of this study, the researcher adopted purposive sampling technique. This provided the advantage to select respondents having specific information relevant to the core areas of the study (Korb, 2012). As Ogula (2005, p.29) has noted, purposive sampling enables the researcher to 'identify specific groups of people who exhibit the characteristics of the social phenomenon under study'. In other words, the researcher chooses the sample based on whom he thinks is appropriate for the study; and a key aspect of this procedure is the knowledge, experience or involvement of the respondents in the sample with the issue under study (Henry, 1990).

Key informants interviewed were drawn from among the political elite in the executive and the legislative branches of government, the major political parties, and the academia. These informants were purposively selected from relevant serving and past political actors because of knowledge, expertise or involvement with the subject matter of research. They were identified and contacted by means of my numerous and extensive visits to government institutions and party offices in the selected states, through 'snowball sample', formal requests for interviews, and through other informal networks. A snowball sample, according to Ogula (2005), is a subset of a purposive sample and is often achieved by requesting a participant already identified and contacted to suggest someone else who might be willing or appropriate for the study.

The researcher had face-to-face interview sessions with a former Acting Governor, a former Deputy Governor, and two former speakers of state legislative assemblies. The former acting governor presided over the impeachment of a state governor and the deputy, which paved the way for his emergence as acting governor. He relished his experience in the imbroglio and this provided great insights into the issues surrounding the impeachment in the state. The former Deputy Governor provided his own perspective to the shrewd politics that culminated into his

impeachment by the state legislature and the subsequent nullification of the process by the Appeal Court. In the same vein, the two former speakers gave their accounts of the legislative politics that dictated executive-legislative relationships under their watch.

Apart from these groups of respondents, eight serving lawmakers and seven former principal officers of the legislature in the selected states, including all the serving Clerks of the legislature in the states, were interviewed. They all spoke on a variety of issues regarding the nature of executive-legislative relationships in their states. The Clerks of the respective state assemblies were initially reluctant to speak on vital issues they considered sensitive and confidential. Eventually, they provided valuable insights into the subject matter of research when the primary purpose of the interviews became clearer to them³.

Similarly, eight senior legislative aides to the former governors as well as eight principal party executives across the four states were interviewed. The party officials, both serving and past, were selected from within the ruling and opposition political parties in the states. These include the Alliance for Democracy (AD), Peoples Democratic Party (PDP), All Nigeria Peoples Party (ANPP), Labour Party (LP), Accord Party (AP), and the All Progressive Congress (APC). In addition, six key informants, drawn from the academia, were interviewed. They were selected from the Political Science Departments of the University of Ibadan and Obafemi Awolowo University, Ile Ife, as well as the Department of Political Science and Public Administration, Adekunle Ajasin University, Akungba Akoko, all in Southwest Nigeria.

The participants from the academia, had been engaged in researches on the legislature, and had served in government, either in the legislative or executive arm. Their exposure provided a robust mix of both practical and theoretical experience on the issues of executive-legislative relationships. A combination of the views shared by these respondents provided the key information and insights, which formed the fulcrum for the analysis in this study.

In summary, the total number of respondents interviewed was forty-five (45). In addition, most of the interview sessions took place at the offices of respondents, in legislative chambers, party

³ On a number of visits to the legislative assemblies in the four states, the first point of call was usually to seek audience with the Clerks of the House, being the chief administrative officers and heads of Service of their respective assemblies. There were initial difficulties in securing the cooperation of three out of four of the officers on the primary purpose of my requests even in spite of all the ethical documents provided to authenticate the researcher's claim. However, after a series of persuasion and persistency, they agreed to provide the requested documents as well as granting interviews. They also facilitated my interaction with some serving lawmakers.

secretariats, public functions and sometimes individuals' private residences, depending largely on the preferences of individual respondents.

Nonetheless, the study also made use of data from archival materials, such as government publications and Hansard proceedings of legislative assemblies of the selected states, in order to strengthen and validate data derived from the interviews. These written records served as a kind of cross-validation mechanism for the information obtained from the interviews.

1.6 Structure of the Study

In examining the main issues relating to the peculiarities of executive-legislative relationships in Nigeria's presidential system, particularly, the contending issues surrounding the incessant conflicts and acrimonies between the executive and legislative branches, this study is divided into eight chapters. Chapter one presents the dominant perspectives on the nature of power relations in presidential systems and this provide the context and the basis for the arguments and analysis in the subsequent chapters.

In chapter two, the extant taxonomies of executive-legislative relations in presidential systems are considered. The researcher delves into the literature to undertake a review of the contending scholarly perspectives on the operations and functioning of presidential systems. This is in a bid to situate the Nigerian experience in presidentialism within the planks of theory and practice. From the various standpoints, it is discovered that there is no universal standard in the way presidentialism as a governing system operate or ought to operate. Instead, the usual practice by nation-states is to adapt presidential principles that are capable of addressing their unique socio-cultural needs, political preferences and governance philosophy. This provide the basis for my argument that it is essential to examine the political processes and institutional contexts of different nation-states in order to unravel the underlying variables and factors responsible for gridlocks and government immobilism in their practice of presidential systems.

In the third chapter, the two principal theories of the study, the historical approach and David Easton's input-output analysis of the system theory, are explored. The relevance of these theories is examined within the context of executive-legislative relationships in Nigeria's presidential system. It is found out, from the literature, that none of the theories is sufficient to explain the nature and manner of contestations for power among the governing elites in the executive and

legislative branches of government. These theories are applied to the governance structures in the Nigerian presidential system to show the interplay of power relations that is defining the exchanges between the executive and legislative branches of government. The researcher discovers, theoretically, that there is a personal dimension to most of the disagreements fueling conflicts between the two organs of government, which is often hidden behind the nature, and scope of powers granted each of the two institutions in the constitutional scheme.

Chapter four traces the history of executive-legislative relationships in Nigeria's presidential system, starting with the Second Republic when presidentialism was first adopted as a governing system. It is discovered, through documentary and empirical evidences, that Nigeria's political experience since independence, both in democratic practice and military dictatorships, is mired in executive-centred political environment where the executive arm of government is always stronger than the legislature in the policy making process. The researcher claims that most of the conflicts between the executive and legislative branches in the Nigeria's practice of presidentialism are manifest evidence of political intolerance and struggles for power among the governing elites.

In chapter five, some of the relevant provisions of the 1999 Constitution of Nigeria are examined as they relate to the powers granted the two institutions of government. This begins with an exploration of the specific powers allotted to each of the two branches of government by evaluating the strengths of these provisions to provide insights into the exercise of power by the governing elites. The second part examines the various constitutional guarantees granted the legislature to enable it to monitor the exercise of executive power. The constitutional intents of these measures are considered as a way of strengthening the legislative capacity in a bid to ensure a regime of institutionalised adherence to the rule of law and the culture of accountability in government. The researcher claims that the nature of disagreements between the executive and legislative branches in Nigeria showed that most of these conflicts had little or nothing to do with the 1999 constitution; neither did it had to do with the demands of the principles of separation of powers and checks mechanism built into the country's constitution. To justify this claim, data were presented to demonstrate how the constitution formally and expressly structured the interface between the executive and legislative branches of government but the relationship that exists in actual practice depend majorly on the political context as well as the characteristics of the governing elites.

In chapter six, the researcher examines the nature and character of executive-legislative relationships in the selected states. This is done in cognisance of the socio-cultural milieu and institutional contexts peculiar to these states. Empirical data are presented to show the differing peculiarities of these states in executive-legislative relationships, especially how their internal dynamics and external influence shaped the political outcomes of executive and legislative institutions in the states. Drawing from documentary and empirical evidences, insights from these states show the particularistic nature of the political elites and the varying roles and degrees of interventions by political parties as major determining factors defining the intensity of executive-legislative conflicts. These provide the basis for my claim that every phenomenon of executive-legislative impasse has its own unique nature, causes, implications and consequences for the overall democratic health and political stability of Nigeria as a nation.

Chapter seven considers some factors promoting the recurrent executive-legislative conflicts in Nigeria since the adoption of presidentialism as a governing system and the implications of the constant acrimonious executive-legislative relations on democratic stability of the states as well as political stability of Nigeria. It interrogates some of the factors promoting the incessant executive-legislative stand-offs in Nigeria since 1999 as well as their consequences on the country's democratic space. The chapter presents empirical data to demonstrate how most of the contending issues fueling disagreements and conflicts between the executive and legislative institutions in Nigeria are not particularly inherent in the practice of presidential system, but a manifestation of the nature of struggles for power among the country's political elites.

In chapter eight, which is the concluding chapter of the study, the overt struggles, and contests for power among powerful political forces competing in the Nigerian democratic space are identified as major factors responsible for the non-collaborative and conflictual executive-legislative relationships the country has witnessed since 1999. The study argues that these powerful patrons often spanned beyond the political actors in the formal structures of power. They operate outside the official positions of authority but their towering influence, on a large scale, determined the political outcomes of government institutions.

1.7 Summary

This chapter provided a general background of the extant principles of presidentialism as a governing system as well as the main issues surrounding executive-legislative antagonism in the

Nigeria's presidential democracy since 1999. It highlighted and discussed the context and rationale for the study as well as the methods of data collection. In the next chapter, the researcher engages in the review of extant literature to explore the differing perspectives on the principles and ideals of the presidential system, including the existing taxonomies of executive-legislative relationships and their implications for different contexts.

Chapter Two

Executive-Legislative Relations in Presidential Systems

2.1 Introduction

This chapter examines the existing taxonomies of executive-legislative relations as well as relevant perspectives on executive-legislative relations in presidentialism as a governing system. The chapter closes with a review of theoretical perspectives on the trajectory of interactions and interchange between the executive and legislative branches in Nigeria's presidential system.

The chapter is presented in four sections. The first part begins with a review and an appraisal of existing taxonomies of executive-legislative relations and their implications for different contexts. This includes an inquiry into the prevailing trends and patterns of executive-legislative relations across different governing systems. The second part probes into the literature to examine the contending debates about associating executive-legislative gridlocks with presidential democracy erected on the principle of separation of power. This incorporates the practice of presidentialism in the United States, Latin America and Asia. The third part explores, from the standpoint of existing literature, the evolution and development of legislative institution in Nigeria starting from the first republic until date.

The focus of this chapter is to explore the various scholarly perspectives on executive-legislative rift, which is considered a common feature of presidentialism as a governing system. Most of the discussions are therefore devoted to providing both historical and contextual basis for the incessant acrimony between executive and legislature in the practice of presidential democracy in Nigeria. This is useful in identifying the empirical limitations of previous studies, which in a way neglected a consideration of the dynamics of Nigerian political environment under which the two institutions of the executive and the legislature operate. This is because it is difficult to explain the Nigerian experience in executive-legislative relations, and by extension, presidentialism, from a particular perspective or trend. In other words, there is no universal standard in the way presidential systems operate. Different political entities often adapt ideals and principles suitable for their political and socio-cultural inclinations.

2.2 Taxonomies of Executive-Legislative Relations and their Implications for different Contexts

A number of scholars believe the relations between the executive and the legislature are inherent power relationship characterised by struggle (Lijphart 1991; Eminue, 2008). For instance, Lijphart (1991) distinguishes between three categories of constitutional democratic system, in terms of measuring the balance of power between executive and the legislature. These are,

- i. those with the executive dominance;
- ii. those with the legislative dominance;
- iii. those that were relatively balanced.

He proceeds to identify patterns or correlation between the different models and the tendency towards executive or legislative dominance. Below are some of these patterns.

- a. The single party executive, in parliamentary systems, tended to have executive dominance, as the case in the UK.
- b. The minority and the super-majority coalitions in parliamentary systems tended to have legislative dominance, as the case in Italy.
- c. The standard presidential systems, with separation of powers, tended to have executive-legislative balance, as demonstrated by the American presidential system.

Ideally, patterns identified by Lijphart are quite revealing and instructive. Nonetheless, what Lijphart, does not directly address, is the role that political parties, cultures, traditional institutions, as well as the varying levels of resources, played in the process of creating the relative balance of power, between the executive and the legislature. According to the College of Liberal Arts and Sciences, of the University of Illinois, there are a number of resources, with significant impacts on the balance of power between the legislature and the executive. These resources provided different levels of independence, for the operations of the activities of the branches of government.

These resources include the followings, salaries of individual members (including duration of legislative session), staff resources (such as offices, secretaries and research resources), and the independent sources of information (such as strong committees, libraries, etc). The level of

independence includes the weak party control over electoral lists (candidate-centred, open lists), the use of secret ballot voting within the legislature and the absence of the power of censure (political) but power of impeachment (legal).

Essentially, considering that legislative power has to reside somewhere within the structures, Olson (2002) concludes that in the final analysis, the executive, the legislature and political parties, were the three principal political institutions in legislative politics. The nature of the balance of power depends, largely, on the interaction among these three institutions. Arend Lijphart also identifies similar variables. In single party parliamentary systems, the political parties tended to be quite strong, thereby leading to the reduction in the power of the legislature. In supra-majority coalitions⁴, political parties tended to be weaker. This is generally the cause for the additional coalition partners (protections) so that power could flow towards the legislature. In standard presidential systems, where members of the the two political arms of government were elected separately; there was a tendency for relative power balance between the executive and the legislature. This is often the situation in the United States and Nigeria.

In a similar vein, King (1976) perceives executive-legislative interaction as revolving around three basic factors:

- i. consideration of governmental composition or make-up (coalition or majority);
- ii. the constitutional arrangement defining powers, functions, limitations and relationship between the executive and the legislature; and
- iii. the legislative power and operating patterns of the legislature itself.

Studies of legislative influence on public policies range from legislatures having influential role in shaping policy, including delay, rejection or modifications of executive policy initiatives or measures (Agor, 1971; Mezey, 1985).

Hence, Weinbaum (1975) distinguishes among legislatures because of their decision-making roles and integrative functions. The decision-making roles, according to him, include the capacity to initiate legislation; to modify, delay or defeat bills; to influence administrative action

⁴ Supra-majority coalitions are often a direct result of multi-party democracy under parliamentary systems. The strength of each party in parliament is determined by the proportion of its electoral votes and the number of seats it controls. In a situation where three or more political parties form the Government of the day, i.e., coalition partners who may default at any time, the legislature tends to enjoy dominance over the executive. For more details, see Lijphart 1991; Mainwaring 1993; Linz 1994; Linz & Stephan 1996.

through parliamentary question time and investigations; and alter ministerial departmental budgets, personnel and authorization. Integrative functions involve the capacity for containment and resolution of conflicts. Weinbaum also identifies five types of legislature, which he designates as 'coordinate', 'subordinate', 'submissive', 'indeterminate' and 'competitive-dominant', suggesting that most Third World legislatures are "submissive" institutions with weak decisional capacities and modest integrating capabilities. Similarly, some scholars maintain that many of the Third World's legislative assemblies do not have much influence or control over allocation of resources (Wahlke, 1971; Huntington, 1991; Olagunju, 2000). Thus, they rarely initiate, amend, incubate, delay, defeat or expedite public policy or budgets. Their policy function, to the degree it exists, was, largely, one of deliberation and legitimizing executive actions (Wahlke, 1971; Huntington, 1991; Olagunju, 2000; Mattes and Mozaffar, 2016).

Nonetheless, the ability of the legislature to exercise the ultimate authority to amend or reject executive proposals and sometimes the amount, intensity and quality of constraint or limitation a legislature is capable of placing on the 'policy-related activities of the executive' would serve as a means of preventing the executive from acting unilaterally (Mezey, 1979, p.25). Olson (2002) emphasizes the legislature's ability to override a presidential veto. Blonde et. al (2008) also introduce the concept of "viscosity," the capacity of the legislature to resist legislation by the executive, measured by whether the legislature is non-compliant towards executive proposals and the number of amendments effected.

However, Oppenheimer (1985) maintains that from the standpoint of policy-making, the United States (US) Congress remains the most influential legislature. The US Congress has distinguished itself as a legislature involved in the process of government through active participation in policy formulation, as well as deliberation and oversight of executive activities. The Congress has a highly developed Committee system, as a prerequisite for those activities. It is mostly regarded as one of the few of the world's legislatures that consistently oppose, reject, and amend presidential legislation. Whittington and Carpenter (2003) in their study on American politics identify the US Congress as an epic-centre of power in policymaking. According to these authors, this narrative of congressional dominance did not preclude the power and influence of the executive branch, which still has substantial resources to engage in independent policymaking. However, this reality has continued to shape the process of executive-legislative

relations in counter-balancing pattern. In comparison to other presidential democracies, the political system of the United States is tilted, remarkably, towards the legislature.

Perceived in the same light is Nigeria's central legislature, the National Assembly, seen as a source of policy initiation or modification, and is regarded as performing incubation function in the development of public policy (Fatile and Adejuwon, 2016; Fashagba, 2012; Lafenwa, 2009). The Nigeria's National Assembly as well as a sizable number of State legislative assemblies in the country are portrayed as exerting a strong influence on the budget process, especially by increasing successive annual budgets presented by the executive (Egonmwan, 2000; Olson, 2004; Eminue, 2008; Mohammed and Kinge, 2015). Nevertheless, they are still vulnerable to party pressures and public opinion to the extent of reversing itself on some matters (Egonmwan, 2000; Olson, 2004).

The extant taxonomies of executive-legislative relations conceived the struggle for influence over public policy between the two arms of government in a similar or dissimilar pattern. Lijphart (1991), however, contends that the nature of the executive-legislative relations often defines the balance of power between the two branches of government. He affirms that there were certain questions that determined the nature of the relationships that existed between the executive and the legislature. First, the nature of the overlapping of membership, whether it was separate or independent. Second, the level and flow of responsibility of the executive, whether to the legislature or directly to the members of the public. In either way, it was necessary to ascertain if such responsibility was political or legal.

The third is the strength of the political parties, as well as the capacity to instil internal level of party discipline. Another issue is the relative balance of resources available to each of the branches of government in terms of information, fund allocation and expertise, including duration of tenures. It is also pertinent to ascertain the principal initiator of legislation, whether there were variations based on policy area. Similarly, it is necessary to determine the major decision makers in policy process, and identify veto players, capable to override or exert an appeal process such as judicial review or popular referendum. And finally, to ascertain those responsible for the actual implementation of policy, especially their levels of autonomy in the implementation process.

It is necessary to mention that efforts were made to review existing taxonomies of executive-legislative relations in order to identify, albeit in passing, the prevailing trends and patterns. This is done, to situate the context of executive-legislative relations in the states under review, and, by extension, Nigeria, along these trends.

2.3 Executive-Legislative Relations in Presidential Systems

A search into the existing literature on executive-legislative relations show that the challenge of constructive executive-legislative relations is pronounced in presidential systems, erected on the principle of separation of powers (Baker, 1971; Wright, 1977; Judge, 1980; Robinson, 1980; Morton, 1982; Miller and Moe, 1983; Smith and Deering, 1984; Van Der Slik, 1985; Lijphart, 1991; Mainwaring, 1993). Some scholars have contended that the high degree of power separation, for checks and balances, engendered executive-legislative gridlocks (Baumgartner and Kada, 2003; Aiyede, 2005; Perez-Linan, 2007; Fagbadebo, 2016). Efforts are being put into investigating the factors that account for divided government because of the challenge executive-legislative acrimony pose to the stability of presidential regimes. A development, which often leads to breakdown in communication and conflict of purpose between the two arms of the same government (Mainwaring, 1993; Linz, 1994).

Bassey (2006) posits 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. He explains further that what gave the controversy 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 realise 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. On this same issue, Omoruyi specifically maintain that:

Government is a web of interlocking relationships. The legislature, in other words, cannot function in isolation. This also applies to the executive branch. Herein, lies the problem of legislature- executive relationship in a presidential governmental arrangement, i.e., between the autonomy conferred on each arm of government in virtue of the principle of separation of powers and the imperative

of co-operation given the logic of government as an interactive process (Omoruyi 1992, p.13).

The view expressed by Omoruyi (1992) is particularly relevant, given the fact that democratic governance in a highly politicized and atomised social context, such as in most presidential democracies, demands a high level of consensus-building and mutual accommodation among its operators. This is the essence of political pluralism, which implies that decisions are founded upon compromise and that various facets of the society have a voice in government (Ojo, 2008; Bassey, 2006).

Linz and Stepan (1996), in their study on the Latin-American experience, argue that this problem is the offshoot of dual democratic legitimacy of two popularly elected independent organs of government. The entire country elects the president, as chief executive, while the constituencies elect each of the members of the parliament, who together represent the entire country. Consequently, either the executive or the legislature may choose to be so assertive that it denied the other the requisite complement for an effective functioning of the democratic process.

In addition, under the parliamentary system, the absence of legislative confidence, keeps the legislature and the executive in tune with each. Thus, the probability of disagreement become lower and if it occurred, there were internal process of ensuring mutual agreement, especially in systems where the ruling party secured the majority of the members of the parliament. Unlike the parliamentary system, the executive and the legislature do not rise or fall together. Members of the executive and the legislative were elected, largely on the strength of their individual recognition. Thus, they were not strictly tied to their party position in the discharge of their responsibilities so that it may make no difference if the same party controls the two arms (Linz, 1993; Aiyede, 2005). Similarly, Laski (1992, p.76) while describing the situation in the United States, avers that each of the legislative chambers in the Congress, the House of Representatives and the Senate, 'has a separate prestige; their common prestige is, by their nature inherently anti-presidential in character. To be something, Congress is forced to take a stand against the president; it cannot be anything if it merely follows his lead'.

The fixed term of the head of the executive branch generates anxiety as they seek to deliver their campaign promises within the limited time provided by the Constitution. This may lead to 'ill-conceived policy initiative, hasty implementation, and or unwarranted anger at the lawful

opposition' (Cheibub, 2002, p.116). Under the Nigerian presidential system, the president and governors are elected through direct election, representing the nation and their states, respectively while members of the legislature were also elected, directly, representing their various constituencies. There is a tendency for either the president or the governor to be preoccupied with a sense of representing a larger population than the individual legislators. Nevertheless, it is necessary to note that while a single individual represents the executive, the legislature is an embodiment of the national and state representation. Consequently, such a situation may give little or no room for negotiation and mutual respect between the members of the two organs of government could be seriously abridged (Linz, 1993; Riggs, 1997).

Peterson and Greene (1993), in their study on executive-legislative conflicts in the United States, between 1947 and 1990, identify constituent and partisan reasons as the basis for the recurring executive-legislative face-offs during the period. According to them, the constituent basis for conflict was rooted in the manner in which the members of the two branches were elected. The executive had a national constituency, and, therefore, was more concerned with matters of national policy. The concern of the members of the legislature, who had smaller, more homogeneous constituencies, were more on the geographically distributed effects of these policies. Similarly, the partisan basis for conflict between the two arms of government was made manifest by separate and competitive political contests.

Wilson (1992), who considers that such gridlocks in the US were linked to the disjunction between the interests of the two arms, suggests that the challenge was how to find a way of linking together the interests of the executive and legislature. So long as these two branches were isolated, he argues, they would be ineffective to the extent of the isolation. Nonetheless, he suggests the introduction of some elements of the parliamentary system through constitutional amendment that would allow some members of Congress to become members of the cabinet.

Relatedly, drawing inferences from the existing taxonomies of executive-legislative power sharing arrangement, the main issue, often at the centre of the incessant face-off between the two arms of government, could be attributed to the avowed desire of each of the two branches to operate within their constitutional boundaries. During periods of divided government, the common trend is for either branch to resort to 'self- help' in the name of constitutionally

assigned responsibilities in counteracting each other (Conley, 2007). This reality comes to the fore considering the works of Cox and Morgenstern (2001) and Conley (2007).

Conley's work undertakes a comparative exploration of the strategies often deployed by the executive in the US and France during the period of divided government. The author concludes that the incentives available to the presidents in both countries far outweighed that of the parliamentarians, which gave the executive a relative advantage over the legislature during periods of institutional combat and inter-organ communication breakdown (Conley 2007). Against this backdrop of unequal opportunity in the executive-legislative process; and, apparently, to counteract the executive, legislative assemblies often enlist themselves into the policy-making process. These are, 'originative, by making and breaking executives, who then shoulder most of the policymaking burden; proactive, by initiating and passing their own legislative proposals; and reactive, by amending or vetoing executive proposals' (Cox and Morgenstern, 2001, p. 171).

While x-raying the frequent cases of disharmonised executive-legislative relations in Hong Kong, Lo Shiu-hing and Leung (2012) attribute the confrontational relationships to the internal dynamics peculiar to the country's political system. This is occasioned by the mutual distrust between the executive, exclusively peopled by the pro-establishment elites, and, the legislative branch, dominated by pan-democratic forces. They argue that the possible way out was to institute a drastic overhaul of the political system by enlisting a sizable number of the pan-democratic forces into the top-policy executive council in a response to the pluralistic public demands.

It is evident that the case of Hong Kong gives credence to the unfolding debates on executive-legislative relations that a nation's socio-political make-up, as well as the nature and characteristics of its political actors, continue to predominate any meaningful discussion of executive-legislative impasse. It is noteworthy to mention that the development in Hong Kong could not have been laid bare without uncovering the internal power play peculiar to the country's political system. This view is also shared by Fagbadebo (2016) when he asserts that there is no uniformity in the ways presidential system operates across nations of the world. Each political system, 'often adopts a variant of the presidential principle suitable for their domestic political needs' (Fagbadebo, 2016, p.32). In other words, the practice of presidentialism is

largely dependent on the nature of politics within nations. And to unravel this, each nation's socio-political set-up has to be considered.

For instance, while reviewing the place of legislative institutions in Latin American democracies, Saiegh (2005) contends that the legislatures are critical institutions in making a democratic system function. He evaluates the major factors affecting the role of the legislature in the policy making process, especially the way and manner, in which it exercises its powers. The author concludes that several factors, particularly different socio-political contexts of these countries, contributed to the differences among the legislatures, with respect to their ability to play an active role in the policymaking process.

The Committee on the Constitutional System of the US (1992, pp.77-89) attributed disharmony in the diffuse structure of the executive-legislative relation and decline in party loyalty. The inherently conflictual relations, arising from the nature of separation of powers, needed to be mitigated by party cohesion; hence, the weakening of the party in the electoral arena has rendered it incapable of drawing the separated parts of the government into cohesion. It recommends electoral reforms, adoption of new party rules, as well as constitutional amendments to enable presidents appoint leading legislators to cabinet positions and call for elections in the event of a deadlock or government failure.

However, Shugart and Carey (1992) have argued that the problem identified with presidential systems such as temporal rigidity (fixed terms), majoritarianism and dual legitimacy were overstated. After an elaborate examination of the various institutional designs of presidential systems across the world including vetoes, budgetary prerogatives and decree authority, they conclude that the real reasons for regime breakdowns are the particular configuration of power in the hands of the president and incoherent party systems. In other words, institutional designs rather than the presidential system, account for regime breakdown.

Apparently speaking from the perspective of the American rich experience in presidentialism and more clear insights from his subsequent comparative studies, Shugart (2005) traces the potential friction in the executive-legislative relations in places such as the US and Nigeria to 'transactional relationship' deliberately built into the presidential constitutional design after the order of 'neo-Madisonian' tradition. He opines that, Madison had argued, in the Federalist Paper Number 10, that 'multiple agents of the citizenry must be empowered and motivated to check the

ambitions of one another' (Shugart, 2005, p.9). And by so doing under the presidential system, both institutions of the executive and legislature are designed and intended to operate in a 'transactional relationship as co-equals, who have independent sources of authority, and must cooperate to accomplish some tasks' (Shugart, 2005, p.16). The implication of Shugart's submission is that a potential conflict between the executive and legislative arms of government is a deliberate institutional design for which political actors within the respective organs must embrace and manage well for the effective functioning of the system.

Similarly, while expressing serious reservation about the limitations of the perspectives generated about executive-legislative gridlocks from the US presidential system to explain the happenings in the emerging democracies of Africa, Asia and Latin America, Lipset (1993) emphasizes the centrality of political culture on the patterns of executive-legislative interchange prevalent in most presidential systems. In other words, a nation's political climate advertently or inadvertently determines the patterns and trajectories of conflict between the executive and legislative branches. According to him, as far as these twin institutions were located to function in different settings and political environments, empirical explanations on the recurrent or the potential conflict between the two should be rooted in or provided based on democratic culture and antecedents prevalent in such settings in order to draw valid inferences and perspectives.

Apparently in consideration of Lipset's position and against the backdrop of data generated from the Kenyan political system, Hassan and Sheely (2016) argue, that Kenyan leaders have succumbed to using lower level administrative unit proliferation under the guise of administrative reforms to undermine legislative checks against executive power. Under this arrangement, legislative assertiveness is traded off to secure the nod of the executive branch to approving creation of additional administrative units; in response to the demands and agitations of majority of constituents. These authors contend that this political venture had, over the years, turned out to be the most effective means of securing voters' supports during parliamentary elections in Kenya. Hence, parliamentarians who desire to retain their seats by winning re-election often conceded substantial leverage of influence to the executive in policymaking.

With this clarity, it is evident that a concise and meaningful assessment of the executive-legislative relations in Kenya could not have been achieved in isolation of the peculiarity of the country's political environment. Interestingly, though, this may have provided explanations for

the steady increase in the number of lower-tiered administrative units since the 1990s (Hassan and Sheely, 2016).

In addition, as if to corroborate Lipset's stance, Mattes and Mozaffar (2016), in their study on the legislatures and democratic developments in some key African states, identify low institutional capacity as the root cause of continued dominance of the executive over the legislative branch, which, in most cases, continue to generate frictions between the two arms of government. However, the authors add that to ascertain the plausibility and, perhaps, generalization of their findings there was the need to consider the trajectory of executive-legislative face-offs in different settings and climes.

It is evident from the foregoing that it is difficult to explain the Nigerian experience in executive-legislative relations from a particular perspective or trend. Empirical assessment of any case should include critical evaluation of the different contexts and institutional designs as well as their implications for governmental effectiveness, inter-branch cooperation and democratic stability. Worthy of note are the effects of the quality of leadership, perception of the executive and legislative actors on governance and its purpose. In addition, the historical legacies, the political culture of the people and the power game in the larger society, should be considered (O'donnell and Schmitter, 1986; Lipset, 1993; Linz and Stephan 1996; Carey and Shugart, 1998; Cheibub and Limongi, 2002; Fagbadebo, 2016).

2.4 Executive-Legislative Relations in Nigeria: Theoretical Perspectives

Existing literature on executive-legislative relations expose extensively the overlapping powers between the two arms of government but were largely, conducted in the developed countries with different political cultures and established administrative systems and practices (Austin, 1971; Finer, 1985; Lijphart, 1991; Mainwaring, 1993; Riggs, 1997). A few studies also exist at the onset of presidentialism in Nigeria (Okafor, 1981; Nwabueze, 1982; Dudley, 1985).

These studies show serious concerns about the limitations of legislative assemblies in comparison to the executive institutions in emerging democracies of Africa, Asia and Latin America; thereby revealing the futility of transplanting issues and solutions from other contexts and climes. It is for this reason that this study gives prominence to Nigerian literature on the subject matter.

An inquiry into the earliest literature of executive-legislative relations in Nigeria's presidential system show the works to include Tamuno (1966), Okafor (1981), Oyediran (1980), Nwankwo (1988), Olowu (1990), Awotokun (1992), and Ojo (1998). Among these scholars, the seminar works of Tamuno (1966) and Okafor (1981) stood out. These two scholars, apart from providing the background information to the study of legislature and executive in Nigeria, situate the two within the larger society. Specifically, the relevance of these works is that they provide the fulcrum and serve as the basis for the study of the executive and legislative institutions in Nigeria. They both agree that the colonial government did not encourage the emergence of strong and virile legislature that could play a surveillance role over the executive.

Scholarly works on the executive-legislative relations in Nigeria can be categorized into two broad groups. First, studies on Nigeria's parliamentary system of the First Republic; and, secondly, the various works on the presidential system of the Second, Third and the Fourth Republics. Amongst the works devoted to the First Republic are those of Mackintosh (1966), Kermode (1968), Tansey and Kermode (1968), Adamolekun (1975), and Abayomi (1970). Mackintosh (1966) provides an advanced analysis of the structure, the age, status and occupation of the legislators of the First Republic. There is also a brief discussion of legislative oversight function and control over the administrative agencies of government under the executive. These aspects of Mackintosh's study provide a link between it and the works of Adamolekun, Kermode and Abayomi.

What is common to these scholars is that they all address their minds to reviewing aspects of the legislative functions with a particular reference to its relations with the executive branch. Adamolekun's study covers the colonial period (1952) when quasi-parliamentary system of government was first introduced to the end of the democratic rule. The others merely span between 1960 and 1965. Kermode's work is general and does not look at any specific sphere of executive-legislative relations. This is the same position he adopts in his joint work with Tansey. His information is also largely derived from comments of legislators at this period, in contrast to the considerable archival and background details provided by Adamolekun.

All the same, both Kermode and Adamolekun agree that executive-legislative relations were, overall, largely, defective and sometimes acrimonious in Nigeria. They agree that the legislators, instead of addressing their minds to the issues of legislation and oversight, were pre-occupied

with the idea of securing social amenities for their constituencies. They also discovered that members did not utilise the opportunity provided by question time in the parliament to ask genuine questions that could make ministers responsible. As Adamolekun (1975, p.73) opines, 'the majority of the questions were related to the distribution of amenities – postal services, electricity, roads, water and so on – and each questioner was primarily interested in securing one or more of these amenities for his constituency which was almost every case his home town, district or division'.

Kermode, on the other hand, observed that legislation was usually passed with such haste that little or no time was left for research and debate. Abayomi (1970) articulates this position in his work. The work analysed the legalistic dimension which was absent in the other studies on the Nigerian legislative and executive institutions in the First Republic. Awotokun (1992) spot this as the weakness of the work. According to him, by being legalistic, Abayomi could not address himself to some of the basic theoretical issues that could help bring out the real dynamics of the two institutions.

Some efforts have also been made to document the works on executive-legislative relations in the Second Republic. The notable ones include the symposium of Oyediran (1980), Nwankwo (1988), Olowu (1990), Awotokun (1992), Adamolekun (1985) and several other university students' academic research works. Oyediran's symposium was written to cover the first six months of the presidential experiment hence very limited information was provided. The author warned the reader about this when he observed that the contributors did not 'set out to write a strictly academic book' (Oyediran, 1980, p.7). Contrary to mass media assessment of the legislators, the authors found out that the legislators concerned themselves with their personal comforts at the expense of other important issues. They also agreed that most of the legislatures in the Second Republic were 'rubber stamp institutions' (Oyediran 1980, p. 4, 11, 115).

For Nwankwo and Awotokun, their studies share some basic similarities as they were written in form of an overview of the legislative control of administration. They raise two major issues. The first is how to reconcile legislative supervisory roles with the executive's need for reasonable discretion in programme administration. The second problem relates to how to improve the legislators' ability to carry out oversight functions without necessarily relying on the bureaucracy, which of course is an integral part of the executive. This, they believe, would

enhance the institutional capacity of the legislature and improve its standing in the executive-legislative relations.

The works of Adegboro (1982) and Ikelegbe (1983), which dwell majorly on the twin institutions of the legislature and executive in both Ondo and Bendel States respectively, attempt a detailed discussion of executive-legislative relationships in the states. They both agree that in spite of the presidential system, political parties played important and influential roles in determining the performance of democratic regimes. This position stands out also in the works of Ladan (1985), Ojo (1998), Mabudi (1984), Obianyo (1983), and Orji (1983). Political parties are an important institution of representative democracy (Adebayo, 2008). Modern democratic practice grows and survives on the basis of political parties, which tower above other groups as organised platforms for the aggregation and articulation of diverse interests and aspirations that make up the nation. As Osaghae (1998) has affirmed, political parties play some crucial roles in the democratic process of a nation. These include political recruitment, citizens' mobilisation as well as providing alternative politico-economic agenda and electoral choices for the populace. Nonetheless, it is widely believed that the growth and stability of democratic regimes depend largely on how well political parties perform their incubating and integrating roles in the polity (Iyare, 2004; Omotola, 2009; Omodia and Egwemi, 2011).

This conclusion is quite apt. It underscores the basic fact that it is not possible to examine the operation of Nigeria's legislative and executive institutions in isolation of its socio-political environment, especially the important roles of institutions such as political parties. This realization is not evident in other aspects of the literature. Other works include that of Adamolekun (1986) and Akpan (1982). These authors, especially Akpan, devote greater parts of their works to reviewing the duties of ministers, vis-a-vis the administrators in both pre-independent and independent Nigeria. Unlike Adamolekun, Akpan was generally descriptive in his account.

Another category in the series includes works by Aiyede (2005) and Ehwarieme (2001). Others are Oyewo (2007), Aminu (2006), Osuji (2008), Ugor (2005), Bassey (2006), Eminue (2006), Omotola (2006), and Olojede (2006). These authors undertake critical and exploratory assessment of the various aspects of executive-legislative relations in the Fourth Republic. However, one limitation resulting from these studies is that they did not provide any detailed

analysis of the areas of overlapping of powers between the legislature and the executive at the state level. Ehwarieme's works covers only the first eleven months of the presidential experiment under former President Olusegun Obasanjo's administration. Similarly, Aiyede's work did not include the determination of the threat(s) posed by acrimonious or unhealthy relationship between the two arms to Nigeria's democratic stability and development.

Oyewo's work adopted a legalistic approach at unraveling the constitutionality of legislature's oversight functions as provided for in the 1999 constitution. Aminu and Osuji took an insider stance to identify ways of improving executive-legislative relations under the administration of former president Olusegun Obasanjo. They both agree that a disharmonious executive-legislative relation constitutes a great challenge to the nation's quest for consolidating democracy. While Ugor undertakes an examination of the 1999 Constitution as it affects the domains of executive-legislative relations and other issues, Eminue dwells on the interface and areas of overlapping of powers between the executive and the legislative branches with particular reference to the budgetary process. He posits that in Nigeria, and in other presidential systems, the major decisions tend to be made within the executive branch in the preparation of the budget proposals prior to their formal submission to the legislative body. The legislatures are vested with the supervisory responsibility over general administration, including the ability and right to amend the executive's budgetary provisions. This, according to him, remains one of the 'hard-nuts' in executive-legislative stand-offs.

Similarly, Bassey (2006) submits that the fallout of the acrimonious relationships between the executive and the legislature could be fatal to the process of democratic consolidation. After making a preliminary contextual clarification of basic issues inherent in the theory and practice of the presidential system, he suggests the expansion of democratic space and system maintenance based on executive- legislature harmony, as the success of the system is predicated on mature democratic spirit and behaviours of its operators.

Another series of works conducted on Nigeria's presidential system in the Fourth Republic comprise Omotola's work on impeachment and Olojede's manuscript on democracy and corruption. Omotola (2006) undertakes a review of impeachment and impeachment threats in the Fourth Republic and concludes that many forces were responsible for the usual acrimonious or "not too healthy" executive-legislative relations witnessed in most states of the federation. These

include the society, the character of the state, as well as the manner of contestation for power, which is determined, largely, by the character of the elite. Joseph (1991), Ekeh (1975), and Osaghae (2002) also shared this same view.

In related manner, Olojede (2006) situates the untoward role of corruption in the recurring executive-legislative face-offs. He affirms that the seemingly corrupt management of Assembly finances has eroded the powers of the legislature from being an effective check on the executive; while the executive has also been accused of engineering impeachment of principal legislative officers through financial inducement in order to arm-twist the legislature to do its bidding. Fagbadebo (2016) also shares this similar view in his study of the politics associated with impeachment processes in Nigeria's Fourth Republic. The work dwells on the political forces and intricacies behind the incessant cases of impeachment in some selected states. The author identified the nature and characteristics of the Nigerian political elite as the prime factor. He concludes that resulting from the morbid corruption in the system, most legislative assertions, and, by extension, impeachment, remains a mere instrument of political vendetta in Nigeria.

Onyebuchi (2013) explores the working relationships between the executive and the legislature in both parliamentary and presidential systems and affirms that neither of the two systems engendered conflictual executive-legislative relations. He avers that the smooth running of any form of government is contingent on the character, contents and understanding of the political actors and the role players in the system.

In the same vein, while drawing inferences from the seminar works of Strom (1990) and Huber (1996), Eme and Ogbochie (2014) query the bifurcated literature on executive-legislative relationships along the parliamentary and presidential praxis, which tended to lay more emphasis on the US Congress. Having examined the executive-legislative process in Nigeria's presidential democracy, they observe that the conflicts between the executive and legislature over budget, oversight, and vote allocation matters were not only restricted to the Federal Government but also a common phenomenon at the sub-national levels. They identify building of strong democratic institutions within which elected public officials could better understand their roles as the only panacea to achieving harmonious relation between the executive and legislative branches. Specifically, Jude and Ika (2013) identify the culture of impunity and flagrant disregard for the rule of law as the triggers of the conflicts between the executive and the

legislative arms of government in Nigeria. This, they contend, has far-reaching implications for good governance and smooth running of government business. To avoid frictions, the authors suggest strict adherence to the principles of separation of powers by both arms in ‘the discharge of their constitutional duties, while embracing dialogue in resolving their differences’ (Jude and Ika, 2013, p.6).

In another dimension, Obiyan (2013) avers that the increasing incidences of intra-executive conflict in the Nigeria’s presidential system, especially at the state levels, have serious impact on the tone of executive-legislative relations. He submits that the situation could be remedied via consistent display of political maturity and patriotism on the part of the major political actors. The findings of the work provided insightful perspectives to pertinent disagreements and confrontations between the Governors and Deputy Governors, which often led to the deployment of legislative assemblies (usually by the State Governors) to remove their deputies from office. This reality shows the unfettered dominance of the executive over state legislatures in Nigeria. Not only that, it equally gives further credence to the trend of the existing literature on the issue that state legislatures apparently being an unequal partner in the executive-legislative relationships, have become willing tools in the hands of state governors (Oni, 2003; Fagbadebo, 2016; Omitola and Ogunnubi, 2016).

Obidimma and Obidimma (2015, p.72) opine that executive-legislative relation in Nigeria, since the enthronement of presidential democracy in 1999, has been more ‘conflictive than collaborative.’ They attribute this development to the prolonged military rule under which the legislative arm was always proscribed, and this invariably resulted in reduced capacity of the legislature in the new democratic dispensation.

Similarly, Godswalth et al (2016) explore the factors influencing executive-legislative conflicts in Nigeria and identify the ascendancy of military political culture of impunity, over centralization, and abuse of power. They also note the tendency of the political actors not to keep faith with limits of their powers to be at the centre of executive-legislative rifts that have bedeviled the Nigeria’s democratic space since 1999. They, however, conclude that a harmonious partnership between the executive and the legislature was possible when each of the two arms of government operates within and keep faith with the limits of power assigned to it by the constitution.

Fawole (2013) considers the gridlocks associated with the conduct of government business at the central level of government. He contends that the issue of incessant executive-legislature face-offs remained the most potent but sinister threat to the Nigeria's fragile democracy. According to him, 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. To avert or minimize both real and potential feuds in the executive-legislative interface, the author submits that 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.

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 current 8th National Assembly in Nigeria is being 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 believe that the National Assembly is currently running a parallel government outside the executive branch (Vanguard, 2016).

The views, expressed by these writers, could best be described as the manipulation of public perception, of the individuals and groups, in favour of the executive. In presidential democracies, the legislature has the constitutional mandates to hold the executive arm of government accountable (Adamolekun 2010; Hochstetler 2011; Fagbadebo 2016). Actually, 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, recognises 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).

Ovwas and Abdullahi (2017), in their assessment of the executive-legislative relationships in the Fourth Republic, aver that the interface has been a ‘confrontational one, characterized by aggressive dominance and meddlesomeness of the executive branch’ under successive administration since 1999 (Ovwas and Abdullahi, 2017, p.13). According to them, this has manifested in the high turnover of leadership in both houses of the National Assembly. However, they argue further that both chambers of the National Assembly appear to be strong and mature enough to reject unnecessary influence from the executive.

Oni (2013) examines the executive-legislative relations in the Fourth Republic with reference to some selected states. The author queries the continued dominance of the legislature by the executive arm, and stresses the need to address, urgently, factors that encouraged the subordination of the legislature to the executive. As a way out, he suggests a well-defined ideology and manifestoes by political parties that would facilitate effective discharge of the executive and legislative responsibilities.

In the same vein, Omitola and Ogunnubi (2016), using the Osun state House of Assembly as a case study, explore the role of sub-national legislatures in ensuring accountability in governance. They conclude that state legislative assemblies operating in executive-dominated political environments, have failed in their responsibilities to serve as checks on executive authority, and, therefore, could not muster enough strength and courage to ensure probity and accountability in governance at the state levels.

2.5 Summary

The literature on the executive-legislative relations in Nigeria's Fourth Republic asserts that executive-legislative relations have been generally defective and acrimonious. A cursory look at the various positions and submissions of scholars presented so far reveal three basic themes while providing perspectives to the discussion of incessant acrimony between executive and legislature in the practice of presidential democracy in Nigeria. These include dialogue procedure, cooperative approach to issues of inter-branch importance, and keeping faith with the limit of powers assigned to each of the two arms of government in the constitutional scheme.

There are some limitations on the part of these studies. Aside the failure to include the determination of the threats posed by an unhealthy executive-legislative relationship to Nigeria's democratic stability and development, these works appear to be lacking in contextual analysis of the socio-political milieu wherein such interactions took place. In other words, an empirical investigation of the executive-legislative process including factors that account for divided government should involve a systematic consideration of the dynamics of the political environment under which the two institutions operate (Perez-Linan, 2007; Oyewo, 2007; Omotola, 2006).

Similarly, most of these works focused on the Presidency and the National Assembly, which are arms of the Federal Government, excluding the developments at the state levels. This is considered a vacuum in this area of academic scholarship. It is against this that the study interrogates the peculiarities surrounding most cases of executive-legislative stand-offs and their consequences on the political systems of the selected states, using the different mechanisms provided in the 1999 Constitution. The study examines the peculiarities of executive-legislative relations in Ekiti, Ondo, Osun and Oyo States in a bid to fill this gap in the literature.

The next chapter examines the theoretical frameworks of the study for the analysis of both the historical and contextual factors accentuating executive-legislative frictions in the practice of presidential democracy in Nigeria.

Chapter Three

System Analysis of Executive-Legislative Relationships in Nigeria's Presidential Democracy

3.1 Introduction

This study adopts a combination of historical approach and David Easton's input-output analysis, an extract of the system theory as its framework of analysis. In this chapter, efforts are made to undertake a lucid exploration of the two approaches, drawing possible links between them and the process of executive-legislative relations. The researcher examines and analyse the operation of Nigeria's presidential system within the contexts of these theories.

The other part examines the relevant structures of governance in the Nigeria's presidential system by exploring the role of each of these structures within the confines of the two theoretical frameworks of analysis. This is considered important to show the interplay of power relations between the executive and the legislative branches of government.

However, it is needful to mention that the study adopted two theoretical models because no single framework on its own is sufficient to answer all the questions set out for the research. As argued by Ikoja-Odongo and Mostert (2006, p. 154), there are strengths and weaknesses in every existing model, therefore, the two chosen approaches 'complement each other, as opposed to counteracting or replacing each other.' Similarly, these frameworks provide unity and coordination in the study, including a connection to the previous studies (Understanding Research, 2004, p. 143). In other word, the combination of these theories enables deep and concise understanding of the subject matter of executive-legislative relations from different perspectives by guiding the researcher to see what has been done in previous similar studies.

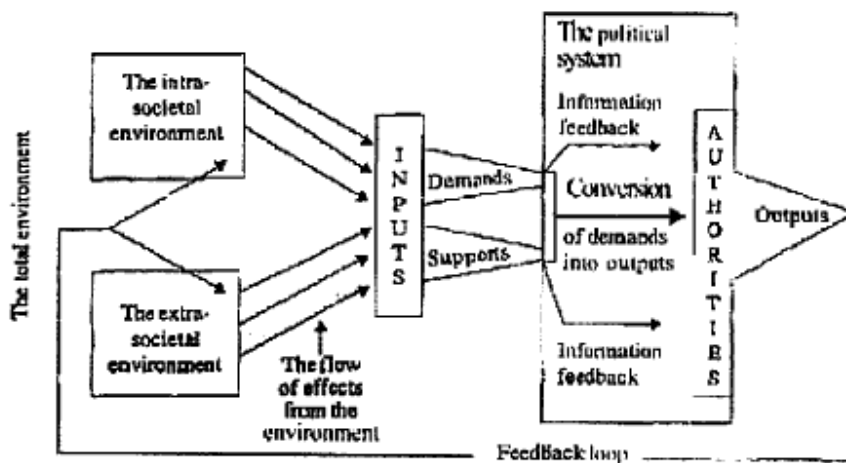
3.2 System Analysis of Executive-Legislative Relations

The system approach is primarily concerned with the analysis of a system in its entirety. A system, according to Parsons (1968, p. 453), implies 'something consisting of a set (finite or infinite) of entities among which a set of relations is specified, so that deductions are possible from relations among the entities to the behaviour or history of the system'. From the above, a system is a set of interdependent parts or components of a given entity. As a process, it involves interdependent relationship between and among the components. It also entails interaction with the environment. Nwankwo (1999, p. 27) states that the 'system approach to the study of

organization focuses on the system as a whole; the environment of the system, and the tendency for the system to strive for stability by negotiating with its environment’.

Easton (1965) uses this approach to analyze political life. According to him, the political system interacts with the environment in term of a process that involves input and output mechanisms. The inputs include the demands, material requests, supports and information that are being fed into the political system and after due processing and conversion, the products, in terms of policies, become the outputs in form of policy-making and implementation. This is again modified through the process of information feedback from the environment.

Fig. I Input-Output Model of System Theory



Source: Adapted from Easton's A Framework for Policy Analysis (1965)

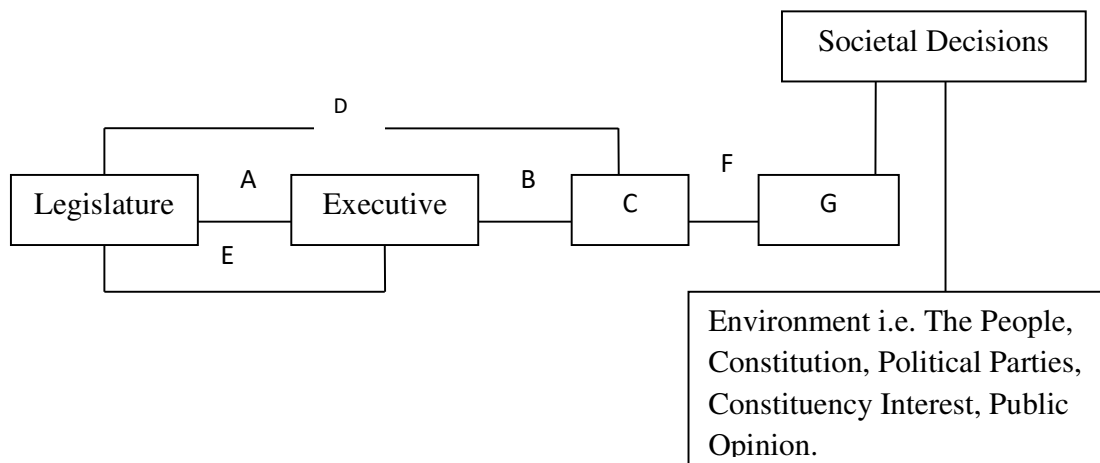
From the systems' analysis perspective, both the executive and the legislature could be seen as relatively persistent entities functioning within the larger environments. The internal process of these entities qualified as systems because they have a set of interdependent organs and variables, which could be identified and evaluated. As a sub-system within the political system, each of the two arms of government has distinguishable boundaries setting them off from the environment. Nevertheless, each has a tendency towards a state of equilibrium (Easton, 1965; Koontz, 1980; Awotokun, 1992).

In other words, the principle of separation of powers and checks and balances are intertwined. This is so intended because no system of government, which adopts separation of powers,

attempts to establish an absolute and total separation (Diamond, 1988; Linz, 1993). This doctrine is always modified through the introduction of checks and balances. Hence, the introduction of checks and balances provides a kind of equilibrium in the system. The two arms of government complement each other in order to make for an effective democracy.

From the foregoing, executive-legislative relations can also be perceived in term of system analysis. The mechanism of functions, which defines the relationship between the two organs, is derived from the people, the constitution, political parties, constituency interests, public opinion and the likes. All these variables emanated from the environment and help in the determination of societal goals. These demands are fed into the political system through the legislature for processing. The lawmakers in turns authorise the executive to mobilize societal resources for the implementation. These processes can be diagrammatically represented as shown Figure II;

Fig. II System Analysis of Executive-Legislative Relations



Source: Awotokun, K. 1992. Legislative Control of the Executive in the Second Republic. Unpublished PhD Dissertation, Ife Library Series, p. 19.

As presented in figure II, ‘A’ represents the process of transmitting information to the Executive branch, while ‘B’ is the Executive action. ‘C’ is the result of the Executive action on the Legislature, in relation to the target or societal decisions. ‘D’ represents the feedback on the result of the Executive action. ‘E’ is the Legislative veto or counter action if any, especially if the result in ‘C’ is unsatisfactory. ‘F’ is an intermittent Executive action; ‘G’ is a further Executive action. The result of further executive action is expected to be in conformity with the societal

decisions. The environment which represents the peoples' will, constitution, political parties, constituency interest, public opinion are also expected to influence the societal decisions.

The influence of the environment on the legislative process is expressed in form of support for policy outcomes of the government and/or partial or outright rejection of a particular stance or policy direction of the state. These demands of the environment, on a continuous basis, determine the trajectory of policy interactions between the executive and legislative branches of government. For instance, undue interference of the executive arm into the internal affairs of the legislature especially in selecting leadership of the legislature often attract positive response from the citizenry who mostly portray the executive branch as an overlord over the legislature.

Without doubt, these processes aptly represent the exchanges between the executive and the legislative arms of government in Nigeria's presidential system. The 1999 Constitution advertently prescribes a measure of power sharing between the executive and legislative branches, which demands mutual cooperation and interdependence of the two arms of government. However, since the commencement of the Fourth Republic in May 1999, the operation of this constitutionally enshrined interface between the two branches has continued to generate conflicts, feuds and needless acrimonies which tend to suffocate and slow down government business both at the federal and state levels.

These conflicts are often on the nature, power and scope granted either of the two organs of government in the constitutional scheme. More often, in the exercise of its oversight powers, the public do perceive legislative scrutiny or disapproval of executive actions as unnecessary antagonism to the executive branch. Most Nigerians are still sceptical about the exact constitutional role of the legislature in the policy-making process (Fagbadebo, 2016; Fatile and Adejuwon, 2016). Some observers view this as one of the carryover effect of prolonged military absolutism characteristic of the Nigeria's political space, which had in its wake, weakened the institution of parliament and eroded the decisive role of the legislature in the nation's democratic process (Fashagba, 2012; Fatile and Adejuwon, 2016).

One important advantage of using system analysis, as noted by Koontz et.al (1980) and Awotokun (1992), is that it forces awareness that a phenomenon could not be singled out for assessment without consideration of its interacting variables. It also enables one to see the critical variables, constraints and their interactions with one another. Oyewo (2007) has argued

that a more embracing view and assessment of executive-legislative relations will involve a consideration of healthy, acrimonious, or crisis-ridden relations of the two arms within the much broader context of social, economic, political and cultural milieu wherein the two institutions operate.

3.3 Historical Approach to Executive-Legislative Relationships

The historical approach, widely regarded as one of the earliest approaches in political research, is a process, which allows gathering of evidence and formulation of ideas about occurrences of the past. It is the framework of analysis through which an account of the past is construed. Varma (2004) argues that the historical approach to politics seeks to explain political phenomena by giving reference to certain facts of history. History, according to him, entails taking records of past incidents and facts. It also connotes what people have done, thought, or imagined in relations to the issue under study. Dhawan (2016) posits that one basic characteristic of the historical approach is that it provides explanation for present or recurrent political phenomena by focusing on past events. According to him, history is the storehouse of events. It tells us how government and public institutions worked; their successes and failures, and from which lessons are taken to guide us in determining the future course of action.

As noted by Nwabuani (2014), Montesquieu, Savigny, Seeley, Maine, Freeman, Laski, and Karl Marx were some of the eminent exponents of the historical method in political research. Karl Marx particularly found in historical approach an exclusive method by constructing the origin and nature of the capitalist society in crucibles of history (Laski 1992). He uncovered and accentuated the unfolding dialectics of societal evolution as class struggle. In similar manner, Laski (1992) avers that the study of political institutions is nothing short of efforts to emplace the results of experience in the history of states. According to him;

Political institutions grow instead of being made. They are product of history and to know them as they really are, we must grasp the evolution of all those forces, which have moulded and shaped them in their present form. Our conclusions remain uncertain, if they are not built on historical analysis (cf. Nwabuani 2014, p.13).

Without doubt, Laski's submission is particularly reflective of the Nigerian political system, especially when considering the development of both the executive and the legislative institutions from independence until date. For instance, what do we make of the seemingly

unending antagonisms and incessant frictions between the two organs of government since the commencement of the fourth republic in 1999? These developments cannot possibly be divorced from the country's colonial past, which undermined the development of legislative institutions in favour of the executive councils reserved only for the expatriates. The country's protracted experience in military dictatorship accentuated a centralist and intolerance political culture, devoid of responsible and accountable leadership. Interestingly, all of these variables and facts are locked up in the 'store-house' of history. Therefore, recourse to history becomes an invaluable analytical tool in the search for answers and greater insights into the issue of executive-legislative relations.

A unique strength of the historical approach is that it allows the examination and the analysis of the present reality or recurrent political phenomenon based on the dialectics or antecedents of the past. It connects the present with the past political phenomenon in a way that provides insights into and understanding of the complex issue of politics. As argued by Dhawan (2016), the nature and tradition of the present public institutions are determined for us by past events and activities. Thus, institutionalisation of the political processes and practices were consequences of the past. In other word, the historical model affords the researcher to see the complete picture of issues by allowing him to see the outcome of an event and trace it backwards to its source (Mackintosh, 1966; Miller and Joe, 1983; Nwabuani, 2014). Moreover, this framework of analysis is particularly useful for this study given the nature of executive-legislative relationships, which cannot be assessed, reasonably, without alluding to the events and occurrences of the past.

3.4 Executive-Legislative Relations and Governance Structures in the Nigerian Presidential System

In the Nigerian presidential system, just like in most, if not all political systems, there exist three arms of government: the legislature, the executive and the judiciary. Collaboratively and inter-dependently, these three branches of government are in charge of governmental business, which include rule making, rule-application and rule-adjudication, respectively. However, for the purpose and scope of this study, attention is only given to the interface between the executive and legislative branches; particularly the role of each structure in the process of governance. First, I begin with the executive.

3.4.1 The Executive

The executive is that branch of a country's governmental structure, which applies the authoritative rules and policies of a society. It is the branch of government responsible for decision-making and implementation of the authorised legislation and rules. Ojo (1998) describes the executive as the branch of government, which executes the will of the people as enacted in the laws. Bassey (2006) conceives the executive arm of government as the aggregate or totality of all the functionaries and agencies that are concerned with the execution of the will of the state as formulated and expressed in terms of laws. The executive arm of government gives effect to the will of the state by executing the laws such as the constitutions, statutes, decrees, treaties, and other legal instruments pertaining to the state.

The executive branch has a unique role of providing visibility for the actions (or inactions) of government and galvanizing limited societal resources for its realization. In practice, in a presidential system, the head of the executive is vested with the executive power, assisted by subordinate departments and ministries that are responsible to him. Joseph Lapalombara has noted that the political executive provides political directions for governmental agencies and institutions and exercise control over administration (Laplombara 1974).

In the Nigerian political system, the executive arm consists of government ministries, departments and agencies headed by the President and Governors at the federal and state levels, respectively. The head of the executive branch is both the head of state and head of government. As the head of state, the President serves as the nation's official ceremonial head and symbol of national unity. The President, as the head of government, is the leader of public office holders who propose, direct and enforce the nation's public policies. The Governors also perform similar functions in their respective states, but the exercise of such powers is limited to the jurisdictions of their states. Section 188 of the 1999 constitution of the Federal republic of Nigeria specifies the powers of the Executive President of the federation while section 288 relates the executive powers given to the governor of a state.

3.4.2 Composition and Powers of the Executive

The Nigerian presidential system is an adaption from the American model, in which executive power is vested in a single Chief Executive, the President, who exercises wide constitutional and

discretionary powers. The President, elected by a simple majority vote for a period of four years, can as well seek re-election for another term but not exceeding two terms of eight years. Section 130(1) of the Constitution of the Federal Republic of Nigeria, 1999, as amended stipulates that 'there shall be for the Federation a President'. Section 134(1a) states that 'a candidate for an election to the office of the President shall be deemed to have been duly elected for a four-year term if he has majority of votes cast at the election; and can seek re-election for another term.'

Once elected, the president has the entire country as his constituency and has the constitutional obligation to appoint at least one Cabinet minister from each of the 36 states making up the federation and the Federal Capital Territory (FCT), Abuja. Section 130(4) of the Constitution specifies that 'for the purpose of an election to the office of President, the whole Federation shall be regarded as one constituency.' In the same vein, section 147(1&3) states that 'there shall be such offices of Ministers of the Government of the Federation as may be established by the President.' Any appointment under subsection (2) of this section by the President shall be in conformity with the provisions of section 14(3) of this Constitution provided that in giving effect to the provisions aforesaid the President shall appoint at least one Minister from each State, who shall be an indigene of such State.'

The President and his ministers constitute the Federal Executive Council (FEC), which is the highest policy-making body in Nigeria. In the same manner, State Governors and their appointed Commissioners constitute the State Executive Councils (SECs) for their respective states. Just like the president, a state governor is elected for a period of four-year term and a maximum of two terms in office as governor. Once elected, the governor has the entire state as his constituency and is required, by law, to appoint at least one Commissioner from each of the local governments that made up the state.

The President is the Chief Executive of the nation, to whom all other executives are subordinated, while state governors also serve as the chief executive of their respective states. Both the President and State Governors are elected for a fixed term, and except in the case of definite crime or obvious misdemeanor being judicially proved against them, they cannot be removed from office before the expiration of their terms. For more on the workings of the Nigerian presidential system, the following will suffice (Nwabueze, 1985; 1992; Nenstadt, 1976;

Jacobsen and Lipman, 1979, Anifowose, 2004; 2015; Akinsanya and Davies, 2002; Fagbadebo, 2016).

The executive arm of government derived its power from the constitution. These include the enforcement of law, execution of administrative policy, the conduct of foreign affairs, the control of armed forces and the authority to grant pardon and amnesty to offenders against the state. The provision as to the executive powers of the Federation is stated in section 5(1a-b) of the 1999 constitution, as amended; ‘Subject to the provisions of this Constitution, the executive powers of the Federation:

- (a) 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; and
- (b) shall extend to the execution and maintenance of this Constitution, all laws made by the National Assembly and to all matters with respect to which the National Assembly has, for the time being, power to make laws.’ (Section 5(1a-b) of the 1999 Constitution).

The executive, under the Nigeria’s presidential constitution, is responsible for much of the planning of the state so it does not merely execute laws but must also take action on many matters not covered by law (Anifowose, 2015). Concisely, the powers and functions of the executive under Nigerian presidential system are as follows:

- Coordination and control of administration. The chief executive has the constitutional responsibility to coordinate and control the administrative machinery of government, which includes ministries, departments and agencies that function to see to the enforcement of law and execution of public policies.
- Recommendation and initiation of bills for legislative consideration. In fulfillment of its obligation to ensure good and orderly conduct of government business as well as meeting the yearnings of the citizenry, the executive often recommends and initiate bills for the consideration of the legislature for such to become enforceable law and instrument of public policy.
- Power of appointment and removal of public officials. The executive both at the federal and state levels in Nigeria has the powers and authority to ‘hire and fire’ officials into its administrative units and agencies. Part of this mandate includes power to appoint or dismiss cabinet ministers, commissioners, diplomats, and higher administrative officials.

It directs their work, supervises their routine, and exercises disciplinary control over them depending on the governance philosophy and policy direction of government of the day. The executive also has power to appoint Judges based on the recommendations of the National Judicial Council (NJC) to the various courts in the country. However, it should be noted that most of these appointments have to be confirmed by the National Assembly and states legislative assemblies as it were, before they can become effective.

- Power of delegated legislation. In some instances, the executive arm of government has power to issue statutory orders and rules under the power vested in it by the legislature. Such power is often necessary to meet changing circumstances and aids quick decision making especially during emergencies.
- Control of the armed forces. The executive exercises control over the military, police, and other Para-military forces in the country. For example, the President is the commander-in-chief of the armed forces and exercises direct control over the military, and this include the supreme command of the army, navy and air force. At the state level, the governors are the chief security officers in their respective states. Moreover, they indirectly oversee the security apparatus in their states. In Nigeria, the President is the chief executive of the country and has the power to declare and prosecute war.
- Conduct of external relations. In Nigeria just like in every other state, the executive is charged with the responsibility of conducting relations with other nations. The President is the chief diplomat, oversees the formulation and conduct of foreign policy, and negotiates all international treaties and agreements. However, under the 1999 constitution of Nigeria, such treaties and agreements require senatorial approval before they become effective. In addition, in line with his prerogatives and the country's national interest, the President can grant or withhold recognition to the government of a foreign state, including dismissal of the ambassador of a foreign state. He appoints, instructs and controls the activities of ambassadors, High Commissioners, and other officers in the Foreign Service; and sends country's representatives to international assemblies and conferences.
- Power of prerogative of mercy. The president or a governor as the case may be, has power under the Nigerian law to pardon offenders for offences committed against the state either before or after trial and conviction. This is often called prerogative of mercy or state pardon. In addition, such a pardon either releases an offender from the legal

consequences of his crime or remits the penalties imposed like outright cancellation of jail term, reduction of a sentence, conversion of death penalty to life imprisonment, or delay of execution. Similarly, the chief executive may as a deliberate policy issue a proclamation of amnesty to a group or class of persons, in which case such persons are relieved or freed from the legal consequences of their actions. For example, at the height of militancy in the oil-rich Niger Delta region in 2008, the Federal government of Nigeria under the administration of late President Umaru Musa Yar'adua declared amnesty for all the militants in the region. This led to massive surrender of cache of arms and ammunitions by the restive youths and relative peace and order was subsequently restored to the region. In addition, some states such as Benue and Rivers state governments under the present administration have deliberately issued amnesty to armed youths and cult groups in their respective states as a measure to prevent or curb crimes.

3.4.3 The Legislature

The legislature is a fundamental component of democratic government. Invariably, the need for legislatures, also known as the parliaments or people's assembly, is reflected in the very meaning of democracy, 'rule by the people'. For the people to rule, they required a mechanism to represent their wishes, make or influence policies in their favour and oversee the implementation of those policies. Blondel (2008) may have had this in mind when he conceives 'the legislature' as that branch of government made up of elected representatives or a constitutionally constituted assembly of people whose duties, among other things, are to make laws, control executive activities, and safeguard the interests of the people. The Webster's Third New International Dictionary defined a legislature as 'an organized body having the authority to make laws for a political unit'. More often, a legislature reflects in its ranks a broad spectrum of a nation's political opinion, and as such is the principal forum for debate on vital issues of national importance. Saiegh (2005) has avered that a legislature could serve as a demonstration of pluralism, and the need to tolerate diversity and dissent. It also served as a platform for compromise and consensus building.

In the modern state, a legislature consisting of the elected representatives of the people, according to Laski (1992, p. 29), has become a vital part of the machinery of government because they serve their constituencies in various ways such as ombudsmen or intermediaries

between the government and the governed. However, the nomenclatures given to legislatures vary from country to country. In Nigeria, the central legislature is known as the National Assembly and it consists of two chambers; the Senate and the House of Representatives. At the State level, there is a unicameral legislature, called House of Assembly. Under the presidential constitution of Nigeria, the life of a parliament is four years, divided into sessions, with one session per year, during which it can go on vacations as it deems fit.

In the current democratic dispensation, most of the laws in Nigeria are in the form of statutes or acts of parliament. The central legislature known as the National Assembly has power to make and repeal laws for the peace, order and good government of Nigeria or any part thereof with respect to matters it has powers as contained in both the Exclusive and Concurrent legislative lists under the constitution. In the same manner, the House of Assembly of a state has power to make laws for the peace, order and good government of the State or any part thereof with respect to any matter contained in the Concurrent legislative list under the constitution⁵.

3.4.4 Composition of National and State Houses of Assembly

The National Assembly, which is a bicameral legislature, is the highest law-making body in Nigeria. It consists of the Senate and the House of Representatives⁶. The Senate is regarded, by convention, as the Upper House and has 109 members. Membership and representation in the Senate is based on the principle of equality of all states. Therefore, each of the 36 States is divided into three senatorial districts and has three senators representing it in the Senate, while one senator represents the Federal Capital Territory (FCT), Abuja. It noteworthy to mention that these senators are popularly elected through simple majority votes from across the 109 senatorial districts as well as the FCT, and they usually stay in office for four years⁷.

In similar manner, the House of Representatives, which is regarded as the lower chamber of the National Assembly, has 360 members. Representation in the House of Representatives is based on population. In other words, states with larger population have more representatives than states

⁵The 1999 Constitution of the Federal Republic of Nigeria specifies the powers and scope of the National Assembly and the States Houses of Assembly as regards matters to which they can legislate. For more details, see section 4, sub-section 1-5 and 6-9 of the Constitution.

⁶ Section 47 of the 1999 Constitution establishes the National Assembly for the federation, which shall consist of a Senate and a House of Representatives.

⁷ Section 48 of the 1999 Constitution specifies the number of senators to be elected from each of the federation and the FCT. For more details on qualification and election of a member of Senate in Nigeria, see section 65 and 66 of the same constitution.

with less population. Just like the Senators, each member of the House of Representatives is popularly elected by a simple majority vote for a 4-year term to represent one of the 360 Federal Constituencies⁸ into which Nigeria is currently divided. Moreover, the Nigerian National Assembly is led a leadership elected by its members and runs its affairs on a contingent of committee systems. The leadership usually consists of the Senate President, Deputy Senate President, Speaker, Deputy Speaker, Majority Leaders of both chambers, just like Deputy Majority Leader, Minority Leader, Whip (Majority and Minority), and Clerk of the House, Deputy Clerk; and Sergeant-At-Arms. The National Assembly is a bicameral legislature where the Senate President presides over the affairs of the Senate and the Speaker presides over the House of Representatives. By convention, the Senate President and the House Speaker are the Chairman and Deputy Chairman of the National Assembly, respectively, and they both preside over joint meetings of the two chambers.

However, as against the practice at the federal level, the 1999 Constitution provides for a unicameral legislature for the States. This is called the House of Assembly and it has a non-uniformed membership structure and size, depending on the population and number of Federal Constituencies into which such a state is divided. Just like their National Assembly counterparts, members of the States Houses of Assembly are popularly elected for a 4-year term⁹. The Speaker, assisted by the Deputy Speaker, presides over the affairs of the assembly¹⁰. There are other principal officers, such as the Majority and Minority Leaders, among others.

Representation in the Houses of Assembly is based on population and the number of Federal Constituencies into which such a State is divided. In other word, States with larger population size and more representatives in the National Assembly do have Houses of Assembly with more members than those with less. In Nigeria, the membership size of Houses of Assembly varies from one State to another. For instance, these variations exist among the selected states for this

⁸ Section 49 of the 1999 Constitution provides for the composition of the House of Representatives: “The House of Representatives shall consist of three hundred- and sixty-members representing constituencies of nearly equal population as far as possible, provided that no constituency shall fall within more than one State”. For more on the qualifications and election of members of the House of Representatives, see sections 65 and 66 of this same constitution.

⁹ Section 117(1) provides that every State constituency, established in accordance with the provisions of this part, shall be directly elected to a House of Assembly in such manner as may be prescribed by an act of the National Assembly. For more on the qualification, membership and election into the States Houses of Assembly, see sections 106-119 of the 1999 Constitution.

¹⁰ Section 95(1) of the 1999 Constitution of the Federal Republic of Nigeria empowers the Speaker of a House of Assembly to preside over its affairs, and in his absence the Deputy Speaker shall preside. For more details on the conducts of legislative business of the House, see sections 94-105 of this same constitution.

study; Ekiti and Ondo have 26 members each in their Houses of Assembly while Osun and Oyo States have 26 and 33-members' Houses of Assembly, respectively. This is presented in Table I as follow:

Table I State by State Distribution of Federal Constituencies in South Western Nigeria

States	No. of Senate Seats	No. of Representatives	No. of State Assembly Seats
Ekiti	3	6	26
Lagos	3	24	40
Ogun	3	9	26
Ondo	3	9	26
Osun	3	9	26
Oyo	3	14	33
Total	18	71	177

Source: Independent National Electoral Commission (INEC), Abuja, 2011.

3.5 Summary

This chapter discussed the two theories for the study. It examined and analysed the operation of these theories within the context of executive-legislative relations in the Nigeria's presidential system. The two theories were utilized because a single theory is insufficient to undertake a comprehensive analysis required to cover the scope of the study. The chapter also examined the governance structures in Nigeria's presidential system to show the interplay of power relations between the executive and legislative branches of government. It is discovered, theoretically, that most of the conflicts between the two arms of government are often on the nature and scope of power granted either of the two in the constitutional scheme.

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.

Fagbadebo (2016, p.132) notes that 'political institutions remain mere abstractions without the activities of political actors'. In other words, the ideals, and principles of the structures in the

system cannot translate into desired ends without the understanding and commitment of the role players within these structures. The theories expose the details of the intricate web of relationships between the executive and the legislative branches and draw attention to the events of the past in the operation of presidentialism as a governing system in Nigeria. To achieve a measure of crisis-free relationship between the executive and the legislature, the political actors within these structures are required to exhibit behavioural traits that promote cooperation and conciliation in place of overt aggressiveness and confrontation.

The next chapter examines the evolution and development of Nigeria's experience in presidential system. To achieve this, the researcher traces the history of executive-legislative frictions from the Second Republic when the presidential system was first adopted all through to the Fourth Republic.

Chapter Four

Executive-Legislative Relations in the Nigerian Presidential System

4.1 Introduction

This chapter explores the dynamics of executive-legislative relationships in Nigeria from the Second Republic when presidentialism was first adopted as a governing system to the Fourth Republic. The chapter is divided into five parts. Part one examines the choice of presidential system for Nigeria while the second part appraises the history, evolution and development of Nigeria's experience in presidential system. Parts three and four review the nation's experience in executive-legislative relationships in the Third and Fourth republics. These also incorporate the experiences at the state levels. The final part summarises the highpoints of the discussion and concludes the chapter.

4.2 The Choice of Presidentialism as a Governing System in Nigeria

The colonial powers bequeathed to Nigeria at independence in 1960 the British Westminster parliamentary model. This system was in force until January 15, 1966, when the military took over the reins of power. This marked the beginning of a cycle of military rule in Nigeria for thirteen years, 1966 to 1979. Prior to the military coup, there was a nationwide outcry against the inadequacies and institutional dysfunctionality of the parliamentary system. Thus, there were clamours for a new system that would be suitable to address the myriads of challenges facing Nigeria. In other words, Nigerians were united in raising their voices against the post-independence parliamentary system, considered inadequate and unsuitable to galvanise the desired oneness of the various sections and groups that make up the country.

While decrying the inadequacies of the parliamentary system for a country such as Nigeria, Bassey (2006, p.129) posits that 'the adoption of presidentialism as a constructive principle of government by the architects of 1979, 1989, and 1999 constitutions was a conscious decision to address the specificity of the country's pluralistic social order'. According to him, in a society with deep primordial segmentation along ethnic and religious lines, the fusion of the executive and legislative powers in the Westminster model posed serious problem for constitutional practice.

In preparation for the transfer of power to the civilian government, the Federal Military Government set up a Constitutional Drafting Committee (CDC) in 1975 to help produce a Constitution. In an apparent reference to the 'structural divisiveness' associated with the parliamentary system of the First Republic, the government sought a constitution that would 'discourage institutionalized opposition to the government in power, and instead, develop a consensus in politics and government' (Aiyede, 2005, p.65). The Head of State, General Murtala Mohammed, proposed to the CDC the consideration of an executive presidential system of government (Mohammed, 1976). The CDC sub-committee on the executive eventually recommended a presidential system. The plenary session of the CDC approved this recommendation and the Constituent Assembly (CA) ratified it. Thus, the Second Republic adopted a presidential system of democratic rule.

However, since its first adoption in 1979, the practice of presidentialism in Nigeria has come with its challenges; notable of which is the recurrent executive-legislative gridlocks that have slowed down government routines posing serious implications for the country's stability and democratic development. Others include the imbalance federal structure, indigene/settler issue, ethnic and religious bigotry, as well as the flawed fiscal structure, among others (Akinbobola, 2002; Akinsanya and Davies, 2002). In the next segment, the researcher traces the history of executive-legislative relationships in Nigeria's presidential system beginning with the Second Republic.

4.3 Executive-Legislative Relations in the Second Republic

The period between 1979 and 1983 ushered in the adapted version of the American type of presidential system. The Second Republic¹¹ government had Alhaji Shehu Shagari, and Chief Alex Ekwueme, as the President and Vice President, respectively. Historically, the experience of Nigeria has been one of executive dominance (Aiyede (2005). Indeed, a national daily newspaper in 1963 referred to the federal legislature as 'an expensive and irrelevant talking

¹¹ Nigeria gained its independence in 1960 but still retained the Queen of England as Head of State. However, by 1963, a new constitution known as 1963 republican constitution was enacted which removed the Queen of England as Head of State, and this constitution was in force until the country's first military coup of 1966. Therefore, in the Nigerian constitutional lexicon, the period between 1963 and 1966, and 1979 and 1983 are regarded as First and Second Republics, respectively. Similarly, the era of inconclusive political transition of General Babangida's military government is often unceremoniously described as the botched third republic, while the ongoing democratic experiment which commenced in May 1999 is regarded as the fourth republic. For more details, see Awotokun, 1998, pp. 189-190; Olukoshi, 1999, pp. 177-196.

shop' (Oyediran 1990, p. 11). This was because, in spite of the huge cost it required to maintain federal assembly, the legislative body could not function actively in the policymaking process as envisaged by the Constitution. Most of the parliamentarians were concerned with their welfare and political gains. Thus, the major issue in the Second Republic was how to strengthen the legislature so that it could function as an effective check on the executive as well as an active, vigorous partner in the making of public policy.

The Constituent Assembly had envisaged a legislature that would be empowered to make laws, an institution that would play the role of a protector and watchdog of the people's rights against any encroachment from any quarters – be such quarters such as other branches of government or external interests (FGN 1987, p.209). It was in the light of this that section 135 of the 1979 Constitution empowered the National Assembly to remove the President on the grounds of gross misconduct and forbade the courts to entertain any action brought before them on impeachment. Section 135 (11) of the 1979 Constitution also afforded the legislature to determine what constituted gross misconduct. However, the danger inherent in this combination of powers vested in the legislature did not really manifest its potential in the national government. At the national level, the ruling National Party of Nigeria (NPN) did not control majority in the National Assembly and had to enter into an alliance with the Nigerian Peoples Party (NPP). Politics in each of the two houses of the National Assembly was characterized by alliance forging in the march towards the 1983 general elections (Maduagwu and Uche, 1992).

However, when the NPN/NPP alliance collapsed, the Second Republic began to witness friction in executive-legislative relations. With its limited influence in the parliament, the NPN-led executive began to face serious opposition from the legislature such that many executive proposals to the parliament were blocked (Maduagwu and Uche, 1992). For instance, the Senate stood down many presidential nominees sent to it for confirmation, while the House of Representatives consistently withdrew capital allocations to some government agencies in the appropriation bill until the intervention of some eminent Nigerians and elderstatesmen (Awotokun, 1998). Many observers believed that it was as if the opposition parties in the parliament were 'committed to a strategy of engineering the political paralysis of the federal legislature in order to render the NPN-led Federal Government ineffective' (Ikoku 1985, p.85).

In Ondo State, the legislature threatened to remove the Governor, Chief Adekunle Ajasin, through an impeachment process, on the allegation of non-remittal of funds due to the assembly (Akinsaya and Davies, 2002; Omotola, 2006). Nevertheless, intervention of the leadership of the ruling party in the State, the Unity party of Nigeria (UPN), resolved the impasse. Nonetheless, the case was different in Kaduna State, where the irreconcilable differences between the governor, Alhaji Balarabe Musa, and the state legislature, led to the removal of the governor through an impeachment process (Fagbadebo 2016).

The Governor won the election on the platform of the People Redemption Party (PRP), which had only sixteen members in the 99-member legislature while the National Party of Nigeria (NPN) won sixty-four seats in the legislature, an overwhelming majority sufficient to fulfill the constitutional requirement of impeachment against the governor. The other parties in the election such as the Great Nigeria Peoples' Party (GNPP), the Nigeria Peoples' Party (NPP), and the Unity Party of Nigeria (UPN) had ten, six, and three members respectively (Nwabueze 1985; Awotokun 1998). As noted by Fagbadebo (2016, p.88), the 1979 election 'produced a divided government' in Kaduna state. The divided-government in the state was the major obstacle to a smoothed executive-legislature relationship as the antagonistic posture of the two branches of government led to gridlocks (Nwabueze 1985).

This again accentuates Juan Linz position on gridlocks as a characteristic feature of presidential system. Linz (1994; 2010) identifies four major pitfalls inherent in presidential systems, which he considers as the 'perils of presidentialism', among which are the independent origin and sources of power of the president and the legislature; gridlocks emanating from the dual legitimacy of the president and the legislature; and the tendency towards personality politics (Fagbadebo 2016; Hochstetler 2011). Linz expresses concerns about the consequences associated with the unipersonal nature of the office president, in this case now the office of the governor, in a situation of divided government where 'parties that offer clear ideological and political alternatives' (Linz, 2010, p.257) control the legislature. A situation Shugart and Haggard (2001) describe as a clear invitation for the executive and the legislature to pursue separate purposes in the political system. Separate elections for the executive and the legislature characteristic of presidential systems, they reason, portend a great possibility for the two arms of government to pursue dual purposes, even if a single party controls both executive and the legislature (Shugart and Haggard, 2001, pp.64-66).

Nevertheless, apart from the impeachment of Balarabe Musa in Kaduna state, the Second Republic also recorded several other cases of executive-legislative face-offs resulting into impeachment or its threats. In Kano state, for example, the legislature removed the Deputy Governor on the ground of his refusal to perform duties assigned to him by the Governor (Adegboro, 1982). Similarly, the legislatures in Bendel and Cross River States threatened to impeach their governors (Davies 1996; Ikelegbe 1983). In Gongola state, 43 members out of the 61-member legislature tabled an impeachment motion against Governor Abubakar Barde on May 31, 1982, on eight-count charges of gross misconduct (Mabudi 1984; Joseph 1991). The governor denied all the charges and the legislature subsequently discontinued with the process. In River State, the legislature refused to proceed with the motion of impeachment tabled by nine Honourable members of the assembly led by Mr Dickson Dipriye against the Governor and his Deputy (Akinsaya and Davies, 2002). The sponsors of the motion alleged the Governor and his deputy of 'financial mismanagement, corruption, nepotism, incompetence and personal indiscipline' (Akinsaya and Davies, 2002, p.150).

The UPN-controlled states in the Second Republic adopted cooperative approach in the relationships between the executive and the legislature. This was largely dictated by the predominance of one party in the executive and legislature, and the effectiveness and cohesiveness of the ruling party in conflict resolution between the two arms of government. It could be asserted, therefore, that a smoothed relationship between the executive and legislature was a function of the cohesiveness of the party leadership. On the contrary, however, the events in the UPN in Ondo and Bendel states, during the period contradicted this position. It also revived Juan Linz's argument about gridlocks as one the 'perils of presidentialism' (Linz, 1994; 2010). Linz contends that under a presidential system, the executive and the legislature do not rise or fall together and those who compose them are elected on their individual recognition. Thus, it makes no difference if the same party controls the two arms, as they are not tied to their party position in the discharge of their responsibilities. (Linz 1994; Aiyede 2005).

However, Oyewo (2007) has observed the possibility of misconstruing the tendency towards consensus building approach, in the discharge of legislative powers, as the supremacy of the executive over the legislature, and the weakness of the legislature in asserting its independence and oversight over the executive in the states. Nevertheless, one noticeable trend in the Second Republic is the fact that most of the legislators, in the first legislative assemblies, could not

secure a reelection. As noted by Ojo (1998), this development continued to encourage the dominance of the executive arm over the legislature. The legislators require long period of serving in their role as peoples' representatives to garner the requisite experience and pedigree needed to be able to serve as an effective check on the executive. However, the high turnover of legislative membership made it impossible for parliamentarians to accumulate relevant knowledge and experience that could improve their competences in the discharge of their legislative duties.

At one time or the other, the civilian government could not contain the spate of violence that characterised the affairs of the state, especially the outcome of the 1983 general elections. Coupled with the feasible rampant of corruption, the military struck with another coup to dislodge the civilian government on December 31, 1983. This led to another round of military dictatorship.

4.4 Executive-Legislative Relations under the aborted Third Republic

Following the collapse of the Second Republic and the return of military rule in Nigeria, there was no initial action by the military to return the country back to democracy. The Buhari military regime that took over power in 1983 gave no time frame for any political transition to civilian rule. On August 27, 1985, General Ibrahim Babangida led another palace coup that ousted the Buhari regime (Ikoku 1985; Ihonvbere 1996; Agedah 1993). On assumption of power, the new military administration stepped up the planned programme of a return to civilian administration. One of such moves was the selection of a Constitutional Drafting Committee to draft a new constitution for Nigeria. The Committee was, however, preceded by the Political Bureau set up by the Military regime to organise and collate political debates throughout the country (Osipitan, 2004, p.22; Ugoh, 2005, p.168).

After considering the experience of the Second Republic, especially the abuse of power by the executive arm of government, the danger of executive dictatorship emerged as the major concern of the Political Bureau of 1987 (Akinsaya and Davies 2002; Awotokun 1998). Nonetheless, this reservation was not strong enough to stop the Bureau from recommending presidentialism as the best governing system to serve the need of Nigeria's unity and cohesiveness (FGN, 1987, p. 168).

The Bureau was more concerned with the unhealthy rivalry and competition for supremacy between the two Chambers of the National Assembly that characterised the Second Republic. To this end, it recommended a unicameral legislature as a way out of the imbroglio. The Bureau also recommended that Ministers and Commissioners should be present when the legislature is discussing matters affecting their ministries. Aside from this, the Bureau recommended that ministers and commissioners should be made special non-voting members of legislative houses (FGN, 1987, p. 215). The Bureau conceived these recommendations as a panacea, to improve legislative capacity as an effective check on the executive in a system of separated but shared powers. Nevertheless, the government rejected these recommendations.

The Third Republic commenced not as a full civilian government. Elected civilians occupied the executive and the legislative branches of the government at the state and local government levels. At the national level, there was an elected legislature, which functioned along with the National Defence and Security Council (NDSC) headed by the military (Davies 1996; Ihonvbere 1996). Thus, while the governments at the state and local levels were constituted, democratically, only the legislature at the national level was a resemblance of a democratic structure. The 1989 constitution made provisions for a two-party system, with the formation of two political parties by the government: The National Republican Convention (NRC) and the Social Democratic Party (SDP). The military government finally aborted the Third Republic when the government annulled the result of the 1993 presidential election (Nwokedi 1995; Awotokun 1998).

On August 26, 1993, the military president, General Ibrahim Babangida, stepped aside and constituted an Interim National Government (ING) led by a selected civilian, Chief Earnest Shonekan (Ihonvbere 1996; Ojo 1998; Olson 2002). Three months after, on November 17, 1993, General Sani Abacha displaced the ING, dismantled all the democratic structures at all levels and assumed power as another military head of state.

The 1989 Constitution, which was supposed to be the foundation of the Third Republic, made provisions for separation of powers between the executive and legislative arms of government. Part II comprising of sections 4, 5 and 6 of the constitution specify the powers of the Federal Republic of Nigeria and divide such powers 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. Section 5(1-5) vested the

executive powers in the President or State Governors in accordance with their jurisdictions; and that of Local government in the Chairman of Local Government Councils. And more importantly, section 5(1a and b) of the constitution specifically states that the exercise of executive powers by the either the president or governors shall be in accordance with the laws made by the National Assembly or State Houses of Assembly, respectively. While section 6(1-6) vested the judicial powers in the courts, as established for the Federation or the States.

However, in contradiction to these constitutional provisions, the legislature operated by the provisions of Decree No. 53, which subordinated the National Assembly to the NDSC largely composed of military personnel (Awotokun 1998). Not only that, it divested the National Assembly of legislative powers and authority in twenty out of the thirty-eight items on the exclusive list as provided for in the 1989 Constitution, thereby limiting its power to only cultural and topographical matters (Nwabueze, 1985).

The NDSC had the military President as the chairman, and composed of the Vice President, the Chief of Defence Staff, the Service Chiefs, the Inspector General of Police, the Chairman of Transitional Council (as an observer), the National Security Advisor and three other members (Agedah 1993; Nwokedi 1995; Olukoshi 1999). By the provisions of the Decree, the NDSC was the supreme lawmaking organ in Nigeria and the National Assembly was only a subordinate to it. It states that 'All bills passed into law by the National Assembly shall be approved by the National Defence and Security Council and endorsed by the President and Commander-in-Chief of the Armed Forces' (FGN: Decree Nos. 53 and 54 of 1992).

The decree barred the National Assembly from legislating on important matters, which the military in its own 'wisdom' declared as 'no go areas' (Olukoshi 1999, p.180). These included finance (budget), defence, census, external affairs, laws, tariffs, internal affairs, banking, bills of exchange, imports, exports, labour, trade unions and industrial relations. It only conceded trivial matters such as citizenship, topography, aviation, extradition, and road construction. With this kind of political arrangement, the National Assembly was only 'a toothless bulldog' (Agedah, 1993, p.189).

However, in a swift reaction to Decrees 53 and 54 of 1992, the Senate set up an ad-hoc committee to study the provisions of the decrees and report to it (Davies 1996). The report of the

committee stated that as long as the provisions of the decrees were in force, the National Assembly stood as a moribund institution (Davies 1996, p.39).

In view of this, the National Assembly, in its letter to the President, insisted that the government should abrogate the decrees (Awotokun, 1992). Aside from this, the legislators wanted the military President to remove the 'no go areas' in addition to being able to bypass the NDSC and have its bills sent to the President directly for his assent as provided for in the 1989 Constitution. Section 57(4) of the 1989 Constitution made provision that any act duly passed by the National Assembly must be sent to the President for his assent before it could become law. However, the promulgation of Decrees 53 and 54 of 1992 set aside the powers of the National Assembly to make law on important national matters. Even in cases where the National Assembly could make laws, the decrees directed that such laws should be sent to the National Defence and Security Council (NDSC) for vetting.

By these actions, the National Assembly was in effect challenging the executive absolutism and supremacy of the Military Government over the civil order (Awotokun 1998, p. 187). The insistence of the military on the existence of NDSC was a ploy for the continued existence of military dictatorship and the need to provide a kind of basis for Babangida's military presidency. The two institutions, the National Assembly and the NDSC, were diametrically opposed to each other, thereby heightened the political tension in the country. This state of affairs, more than any other things, gave rise to operational friction between the two institutions. The NDSC, as part of the military administration, wanted the status quo to continue while the National Assembly was more interested in passing populist bills such as social welfare packages that would ameliorate the condition of the people and would elevate the relevance and status of the legislative body.

The experience was not so different at the state level. This was because, President Babangida, through Decree 50, empowered State Governors to bypass their legislative assemblies in deciding on issues over which there were clash of interests. The decree amended section 49 of Decree 50 of 1991 by substituting the existing subsection (2) with a new one, which states:

Any appointment to the Office of Commissioner of the government of a state shall be made by the Governor. Any appointment to the Office of the Commissioner of the government of a state made after the commencement of this decree shall be

deemed to have been validly made under the decree and no question as to the validity of that appointment shall be entertained in any court or tribunal¹².

This decree, which breached the 1989 Constitution¹³, was a response to the claims by some State Governors that members of their States Houses of Assembly were demanding bribes to perform their constitutional duties (Olukoshi, 1999; Aiyede, 2006). The governors complained that the lawmakers were fond of using blackmail to score cheap political points, especially when considering nominees for cabinet positions and passing of budgets submitted to the legislature (Olukoshi, 1999; Aiyede, 2008).

Relatedly, the decree had the propensity to undermine the legislature, in what otherwise could have been a healthy political interplay of checks and balances under a presidential democracy (Davies, 1996; Awotokun, 1998). For instance, the Osun State House of Assembly had questioned the State Governor, Mr Isiaka Adeleke, over the propriety of appointing two commissioners rejected on the grounds of tax default (Davies, 1996). Evidently, the Governor, armed with the new decree, refused to provide any plausible explanation to the legislature on the account that the new decree shielded the executive from legislative scrutiny.

Throughout this period, the provisions of these decrees dampened the morale of the legislators, who felt that the military had unpatriotically colluded with the state chief executives to undermine the legislature. On the other hand, General Babangida, the 'Military President' never hid his disdain for the legislature. In his opening address at a National Seminar in 1992, he said

Needless confrontations, undue harassment of the executive, disdain for the judiciary and electorate, unrealistic demands, are just a few of the things you legislators need to avoid if Nigeria is to make a success of a third democratic experiment (cf. Awotokun, 1998).

Similarly, the needless struggle for influence between executive and legislative actors was considered an outgrowth of the widespread corruption at the state levels (Akinsanya and Davies, 2002; Fagbadebo, 2016). These struggles were capable of widening the gulf between the executive and legislative branches. Oftentimes, the legislature would threaten to commence impeachment proceedings against the governors at the slightest excuse. For instance, the Lagos State House of Assembly at the period threatened to impeach Governor Otedola of Lagos for

¹² Section 49(2) of Decree 50 promulgated by the Military Government of General Ibrahim Babangida, 1992.

¹³ Section 190(2) of the 1989 constitution provides that 'any appointment to the office of Commissioner of the Government of a State shall be made by the Governor after confirmation by the House of Assembly of the State'.

“showing disrespect” to it by revoking land allocations made to its members. In Cross River state, legislators threatened to remove the governor for daring to ask the basis for fixing N25, 000.00 per annum to each legislator as salary and allowance of a personal assistant (West Africa, 1992:1565).

Another noticeable trait of the Third Republic legislature was the factionalisation and ‘in-fighting’ that rocked most of the State Houses of Assembly. The legislators had the tendency to resort to acts of brigandage in settling disputes even among themselves. For instance, in the House of Assembly of Akwa Ibom state, the honourable members suspended the Speaker, Deputy Speaker, Majority and Minority Leaders for ‘awarding contracts to ‘themselves alone’, recruiting staff indiscriminately, misappropriation of funds and bad administration’ (Davies 1996; Oni 3013). Instead of the affected officials to accept their suspension, or at best, sought for judicial intervention, they contested the suspension with a free- for- all fight (Olukoshi 1999).

In the same vein, Kastina state House of Assembly witnessed a row between the Speaker, Alhaji Shehu Bala Zongo, and the House Committee Chairman on Education, Alhaji Bashina Babba Kaita (Agedah 1993; Aiyede 2005). The two of them resorted to physical combat following an allegation that the chairman of one of the House Committees had engaged in smuggling. In Osun State House of Assembly, legislators resorted to jumping the fence to avoid dastardly acts of hoodlums sponsored by some of them to disrupt the business of the House (Odom 1993; Lawrence 2000). These acts of the legislators were a common occurrence in the period with far-reaching implications for executive-legislative relations and the overall stability of the system (Aminu, 2006; Omitola and Ogunnubi 2016; Fagbadebo 2016).

Internal wrangling among members of the legislature was also seen in the crisis, which engulfed Cross River State House of Assembly during the period under review (Osuji 2008). The assembly was to be under the control of the Social Democratic Party (SDP), which won 15 seats as against the National Republican Convention (NRC)’s 13 seats. This was never be as the NRC also won the governorship seat of the state thereby controlling the executive.

The crisis originated from a court injunction against six of the 15 legislators of the SDP in the House. By this act there was a reversal in the 15- 13 majority hitherto enjoyed by the SDP in favour of NRC. The 13 NRC members of the house with the backing of the state government took firm control of the assembly under its new-found majority arising from the court verdict

against the six SDP legislators. The SDP legislators refused to respect the court injunction; protested and demanded a suspension of the appointment into key offices in the legislature. At the height of the crisis, they called on the Federal Military government to declare a state of emergency in the assembly. Indeed, the SDP legislators moved en masse to far away Lagos to protest and advertise their dissatisfactions (Olukoshi 1999; Oyediran 1999).

The dissatisfaction of the SDP legislators in the state must have stemmed from the support and recognition given to their NRC counterparts by the Cross-River State Government, which was also under the control of the NRC. Political expediency would demand that the state government would prefer and use every means at its disposal to have a legislative assembly controlled by its own party. Nevertheless, rather than a resort to violent acts, the legislators ought to have sought for democratic means to resolve such issues. Democracy can only endure and survive if the operators of the system are committed to democratic principles, such as respect for established rules and procedures, tolerance, cooperation, consensus- building, mutual responsibility to mention but a few. Some scholars have argued that the youthfulness and inexperience of the majority of members of the legislatures partly provided an explanation for the shoddy performance of legislative politics at that time. Legislative decorum would require that the legislators be concerned about the consequences of their action (Nwokedi, 1995; Ihonvbere, 1996).

In Imo state House of Assembly, there was a serious impasse, which resulted in the emergence of two speakers (Odom 1993). The split in the legislature was occasioned by the desire of some legislators to create autonomous communities with their own recognised king. This polarised their ranks and pitched them against the Executive.

During same period, the Southwestern states of Lagos, Ogun, Ondo, Osun and Oyo among which constitute the selected states for this study were under the firm control of the Social Democratic Party (SDP). The party controlled a majority of seats in the Houses of Assembly as well as the executive arm of government. Ordinarily, one would think that the one-party dominance in the states would have provided the right atmosphere for harmonious relationships between the two arms of government; if at all, the legislature had not been ripped of its autonomy in the first instance. However, as hinted earlier, the Federal Military Government had erroneously and unpatriotically shielded the state governors to the point that oversight functions of the legislature

were circumvented, and vital issues of legislative competence hijacked from the assemblies as ‘no-go-areas’.

The legislature at all levels in the Third republic was weak and bereft of any institutional relevance. They could not command the respect of the people who voted for them. They were so divided within, that they could not take a decisive action to avert the drift, consequent upon the annulment of the June 12, 1993 presidential elections. Instead, some state legislatures, controlled by the NRC passed resolutions calling on the government not to ‘hand over in chaos’ (Nwokedi, 1995). This implied that the head of the military government, General Babangida, should continue to administer the country as a de facto Military President.

In view of the structural weakness of the legislature in the Third Republic, there was no appreciable impact of the legislative activities on governance. Indeed, the Third Republic was ‘a marriage of inconvenience’ (Anifowose 2004, p. 252). As argued by Aiyede and Isumonah (2002), at the instance of the promulgation of Decree No. 53, the protracted exchanges between the executive and the legislature up till the annulment of the June 12, 1993 presidential election ‘epitomizes an epoch in legislative humiliation’ (Fatile and Adejuwon, 2016, p.100).

Nevertheless, the history of executive-legislative relations in Nigeria would be incomplete without the accounts of the Third Republic. In view of the chequered political history of Nigeria, the legislative arm of government has not been given equal opportunity to develop along with the executive in terms of institutional processes, role perception as well as rules of conduct. The occurrences of the Third Republic, if not anything, have further affirmed this crucial fact and that is apposite for the core objectives of this study.

4.5 Executive-Legislative Relations in Nigeria’s Fourth Republic

Following the adoption of a presidential system and the commencement of the Fourth Republic in 1999, executive-legislative acrimony has become a major concern for democratic growth and sustainability in Nigeria. Fatile and Adejuwon (2016, p. 92) opine that executive-legislative face-offs have been ‘a recurring phenomenon in the Nigeria’s political evolution’. According to these authors, in spite of the anticipatory provisions of the 1999 constitution aimed at rectifying some of the pitfalls of the previous republics, the Fourth Republic follows the same conflictual pattern

in executive-legislative relationships characteristic of both the Second and the aborted Third Republics.

Executive-legislative impasses characterised government activities at all levels of government in Nigeria. Obidimma and Obidimma (2015) and Ukase (2014) have noted that a scrutiny of the interface between the executive and legislative branches, particularly, from 1999 until date, reveal a highly conflictual relationship between the two branches of government with far-reaching consequences for the country's democratic process. Lawrence (2000), whose view aptly describes the incessant frictions between the two arms of government since the nation returned to civil rule in 1999, had this to say:

The executive at the Federal (and State) levels has asserted its powers many times without recourse to the courts, which portrays it rightly or wrongly as dictatorial. Some of its actions are constitutionally questionable. The legislature is no better. For months, it agonized about autonomy and separation of powers but happily coveted the executive function of awarding building and town planning contracts. The executive said it had no such power (Lawrence 2000, p.13).

A number of scholars (Aiyede 2005; Fatile and Adejuwon 2016; Fagbadebo and Francis 2016; Kaur 2007; Omitola and Ogunnubi 2016) of executive-legislative conflicts, both at the national and state levels, have attributed the problem to the damaging legacy of a prolonged military dictatorship. During the military regimes, democratic institutions, especially the legislature, were rendered non-functioning. Therefore, it would take a reasonable time for the civil society coming from such past to accept and accord the legislature its rightful place in the democratic process. As Dorgu (2000) submits

The effect of military's myopic approach to solving problem has left almost indelible big scars on the psyche of the civil society. It will be delusive therefore to expect a swift mental change with the introduction of civil rule. We have just left the starting blocks. Military tendencies will decay gradually if efforts are made in the right direction to evolve a democratic society. Thus, the greater majority of our honoured legislature in this nascent democratic experience has not enough relevant experience to fall back (on).

Similarly, Fashagba (2009) and Lafenwa (2009), in their separate studies, shared note that a number of miscalculations of the Obasanjo regime in relation to policy matters requiring legislative approval such as the deregulation of petroleum products and the Universal Basic Education bill, could be attributed to the 'militaristic and authoritative mindset' of the executive.

On the other hand, members of the legislative assemblies, as Ben Lawrence (2000) has noted, 'think they have the power of life and death. Yet only the courts can interpret whether they have such powers. But they won't go to court'. This mindset and groupthink factor, according to Bassey (2006, p.135), have been held responsible for the 'fiscal and legislative rascality' displayed in the national and some state legislative assemblies.

Overall, the legislature has been a major victim of the incessant military intervention in the politics of Nigeria. The military regimes did not only fuse legislative and executive functions; they also institutionalized a system and culture of government that was extremely executive-centred. This explained the reason why the General Abdulsalami Abubakar's regime in 1999, failed to make adequate provisions for infrastructure and resources required for the effective function of the legislature. The legislators assumed office only to find, to their dismay, that they lacked office space, communication equipment and library for their work (Aminu 2006; Olojede 2006). The 1999 budget did not include a provision for the National Assembly. The situation worsened by the absence of the legislative tradition and culture. Hence, the immediate preoccupation of the National Assembly leadership after its inauguration in June 1999 was to provide its own operational environment as part of the effort to establish its status as an important arm of government (Fatile and Adejuwon, 2016). This, among other issues, provided the fertile ground for executive-legislative conflicts.

In July 1999, the first conflict arose over the furniture allowance palaver (Fatile and Adejuwon 2016). Members of the National Assembly were paid between 21,000 and 14,000 naira daily as accommodation allowance, because their official quarters were still under renovation. Once the houses were ready, the legislators demanded an allowance between 3 and 5 million naira to enable members furnish their residential quarters. These amounts were part of the allowances duly approved by the Revenue Mobilisation and Fiscal Commission (RMFC), an agency of the Federal government saddled with the responsibility of determining and fixing salaries and wages of public servants in Nigeria. This demand immediately pitched the legislature against the executive who felt the task of furnishing the legislative quarters was the responsibility of federal bureaucracy. The demands were legitimate, given the fact that the legislators were only demanding for the implementation of rules set by RMFC. The action of the president did not go down well with lawmakers and it marked the beginning of the disagreement between the executive and the legislature (Aiyede, 2005).

Another noticeable conflict between the legislature and executive during this period was the recurrent disagreement over budgetary provisions made by parliament for the accelerated development of legislative infrastructure as well as conflict over the distribution and execution of capital projects in the country (Eminue, 2006).

There is no doubt that the legislature explored its appropriation power to make provisions for infrastructural and institutional facilities to strengthen the capacity of the legislature. Nevertheless, these efforts further deepened its conflicts with the executive because of the disagreements over the limits and extent of such powers (Ehwarieme, 2001). The two organs of government were also at loggerheads over the allocation and execution of public projects. While the executive claimed an exclusive constitutional right to allocate and execute projects as contained in the budget proposals, the legislature believed such projects should be implemented in a way that reflected their interests and inputs (Aiyede 2005; Oyewo 2007). To this end, the lawmakers sought for the allocation of constituency projects to be executed by the lawmakers in their different constituencies. They maintained that this would give them the opportunity to provide dividends of democracy to their constituents. The members of the executive felt it was uncalled for, and for that reason, empirical evidences (Jogbodo, 2001; Uchendu, 2008; Obidimma and Obidimma, 2014; Okpe, 2014; Ukase, 2014) suggest that such projects were consistently being disregarded in the implementation process.

This development brought into the fore, the debates about the desirability of the institutional and structural designs of presidential systems. Juan Linz (1994; 2010) revives this debate by identifying two principal institutional characters of the presidential system, which makes it susceptible to instability.

1. Both the president, who controls the executive and is elected by the people (or an electoral college elected by the people for that purpose), and an elected legislature (unicameral or bicameral) enjoy democratic legitimacy. It is a system of “dual democratic legitimacy.” 2. Both the president and the congress are elected for a fixed term, the president’s tenure in office is independent of the legislature, and the survival of the legislature is independent of the president. This leads to what we characterize as the “rigidity” of the presidential system (cf. Fagbadebo, 2016, p. 35-36).

Linz believes that in the event of a disagreement with the legislature over issues relating to public policy, the president could enlist the support of the unsuspecting public by claiming a nationwide democratic legitimacy. A development, he claims, might aggravate the conflicts

between the two branches, and ultimately lead to the collapse of government (Linz, 1994; Fagbadebo, 2016).

In a related development, the position of Linz in relation to the 'perils of presidentialism', which he identifies as the major pitfall of presidential systems, is in a way, corroborated by Peterson and Greene (1993), in their study of executive-legislative conflict 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.

Expectedly, in line with the positions of Linz and Peterson and Greene, this singular factor has been a major source of disagreements between the Presidency and the National Assembly since the commencement of presidential democracy in Nigeria in May 1999.

Even though the president and majority of members of the legislature were members of the same political party, the People's Democratic Party (PDP), the legislature did not perceive a commonality of interests between them and the president. 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. This manifested mainly in matters relating to money bills. The budget proposal prepared and submitted by the executive to the National Assembly in December 1999 included a provision for the running of the National Assembly during the 2000 fiscal year (Orluwene, 2014). Nevertheless, the National Assembly rejected the inclusion of its own budget by the executive in the proposal claiming it amounted to a violation of the principle of separation of powers and its independence (Fatile and Adejuwon, 2016). The lawmakers contended that as an autonomous body, it reserves the right to prepare its own budget. It, thereafter, went ahead to prepare its own budget without consulting the executive.

However, the president perceived the action of the legislature as an encroachment on executive powers and functions. He believed it was part of the responsibility of the executive to provide for the needs of the National Assembly (Aiyede, 2005). He also queried the massive adjustments in the budget that saw the expansion of the total size of the budget, insisting that the legislature has no such powers that extend to allocation of funds or translate into ‘redrawing of the budget’ (Fatile and Adejuwon, 2016). The National Assembly disagreed with the position of the executive on the matter, saying it acted within its powers. In the words of the Chairman of Senate Committee on Public Accounts, Idris Abubakar, ‘the constitutional thing is for the Presidency to prepare the executive budget, the assembly prepares its own and the judiciary does the same’ (cf. Orluwene, 2014). According to him, the constitution also says that the National Assembly vets these budgets to see how they relate to the wishes of the people. The argument over the allocation of funds continued to reoccur in subsequent years, such as the 2001, 2002, 2003, 2005, 2006, 2011, 2012 budgets, and, even until date (Tell, 2000; Eminue, 2006; Obidimma, 2015).

4.5.1. Executive-Legislative Relations at the State Levels

The tension between the legislature and the executive during that period reached its crescendo on August 18, 2002, when the House of Representatives mooted the idea of impeachment of the president. The House listed 15 allegations of constitutional breaches against the president (Aiyede and Isumonah, 2002). A substantial part of allegation was connected with budget and appropriation-related matters.

The situation was not particularly different at the state levels. The lawmakers in Taraba State attempted to impeach the Governor, Jolly Nyame (Ikubaje, 2000). The legislators accused him of dictatorial tendencies. The Vice President, Atiku Abubakar, had to intervene before the lawmakers back off (Ikubaje, 2000, pp. 26-29; *The Punch*, 2001, p. 8). In Kogi State, the Governor, Abubakar Audu, also faced impeachment from the members of the state legislature. Yet, the legislators in Osun State impeached the Deputy Governor, Iyiola Omisore, in December 2002 (Omitola and Ogunnubi, 2016; Fagbadebo, 2016). Other Governors that also suffered the same fate were DSP Alamiesiaya of Bayelsa State, Joshua Dariye of Plateau State, Peter Obi of Anambra State, Ayodele Fayose of Ekiti and Rashidi Ladoja of Oyo State (Fagbadebo, 2016).

The legislatures in their respective states removed them for alleged offences that included maladministration, misappropriation, and embezzlement of funds, gross misconduct and abuse of office (Fagbadebo 2016). Nevertheless, judicial review of the impeachment process overturned the legislative decisions to remove Rashidi Ladoja, Peter Obi, and Joshua Dariye (Fagbadebo 2016). The courts invalidated their removal on the grounds of irregularities in the procedure adopted by the respective legislative assemblies which did not comply with the impeachment provisions as set out in section 188 of the 1999 Constitution (Fagbadebo 2016; Omotola, 2003; Aliyu, 2010, Fashagba, 2009). For more insights into the developments in the states, a sample of executive-legislative conflicts that ultimately resulted into impeachments at the state level between 1999 and 2015 is presented in table II.

Table II Sample of Executive-legislative Conflicts at the State Level from 1999-2015

States	Issues	Periods
Osun	The Deputy Governor, Iyiola Omisore was impeached after having a running battle with his principal, Governor Bisi Akande	December 2002
Bayelsa	Gov. Diepreye Alamiyeseigha was removed from office by the House of Assembly over allegations of graft and abuse of office	December 2005
Oyo	Gov. Rashidi Ladoja was impeached by the State House of Assembly over his alleged refusal to coast along with late Lamidi Adedibu, his political godfather considered to be the 'strong man of Ibadan politics'	January 2006
Ekiti	Gov. Ayo Fayose and Deputy were impeached by the State legislature over allegations of illegal diversion of public funds	October 2006
Plateau	Gov. Joshua Dariye was impeached by the State House of Assembly over allegations of money laundering	November 2006
Anambra	Gov. Peter Obi was removed from office by the State House of Assembly in	November 2006

	circumstances believed to be political	
Adamawa	Gov. Murtala Nyarko was impeached by the House of Assembly over allegations of abuse of office and illegal diversion of public funds	July 2014
Ondo	Deputy Governor Ali Olanusi was impeached over allegations of theft and corrupt diversion of public funds	April 2015

Sources: Data for the table was generated by the Researcher from Ukase (2005; 2014); Fatile & Adejuwon (2016); Fagbadebo (2016).

From Table II it is evident that executive-legislative conflicts in Nigeria's Fourth Republic were not restricted to the federal government but equally a common feature at the state levels. As affirmed by Ayua (2003) and Nwaubani (2014), the incessant face-offs between the two branches were connected with the power struggle and attempts by either branch to establish its supremacy over the other. Given the motives and motivation for contesting elections and holding public offices in Nigeria, the political actors in the executive and the legislature were often caught in the web of the nature of patronage and neo-patrimonial politics characteristic of Africa, Nigeria in particular (Joseph, 1991; Bayart, 1993). Average Nigerian politicians see public offices as opportunities to gain access to public resources and accumulate collective wealth for personal gains and aggrandizement. It is safe to explain the acrimonious executive-legislative relationships within the context of unending struggles and competition, by the actors, for a vantage position in the power matrix of the state (Fashagba, 2009; Fatile and Adejuwon, 2016).

4.5.2. Executive-Legislative Relationships and leadership instability in the Legislature

The prevalent executive-legislative frictions also had its untoward effects on leadership stability in the legislative assemblies. There were frequent changes of leadership of the National Assembly and, in most states legislative assemblies. For instance, the House of Representatives had two Speakers in the first term namely; Salisu Buhari (1999-2000) and Ghali Umar Naa'aaba (2000-2003). While the Senate had its leadership changed five different times between 1999 and 2007 (Basseyy, 2008; Orulwene, 2014). These include; Evans Enwerem (1999); Dr Chuba

Okadigbo (1999-2000); Anyim Pius Anyim (2000-2003); Adolphus Wabara (2003-2005); and Ken Nnamani (2005-2007)¹⁴.

The removal of each of these leaders was premised on different cases and developments. Overall, empirical evidence showed that official misconduct and abuse of office were usually at the centre of the imbroglio. Scholars have indicated that the frequent change was often as result of high level intrigues and power play between the President and members of the legislature (Aiyede, 2005; Bassey, 2006; Ebenezer, 2014; Orulwene, 2014; Fatile and Adejuwon, 2016; Ovwasa and Abdullahi, 2017). It also explains the vulnerability of the legislature to external influence, and sometimes the determination of MPs to rebuff such external influence (Bassey, 2006; Fagbadebo, 2016).

Ovwasa and Abdullahi (2017) assert that Obasanjo's abrasive attitudes and disposition to the legislature could be traced to his military antecedent, having been a Military Head of State between 1976 and 1979. Ebenezer (2014) corroborates this view in his earlier study where he submits that

President Obasanjo was a former Head of State under the military regime where the executive and legislative responsibilities are usually coalesced and discharged by the executive branch of government. This act has undoubtedly given him a mindset of an institutionalized system and culture of government that is extremely executive-centred looking at the long period of time Nigeria and Nigerians travailed under military dictatorship (Ebenezer, 2014, p.18).

Little wonder between 1999 and 2007, President Obasanjo was constantly at war with the National Assembly and engineered so much instability in the Senate that in a space of 8 years, the Senate had five senate presidents (Aiyede 2005; Fashagba 2009).

State legislative assemblies, at one time or the other, also had their fair share of the ugly trend. For example, Ondo State House of Assembly, considered as one of the most stable legislative assemblies in Nigeria during the period under review, had its leadership changed five times within sessions between 1999 and 2015 (Orulwene, 2014; Fatile and Adejuwon, 2016). Meanwhile, Ekiti State House of Assembly, experienced change of leadership not less than six times within the same period (Tell Magazine, 2006, pp. 14-19; Aliyu 2013).

¹⁴ For more on the leadership instability that characterised the National Assembly during the Obasanjo presidency and other related issues, see Aiyede, 2005; Bassey, 2008; Fashagba, 2009; Orulwene, 2014; Fatile and Adejuwon, 2016.

One of the strong reasons adduced for the frequent change in leadership of the assemblies was the undue incursion of state executives into the internal affairs of state legislatures. For example, the case of Ondo state cannot be divorced from the disposition of state governors who had the penchant of taking sweeping controls of the assembly by installing assembly leadership amenable to their interests. High level intrigues and power play among parliamentarians coupled with politics of zoning also precipitated leadership instability in the assembly. The replacement of Mr Taofiq Abdulsalam with Samuel Adesina in 2009 as Speaker of the Ondo State House of Assembly barely after few months in office was predicated on the need to ensure balanced representation among the three senatorial zones of the state (Personal Interview X, April 12, 2018).

A former lawmaker in the state informed me that it was a collective decision among themselves that Speaker Abdulsalam and Deputy Governor Ali Olanusi could not come from the same senatorial district, Ondo North while the Southern senatorial zone was left out of the top-three positions in the state, hence the emergence of Samuel Adesina from Odigbo local government (Personal Interview VII, April 5, 2018). It is evident, from the foregoing, that gridlocks arising from executive-legislative relationships are a recurring feature of Nigeria's presidential system in the Fourth Republic. Scholars have viewed this phenomenon from two different perspectives.

The first is the culture of intolerance and impunity among the political class, because of the prolonged military dictatorship in the country (Aiyede, 2005; Obidimma and Obidimma, 2014). Military regimes abhor democratic culture and institutions. They assert their powers without the recourse to the courts or the constitution (Dorgu, 2000; Lawrence, 2000). As Davies (2004) has pontificated, the political class is yet to recover from the military commandist mindset and dictatorial mien. They circumvented the laws and made their own will the statutes of the state. It will take reasonable time for the political elite coming from such ignoble past to accept and imbibe the dictates of democratic governance.

Executive-legislative relation is a slow, steady but continuous learning process of deepening democratic values (Davies, 2004). This is in addition to the spate and manner of contestations between the political actors in the executive and legislative branches of government, which often reveal the trivialities in their struggle for the control of state power and resources. Joseph (1991, pp. 125-126), in his study of the Second Republic describes this as 'prebendalism, that is, a

situation of intensive and persistent struggle to control and exploit the offices of the state for personal or primordial gains.’

4.6 Summary

This chapter reviewed the dominant trends and patterns of executive-legislative relations in Nigeria’s presidential system, which provided background information for a general understanding of the dynamics of executive-legislative relations since 1979 when the country first adopted presidentialism as a governing system. These revealed Nigeria as an executive-centred political environment where executive-legislative relations have persistently been defective and acrimonious. In other words, in the course of Nigeria’s political journey, both in democratic practice and military dictatorship, the executive branch was always stronger than the legislature in the policy-making process.

As subsequent chapters will show, most of the conflicts between the executive and legislative branches of government are manifest evidence of political intolerance and struggles for power shrouded in politics of survival among powerful and strategic political actors seeking to outsmart one another, rather the concerns for public good. Nevertheless, some pertinent questions, which must be asked at this stage, are: is the situation in Ekiti, Ondo, Osun and Oyo states different from the above especially since the return of presidential democracy in 1999? What are the peculiarities of executive-legislative relations in the selected states? What impact did disharmonious legislature-executive relationships had on democratic stability of these states, and, by extension, Nigeria? This is the essence of this study. Subsequent chapters provide answers to these questions and many other. The next chapter embodies an examination of executive-legislative politics within the confines of the Constitution of the Federal Republic of Nigeria, 1999.

Chapter Five

Executive-Legislative Politics and the 1999 Constitution

5.1 Introduction

This chapter examines some relevant provisions of the 1999 Constitution of the Federal Republic of Nigeria, as amended, as they relate to the functions and powers of the executive, at both the Federal and State levels, in relation to their legislatures. The essence is to enhance the understanding of the principles of separation of powers and checks mechanism instituted into the country's constitution. It provides for and delivers a workable platform to identifying the grey areas in executive-legislative interface, especially those with the potentials for conflicts in the policy-making process.

5.2 The Principle of Separation of Power 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; Bassey, 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 likes¹⁵. 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

¹⁵The full list of the items is set out in part I of the second schedule to the 1999 constitution, as amended.

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 discountenance the input of the legislature¹⁶. This is emphasised 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 as would be seen in the subsequent sections of this chapter.

At the state level, section 176(1-2) of the Constitution established the office of the governor for each state of the federation and vested in it the executive powers of the state. These powers extend to the maintenance of the constitution and the execution of all laws made by the State House of Assembly. Under section 192(1), the governor is empowered to appoint Commissioners in order to form the Executive Council of the state, but the State House of Assembly must confirm such appointments. According to section 192(2):

Any appointment to the office of Commissioner of the Government of a State shall, if the nomination of any person to such office is confirmed by the House of Assembly of the State, be made by the Governor of that State and in making any such appointment the Governor shall conform with the provisions of section 14(4) of this Constitution.

In the same manner, section 90 of the Constitution created for each state of the Federation a House of Assembly and conferred on it the power to make laws for good governance of the state with respect to any matter included in the concurrent legislative list. As to the control of public funds, section 120(1-4) and 121(1) of the 1999 Constitution vested in the House of Assembly power to authorise funds from the Consolidated Revenue Fund. It reads in parts:

- (1) All revenues or other moneys raised or received by a state (not being revenues or other moneys payable under this Constitution or any other public fund of the State established for a specific purpose) shall be paid into and form one Consolidated Revenue Fund of the State.

¹⁶No moneys shall be withdrawn from the Consolidated Revenue Fund or any other public fund of the Federation, except in the manner prescribed by the National Assembly.

- (2) No moneys shall be withdrawn from the Consolidated Revenue Fund of the State except to meet expenditure that is charged upon the Fund by this Constitution or where the issue of those moneys has been authorised by an Appropriation Law, Supplementary Law or Law passed in pursuance of section 121 of this Constitution.
- (3) No moneys shall be withdrawn from the any public fund of the State, other than the Consolidated Revenue Fund of the State, unless the issue of those moneys has been authorised by a Law of the House of Assembly of the State.
- (4) No moneys shall be withdrawn from the Consolidated Revenue Fund of the State or any other public fund of the State except in the manner prescribed by the House of Assembly.

Section 121- (1) stated that the ‘Governor shall cause to be prepared and laid before the House of Assembly at anytime before the commencement of each financial year estimates of revenue and expenditure of the State for the next following financial year’.

Relatedly, the 1999 Constitution empowered both the National Assembly and the State Houses of Assembly to initiate proceedings for the removal of erring Chief Executive of the Federation and the State from office, respectively, before the expiration of their terms. Specifically, sections 143 and 188 of the constitution prescribed the manner and circumstances under which the President and or his vice, a Governor and or his deputy may be removed from office. The impeachment power is the height of the oversight powers of the legislature over the executive (Fagbadebo and Francis, 2016). For the purpose of clarity, a detailed account of the impeachment powers of the legislature is presented in the concluding segments of this chapter.

Nonetheless, going by the various sections and provisions concerning the powers of both the executive and the legislative arms of government in the 1999 Constitution, there are certain functions assigned to the legislature, which also required the inputs of the executive. These areas of power overlaps include; law making and policy formulation, oversight and investigative functions of the legislature, power over appropriation and the budget process, and the impeachment powers of the legislature. I shall beam a searchlight on these roles as they affect executive-legislative relations since the commencement of the current presidential democracy in 1999. This reality necessitates the interdependence of the two arms of government operating in a system of separate but shared powers. However, these overlapping powers, especially on fiscal policy, have proven to be a source of incessant strains in the executive-legislative relations since 1999 (Ojo, 2006; Osipitan, 2004; Ugor, 2005). As affirmed by Eminue (2006), there was not a

single appropriation bill passed or executed between 1999 and 2005 that did not result into executive-legislative feud.

5.3 Executive-Legislature Interface in the Law-making Process

By and large, the legislature is regarded as the chief organ of any democratic government. In Nigeria, both the National and States legislative assemblies have the power to make laws, and this is considered as their main role in the process of government. As pointed out by Lapalombara (1977) and noted by Anifowose (2015), the universal duty of the legislature is law making but in the Nigerian presidential system, they do more than simply write laws. They examine and discuss in detail bills on various subjects that are brought before them. In addition, they can repeal, alter or add to the provisions of existing laws and make them applicable to changing conditions.

The law-making powers and procedure of the National Assembly, as contained in sections 4, 58 and 59 of the 1999 Constitution (and for the House of Assembly of a State, section 100), can be used to control the executive and its administrative agencies. Executive policies and programmes must have legislative budgetary backing before they can be implemented. The consideration of executive and administrative bills affords the legislature the chance to inquire into the workings of government agencies. For example, the National Assembly, during the debates and passing of the Niger Delta Development Commission Act, subjected the executive proposals to public scrutiny thereby resulting in some significant changes to the Act.

The elaborate law-making process served as checks and enhances the transparency and accountability in the exercise of governmental powers that accords with constitutionalism (Agbese, 2004; Salim, 2001). Nevertheless, in the discharge of its law-making function the legislature is bound to interact with the other arms of government, especially the executive. Moreover, the exercise of the primary function of lawmaking and policy formulation is part of the oversight function of the legislature.

Going by the various provisions of the 1999 constitution which define the lawmaking process, Oyewo (2007) observes that the legislative oversight functions for a sustainable and virile democracy was inherently embedded in the discharge of its law-making and policy formulation functions, especially where such legislations are initiated as executive bills. During the eight

years of Obasanjo's administration, the independence of the National Assembly was most evident in its exercise of legislative power to thwart the tenure elongation attempt of the president in the form of, constitutional reforms, and amendments. This is because under the Obasanjo's presidency, the legislature experienced avalanche of executive incursions into its affairs, especially on the choice of its leadership as well as the performance of its oversight responsibilities. Moreover, the integrity snag on the parliamentarians made them susceptible to executive manipulation. For instance, former presidents of the Senate such as Evans Enwerem, Chuba Okadigbo, Adolphus Wabara as well as former speakers of the House of Representatives, Salisu Buhari and Patricia Etteh lost their positions to corruption scandals and other malfeasances (Ajani, 2003; Banjo, 2013; Odunlami, 2016; Yax-Nelson, 2016).

Executive power, by its very nature in Nigeria's presidential system, is inherently prone to arbitrary use (Basse, 2006; Nwabueze, 1982). Therefore, in order to entrench popular sovereignty and ensure leadership accountability, the constitution of Nigeria, 1999, as amended, reposed in the legislature enormous powers to be able to limit the proclivity of the executive towards arbitrary and oppressive actions against the people. For these reasons, executive actions are legitimized and required authorization by laws made by the legislature. In spite of this, executive impunity continues to thrive under a compromised legislature (Odunsi, 2017; Ajibewa, 2008). The reason is not far-fetched. A good number of factors add up to provide the political environment where executive dictatorship pervaded. One of such is the loss of integrity of the legislature, which makes it vulnerable to manipulation of the executive branch (Aziken, 2009; Odunlami, 2015; Jombo and Fagbadebo, 2019).

For instance, at the onset of democratic rule in 1999, there were allegations that members of the National Assembly yielded to an inducement of #850, 000 each to ensure the emergence of legislative leadership that is amenable to the interests and preferences of the executive branch (Ekeremadu, 2006; Aliyu, 2013). 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. As Aziken (2009, p.131) has rightly noted, by yielding to the financial inducement, the federal lawmakers 'set the precedent for the culture of legislative vulnerability to manipulation'. In Nigeria as of today, one of the biggest challenges facing the legislature in the discharge of its constitutional responsibilities is the self-inflicted integrity crisis (Jombo and Fagbadebo, 2019).

Over the years, the legislature has struggled to convince the Nigerian public of its importance, as an institution of accountability, in Nigeria'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.

Section 5(1) stipulated that the exercise of executive powers of the federation, vested in the president, must be in accordance with the laws made by the National Assembly.

Subject to the provisions of this Constitution, the executive powers of the Federation:

(a) 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; and (b) shall extend to the execution and maintenance of this Constitution, all laws made by the National Assembly and to all matters with respect to which the National Assembly has, for the time being, power to make laws.

In the same vein, sub-section 2 of this same section made provision that the state governors, vested with the executive powers of their respective states, should exercise the power in line with the laws and authorisation of the House of Assembly of such state.

Subject to the provisions of this Constitution, the executive powers of a State: (a) 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; and (b) shall extend to the execution and maintenance of this Constitution, all laws made by the House of Assembly of the State and to all matters with respect to which the House of Assembly has for the time being power to make laws.

These provisions, without doubt, highlight the importance of the law-making function of the legislature in the practice of constitutional democracy in Nigeria. As one of the three organs of government, the main function of the legislature is to legislate for the peace, order, and good government of the country, or state, or any part thereof with respect to any matter within its legislative competence as guaranteed by the constitution. Section 4(2 and 7) of the Constitution

empowered the legislature at the national and state levels ‘to make laws for the peace, order and good government’ in their respective domains as contained in the legislative list.

The legislative process is a means of empowering the executive to carry out its policies and programmes, including the mechanisms for checking and controlling the exercise of executive powers of the government (Malemi, 2012). It entails the procedure followed by the parliament in passing a bill into law. To this end, ‘laws can be enacted, reformed or abolished in order to limit, modify, or check the powers of the executive arm of government’ (Malemi, 2012, p.348).

The legislature at the national and state levels, exercise their law-making powers through bills assented to by the president (Section 58, Constitution of the Federal Republic of Nigeria 1999). Thus, as stipulated by sections 58(1-2) and 100(3), the assent of the president and the governor, respectively, is a requirement for any bills passed to become laws. The section expressly stated;

(1) The power of a House of Assembly to make laws shall be exercised by bills passed by the House of Assembly and, except as otherwise provided by this section, assented to by the Governor. (2) A bill shall not become Law unless it has been duly passed and, subject to subsection (1) of this section, assented to in accordance with the provisions of this section. (3) Where a bill has been passed by the House of Assembly it shall be presented to the Governor for assent.(4) Where a bill is presented to the Governor for assent he shall within thirty days thereof signify that he assents or he withholds assent.(5) Where the Governor withhold assent and the bill is again passed by the House of Assembly by two-third majority, the bill shall become law and the assent of the Governor shall not be required (Section100(1-5) of the 1999 constitution).

Nonetheless, nothing in these sections foreclosed the power of the legislature to override the Governor if he refused to assent the bill. Upon the submission of a bill for assent, the governor has thirty days within which to sign, or withhold his assent. When the governor signs the bill, as sent by the legislative house, it then becomes law. In the event that the governor withholds his assent, the House of Assembly could override the veto. In other words, the legislature could pass the bill into law, by a two-third majority vote of the assembly. Thus, the assent of the Governor would no longer be required for the bill to become law.

In a related manner, in situations where the governor hinges his refusal to sign a bill on certain grey areas and proposes an amendment to the bill, the House of Assembly would, in an executive session, deliberate on the proposed amendment. If approved, the legislature would send the bill back to the governor for his assent.

This interface between the executive and legislative branches of government in the law-making process has been found to be a major fertile ground for the acrimonious relationship between the two since the nation returned to democratic rule in 1999 (Oyewo, 2007; Bassey, 2006; Fashagba, 2009). Adejumobi (2002) argues that most of the conflicts between the two branches may necessarily have little or nothing to do with the 1999 constitution but largely with the attitudes of the operators of the system manifesting as competition for power. As construed by the constitution, the two separate but interdependent institutions are designed to operate in a system of shared powers (Ojiako, 1980). Fagbadebo and Francis (2016, p.7) note that presidentialism presupposes the operation of the notion of 'separation of powers in a system of checks and balances'. In other words, governmental structures must operate within the limits of their boundaries as guaranteed by the constitution.

Literature is replete with submissions about executive-legislative conflicts as one of the most problematic issues of Nigeria since the advent of presidential democracy in 1999 (Aiyede, 2005; Oyewo, 2007; Bassey, 2006; Fashagba, 2009; Fatile and Adejuwon, 2016). Between 1999 and 2007, the National Assembly overturned a presidential veto over a sizable number of bills it earlier submitted to the President for assent. These included the Independent Corrupt Practices and Other Related Offences Commission (ICPC) Bill, the Niger Delta Development Commission (NNDC) Bill, Order of Precedence Bill, and the 2002 Electoral Bills (Aiyede, 2005, p.66). In addition to these, Anyim (2003) and Fashagba (2009) affirm that the president vetoed more than ten of the 36 bills passed and transmitted to the executive for assent between 2003 and 2007. Over the years, relentless acrimony between the executive and the legislature over appropriation bills, especially at the national level, has ensured that national budgets could not be approved until at least four to five months into the fiscal year.

Meanwhile, Fagbadebo and Francis (2016) submit 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 cognisance, the legislature is a key player in the democratic process.

5.4 The Legislature and Oversight Function

In democratic settings, the oversight function of the legislature presupposes the exercise of its constitutional powers to monitor and keep the executive and its administrative machinery under checks and control. It affords the legislative institution the opportunity to play a prominent role in monitoring the exercise of executive power (Obidimma and Obidimma, 2015). This understanding is necessary to enable the legislature to set its agenda right in the exercise of its lawmaking and appropriation powers. In other words, legislative surveillance on the activities of the executive affords the legislature the opportunity to understand the operations of the executive branch, with a view to making informed judgement on the implementation of the enacted laws and policies.

Fagbadebo and Francis (2016) opine that the exercise of oversight power by the legislature was a statutory responsibility that emboldens the legislature 'to ensure an effective, efficient, and frugal executive'. According to them, oversight serves as a measure of accountability in presidential systems. Through a process of continuous review of government policies and programmes, they reason, the citizenry is 'presented with an opportunity to assess the performance of government' (Fagbadebo and Francis, 2016, p.8).

Just like in most democracies, the Nigerian National Assembly and the States Houses of Assembly perform investigative and oversight functions. For this purpose, legislative committees are set up to dig up desired information by holding hearings, subpoena witnesses, keep records and correspondence, and also report findings to the assembly for legislative action. Similarly, the legislature also exercise control over the executive and its administrative agencies on behalf of the citizenry. The supervisory and oversight functions of the legislature extend to public institutions established by laws such as public corporations, administrative agencies of government or other activities which are supported by public funds. Since most existing departments and other administrative agencies were created by the legislature, it also supervise the operation of such institutions to see if they are meeting the goals set out for it, if the funds allocated are being well-spent, and or if their activities are being carried out within the limits prescribed for such acts. The legislature may in the process alter or abolish them at will, it may grant them more, less or no money; just to ensure that such institutions are brought under legislative control.

Going by its extensive scope and coverage, oversight is, no doubt, a measure that enables the legislature to detect and fix shortcomings in the implementation of laws and policies. While appraising the oversight role of the legislature in the American presidential system, Oleszek (2014) argues that the process enabled Congress to uncover and query ‘unwarranted assertions of the executive power to raise funds and ask the tough fiscal and policy questions from public officials, and help administrative leaders fix (or avoids) mistakes’ (Oleszek, 2014, p.382). A notable nineteenth century utilitarian philosopher, John Stuart Mill, identified oversight as the key for a meaningful representative entity when he asserted that ‘the proper office of a representative assembly is to watch and control their government’ (cf. Obidimma and Obidimma, 2015, p.76).

In Nigeria, the legislature is considered an important mechanism for achieving some form 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. Moreover, this is considered an important role in Nigerian presidential democracy because it brings to bear the popular notion of government of the people, by the people, and for the people.

Recent discourses on deepening democracy in Africa, anchored on the informed and active participation of the people. The legislature, as the symbolic representation of the people, is the driving force for equal and wider representation (Yaqub, 2004). For it to perform this onerous task, Poteete (2010) affirms that the legislature not only make laws for the peaceful and orderly ways of administering society, but also ensure that the executive does not violate or abuse the laws. This, it can achieve by acting as the watchdog over government policies and programmes. For this purpose, Odinga (1994) identifies the oversight role of the legislature as one of the cardinal principles of representation in a democratic setting, without which democracy becomes a hoax. He asserts:

If the constitution is the embodiment of the aspirations, ideals and collective will of the people, the parliament is the collective defender and watchdog of the aspiration, ideals and collective will of the people. If the constitution is the social contract between the people and government, the parliament is the advocate for the people and the arbiter of the national interest. If the constitution is like the Bible, Quran, and other religious treatises defining the covenant between the people and their leaders, the parliament is the repository and protector of the oracles of the political covenant and social contract between the people and government (cf. Ewuim et al, 2014, p.141).

Legislative oversight is an important ingredient in the promotion of public interest, and, it thereby constitutes a vital element in process of executive-legislative relations (Akinbobola, 2005). It engenders an interface between the legislature and the executive in promoting public interest. For the purpose of this study, oversight means the exercise of constitutional powers by the legislature to check or control the exercise of constitutional powers of the other arms of government. More specifically, oversight is a mechanism to check or control the exercise of executive powers or to make the executive accountable and responsible to the electorate through their representatives in the legislature, in between elections. In Nigeria's presidential system, the elected government officials have fixed term of four years. Thus, the government cannot be dissolved, like the cases in parliamentary systems, before the expiration of the tenure (Salim, 2001; Oyewo, 2007; Tell, 2000, pp.16-20).

An oversight of the executive and its administrative agencies is premised on the ground that the legislature enacts the laws that create administrative agencies, assigned with function and responsibility by enabling laws. The legislature may decide to change the statutes or the enabling laws of an administrative agency if the outcomes are at variance with the intended purposes (Keefe, 2003; Fagbadebo and Francis, 2016).

Obidimma and Obidimma (2015) aver that the term oversight function is not in the Nigerian constitutional lexicon, neither is it defined or described by the 1999 Constitution. However, it is a principle that finds relevance in sections 88, 89, 128, and 129 of the 1999 constitution. Under these sections, the legislature has powers to investigate or probe into any matter that falls within the purview of its legislative competence. Both the National Assembly and the State Houses of Assembly can probe into the conduct of affairs of any person, authority, ministry, or government department charged with the responsibility of administering laws passed by the legislature. Section 88(1) states:

Subject to the provisions of this Constitution, each House of the National Assembly shall have power by resolution published in its journal or in the Official Gazette of the Government of the Federation to direct or cause to be directed investigation into

- (a) any matter or thing with respect to which it has power to make laws, and
- (b) 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 -
 - (i) executing or administering laws enacted by National Assembly, and
 - (ii) disbursing or administering moneys appropriated or to be appropriated by the National Assembly.

In a similar version, section 128(1) of the constitution ceded the same power to the state House of Assembly for carrying out similar responsibility within the purview of its legislative competence at the state level. It reads;

Subject to the provisions of this Constitution, a House of Assembly shall have power by resolution published in its journal or in the Office Gazette of the Government of the State to direct or cause to be directed an inquiry or investigation into; (a) any matter or thing with respect to which it has power to make laws; and (b) 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: (i) executing or administering laws enacted by that House of Assembly, and (ii) disbursing or administering moneys appropriated or to be appropriated by such House.

In addition, in giving effect to the powers granted under sections 88 and 128 of the 1999 constitution, the legislature both at the federal and state levels is vested with the power to summon any persons to give evidence on any matter relating to the administration of public affairs. Even in the events of any refusal of such persons, groups, or organisations to appear before it, the House has the power to compel their appearance during the process of investigation. Section 129(1c-d) states that the legislature shall have power to

- (c) summon any person in Nigeria to give evidence at any place or produce any document or other thing in his possession or under his control, and examine him as a witness and require him to produce any document or other thing in his possession or under his control, subject to all just exceptions; and
- (d) issue a warrant to compel the attendance of any person who, after having been summoned to attend, fails, refuses or neglects to do so and does not excuse such failure, refusal or neglect to the satisfaction of the House of Assembly or the committee, and order him to pay all costs which may have been occasioned in compelling his attendance or by reason of his failure, refusal or neglect to obey the summons and also to impose such fine as may be

prescribed for any such failure, refusal or neglect; and any fine so imposed shall be recoverable in the same manner as a fine imposed by a court of law.

The main purpose of conferring this wide range of powers on the legislature, as noted by Fashagba (2009), is to enable the people's representatives to be able to carry out its responsibilities more efficiently and effectively. The importance of this is to expose corruption, check waste or inefficiency in the execution of laws enacted by the legislature, including the disbursement or utilisation of funds appropriated by it¹⁷.

The oversight responsibilities of the legislature cover its appropriation powers to raise and control the spending of public funds. By implication, this power enabled the legislature to scrutinise government spending and annual estimates. It also has its investigatory powers to enquire into the activities of any erring president, vice president, governor, or deputy governor, by initiating impeachment process toward their removal from office before the expiration of their terms.

Aside from the investigative power, the legislature also has power to confirm and approve certain appointments made by the executive into important administrative, judicial, and ambassadorial positions (Sections 147(2); 153,154(1); 171(4); 192(2); 197, and 198 of the 1999 constitution, as amended). At the federal level, the Senate exercises this power while the various States' Houses of Assembly exercise it at the state levels¹⁸. Taft (1989) affirms that while the executive has the power of appointment, the exercise of such powers is not to the exclusion of the legislature, which can, in the course of the confirmation process, 'impose rules within which appointees are to be selected' (Taft, 1989, p.413). The essence of this, as Malemi (2012) submits,

¹⁷Sections 88(2) and 128(2) of the 1999 constitution give reasons for the wide range of oversight powers granted both the National Assembly and the State Houses of Assembly under sub-section (1) of these same sections. For instance, sub-section (2) of section 128 states that 'the powers conferred on a House of Assembly under the provisions of this section are exercisable only for the purpose of enabling the House to (a) make laws with respect to any matter within its legislative competence and correct any defects in existing laws; and (b) expose corruption, inefficiency of waste in the execution or administration of laws within its legislative competence and in the disbursement or administration of funds appropriated by it. The National Assembly has similar powers in section 88 (2) of the constitution.

¹⁸Section 147(2) states that 'Any appointment to the office of Minister of the Government of the Federation shall, if the nomination of any person to such office is confirmed by the Senate, be made by the President. While section 171(4) maintains that 'An appointment to the office of Ambassador, High Commissioner or other Principal Representative of Nigeria abroad shall not have effect unless the appointment is confirmed by the Senate'. In a related manner, section 192(2) provides that 'Any appointment to the office of Commissioner of the Government of a State shall, if the nomination of any person to such office is confirmed by the House of Assembly of the State, be made by the Governor of that State.'

is to avert proclivity of the President or Governor towards lopsidedness, mediocrity, favouritism, nepotism, or clannishness in making appointment into high public offices.

In addition to that, the President requires the approval of the National Assembly for proclamation of a state of emergency, declaration of war, as well as deployment of the armed forces for combat operations outside the shores of Nigeria. Going by the provisions of the constitution, there is no doubt that the oversight functions overlaps, shades into and involves the discharge of the legislative functions of law-making, watchdog of public finance, investigative functions and even constituency responsibilities. The 1999 Constitution diffused this oversight functions in the legislative role in all its relevant provisions. As noted by Ahmadu and Ajiboye (2004) and reaffirmed by Fashagba (2009), the whole process of executive-legislative interface in Nigeria's presidential system is dictated by the oversight powers of the legislature as guaranteed in the constitution. In other words, the constitution grants wide range of powers to the legislature to be able to check and counter-balance any abusive use of executive power in order to promote the culture of accountability in government.

Precisely, the oversight functions of the legislature can be categorised into four main aspects namely;

- a. Power and control over public funds. This indicates the power to raise and control spending of public funds granted both the National Assembly and State Houses of Assembly. This is provided for in sections 80 and 81; and 120 and 121 of the 1999 constitution, respectively. These provisions, combined with the power of the legislature to remove heads of the executive, are important oversight powers available for the legislature.
- b. Control over administration: The powers granted the legislature by the constitution to supervise and monitor, on a continuous basis, projects, programmes, and operations of the executive and its administrative agencies in order to ensure that project executions are done in line with the legislative intent. In other words, the legislature made and appropriated resources for the laws guiding the policies and programmes of the government. It, then, follows that the same body ensure non-violation of the laws in the exercise of executive powers. Sections 88 and 128 of the constitution guaranteed these powers.

- c. Approval and confirmatory powers: The constitution authorises the legislature to confirm and approve executive nominees into some high public offices. This is to ensure that the executive arm, in exercising its powers of appointments, comply with the Fundamental Objectives and Directive Principles of the Nigerian State as stated in sections 13 and 14 of the 1999 constitution. By virtue of section 12 of the constitution, legislative approval is also required for the domestication of treaties, declaration of war, state of emergency, or deployment of the armed forces for combat duties.
- d. Impeachment powers of the legislature: As provided for in sections 143 and 188 of the constitution, this is the height of oversight powers of the legislature, which states the procedure for the removal of the President and or his vice, and a Governor and or his deputy. As will be seen shortly, by these provisions, any erring president, vice president, governor, or deputy governor can be removed from office before the expiration of his term if tried and found guilty of allegations of gross misconduct.

Essentially, all these categories of oversight functions of the legislature are given effect to under the investigatory powers stated in sections 88, 89, 128, and 129 of the 1999 constitution. Put differently, the goal of legislative scrutiny of executive activities as indicated in all these aspects of oversight powers are achievable courtesy of the widespread investigatory powers vested in the legislature. However, in spite of the constitutional basis for the exercise of oversight powers by the legislature, the discharge of such appears to have continued to hamper smooth and harmonious process of executive-legislative relationships. Pius Anyim, a former President of the Nigerian Senate, had argued that the ‘National Assembly’s attempts at fulfilling its constitutional roles including the oversight functions were undermined by the executive on several occasions’ (Anyim, 2003, p.24).

Scholars have noted that the wide range of powers granted the legislature by the 1999 constitution is, no doubt, a potential fertile ground for executive-legislative rifts and acrimonies (Ojo 1998; Akinsanya and Davies 2002; Aiyede 2005; Oyewo 2007; Bassey 2006; Fashagba 2009; Oni 2013; Ukase 2014; Obidimma and Obidimma 2015; Fagbadebo and Francis 2016; Fatile and Adejuwon 2016). This is not because the powers vested in the legislature are counter-productive but the preceding era of long-drawn centralist nature of military autocracy, where

both the executive and legislative powers are fused and exercised by de facto military elites, portends great potentials for conflict in an evolving presidential democracy such as Nigeria.

Davies (2004) and Oyewo (2007) have noted that the enthronement of presidential democracy would not translate the military centralist mien into a democratic culture overnight. The process of conforming to the democratic norms and practices is usually a long, tortuous, and enduring journey for societies with prolonged dictatorial past such as Nigeria.

Nevertheless, according to Agbese (2004), the legislature could employ several methods to make the executive behave and conform to the constitutional and political order. These include establishing autonomous sources of finance independent of the executive branch to fund its oversight activities, setting an agenda of budget defence that prioritise giving of open and detailed accounts of implementation profiles of previous estimates, as well as constantly subjecting any untoward executive action to judicial interpretation. He, however, reason that this process would involve the interpretation of the constitutional powers of the legislature, which may either be in conflict with or conduce to the executive scheme but must pass the test of judicial review.

5.5 Legislative Powers and Control over Public Funds

The 1999 Constitution of the Federal Republic of Nigeria, as amended, accords the legislature a prominent position of influence to exert considerable control over public funds. This has to do with the vital role of the legislature as an institution of accountability (Jombo and Fagbadebo, 2019). Tom and Attai (2014) have noted that the legislature plays a very crucial role in enforcing accountability and promoting good governance in democratic regimes. Nevertheless, the achievement of this role is possible with the preponderance of power vested in the legislature over fiscal and appropriation matters.

Both the National Assembly and States Houses of Assembly hold the basic financial power. They determine the nature and amount of taxes and control public spending through legislative appropriations. Although budget proposals for the spending of public money must come from the Executive, which usually accommodates inputs from the other arms of government, the passing of annual as well as supplementary budgets to finance government's activities and programmes is a cardinal function of parliament, as such spending cannot be undertaken without approval by the legislature.

Sections 80, 81, and 82 of the 1999 constitution empower the National Assembly to exert substantial control on public spending within its legislative competence. In similar version, sections 120-121 of the constitution vested the House of Assembly of each state with the powers and control over public funds in their respective states. Section 120(1-3) established the Consolidated Revenue Fund (CRF)¹⁹ where all resources of the state should be kept.

(1) All revenues or other moneys raised or received by a State (not being revenues or other moneys payable under this Constitution or any Law of a House of Assembly into any other public fund of the State established for a specific purpose) shall be paid into and form one Consolidated Revenue Fund of the State.

(2) No moneys shall be withdrawn from the Consolidated Revenue Fund of the State except to meet expenditure that is charged upon the Fund by this Constitution or where the issue of those moneys has been authorised by an Appropriation Law, Supplementary Appropriation Law or Law passed in pursuance of section 121 of this Constitution.

(3) No moneys shall be withdrawn from any public fund of the State, other than the Consolidated Revenue Fund of the State, unless the issue of those moneys has been authorised by a Law of the House of Assembly of the State (Section 120 (1-3), Constitution of the Federal Republic of Nigeria 1999).

Specifically, section 120 (4) of the constitution stipulated that ‘no money shall be withdrawn from the CRF of the state or any other public funds of the state except in the manner prescribed by the House of Assembly’. Moreover, for this reason, the constitution²⁰ provided that the Governor of a state should prepare and submit the Appropriation Bill to the House of Assembly, containing estimates of the revenues and expenditures of the State before the commencement of each financial year. Constitutionally an Appropriation Bill is the basis of the executive’s plans for the running of government within the fiscal year.

¹⁹The CRF is a financial pool established by the constitution for the pooling together of all resources of the state out of which funds could be drawn to execute and finance government projects as contained in the appropriation law passed by the legislature. The constitutional requirement of legislative authorization, before funds can be drawn from the CRF, is a measure to ward off indiscriminate access to the public treasury by the executive and its agencies. For more details, see Fagbadebo 2016.

²⁰ Section 121(1-2) of the 1999 constitution states that (1) ‘The Governor shall cause to be prepared and laid before the House of Assembly at any time before the commencement of each financial year estimates of the revenues and expenditure of the State for the next following financial year. (2) The heads of expenditure contained in the estimates, other than expenditure charged upon the Consolidated Revenue Fund of the State by this Constitution, shall be included in a bill, to be known as an Appropriation Bill, providing for the issue from the Consolidated Revenue Fund of the State of the sums necessary to meet that expenditure and the appropriation of those sums for the purposes specified therein.’ This constitutional requirement effectively brought the powers and control over public funds under the legislature and gives more decisive credence to section 4(2 and 7) of the constitution which empowers the legislature ‘to make laws for the peace, order, and good government of the State or any part thereof’. And operationally, the constitution subsumes the exercise of executive powers vested in the President and State Governors within the legislative actions of the National Assembly and State Houses of Assembly, respectively.

The interface between the executive and the legislature over appropriation bill constitutes a major factor to explain the constant acrimonious relationships between the legislature and the executive in Nigeria (Akinsanya and Davies, 2002; Davies, 2004; Aiyede, 2005; Aminu, 2006; Eminue, 2006; Ojo, 2006; Fashagba, 2009, 2012; Lafenwa, 2010). This is because, the legislature had most times made its preferences felt on the budget estimates submitted to it by the executive, but this had often led to disagreements and friction between the two branches of government (Eminue 2006; Fatile and Adejuwon, 2016; The Daily Trust, 2018).

There has been contention over the appropriateness of the legislature to adjust estimates in the appropriation bill submitted by the executive. Section 121(1-2) of the 1999 constitution stated thus:

- (1) The Governor shall cause to be prepared and laid before the House of Assembly at any time before the commencement of each financial year estimates of the revenues and expenditure of the State for the next following financial year.
- (2) The heads of expenditure contained in the estimates, other than expenditure charged upon the Consolidated Revenue Fund of the State by this Constitution, shall be included in a bill, to be known as an Appropriation Bill, providing for the issue from the Consolidated Revenue Fund of the State of the sums necessary to meet that expenditure and the appropriation of those sums for the purposes specified therein.

However, section 120(3-4) of this same constitution maintained that no moneys shall be withdrawn from the CRF or any public fund of the State, 'unless the issue of those moneys has been authorised by a Law of the House of Assembly of the State'; and in 'the manner prescribed by the House of Assembly'. It may then be argued that the 'Appropriation Bill', though emanated from the executive arm of government, is still subject to legislative actions as provided by section 4(2 and 7) of the 1999 constitution. There have been different perspectives on legitimacy of the legislature in the alteration of the fiscal bill submitted by the executive for appropriation. Proper interpretation of this action lies at the judicial interpretation of some relevant provisions of the 1999 Constitution (Davies, 2004; Fashagba, 2009; Obidimma and Obidimma, 2015; Fatlie and Adejuwon, 2016).

During the administration of President Olusegun Obasanjo, one of the major contentions was the allegation of selective implementation of fiscal policies appropriated for by the legislature. For instance, one of the reasons for the attempted impeachment proceedings against the president in

2002 was his unremorseful conduct in selective implementation of the 1999, 2000, and 2001 Appropriation Acts (Eminue, 2006).

Faced with similar problems of budget impoundment and control in the past, the U.S. Congress created a Congressional Budget Office (CBO) to give the Congress meaningful staff assistance for coordination that the Office of Management and Budget (OMB) provided for the executive. This was in addition to the budget committees in the Senate and the House of Representatives, charged with the responsibility of preparing tentative budget recommendations to be adopted as concurrent resolutions each may so furnish as targets to guide other Congressional Committees (Tribe, 1988, p.258).

Though the National Assembly secured its autonomy in 2010, its budget office is yet to be established. However, there exists an Office of Management and Budget, created for the executive under the administration of former President Olusegun Obasanjo (Fatile and Adejuwon, 2016). At the state level, the situation is not different. The legislative assemblies still depend largely on the executive arm for the approval and release of funds to finance their activities. A situation considered deliberate ploy of governors to weaken the surveillance and oversight functions of the legislature (Fashagba, 2012; Fagbadebo, 2016).

Similarly, the drafters of the Nigerian constitutional did not envisage the problem associated with executive transfer, budget re-ordering, or impoundment of funds already authorized and appropriated by the legislature, except to deal with it through the post-appropriation control mechanisms such as auditing of public accounts by the Auditor-General (Tell, 2003, p.55). The power of appropriation vested in the legislature also empowered it to conduct investigations into the expenditure patterns of the executive through the Auditor-General²¹. Sections 85 and 125 required the Auditor-General to cause to be laid before the legislature audited accounts of the government within ninety days of such receipts from the Accountant-General. This is in line with the oversight powers of the legislature to investigate the extent to which execution of

²¹Section 85(1) of the constitution specified ‘there shall be an Auditor-General for the Federation who shall be appointed in accordance with the provisions of section 86 of this Constitution’. In the same version, section 125(1) stipulates ‘there shall be an Auditor-General for each State who shall be appointed in accordance with the provisions of section 126 of this Constitution. While section 126(1) states that ‘the Auditor-General for a State shall be appointed by the Governor of the State on the recommendation of the State Civil Service Commission subject to confirmation by the House of Assembly of the State

government projects and policies conformed to laws passed by the legislature. These sections stated:

(2) The public accounts of a State and of all offices and courts of the State shall be audited by the Auditor-General for the State who shall submit his reports to the House of Assembly of the State concerned, and for that purpose the Auditor-General or any person authorised by him in that behalf shall have access to all the books, records, returns and other documents relating to those accounts. (4) The Auditor-General for the State shall have power to conduct periodic checks of all government statutory corporations, commissions, authorities, agencies, including all persons and bodies established by a law of the House of Assembly of the State. (5) The Auditor-General for a State shall, within ninety days of receipt of the Accountant-General's financial statement and annual accounts of the State, submit his report to the House of Assembly of the State and the House shall cause the report to be considered by a committee of the House responsible for public accounts (Constitution of the Federal Republic of Nigeria, 1999, as amended).

Over the decades, the role of the Auditor-General, under the presidential constitution of Nigeria, has been commended as an effective mechanism for the realisation of the oversight goals of the legislature (Davies, 2004; Eminue, 2006). For instance, the submission of the Audit Report 2001 on January 10, 2003 to the National Assembly, by the Auditor-General (AG) of the Federation, Mr. Azie, and the revealed information contained therein, about the expenditure pattern of the executive, demonstrated the usefulness of the audit report as an effective instrument for legislative oversight over public finance. Apparently, acting in line with constitutional provisions²², the AG neither consulted nor deferred to the executive before submitting his report to the National Assembly for legislative action. This infuriated President Obasanjo, who did not renew Mr. Azie's tenure or submitted it to the Senate for confirmation. The president claimed that the AG was 'functioning in an acting capacity and still failed in his duties' (Davies, 2004, p.211). However, many observers believed that the harsh treatment meted out to the Auditor-General was connected with the adverse publicity and hostile public criticism generated by the revelations of the prolificacy of government in the audit report presented to the National Assembly (Eminue, 2006).

Without underestimating the importance of the other oversight functions, there is a convergence of views in the literature that the oversight role of the Public Account Committee of any parliament is the most vital means of 'ensuring prudence, transparency, accountability, and

²² Section 85(6) of the constitution maintains that 'in the exercise of his functions under this Constitution, the Auditor-General shall not be subject to the direction or control of any other authority or person'.

efficient management of public resources, especially monies appropriated by the legislatures' (Fashagba, 2009, p.448). The exercise of the oversight power of the purse by the legislature, as affirmed by Davies (2004), beholds on the legislature not only to consider and approve either increases or decreases in expenditure presented by the executive but also 'to reject the entire bill and insist on more efficient ways of managing public funds' (Davies, 2004, p. 211).

5.6 Impeachment Powers of the Legislature

The legislature's ultimate powers of removal of the President, Vice President, Governor, or Deputy Governor, through impeachment proceedings are parts of the oversight instruments. In other words, the provisions are constitutional guarantees for ensuring accountability in the face of section 308 where these chief executives are protected against any civil or criminal proceedings.

(1) Notwithstanding anything to the contrary in this Constitution, but subject to subsection (2) of this section - (a) no civil or criminal proceedings shall be instituted or continued against a person to whom this section applies during his period of office; (b) a person to whom this section applies shall not be arrested or imprisoned during that period either in pursuance of the process of any court or otherwise; and (c) no process of any court requiring or compelling the appearance of a person to whom this section applies, shall be applied for or issued: Provided that in ascertaining whether any period of limitation has expired for the purposes of any proceedings against a person to whom this section applies, no account shall be taken of his period of office. (2) The provisions of subsection (1) of this section shall not apply to civil proceedings against a person to whom this section applies in his official capacity or to civil or criminal proceedings in which such a person is only a nominal party. (3) This section applies to a person holding the office of President or Vice-President, Governor or Deputy Governor; and the reference in this section to "period of office" is a reference to the period during which the person holding such office is required to perform the functions of the office (Constitution of the Federal Republic of Nigeria, 1999, as amended).

Section 188 of the 1999 constitution outlined the process of removing a governor or deputy governor of a state through the legislative process. Impeachment, in essence, presupposes indictment of chief executive over misconducts in the discharge of his constitutionally assigned functions. Section 188(2b) of the constitution described impeachable offence as 'gross misconduct in the performance of the functions of his office'. The constitution defined 'gross

misconduct’ as ‘a grave violation or breach of the provisions of this constitution or a misconduct of such nature as amounts in the opinion of the House of Assembly, to gross misconduct’²³.

However, the vague and ambiguous nature of the definition of ‘misconduct’ provided by the constitution has made it susceptible to abuse and misuse by the Nigerian legislative actors especially at the state levels (Lawan, 2010; Lafenwa, 2009; Ukase, 2014). In the exercise of its power of judicial review to forestall further abuse and misuse of the word, the Supreme Court of Nigeria defined gross misconduct ‘as a grave violation of the constitution such as corruption, breach of the provisions, abuse of fiscal provisions as well as interference with statutory functions of the legislature’²⁴. Awotokun (1998) describes the impeachment provisions in the 1999 constitution as a useful mechanism to avert arbitrariness in the use of executive power and ensure accountable government. Akinsanya (2002) contends that the provisions were the most potent weapon against possible abuse of state power by the executive. The impeachment power wielded by the legislature is necessary to provide effective checks on the exercise of executive power.

Essentially, for the purpose of impeachment of a state governor or his deputy, section 188(2) requires that a notice of allegation in writing should be signed by not less than one-third of the members of the House of Assembly. Section 188(2a) also required that the notice of allegation be presented to the Speaker of the House of Assembly, outlining the details of gross misconduct so specified. The Speaker shall within seven days, serve the notice to the governor or deputy governor and each member of the House of Assembly. Within 14 days, the house will then resolve ‘without any debate whether or not the allegations should be investigated’ and this requires the support of two-thirds majority of all members of the House of Assembly²⁵.

Moreover, section 188(5) states that within seven days of passing the motion under section 188(4), the Chief Judge of the State would then appoint ‘a panel of seven persons who in his opinion are of unquestionable integrity, and not politicians who would then investigate the allegation’. The panel of seven men is then required to sit for three months, and the governor is allowed to defend himself, either in person or by his own lawyers. If at the end of the exercise,

²³Section 188, sub-section (11) of the Constitution of the Federal Republic of Nigeria, 1999, as amended.

²⁴ The judgment delivered by the Supreme Court of Nigeria in *Inakoju & 17 Ors vs. Adeleke & 3 Ors* (2007) 1 S.C.; cf. Fagbadebo and Francis, 2014, p.24.

²⁵Section 188(3), Constitution of the Federal Republic of Nigeria, 1999, as amended.

the panel found the governor guilty; and the House of Assembly adopted the panel's report within 14 days, the governor stands impeached. The adoption of the report cannot be a subject of appeal in any court of law. Contrary to the 1979 Constitution; the 1999 Constitution did not leave the whole exercise of impeachment entirely to the legislature but also gave the Judiciary a role to play²⁶.

The incessant use of impeachment powers by the state legislatures has been identified as a practice that poses great threats to the nation's constitutional democracy (Lafenwa, 2010; Fashagba, 2012; Fatile and Adejuwon, 2016). However, the Supreme Court in 2007 took Nigeria's practice of constitutionalism to a new height in *Inakoju & 17 Ors vs. Adeleke & 3 Ors.*, when it quashed the impeachment of a former governor of Oyo state, Rashidi Ladoja citing some fundamental breaches of the 1999 constitution.

This judgment, as affirmed by Oyewo (2007) and Aliyu (2010), dampened the inclination of the legislature to resort to their impeachment powers to score political points. Nevertheless, before then, other governors that suffered similar fate within that period were Peter Obi of Anambra state, D.S.P. Alamieseigha of Bayelsa state, and Ayodele Fayose of Ekiti. (Aliyu, 2010). A detailed account of the impeachment crisis in Oyo state and the circumstances surrounding the acrimonious legislature-executive relations in Ekiti State that eventually culminated into the impeachment of former Governor Ayodele Fayose is a major subject of discussion in chapter six.

5.7 Summary

This chapter 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.

²⁶Section 188(5) of the 1999 constitution requires the Chief Judge of a State at the request of the Speaker of House of Assembly to set up a 'panel of seven persons who are of unquestionable integrity' to investigate allegations of gross misconduct against any erring governor or his deputy. Sub-section 8 of this same section provides that 'where the Panel reports to the House of Assembly that the allegation has not been proved, no further proceedings shall be taken in respect of the matter.' This implies that the Judiciary also plays a crucial role in the process of impeachment under the 1999 constitution.

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 and the states. Fatile and Adejuwom (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 Adejumobi (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.

In consonance with the submissions of Oyewo (2007), Fagbadebo (2016), and Fatile and Adejuwon (2016), 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 in the executive and legislative institutions 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 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.

In the next chapter, the researcher examines the peculiarities of executive-legislative gridlocks in Nigeria's Fourth Republic. This entailed an analysis of the institutional contexts of each of the

selected states with a view to identifying factors responsible for varied developments of executive-legislative relationships.

Chapter Six

Peculiarities of Executive-Legislative Gridlocks in Nigeria's Fourth Republic

6.1 Introduction

Turbulent and conflictual relationships between the executive and legislative branches of government in Nigeria are not a recent development. It has its roots in the British colonial rule, which over-developed and unduly strengthened the executive branch compared to the other arms of government (Zoaka, 2003). This development, as Alavi (1979) has noted, was due to the authoritarian posture of the British colonial regime. This culture of executive dominance dovetailed into the post-independence era, accentuated by the military interregnum, and continued to find manifest expression under the presidential democracy of the Fourth Republic (Akinsanya, 1978; Akinbobola, 2002; Akinsanya and Davies, 2002; Ukase, 2014).

For this reason, Fatile and Adejuwon (2016) argue that the omnibus explanation for the conflictual relationships between the executive and the legislature in Nigeria could be found in the 'context of the struggles for a vantage position in the power matrix of the state by both arms of government' (Fatile and Adejuwon, 2016, p.100). The nature of conflicts between these two branches of government has often revealed the trivialities and the intense struggles for supremacy among the governing elites in the power equation of the state. There is no doubt that this is a reflection of the nature and forms of the patrimonial politics characteristic of Africa in general and Nigeria in particular, which often manifest in vicious and fierce battles and competition to gain control of public office and the attendant benefits it carries (Joseph, 1991; Ukase, 2014; Fagbadebo, 2016; Fatile and Adejuwon, 2016).

At both the national and state levels in Nigeria, there is an increasing proclivity towards the culture of impunity and flagrant disregard for the rule of law among political actors in the executive and legislative assemblies. There is a clear but gradual jettisoning of the principles of separation of power and checks and balances built into the nation's constitution which construe the three branches of government- executive, legislature and judiciary- to operate in a system of independent but shared powers; the essence of which is to provide a responsible, transparent and accountable government to the people.

Rather than embrace dialogue and cooperative approach in defence of public good, the elites in the executive and the legislature often demonstrate their penchant for pecuniary interest. The consequences, thereof, manifest in the continuous acrimonious relationships and the attendant governance crisis in the country (Momodu and Matudi, 2013; Orluwene, 2014).

Fatile and Adejuwon (2016) have noted that the elites failed to offer true and genuine democratisation agenda that could serve as pillar for good governance and political stability. 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 (Okpeh, 2014; Ukase, 2014).

This chapter presents the research findings on the peculiarities of executive-legislative relations, in Nigeria's Fourth Republic, in the four selected states. The chapter has five sections. While the first section embodies the introductory part, the second section presents an assessment and analysis of the relative executive-legislative harmony witnessed in Ondo state, save the impeachment of a deputy governor in 2015. The third section explores the development of executive-legislative institutions in Ekiti state. This also interrogates the place of external influence versus executive arrogance in the impeachment crisis of Governor Ayodele Fayose and his deputy, including the post-impeachment era of executive-legislative relationships in the state. The fourth section contains an analysis of the case of divided executive and subjugated legislature in Osun state. The final section interrogates the role of godfatherism in the executive-legislative crisis that led to the impeachment of Governor Rashidi Ladoja of Oyo state. The researcher considers most of these issues as representing the high points of executive-legislative impasse in the selected states.

Nonetheless, my claim in this chapter is that every phenomenon of executive-legislative impasse has its own unique nature, causes, and implications for the democratic stability of Nigeria as a nation. Since the commencement of the Fourth Republic, the governing elites, in the executive and legislature, have considerably displayed their impatience and inability to keep faith with the limits of power available to the respective organs of government. They circumvented the

cooperative approach and dialogue procedure in favour of constant antagonism and confrontations. It is evident that whenever the two arms of government showed the determination to invoke their constitutional powers, it had negative effect on the stability of the political system.

6.2 The relative Executive-Legislative Harmony in Ondo State, 1999-2015

The period between 1999 and 2015 witnessed the emergence of three democratically elected governments in Ondo State. There were three elected governors and four legislative sessions within the period. These governments were elected under the platforms of three different political parties: The Alliance for Democracy (AD), the People's Democratic Party (PDP), and the Labour Party (LP).

6.2.1 Executive-Legislative Relations under the Adefarati Administration (1999-2003)

With the return of the country to civil rule, the stage was set once again to inaugurate the fourth legislative assembly in Ondo State, having had three previous legislative assemblies in 1979, 1983, and 1992 (Ukase, 2014). The general election of 1999 led to the emergence of Adebayo Adefarati and Afolabi Iyantán, as the Governor and the Deputy Governor of Ondo State, respectively, under the platform of Alliance for Democracy (AD). The Fourth legislative assembly was inaugurated on May 31, 1999 with the AD securing 24 out of the 26 seats assembly. The remaining 2 seats were won by the Peoples Democratic Party (PDP). Ayo Agbomuserin, from Ifedore Constituency, became the speaker, while V.A. Akinwe, representing Odigbo State Constituency, emerged as the deputy speaker. The Speaker and the Deputy were also of the AD. However, the members later replaced them, on April 1, 2001, with Kenneth Olawale, as the Speaker, and, Samuel Adebóroye, as the Deputy Speaker. The Speaker and his deputy lost their positions to the high level intrigues and power play within the ruling AD in the state over the period (Personal Interview XVI, April 18, 2018).

The relationships between the executive and legislative branches under the Adefarati administration were relatively peaceful and harmonious. The governor and the leadership of the ruling party, AD, were able to resolve any disagreement through the machinery of the political party. Aside from this, the leadership of the Pan-Yoruba socio-political group, the Afenifere played visible roles in ensuring stability of the government.

Executive-legislative politics during the period was largely dictated by the prominent role played by the Afenifere socio-cultural and political group serving as the stabilizing force for the AD, the ruling party in the state. The peaceful and unassuming posture of the state governor, Adebayo Adefarati who many regarded as a fatherly figure in the politics of the state, also contributed to the subsisted executive-legislative harmony. A respondent who was a senior member of the administration summed it up this way;

There were hardly any disagreement between the executive and the legislature during Baba (Adefarati)'s administration. This I can confirm to you was as a result of the governor's peaceful disposition to members of the House of Assembly who saw him as a respected leader. The Afenifere group led by Pa Abaraham Adesanya also played active role in ensuring peaceful governance of Ondo state under (Baba) Adefarati (Personal Interview III, February 20, 2018).

Nonetheless, observers believed that the harmonious executive-legislative relations witnessed under the Adefarati's administration were a sad reflection of the culture of executive dominance, characteristic of Nigeria's political system. They argued that the legislature was subordinated to the executive branch, and, could hardly muster the needed institutional strength to challenge or withstand the executive in the process of policy-making (Akinbobola, 2005; Omitola and Ogunnubi, 2016). A party chieftain in the state conceded that the harmonious relations between the executive and the legislature experienced during period was partly because of the active role of the hierarchy of the AD and the prompt approval and release of funds due to the legislative assembly. According to him, 'the legislature was easily persuaded to accept and support the policies and programmes of the governor because their financial demands and welfare package were being promptly approved and released as at when due' (Personal Interview XII, April 10, 2018).

These revelations accentuate the position of Omitola and Ogunnubi (2016) that the relationships between the executive and, most states legislative assemblies, in Nigeria is being defined by executive dominance, manifesting through continuing financial dependence of the assemblies on the executive branch for the performance of their legislative assignments. Although the period under review in Ondo state witnessed a stable and cooperative approach to governance, there is no doubt that the crucial role of the legislature in ensuring prudent and efficient mobilisation of state resources for the public good as well as exerting controls on the exercise of executive powers was seriously abridged (Oni, 2013).

6.2.2 Era of Deliberate Alliance under the Agagu Regime (2003-2009)

The 2003 general election enthroned the administration of Dr Olusegun Agagu of the Peoples Democratic Party (PDP) in Ondo State. The party also won all the 26 seats in the state House of Assembly. Subsequently, on the June 6, 2003 when the fifth Ondo State House of Assembly was inaugurated, Victor Olabimtan, from Akoko South West Constituency II, was elected Speaker, and, Mayowa Akinfolarin, representing Odigbo Constituency I, emerged as the Deputy-Speaker.

Executive-legislative relations under the administration of Dr Olusegun Agagu were conducted with the ambience of maturity and understanding between the two arms of government. Even though there were few skirmishes, the hierarchy of the ruling party in the state wielded a strong influence on its members in the House of Assembly, which ensured a measure of moderation and stability in the executive-legislative relationships (Anifowose, 2004). It is widely believed that Governor Agagu, the Speaker, Victor Olabimtan, and the state chairman of the PDP, Ali Olanusi, had an agreement, which facilitated the adoption of cooperative and dialogue approach over any issue of inter-branch importance.

A member of the Ondo State House of Assembly between 2003 and 2007 revealed to me in an interview that the harmonious relations witnessed between the legislators and the Governor was the outcome of the cordial relationships between the presiding officers of the legislature and the state PDP leadership led by Ali Olanusi. The Governor's liaison officer to the assembly under the Agagu administration corroborated this

Governor Olusegun Agagu understood the prime place of the legislature in the functioning of a presidential system. For this reason, the Governor had always allotted valuable time and resources to maintain harmonious working relationships with the State House of Assembly (Personal Interview X, March 16, 2018).

Executive-legislative relations in the state, during the period under review, derived its peculiar nature and characteristic from the manner and approach employed by both the executive and the legislature. Findings revealed that the seemingly executive-legislative accord and cooperation witnessed during that period were built on the triangular friendship and alliance between the Governor, Dr Olusegun Agagu, the Speaker, Victor Olabimtan, and the State Chairman of the Peoples Democratic Party (PDP), Alhaji Ali Olanusi.

On this particular issue, a former legislator, and chairman of the Assembly's Committee on Finance and Appropriation said,

The relationship between the Governor and us was most cordial; this was facilitated by the unassuming posture of House leadership, the transparent conduct of the governor, and the credibility of PDP leaders at the state level under the guidance of our most respected leader, Alhaji Ali Olanusi (Personal Interview VII, April 5, 2018).

A similar view expressed by the Governor's former liaison officer to the House of Assembly, appeared to have also affirmed an established political relationship between the governor and the state chairman of the PDP, who was an ally of the Speaker. According to him, the Speaker was a long-standing ally and political 'godson' of the State PDP Chairman, Alhaji Ali Olanusi. He further revealed that at the inauguration of the assembly in June 2003, Alhaji Olanusi 'almost single-handedly facilitated the installation of Victor Olabimtan as the Speaker with little or no input from the Governor, who believed the state chairman of his party was acting in his favour' (Personal Interview XI, April 14, 2018).

Similarly, peculiarity of the executive-legislative relations in the state was noted in fund appropriation. This is particularly noteworthy, given the fact that this is one thorny issue that provoked, often, conflicts and acrimony between the executive and the legislature in other states, and, most especially, at the federal level.

A former bureaucrat at the legislature disclosed that "behind the scene" mechanism adopted by the legislators, and the members of the executive facilitated the conflict-free appropriation regimes in the state. The bureaucrat told me that the executive usually takes the legislature, through its leadership, to confidence, before the official submission of Appropriation Bill, containing the budget proposals, to the House of Assembly. 'It was done to address any area of differences in the appropriation bill before it is taken to the public domain' (Personal Interview XIII, April 15, 2018).

In the same vein, a senior administrative member of the Ondo State House of Assembly, in an interview corroborated the view earlier expressed by assembly clerk. Asking him what his opinion was, as regards the relative stability enjoyed in the state between the executive and the legislature contrary to the prevailing situation in most states of the federation, and even Ekiti, a

very close neighbour with almost the same political history and past democratic credential. He asserted thus:

In my own candid view, executive-legislative relations depend largely on the character strength and personal disposition of individual actors involved. In Ondo state, level of political maturity of members of the House of Assembly must have been responsible for the relatively stable relations. Added to this is the elevation of public good far above party affiliation or personal pecuniary considerations (Personal Interview XIV, April 14, 2018).

Nevertheless, this is not to say that there were no areas of strains in the relations between the executive and the legislature during that period. A major test of confidence between the two arms of government occurred in October 2005, when a faction of the House, led by Felix Okereji, revolted against the leadership of the House of Assembly under the speakership of Victor Olabimtan. The group alleged that members of the legislature had lost confidence in the ability of the speaker to continue to as the presiding officer. They further alleged that the speaker encouraged the subordination of the legislative house to the executive branch of government. Consequently, the members removed the Speaker and replaced him with Oluwasegunota Bolarinwa from Akoko North West Constituency II.

In spite of the change in leadership of the House of Assembly, the existing harmonious relationships between the legislature and the executive remained cordial. They also retained the confidence-building mechanisms, earlier embraced by the House in relation to the executive, until the expiration of the term of the Fifth Legislative Assembly.

Thus, executive-legislative relations in Ondo state were conducted under an atmosphere of dialogue, consensus-building and inter-branch consultation. The period between 2003 and 2009 in the state, was an era of deliberate alliance forging and confidence building rather than confrontation and mutual suspicion that often characterized the relationships between the two arms of government in other states. A former PDP Chairman in the state alluded to this saying that the stability enjoyed during that era was attributed to the 'conscious efforts made by party leadership and the sacrifice made by the governors to continually carry the legislature along in the formulation and allocation of public goods and services in the state' (Personal Interview XV, April 17, 2018).

During this period in the state, the governing elites, in the executive and the legislature knew the importance of executive-legislative harmony to the performances of government and the overall stability of polity. This also underscored the place of individual idiosyncrasies in promoting or preventing executive-legislative conflicts. A respondent affirmed this thus:

Executive-legislative harmony (or disharmony) does not exist in a vacuum; it is often a product of the actions and inactions of the characters involved. In addition, sometimes some other qualities such as character strength, political maturity and institutional competence of the relevant actors in the executive- legislative game largely define the nature of interface that exists between the executive and legislative branches (Personal Interview XVI, April 18, 2018).

This submission found credence in the views of scholars such as Aiyede (2005), Bassey (2006), Fashagba (2012) and Ukase (2014) that legislative institution in the country should be accorded its prime place in the political process to ensure stability and accountability in government. Ondo state, over the period under review, exhibited a model in executive-legislative cooperation, which is worth emulation. The political actors made conscious and deliberate efforts to ensure smoothed relationships and avoid unwarranted confrontations in a system of separated but shared powers.

As remarked by a senior legislative aide to the governor, every political party has a party caucus and the ruling party has a ruling caucus, which was allowed a wide range of freedom thereby wielding a strong influence in the executive-legislative scheme. He said this of the Governor:

The Agagu administration was very democratic. Therefore, he allowed the party caucus to be and it was influential, attended by the governor and other top party and government leaders, but chaired by the party Chairman (Personal Interview XVII, April 20, 2018).

All through this time, the party hierarchy and other stakeholders were given the necessary leeway to perform advisory, mediatory and conciliatory functions between the various sectors of governance. A former lawmaker affirmed this thus:

The House of Assembly, from 2003, set about doing its work including law making, budgeting, oversight functions, confirmation and investigation. Conflicts often developed over these and they could have become centres of controversy but for the quick and responsible intervention of respected party leaders who often see things from the perspective of the legislature (Personal Interview XVIII, April 17, 2018).

It is then discovered that the real issues in executive-legislative relationships is not the elimination of conflicts but how to develop a conflict management or reduction mechanism capable of mitigating potential conflicts or disagreement between the two arms of government. In spite of the change in the leadership of the legislature in 2005, the assembly maintained and sustained the existing working relationships with the executive (Akinbobola, 2005).

6.2.3 Executive-Legislative Politics under the Mimiko Government (2009-2017)

In February 2009, the Agagu administration ended abruptly when the Court of Appeal nullified his re-election and declared Olusegun Mimiko, the candidate of the Labour Party (LP), as the validly elected governor of Ondo state²⁷. This followed the protracted legal battle which arose over the irregularities recorded during the 2007 gubernatorial elections in the state. The LP's candidate had rejected the election's result declared by INEC, Nigeria's electoral umpire and approached the Election Petition Tribunal for leave to be declared as the duly elected Governor of Ondo state. After about two years of legal fireworks at the courts, the Appeal Court sitting in Benin, Edo state, granted the relief sought by the LP's candidate and declared him the winner of the 2007 gubernatorial election in the state. Mimiko was sworn in on February 24, 2009 but inherited a PDP-dominated House of Assembly. The twenty-six-member assembly consisted of one member of the AD, nine LP members and sixteen members of the PDP.

Nevertheless, over a short period, the only AD member and eight PDP members in the assembly defected to the ruling Labour Party. Consequently, ruling LP gained control of the assembly with 18 the majority seats in the legislature while the PDP membership strength dropped to 8 seats. There was no incident of disagreement or confrontation between the two arms of government during this legislative period of the sixth assembly in Ondo State.

Observers have attributed this development to the governor's foresight and political dexterity in managing the interface between the executive and the legislature in the state (Odunlami, 2015). In addition, part of the strategies was the active role the governor played in ensuring the

²⁷Under the Electoral Act 2002, the disputes arising from gubernatorial elections in Nigeria begins at the governorship Election Tribunal, an equivalence of a Federal High Court in the Nigerian legal structure and ends at the Appeal Court as the final court of justice on such matters. The election tribunals are special courts set up by law to ensure speedy adjudication of election related disputes. However, the 2010 amendments to the electoral act have since extended the scope of litigations arising from governorship elections in Nigeria to the Supreme Court as the final court of justice on the matter. For details, see Malemi, 2012.

emergence of an assembly leadership amenable to his interests. One of such strategies was the Governor's pledge to sponsor the re-election bid of any PDP member willing to join the LP. As a result, many PDP members of the assembly could not resist the bogus gift hence their swift defection to the LP (Personal Interview X, March 16, 2018). Subsequently, the House of Assembly was always at the 'peck and calls of the governor' and could not muster the needed strength to assert its independence (Odunlami, 2015).

Although there was no tension between the two branches of government that could vitiate the smooth running of government business in the state, it appeared the legislature was stripped of the requisite autonomy and institutional stamina to exercise its oversight power over the executive branch. A serving lawmaker in the state said

As experiences did show under Mimiko, the governor's sinister attempt at eroding the autonomy of the state's legislative assembly stemmed beyond reducing the institutional and operational capacities of the legislative body. It dovetailed into the political arena where the governor often mobilise state resources to ensure the selection of politically naïve individuals bereft of informed minds, intellectual capacity and visible electoral base needed to understand and pursue legislative oversight agenda capable of checking any possible infractions in the exercise of executive power (Personal Interview XIX, April 15, 2018).

This ploy, according to the lawmaker, often began with party primaries, where the state governor manipulated the selection process in favour of the preferred candidates and ensured their electoral victory in the general election. In addition, the result of all of these is a 'legislature operating as an extension of the executive branch' (Personal Interview XIX, April 15, 2018). With this, the governor had full control of the members of the legislature.

Apparently, this was what played out in the run-up to the 2015 general elections in the state. The Governor, elected on the platform of the LP, defected to the PDP in January 2015. However, his Deputy refused to join him but later defected to the All Progressive Congress (APC) few days to the 2015 presidential election (Akintomide, 2015). The PDP lost the presidential elections to the APC. The deputy governor's defection, especially the lost of presidential election by his party in the state to the opposition APC, infuriated Governor Mimiko, who hurriedly deployed the state legislative assembly to impeach him (Akintomide, 2015).

The seven-count allegations of gross misconduct preferred against the deputy governor, Ali Olanusias contained as in the Notice of Impeachment, dated 20th April 2015 and signed by twenty (20) out of the twenty-six (26) members House of Assembly are as follow:

i. That Alhaji Olanusi, being the holder of the office of Deputy Governor permitted and condoned the perpetration of fraudulent activities in the office of the Deputy Governor in that one Alhaji Bolaji Idris Olanusi, the younger brother and Special Assistant in the office of the Deputy Governor procured false LPO's with knowledge of Alhaji Ali Olanusi and obtained from one EHISO RESOURCES INTERNATIONAL LIMITED, two (2) Trucks of AGO with forged documents and for personal benefits, thereby putting the office of the Deputy Governor into disrepute.

ii. That Alhaji Ali Olanusi being the holder of the office of the Deputy Governor of Ondo State and having full knowledge that his younger brother, Bolaji Idris Olanusi, who at all material time was his personal staff had engaged in activities unbecoming of officials of Government refused to sanction, query, or discipline the said staff, thus, bringing the office of the Deputy Governor into disrepute.

iii. That Alhaji Ali Olanusi, being the holder of the office of Deputy Governor of Ondo State engaged in Press Release and interviews with various media outlets especially at pages 50 and 51 of the Saturday Punch of April 18, 2015 publication wherein false allegations were levelled against the Governor who was falsely portrayed as:

- a. A person who instigated the carting away of ballot boxes.
- b. A person who instigated the killings of people in Ondo State.
- c. A person who disrespect the Judiciary.
- d. A person who worked against the interest of the President.
- e. A person who bribed the electorate.

iv. That Alhaji Ali Olanusi, being the holder of the office of Deputy Governor of Ondo State, engaged in absenteeism and truancy by regularly absenting himself from office, place of work and all other official engagements specifically on 13th, 14th, 15th, 16th, and 17th of April and Monday, 20th of April, 2015 without lawful excuse or authorisation but generally acting in a manner inconsistent with the dictates and expectations of the high office of the Deputy Governor

of a State, thus, undermining the governance process, an act, which amount to gross misconduct under the Constitution.

v. That Ali Olanusi, being the holder of the office of Deputy Governor on or about Wednesday 15th April 2015 caused his security aides to shoot indiscriminately at peaceful protesters along Fiwasaiye/Oba Adesida Road in Akure thus creating panic, breakdown of law and order, and general sense of insecurity within the State under the pretext that the said protesters disrepute his convoy, an act unbecoming of the holder of the high office of the Deputy Governor.

vi. That Alhaji Ali Olanusi, being the holder of the office of Deputy Governor at various dates collected various sums of money for the purpose of travelling and medical bills as follows: 2009 (#8,175,410), 2010 (#8,952,600), 2013 (#10,833,200) and 2014 (#11,328,100) when in actual fact, the said Alhaji Ali Olanusi did not travel on the said specified dates or did not travel at all and, or did not expend the approved medical bills as appropriate, thereby unlawfully enriching himself and/or causing loss to the State Government.

vii. That Alhaji Ali Olanusi, being the holder of the office of Deputy Governor engaged in political conduct designed to undermine the office of the Governor by causing political disaffection and deliberately working at cross purposes with the Governor and the Executive Council of the State with a view to destabilising the State government by openly canvassing for the impeachment of the Governor following the Presidential Election conducted on 28th of March, 2015 which amounts to an act of gross misconduct under the provisions of the Constitution (Votes and Proceedings, Ondo State House of Assembly, April 21, 2015). Section 188 of the Constitution stipulated the process for the impeachment of a Governor and or the Deputy-Governor. The Constitution provided the opportunity for the Deputy Governor to respond to the allegations contained in the notice within stipulated time before the lawmakers could proceed with the proceedings. In this case, the lawmakers did not allow the Deputy-Governor to respond to the allegations within the stipulated time or given enough opportunity to defend himself at the panel set up by the Chief Judge of the State. The Panel only sat for two days. Subsequently, the panel found him guilty of the allegations and the assembly removed him from office on April 27, 2015 (Fagbadebo, 2016).

Nonetheless, political consideration motivated the removal of Ali Olanusi as Deputy Governor of Ondo state (Odunlami, 2015). A member of the assembly who spoke with me on the issue disclosed that the governor's political aides drafted the allegations against the Deputy Governor and handed them down to the legislature (Personal Interview X, April 12, 2018). He added that the impeachment was because of the fallout between the Governor and his Deputy, over his defection to the opposition party, the All Progressive Congress (APC) against all entreaties (Personal Interview X, April 12, 2018).

The legislature, going by the notice of allegation, had accused Ali Olanusi of complicity and negligence amounting to abuse of office, frequent absenteeism from work, insubordination to the Governor, and other unsavoury conducts capable of undermining the state government. Nevertheless, as Fagbadebo (2016) has noted, most of the offences were allegedly committed long before the period of the impeachment of the Deputy Governor. According to him, even if those allegations were true, the legislators would not impeach the Deputy Governor if he had defected with his principal to the PDP. It is evident, therefore, that the 'impeachment of Olanusi was politically motivated, rather than a result of any breaches of the constitution' (Fagbadebo, 2016, p.230).

In view of this, the removal of the Deputy Governor was not fallout of any acrimonious relationship between the executive and the legislature in Ondo state. It was a clear case of lawmakers compromising the integrity of the legislative institution to please the Governor. This claim was further supported by the Appeal Court judgment on the issue which set aside the impeachment of Ali Olanusi as Deputy Governor of the state, citing irregularities in the procedure adopted by the assembly which contradict the purpose of the constitutional provisions on impeachment (Premium Times, 24/04/2017).

It is important to note that in Nigeria, deputy governors do not have specific constitutional roles to play in government. They only function in line with the instructions handed down to them by the Governors (Fagbadebo, 2016). In other words, the official duties of a Deputy Governor are at the pleasure of the Governor who is the head of the executive branch. Thus, any attempt by Deputy Governors to operate outside the influence or directive of their principals could attract severe sanctions, one of which could be mobilisation of the legislature to remove them from office (Odivwri, 2004).

6.3 The Development of Executive and Legislative Institutions in Ekiti State (1999-2007)

In response to the agitations for a separate state, the former Ekiti Province was carved out of old Ondo State on October 1, 1996 as a separate state²⁸. The new state had 16 local governments. Subsequently, following the return of the country to democratic rule in May 1999, Adeniyi Adebayo was elected, on the platform of the Alliance for Democracy (AD), as the first civilian governor. On June 1, 1999, the first Ekiti State legislative assembly was inaugurated. The assembly speaker, Kola Adefemi, and, his Deputy, Opeyemi Ajayi, were from the same political party with the governor, the AD.

The executive and the legislature under the new democratic era were under the firm control of the same political party, the Alliance for Democracy (AD). There were relative stability and understanding in the relationships between the executive and legislative branches. The strength of the ruling party and the pivotal role played by Afenifere, the Yoruba socio-political group, facilitated the cordial relationships between the executive and legislature branches of government.

Throughout the administration of Governor Niyi Adebayo in Ekiti, the state experienced sustained accord and harmony in executive-legislative relationships (Akinbobola, 2005). The harmonious relations between the executive and the legislature over the period were attributed to the disposition of the Governor who consistently approved and released all funds requested by the State House of Assembly at regular intervals (Aliyu, 2010). This must have informed the threat of impeachment issued to the Governor Adebayo's Deputy in 2002 when he was Acting Governor in the absence of Adebayo who was away in Japan. The deputy governor was reluctant in releasing the money already approved by the Governor to the state lawmakers (Odunlami, 2015).

²⁸Agitations for the creation of more states have been a common feature of Nigeria's political evolution since the colonial period and the push continued even after independence. The country's federal structure inherited at independence consisting of the Federal government and three regional governments was expanded in 1963 when an additional region, the Mid-western region, was created. The military government changed the nomenclatures for the Nigerian constituent units in 1967 when the four regions were sub-divided into twelve states. The intervention of successive military juntas increased the number of states to nineteen, twenty-one, and thirty in 1977, 1987, and 1991, respectively. The last exercise of state creation took place on 1st October 1996 when additional six states were created one of which is Ekiti state that was carved out of the old Ondo state. Thus, bringing the total number of states in the Nigerian Federation to thirty-six (36). For more details see, Agedah, 1993; Akinsanya and Davies, 2002; Anifowose 2004; Akinbobola, 2005.

However, a smoothed executive-legislative relationship witnessed over the period was not enough reason to conclude that the Ekiti State first legislative assembly was a rubber stamp institution. A septuagenarian who served as member of the assembly between 1999 and 2003 asserted thus:

The fact that there was a smooth executive-legislative relationship did not mean that the legislature was a rubber stamp. Acrimonies between the executive and the assembly are by no means a justification for legislature's assertiveness. What transpired between the House and Governor Niyi Adebayo was mutual understanding for the smooth running of the state (Personal Interview XXI, April 25, 2018).

Apart from this, the period under review was the early stage of democracy in the country following a prolonged military interregnum. Thus, the political actors in the executive and legislative branches of government lacked the necessary experience that could have informed 'legislative assertiveness or executive rascality' in the legislative process (Oyebode, 2006, p.9).

In the 2003 election, the opposition party, the PDP won the gubernatorial election in the Ekiti State. Governor Ayodele Fayose was elected under the platform of the People's Democratic Party (PDP) and was sworn in on May 29, 2003. The AD also lost the gubernatorial elections in other South-West States, with the exception of Lagos. The Second Legislative Assembly of Ekiti State was inaugurated on the June 2, 2003, with Patrick Sola Akingbolamu, from Ikole Constituency I, and, Taiwo Olatunbosun, representing Irepodun/Ifelodun State Constituency II, elected as Speaker and Deputy Speaker, respectively.

With these developments, the PDP firmly took control of both the executive and the legislative arm of government in the state. Executive-legislative relations under the Fayose administration commenced on a stable note, predicated on the existing understanding between the governor and the leadership of the legislature. The Governor won the confidence of the legislature through prompt release of funds due to the assembly. However, things began to change between the two branches of government when the governor incurred the anger of the former President, Olusegun Obasanjo (Aliyu, 2010).

Executive-legislative relations under the Fayose regime started on a bright note following the inauguration of the Ekiti State Second Assembly. The Speaker, of the House of Assembly, Patrick Ajigbolamu, was lodging at the Government House while his official residence was

under renovation (Oyebode, 2006). The leadership of the two arms of government had good working relationships. Notwithstanding the dilapidated infrastructure inherited by the legislature, members of the legislature continued to cooperate with the executive for the smooth running of the affairs of the state. A former majority leader of the Assembly attested to this, when he stated that ‘executive-legislative cooperation and accord was the order of the day when the House came on board; no rancour, no disagreement, but understanding and cooperation’ (Personal Interview XXI, April 20, 2018).

A former Chairman of the PDP in the state shared the same sentiment. According to him, the party hierarchy in the state was aware and indeed was very pleased with the harmonious working relationships that existed between the executive and the legislature at the commencement of Fayose administration in May 2003. He, however, conceded that ‘the same party structure was put under pressure when things began to change’ (Personal Interview XXII, April 20, 2018). The respondents agreed that there was no strain in the executive-legislative relationships in the state in spite of the confrontational approach of the governor, who arrogated all available powers in the state to himself becoming like a *de facto* chief executive. However, the political events of the state took a new turn following the fallout between Governor Fayose and former President Olusegun Obasanjo.

Governor Fayose had prior to their disagreements, been a close ally and political confidant of the President. Fayose as the Chairman of the Nigeria Governors Forum had always championed the interest of Obasanjo and his government. However, the fallout between the two leaders led to a swift turn of event in the politics of Ekiti State and altered the sustained confidence and harmony that characterised executive-legislative relationships (Fagbadebo, 2016; Aliyu, 2010). The Economic and Financial Crimes Commission (EFCC), an agency of the Obasanjo-led Federal Government notorious for its penchant to fight perceived enemies of the President, moved into the state and accused Fayose of embezzlement of public funds and abuse of office (Odunlami, 2015). A respondent in the state informed me that the issue did not stop at that. ‘The EFCC directed the state legislature to commence impeachment proceedings against Fayose but when the lawmakers resisted the anti-graft body issued a threat of incarceration against them’ (Personal Interview XXV, April 22, 2018).

The complicity of the former President in deploying the EFCC, the nation's foremost anti-graft agency to bully or fight his perceived political enemies manifested largely in the use of state legislatures to remove state governors believed to be opposed to his government. For instance, since the return to democratic rule in 1999, the nation recorded the highest cases of impeachment under the Obasanjo regime (Fagbadebo, 2016; Lawan, 2010).

The pressure mounted on the state lawmakers led to the commencement of impeachment proceedings against the Governor on September 29, 2006 but the state legislature eventually impeached the Governor and his Deputy on October 17, 2006 (Aliyu, 2010). Subsequent developments and other substantive issues relating to the impeachment crisis of Fayose and his deputy are the focus of discussion in the next section of this chapter.

6.3.1 The Impeachment Crisis of Governor Fayose and his Deputy in Ekiti State

Under the Ayo Fayose administration in Ekiti State, the peculiar nature and characteristics of executive-legislative relations stemmed from the unique approach of the Governor to the legislature and the influence of external forces in determining the political outcomes of government institutions in the state.

Executive-legislative relationships during the administration began and continued smoothly until the middle of the year 2006 when the disagreement between the Governor and former President Obasanjo reached its climax as a result of the fallout over the third term bid of the President. Prior to that time, Governor Fayose was widely regarded as 'Obasanjo boy' because of the enormous goodwill he enjoyed from the President (Fashagba, 2012). As Oyebode (2006) has noted, at the time Fayose was the Chairman of the Nigeria Governors Forum (NGF)²⁹, he had always championed the cause of the President and his government, sometimes to the consternation of his Governors colleagues. For this reason, Obasanjo was believed to have seen in Fayose a dependable ally and towering figure among the Governors for the realisation of his tenure elongation bid (Odinkalu and Osori, 2018).

²⁹The Nigeria Governors Forum (NGF) is a political forum consisting of the 36 States Governors in Nigeria. Established in 2002, the Governors use this forum as a unifying platform in their interface with the Federal Government to negotiate policy options and political trade-offs favourable to their respective states. Though not an enactment of the law, the forum has since inception served as a veritable structure of intergovernmental relations under the Nigerian Federation.

Back home in Ekiti, the Governor's leadership style had pitched him against some notable traditional rulers and opinion leaders in the state. This, notwithstanding, the Governor was having a smooth sailing with the legislature. Observers attributed this to his regular approval and prompt release of funds due to the state lawmakers (Aliyu, 2010). At some point over the period, some traditional rulers and influential leaders in Ekiti had approached Obasanjo and appealed to him to call Fayose to order because of the manners the Governors was running the affairs of the state, especially his confrontational approach to governance. However, the former President ignored the plea until the President himself failed in his bid to use Fayose for his own ambition (Aliyu, 2010; Lawan, 2010).

Just like the similar fate that befell Governor Rashidi Ladoja of Oyo State, Fayose's ordeal started after the former President lost his third term bid³⁰ largely, due to the opposition mounted by his Deputy, Atiku Abubakar in connivance with some State Governors (Lawan, 2010). Chidi Odinkalu and Ayisha Osori described the development in this way:

Following the collapse of the agenda, Obasanjo went after some of those he held responsible. Top on the list was Atiku Abubakar, his vice president. Others were state governors who supported Atiku in mounting a successful campaign against the failed bid (Odinkalu and Osori, 2018, p. 162).

Many observers have pointed out that Fayose was not specifically in the camp of State Governors who were overtly opposed to Obasanjo's tenure elongation bid. However, the camp of the former President considered the Governor's outspokenness on the contrived role of Obasanjo in the failed campaign as amounting to his tactical disapproval of the President's ambition (Odinkalu and Osori, 2018). As a close ally of the former President, and a frontline member of the Nigeria Governors Forum, Fayose's major offence was that he publicly admitted the clandestine moves of Obasanjo to perpetuate himself in power. An allegation the former President had consistently denied (Odinkalu and Osori, 2018; Oyeboode, 2006). Obasanjo had always dismissed his alleged complicity to use the constitutional amendment bill submitted to

³⁰The 'Third Term Bid' was an attempt by former President Olusegun Obasanjo to extend his tenure beyond the maximum two terms limit of 8 years the 1999 Constitution guarantees. For this to materialise, the President had submitted an omnibus constitutional amendment bill to the National Assembly, Nigeria's central legislature and enlisted some of his cronies to mount both clandestine and overt campaigns for its actualization. However, the proposed amendment caused uproar in the elite circles and among the larger populace. Thus, as a result of the widespread disapproval the bill had generated among Nigerians, the National Assembly threw out the proposed amendment on May 16, 2006 when it failed to secure the need support in parliament. For more details, see Edigin, 2010; Lawan, 2010; Oarhe, 2010; Omobowale and Olutayo, 2007.

the legislature as a ploy for his tenure elongation bid. Following the fallout between the Governor and the former President, Fayose had come out openly to say that President Obasanjo actually, schemed for a third term in office (Aliyu, 2010; Oyebode, 2006).

As Odinkalu and Osori (2018) has noted, this development ensured that Fayose was found among those who were held responsible by the former President's camp for the failure of the tenure elongation project and thus penciled down him for annihilation. Shortly after, the country's foremost anti-graft agency, the Economic and Financial Crimes Commission (EFCC) moved into Ekiti and accused Fayose of mismanaging state funds. The agency alleged the Governor of diverting the fund appropriated for the Ekiti State Integrated Poultry Project, which amounted to 1.6 million naira to the purchase of choice properties for himself and some of his cronies (Aliyu, 2010). Thus, the EFCC directed the state legislature to commence impeachment proceedings against Fayose but the lawmakers resisted.

Under the 1999 Constitution of Nigeria, the State House of Assembly is the only recognised body to investigate the financial dealings of the state government (Sections 128 and 129 of the Constitution of the Federal Republic of Nigeria, as amended). However, the directive given to it by the EFCC is unknown to law and amounted to political vendetta because the legislative assembly possesses the constitutional guarantees to conduct its affairs independently of any agency of government. Nonetheless, having determined to remove Fayose from office at all cost, the anti-graft body descended on the state lawmakers and threatened to incarcerate them if they failed to impeach Fayose (Aliyu, 2010; Oyetayo, 2006).

Thus, the lawmakers eventually succumbed to the pressure mounted on them by the EFCC and commenced impeachment proceedings against the Governor in September 2006. A respondent who served as an administrative staff in the state assembly during the impeachment of Governor Ayo Fayose confirmed to me that the EFCC actually prepared and handed down the Notice of Allegations served on the Governor by the assembly on September 29, 2006. 'I can tell you that the lawmakers were in disarray following the threats of incarceration by the EFCC and could not muster enough courage to put Fayose's offences to paper. The allegations served on the Governor were handed down by the anti-graft agency' (Personal Interview XX, April 20, 2018).

In a related manner, the Governor had hinged his impeachment plot on forces, outside the legislature, who were determined to remove him from office as the Governor of the State.

According to him, none of his predecessors could equal what he had done for the House of Assembly. He believed that the members of the legislature succumbed to the pressure by his detractors to remove him³¹. Nevertheless, the legislators claimed their action was premised on the need for the Governor to clear himself of the allegations of corrupt practices levelled against him. On September 29, 2006, the legislature served the Governor with a Notice of Impeachment. The allegations of gross misconduct against him are as follows:

- (i) that the award of the integrated poultry project did not follow due process;
- (ii) that MD Biological Concepts Limited spent over #150 million to acquire properties for the Governor, Ayodele Fayose at both Ibadan and environs;
- (iii) that Mr Gbenga James, owner of Biological Concepts Limited who later turned out to be Personal Assistant to the Governor acquired eight cars for the Governor and the Governor's mother;
- (iv) that Mr Gbenga James built a house for the Governor through an architect;
- (v) that two houses were built for the Governor at Afao and Ibadan by one Mr Biodun Fari-Arole, a contractor, from the proceeds of the Government Secretariat, Ado-Ekiti for #25 million and #20 million respectively;
- (vi) that the sum of #42 million was transferred to the Governor through Mr Ayoola of FCMB, Ibadan;
- (vii) that Banquet Hall and Ekiti State Hotel were re-awarded at over #1 billion without due process;
- (viii) that the Governor in 2004 transferred \$100,000.00 to one Mr Tony through Mr Abiola Ayoola while he was at Standard Trust Bank;

³¹A former commissioner under the Fayose government disclosed in an interview held on 22nd April 2018, that the removal of his principal from office in 2006 had little or nothing to do with the disagreements between the governor and the legislature. According to him, forces outside the state, especially the country's president, Olusegun Obasanjo, who used the EFCC to blackmail the assembly members into agreeing to remove Fayose, orchestrated the governor's ordeal, majorly.

- (ix) that the accountant-General and Chairmen of the sixteen local government in the state were unable to account for a whopping #11.8 billion out of the #17.8 billion received between 2004 – June, 2006 due to illegal deductions by the Governor;
- (x) that over #500 million had been paid into the account of Ayo Fayose Foundation;
- (xi) that over #100 million was being deducted monthly by the State Government from the Joint Account and Allocation Committee;
- (xii) that a total of #265 million classified as EKROMA expenses was deducted between July and August 2005 while the Project Manager claimed he only got a paltry sum of #17 million for the period; and
- (xiii) that Mr Fayose operates several foreign accounts which he opened after he became Governor in 2003 (Votes and Proceedings, Ekiti State House of Assembly, September 29, 2006).

Constitutionally, the Governor had the opportunity of responding to these allegations within fourteen days. However, Governor Fayose did not respond to the impeachment notice within the stipulated time, thereby making his removal from office easier and quicker than normal (Aliyu, 2010; Odunlami, 2015). In accordance with the provisions of the law under section 188(5) of the 1999 Constitution, the House Speaker requested the State Chief Judge to constitute a panel for the impeachment trial. The lawmakers however rejected the panel constituted by the Chief Judge, Justice Bamisile, accusing him of stocking the panel with pro-Fayose figures (Odunlami, 2015).

For that reason, the assembly removed the State Chief Judge and appointed a replacement, Justice Jide Aladejana, contrary to the constitutional guidelines regarding the appointment of Chief Judge of a State. According to section 27(1) of the 1999 Constitution, as amended, ‘the appointment of a person to the office of Chief Judge of a State shall be made by the Governor of the State on the recommendation of the National Judicial Council (NJC)³² subject to

³²The NJC is a body established by law under section 153 of the 1999 Constitution. As stated in part 1 of the Third Schedule to the constitution, the body is headed by the Chief Justice of Nigeria and has the power to recommend to the Governor of a State persons to be appointed as Chief Judge of the States. Under article 21, paragraph a(g) of the Constitution, the NJC is the only body that has the lawfully responsibilities to ‘appoint, dismiss and exercise disciplinary control over members and staff of the Council’.

confirmation of the appointment by the House of Assembly of the State'. Thus, by removing the state Chief Judge and appointing a replacement, the lawmakers breached the 1999 Constitution.

Nonetheless, the legislature disbanded the panel constituted by Bamisile and directed Justice Aladejana, the new Acting Chief Judge, to constitute another panel, which was headed by Kayode Omotoso (Aliyu, 2010). Omotoso's panel found Fayose, and his deputy, guilty of the allegations. Subsequently, on October 17, 2006, the legislature considered the report of the panel and removed the Governor and his Deputy, Abiodun Olujimi from office.

The desperation of the state lawmakers however came to the fore in the inclusion of Fayose's Deputy in the impeachment plot. This is because, in the notice of impeachment served on the Governor on September 29, 2006, the lawmakers did not accuse the Deputy Governor of any wrongdoing. Neither was she served the Notice of allegations as a requirement of the law. Thus, many observers believe that the inclusion of the deputy governor in the impeachment trial was an afterthought on the part of the lawmakers who saw a great opportunity for one of them to become the acting governor³³ (Aliyu, 2010; Lawan, 2010; Oyebode, 2006). A development, which negates the impeachment provisions as, spelt out in the Constitution. A respondent who was a senior member of the Fayose's administration corroborated this claim when he said; 'the legislature acted on unfounded allegations given to them by EFCC to remove Fayose. In addition, the lawmakers were inordinately ambitious' (Personal Interview XXVI, April 22, 2018).

Consequently, these developments threw the impeachment process into avalanche of controversies and generated palpable tension in the state. Mr Fayose had faulted the processes that led to his impeachment as a breach of the constitution and thus, insisted he remained the Governor of the state. Meanwhile, the legislature had appointed the Speaker of the House of Assembly, Friday Aderemi, as the Acting Governor. This decision led to a political imbroglio, as the Deputy Governor, Mrs Abiodun Olujimi, also rejected her removal and laid claim to the governorship seat, as the rightful successor to the impeached Governor. The political instability that followed called for the intervention of the Federal Government with the declaration of a state of emergency in the state on October 26, 2006.

³³The 1999 Constitution under section 191 provided for the Speaker of a House of Assembly of a State to become Acting Governor in the event that the office of the Governor and the Deputy Governor become vacant in accordance with the provisions of the Constitution.

To halt the spate of uncertainty that pervaded the political atmosphere of the state, the federal government announced the appointment of a sole administrator to administer the state for six months as stipulated by the Constitution. Section 305 of the 1999 Constitution empowers the President of Nigeria to issue a proclamation of a state of emergency in the Federation or any part thereof when:

- (a) the Federation is at war (b) the Federation is in imminent danger of invasion or involvement in a state of war (c) there is actual breakdown of public safety in the Federation or any part thereof to such extent as to require extraordinary measures to restore peace and security (d) there is a clear and present danger of an actual breakdown of public order and public safety in the Federation or any part thereof requiring extraordinary measures to avert danger....(Section 305(3), Constitution of the Federal Republic of Nigeria, 1999, as amended).

The emergency rule declared on the state did not last beyond the six months stipulated by the Constitution³⁴. This was nonetheless before the expiration of the tenure of Fayose's government, and which informed the appointment of the House Speaker, Adetope Ademuliyi, as the Acting Governor who led the state until May 2007 when Mr Segun Oni was sworn-in as the new Governor of Ekiti State (Lafenwa, 2010; Lawan, 2010). However, long after that, the Judiciary had set aside the impeachment of Fayose and his deputy for violating the provisions of the Constitution (Aliyu, 2010).

6.3.2 Executive-Legislative Relationships in the Post-impeachment Era in Ekiti State (2007-2015)

Mr Segun Oni of the Peoples Democratic Party (PDP) assumed the governorship seat of Ekiti State on May 29, 2007 following his victory at the 2007 general election in the state. However, the 26-member State House of Assembly inaugurated on June 6, 2007 had its membership evenly split between the PDP and the opposition party, the Action Congress (AC). The two political parties had 13-members each in the House, but the PDP used its influence as the ruling party in the state to produce both the speaker and deputy speaker of the assembly. This development generated heated controversy and bickering between the PDP and opposition lawmakers in the state.

³⁴ Section 305(6c) of the 1999 Constitution.

Thus, the immediate challenge of the Segun Oni-led administration in the state was how to resolve the bickering and leadership crisis in the state legislature. This is because, apart from the speaker and the deputy speaker's posts, the PDP produced all other presiding officers of the assembly. An action the AC lawmakers, who were equally 13 in number, vehemently resisted. This development created serious divisions and contentions in the state legislature and paralyzed the activities of the House of Assembly.

The first test of the imbroglio emerged over the list of Commissioner Nominees submitted to the assembly by Governor Oni for confirmation. The AC lawmakers resisted the move to consider the screening of the nominees on the floor of the House and demanded parity in the assembly leadership based on membership strength of the two parties. However, to the consternation of opposition AC members, the PDP lawmakers pronounced the nominees' confirmation at the slightest opportunity without the usual legislative scrutiny. This again generated heated arguments among lawmakers from the two parties, which prompted the leadership of the House to suspend some of the AC legislators, including barring them from gaining entry into the assembly complex.

This regime of bickering and polarisation among members of the assembly along party lines continued until August 2007 when some respected traditional rulers and opinion leaders in the state intervened in the leadership crisis that have rocked the assembly since inauguration. Following this intervention, the PDP lawmakers ceded the deputy speakership seat to the opposition lawmaker, Saliu Adeoti but retained the speakership of the House. Eventually, the lawmakers agreed to do away with the position of majority and minority leaders and chose two leaders from both parties. At the end, these measures appeared to have served as permanent solution to the internal wrangling in the legislature as members from then onward continued to work together and in accord with executive branch. A former lawmaker in state said:

The resolution of the internal leadership crisis of the House also translated into harmonious relationships between it and the executive branch. I can confirm to you that after the resolution of the leadership crisis, there were no serious rancour between the lawmakers and the State Governor until Segun Oni lost the state governorship seat to opposition candidate, Dr Kayode Fayemi (Personal Interview XXI, April 20, 2018).

As the respondent rightly said, in October 2010, the Appeal Court nullified the election of Mr Segun Oni and declared the gubernatorial candidate of the Action Congress of Nigeria (ACN)³⁵, Kayode Fayemi, as the duly elected Governor of Ekiti State. Fayemi assumed duty as Governor on October 16, 2010 and continued to enjoy harmonious working relationship with the legislature until the legislative session of the Third Assembly ended on June 5, 2011. However, Ekit State Fourth Assembly with a new set of lawmakers was inaugurated on June 6, 2011 following the conduct of parliamentary election in the state while Fayemi continued to serve as Governor, having just been sworn-in in October for four-year tenure.

Nonetheless, the ruling party in the state, the ACN, controlled an overriding majority in the assembly having secured 25 out of the 26-member legislature. Executive-legislative relationships under the Fayemi administration sailed smoothly with no recorded impasse or serious disagreement between the branches of government over the period. A respondent attributed this to the ‘mutual understanding that existed between Governor Fayemi and the state lawmakers over policy and appropriation-related matters’ (Personal Interview XXV, April 22, 2018). Fayemi completed his four-year tenure in October 2014 but lost re-election bid to Ayodele Fayose, the governorship candidate of the PDP in the state. Fayose was sworn-in as Ekiti State Governor for the second time on October 16, 2014. Observers believed Fayose’s second coming as Governor of the state was made possible by the court intervention, which had earlier nullified the 2006 impeachment of Fayose and his deputy.

Although two successive administrations of Governors Segun Oni (2007-2010) and Kayode Fayemi (2010-2014) under two different political parties have since served in the state, there was no recorded impasse, which is at least known in the public domain, between the executive and legislative branches. Nonetheless, Fayose’s personality trait and confrontational approach to governance came to the fore as the history of adversarial executive-legislative relations yet again resurfaced in his second term, where seven (7) PDP lawmakers in a 26-member assembly backed by the governor purportedly impeached the assembly speaker, Adewale Omirin and also suspended all the 19 APC lawmakers in the House.

³⁵ By the time the Appeal Court declared its candidate, Kayode Fayemi, winner of the governorship election in Ekiti State in October 2010 after a protracted legal battle, the party had change its name from Action Congress (AC) to the Action Congress of Nigeria (ACN). Recalled that the gubernatorial election in Ekiti State was conducted in April 2007.

One other peculiar nature of Ekiti state under the governor was the influence and impacts that other relevant stakeholders, such as traditional rulers, opinion leaders, and, even the presidency, could have on executive-legislative relations. The experiences of the executive and the legislature in the state had been varied and impacted by various factors. These include the particularistic nature of elites' behaviour toward the exercise of power, the varying roles and degrees of interventions by political parties, the influence of forces outside the two branches of government, and intra-arm conflicts, among other factors. The point earlier raised by Oyewo (2007) reaffirmed this development that

A more embracing view of executive-legislative relations will involve a consideration of the acrimonious or crisis-ridden relations of the two arms within the much broader context of social, economic, political, and cultural milieu wherein the two institutions operate (Oyewo, 2007, p.12).

In Ekiti state, at the height of the impeachment crisis in 2006, the conflicts between the executive and the legislative branches of government could not be isolated from the demands from the socio-political environment. Even though the Governor was doing 'his best possible' to satisfy the legislature, as he had claimed, the lawmakers were still under pressure from other powerful forces such as the presidency, traditional rulers, opinion leaders and a segment of the enlightened and articulate public. According to Oyetayo (2006, p.17), this sets of stakeholders could no longer condone the 'impeccably garrulous and unrepentantly confrontational approach' of Fayose to governance.

The Governor ignored the interplay of these critical factors before the most challenging moments of his administration. He carried the favour and allegiance of the House of Assembly through consistent cash allocation and other patronages but failed to realise the decisive roles of external forces on the legislature. Commenting on this particular issue, a serving lawmaker in the Ekiti State House of Assembly, had this to say:

Fayose might have pocketed the House of Assembly through persistent patronage of its ranks and files and subsequently gone to sleep forgetting that the legislature is like a clearinghouse where inputs from outside largely determine the outcome of policy action or inaction of parliamentarians (Personal Interview XXIV, April 22, 2018).

However, it appears Mr Fayose have come to the realisation of the interplay of these factors in his second coming as governor when he inherited the opposition All Progressive Congress (APC) dominated legislative assembly in 2014. Immediately he began to have issues with the Assembly, he warmed himself into the heart of Ekiti people, including traditional rulers, opinion leaders and, most especially, the masses comprising of the civil servants, artisans and the peasantry (Sahara Reporters, June 4, 2015). The Governor unknown to constitutional practice, had backed a 7-member PDP led House of Assembly to sack the 19 All Progressive Congress members from the legislative Assembly including removal of Speaker Adewale Omirin and other principal officers of the legislature (Odunlami, 2015). The ensued developments threw the state into another round of apprehension, uncertainty and perpetual anxiety occasioned by the impeachment notice issued to the Governor by the 19 All Progressive Congress members in the assembly. Consequently, the entire state was in perpetual turmoil while it lasted (Odunlami, 2015).

The Governor resorted to self-help at the tail end of the session of the legislative assembly by 'mobilizing motorcycle riders, hired political thugs and members of transport workers' union to block all entry routes into Ekiti state on so many occasions' (Personal Interview XXIV, April 22, 2018). This was apparently to prevent the 19-APC lawmakers from gaining entrance into state to carry out their purported impeachment plot; having been bullied out of state by the governor. Meanwhile the Assembly complex was sealed by the security operatives as a result of the barricade mounted by the people believed to be agents of the Governor and the incessant claims by the two factions of the assembly on who occupies the hallow chamber. Fortunately, all of these disappeared when the tenure of the fourth legislative assembly ended on June 3, 2015.

Overall, the basic fact thrown up by all these revelations is that government is a collective business and not a one-man soap opera. There is the need to nurture and allow governance structures to perform their constitutionally assigned functions. Under the extant principles of presidentialism, the three arms of government; the legislature, executive, and judiciary are given constitutionally recognised roles to play for the effective functioning of the system. Moreso, the stabilising roles of some recognised institutions in the society such as traditional institutions, civil society organisations, enlightened segment of public and other relevant groups cannot be set aside in shaping the political outcomes of formal institutions of governance. Thus, the pluralist tenets of democratic dispensation such as tolerance, consensus building, conciliation, and

dialogue should be allowed and nurtured. Executive-legislative relation is a slow, steady but continuous learning process of deepening democratic values (Davies, 2004).

6.4 Executive-Legislative Relations in the Era of Divided Executive in Osun State (1999-2003)

The successful completion of the transition programme that returned Nigeria to constitutional democracy saw to the emergence of Bisi Akande and Iyiola Omisore of the Alliance for Democracy (AD), as the Governor and the Deputy Governor, respectively, in Osun state. At the inauguration of the State Legislative Assembly on May 31, 1999, Mojeed Alabi from Ejigbo state constituency was elected speaker while Moses Oladapo Gbotoso from Ilesa East constituency emerged as the deputy speaker. The 26-member assembly comprised of 23 members of the Alliance for Democracy (AD), 2 members of the All People's Party (APP), and 1 from the People's Democratic Party (PDP). Thus, the AD was in control of the executive and the legislative branches of the government.

Nevertheless, in spite of the dominance of a single party, which produced the governor and controlled majority seats in the House of Assembly, the acrimony between the executive and the legislature in the state over the period appeared to be on the ascendancy right from inception of the administration (Omitola and Ogunnubi, 2016). The persistent conflicts that characterised executive-legislative relationships under the Akande administration was said to found its origin in three principal factors; the crisis between the Governor and his Deputy; the dictatorial orientation of the Governor; and the position of party leaders, both within and outside the state, who had wanted a docile legislature (Personal Interview III, February 20, 2018).

A respondent linked the genesis of the crisis between the executive and legislative branches to the position of the ruling party in the state, the AD, and Governor Akande who had wanted the legislature to operate as an extension of the executive branch. A development the state lawmakers vehemently resisted;

The party and the executive wanted the legislature to be a rubber stamp, but the leadership of the House resisted the move. Then they resorted to blackmail until the crisis led to the larger crisis in the state, which rendered the legislature ineffective and subsequently led to the loss of the party in the 2003 election (Personal Interview III, February 20, 2018).

The disagreement between the Governor and his Deputy began prior to their assumption of office. The crisis had its roots in the intra-party squabbles and pre-election tradeoffs, which trailed the emergence of the two political figures as governorship and deputy governorship candidates of the Alliance for Democracy (AD) in the state. In 1998, prior to the period when the military lifted ban on party politics in the country, Omisore, with his formidable political machinery and strong financial standing had positioned himself to aspire for the governorship seat of Osun State (Zoaka, 2003). However, in the wake of the electioneering process, the leadership of the AD was said to have prevailed on the young Omisore to yield his political structure to Chief Bisi Akande as the governorship candidate of the party while he settled for the deputy governorship slot. After much persuasion, the young politician acquiesces to run with Chief Akande as deputy governorship candidate but having in mind to actualize his governorship ambition after Akande's four years in the saddle.

A party chieftain in the state corroborated this position

The Deputy Governor bankrolled the electoral campaign of his party, the AD in the state. Prior to their election, he had wanted to be Governor of the state, but the party leaders prevailed upon him to support Bisi Akande for the governorship while he accepted to be Deputy Governor (Personal Interview XXXIV, May 10, 2018).

Subsequently, the duo contested the governorship election in the state and won. Even before the swearing-in ceremony, Akande's camp within the AD had detested Omisore as being too ambitious for the position of a deputy governor. They appeared to have preferred a more amenable and subservient figure as Akande's deputy. Upon their inauguration in May 1999, Omisore had left no one in doubt through his activities as to his readiness to succeed Bisi Akande as the next Governor of Osun State. Beginning from then, Omisore's political posture began to unsettle the camp of Governor Bisi Akande. This resulted to loss of confidence between the two leaders and caused disaffection in government as well as polarisation within the party in the state.

The impasse led to intra-executive conflict; the type that had a proclivity towards a situation of divided executive in the state. A situation of divided executive arises when acrimony between the Governor and the Deputy Governor degenerates to divisions in government and factionalisation within the party (Fagbadebo, 2016; Obiyan, 2013). The disagreement between

the Governor and his Deputy led to political skirmishes, which extended to the legislature. One of the reasons for the fallout between the Governor and his Deputy had links with pre-election issues involving the Governor and his Deputy.

The crisis between the Governor and his Deputy started before the inauguration. It all started when party leaders imposed Akande as the gubernatorial candidate instead of Omisore whose political structure became the platform for the AD in the state (Personal Interview XII, April 10, 2018).

Soon after their assumption of office, Omisore continued with his political activities ahead of his ambition as the next governor of the state, as promised by the leaders as the condition for his acceptance of the deal to allow Bisi Akande to be the Governor (Personal Interview XXXII, May 4, 2018). However, this move infuriated the Governor, who also was looking forward to contest for the second term. This development degenerated into an internal crisis in the executive, and eventually precipitated intra-party squabbles and factionalisation (Personal Interview XXXII, May 4, 2018). This, nonetheless, confirmed the positions of scholars on the nature and sources of intra-executive conflicts and confrontations. While Fagbadebo (2016) opines that conflicts within the executive often lead to divisions in the party, Obiyan (2013) maintains that schism within the party offers a potential fertile ground for intra-executive conflicts. This, he reasons, often occurs when the governor and his deputy belonged to different factions of the party.

A respondent acquiesces to this description when he said that,

The crisis between the Governor and his Deputy started long before the two leaders were sworn-in. The Akande's faction did not want Omisore at all, because they felt he was too ambitious. They were looking for a subservient deputy and a docile legislative leadership (Personal Interview XXX, May 2, 2018).

The craving of the Akande's faction of the AD for a docile legislature stood in contrast to the provisions of the 1999 Constitution which granted substantial powers to the legislature to serve as check on the exercise of executive power. An aide to a former Speaker of the State House of Assembly gave this as the reason why the lawmakers over the period 'had always resisted any move by the Akande-led executive branch to encroach on its oversight powers' (Personal Interview XXXII, May 4, 2018). This, in a way, explains the incessant friction and acrimony between the executive and legislative branches of government in the state over the period.

Another twist to the executive-legislative feud during the period under review was Governor Akande's penchant for taking unilateral policy decisions without due recourse to the legislature, especially exercising unilateral control over state funds. This is not in tandem with the principles of the country's presidential constitution, which ceded the power of control over public funds to the legislature. Section 120 of the 1999 Constitution gave the powers and control over State Funds to the House of Assembly of the State. Specifically, sub-section (4) of this section 120 states that 'No moneys shall be withdrawn from the Consolidated Revenue Fund of the State or any other public fund of the State except in the manner prescribed by the House of Assembly' (the Constitution of the Federal Republic of Nigeria, 1999, as amended). Added to this were the Governor's dictatorial tendencies, which more often pitched him against the state lawmakers. This found manifest expression in some of the 'unpopular policies' of the government such as the retrenchment of teachers, insensitivity to the plight of workers among others (Bodunrin, 2000). The state legislature had always wanted to exercise its oversight powers over the activities of the state government as the constitution guarantees but that often resulted into feuds. A former lawmaker in the state said:

Governor Akande and his Commissioners had often wanted to override the state legislature. For instance, there was a fraud case in the civil service and the House had wanted to investigate it but the Finance Commissioner was busy frustrating the lawmakers. He set up an inquiry, which amounted to usurpation of power of the legislature (Personal Interview XXX, May 2, 2018).

Without doubt, the Commissioner's action was unconstitutional usurpation of the investigative powers of the legislature. Sections 128 and 129 of the 1999 Constitution vested in the legislature powers to make an inquiry or investigation into any matter that falls within the purview of its legislative competence. Section 129(1c) states specifically that:

The House shall have the power to summon any person in Nigeria to give evidence at any place or produce any document or other thing in his possession or under his control, and examine him as a witness and require him to produce any document or other thing in his possession or under his control, subject to all just exceptions.

Thus, the Commissioner appeared to have erred by deliberately frustrating the lawful mandate of the legislature, especially his refusal to turn in the details of the infractions as demanded by the lawmakers because that violated the provision of the Constitution. Subsequently, the assembly passed a resolution calling on the Governor to relieve the Finance Commissioner of his

appointment. From then on, the question of the legality of House resolutions became a subject of contriving debates. The executive branch and its sympathizers would quickly argue that House resolutions were merely advisory and for that reason, the executive may choose to ignore such if it so desires (Akinbobola, 2005). However, if this is true, why did the Constitution say that no Commissioner could be appointed until legislative confirmation³⁶? It should be noted that confirmation of Commissioner Nominees is usually done by House resolutions not by any law (Lafenwa, 2010; Lawan, 2010).

Therefore, why a resolution of the legislative assembly passed on a subject matter should be described as mere advice or without the force of law when the constitution had placed such matters under the purview of its legislative competence. It appeared illogical, when it is constitutional, that the appointment of Commissioners would be valid only by the resolution of the House but becomes mere advisory when the resolution of the same body demanding for the termination of such appointment.

As standard practice, most important decisions of parliament in Nigeria and elsewhere were taken because of legislative resolutions. For instance, the impeachment powers of the legislature guaranteed under the 1999 Constitution in sections 143 and 188 is exercisable only by resolutions not by law making. There is no section in the procedures for impeachment in the constitution that requires the legislature to make law. All the important decisions in the process were taken via resolutions. Thus, legislative resolutions cannot be wished away as not having the force of law, which the executive can choose to ignore, especially when the constitution provides that executive powers of a State are exercisable subject to the laws and directives made by the House of Assembly³⁷

The frosty relationships between the executive and the legislative in the state culminated in the Impeachment Notice signed by 21 out of the 26 members of the state House of Assembly and served on the Governor on November 1, 2000 (Official Report, Osun State House of Assembly (OSHA), November 1, 2000). The Notice of Impeachment contained 13 allegations of gross misconduct against the Governor, bordering on violation and breaches of the provision of the

³⁶Section 192(2) of the 1999 Constitution of the Federal Republic of Nigeria, as amended.

³⁷Section 5(2) of the 1999 Constitution states that executive powers of a State (a) 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..... and (b) shall extend to the execution and maintenance of this Constitution, all laws made by the House of Assembly of the State and to all matters with respect to which the House of Assembly has for the time being power to make laws.

1999 Constitution. However, the lawmakers failed to have the necessary vote to proceed and this heightened the crisis between the governor and his deputy. However, as Fagbadebo (2016) had argued, the idea of removing the State Governor was not intended to succeed. Rather, it was a ploy by the state lawmakers to whittle down the unbridled and dictatorial disposition of the state Governor, Bisi Akande, ostensibly to make him amenable towards an enhanced welfare package for the legislators.

Fagbadebo's assertion was premised on the submission made by the Minority Leader of the assembly during the impeachment crisis, Adejare Bello, who, in 2011 had publicly admitted that the intention of the legislators was not to outrightly impeach the governor but to show him the power of the legislature.

We never wanted to impeach Chief Bisi Akande...[he] was giving us Ninety Thousand Naira a month. Many of us with a lot of indebtedness, we were managing that amount of money. At a point in time, the governor just said "you people cannot be earning more than a Permanent Secretary, so I am reducing your salary from Ninety Thousand to Sixty Thousand Naira...We now said it was because we had not shown this governor the power of the House of Assembly; he could not remove us, but we could remove him. We now said we should shake him. It was to shake him (cf. Fagbadebo, 2016, p.120).

According to a respondent, who is a former lawmaker in the state, the relationship between the Governor and the Assembly became frostier after the completion of official quarters of the lawmakers. As a result, the governor had 'unilaterally stopped the payment of housing and transport allowances to the legislators; an action which infuriated many of the lawmakers who felt slighted and shortchanged by the Governor's decision' (Personal Interview XXX, May 2, 2018).

Thus, the intent of the impeachment process was a clear case of pressure to force the governor to do the bidding of the legislature. There was no doubt that the Governor might have been poised to prudently manage the resources of the state but failed to understand the prime place of the legislature in the scheme of things.

This development revived the argument put forward by Richard Joseph about the nature and orientation of Nigerian political elites, which revolved around what he described as 'clientelism and prebendal politics' (Joseph 1991). According to him, 'access to the state remained disproportionately important for the elites who struggle to appropriate the state resources for

private use' (Joseph, 1991, p.55). This is also similar to the concept of 'strategic political elites' highlighted by Fagbadebo (2016). This group of elites comprises politicians who construe their involvement in the political process as a veritable means to achieving or furthering some personal decisive ends and interests. He remarks:

These ends are achieved once they gain power and become able to influence rules and public opinion. They use all the means at their disposal to ensure their continuity in power. The Nigerian political elite, particularly in the legislature strategically exert their powers to advance their personal interests at the expense of the public good (Fagbadebo, 2016, p.119).

In Nigeria, at the behest of primordial considerations, 'party politics is devoid of principles or any known ideology', and political leaders often act without a recourse to party position on any issue (Omitola and Ogunnubi, 2016, p.164). Therefore, it does not matter anymore whether the same party controls the two branches of government.

Subsequently, the conflicts between the two leaders in the state, which had polarised the government, and the ruling party, the AD, also split the State House of Assembly, into two opposing camps. The height of the disagreement led to the impeachment of the Deputy Governor. Many believed that some powerful forces within the party opposed to the Deputy Governor's overt moves to succeed his principal mounted pressure on the state lawmakers to remove him from his position (Personal Interview XXX, May 2, 2018).

Most often, the impeachment of a Deputy Governor is less difficult and swifter than that of a Governor, especially when the governor is the chief architect of such plot. This is contrary to the design of the drafters of Nigerian presidential constitution, which provided for the office of the deputy Governor and assigned responsibilities to it. However, in actual practice, the Governor, as the custodian of executive power, wields strong influence in the allocation of state resources and distribution of political patronage. Thus, a large segment of the citizenry and majority of legislators often support the Governor during intra-executive conflicts, which usually speed up the process of impeachment of the Deputy Governor. A former Majority Leader of a State House of Assembly, who spoke with me, confirmed that the impeachment of the Deputy Governor in his state was an outcome of acrimony between the governor and the deputy rather the itemized breaches of the constitution put forward by the legislature (Personal Interview XXXI, May 4, 2018).

The developments during the administration of Bisi Akande in Osun State showed that the relationships between the executive and the legislature were beclouded by incessant acrimony and intra-executive conflicts, which polarised the state political elites. A close scrutiny of these developments revealed that apart from the surreptitious interventions by some leaders of the ruling AD, no visible efforts were made by the governing elites to engender and sustain a regime of smoothed relationship between the two important institutions of the executive and the legislature in the state.

6.4.1 The Era of Executive-Legislative Harmony under the Oyinlola and Aregbesola Administrations (2003-2015)

The candidate of the People's Democratic Party (PDP), Olagunsoye Oyinlola, emerged the winner of the 2003 gubernatorial election in Osun State. Oyinlola assumed office as Governor of the state on May 29, 2003. The House of Assembly was inaugurated on June 3, 2003 and Rafiu Adejare Bello, from Ede North State Constituency, and Taiwo Sunmonu, from Olorunda Constituency, became Speaker and the Deputy Speaker, respectively. The PDP had an overwhelming majority of 25 members out of the 26-member legislative House, leaving the AD with only one seat (Owoeye, 2010).

It was within the political context of one-party dominance that the state legislative assembly operated in convergence with the executive arm over policy issues (Ogundiya, 2010). Observers described the period in the state as an era of unusual harmony between the executive and legislative branches of government. Ordinarily, when compared with the rancorous and crisis-ridden relationships, such that characterised executive-legislative interface in the Second Assembly, one can easily assert that the harmonious working relationship between the two branches of government under Oyinlola was an outcome of political maturity and disposition of the relevant actors in the legislative process. A former lawmaker in the state who served in the legislature for three consecutive legislative sessions gave reasons for the convergence. His remarks

The harmonious working relationships between the executive and the legislative branches under Oyinlola's government was a result of deliberate efforts and commitments of the Governor and the House leadership to work together as one unit of the same government. Some of us who served in the immediate past assembly had also learnt that executive-legislative antagonism leads nowhere. The decision of the Governor to always carry the legislature along in the running of

state affairs also contributed to the sustained convergence between the two arms. (Personal Interview XXX, May 2, 2018).

This is contrary to the development in the Second Assembly in the state where, in spite of the dominance of one party, the lawmakers and the Governor at that time still disagreed on a number of issues. In case of the Third Assembly, operating within the same background of a single party dominance, directives often emanated from the governor and party chieftains without leading to any serious disagreement with the legislature (Kaur, 2007; Momoh, 2006). Executive bills especially ‘appropriation-related requests of the governor’ as well as legislative approval and ratification of Commissioner nominees and other ‘high profile appointments’ were done with little or no delay by the assembly (Momoh, 2006, p.75).

As earlier mentioned in the course of the discussion on executive-legislative relationship in Ondo state, the unique peculiarity of executive-legislative harmony under the Oyinlola’s government was somewhat similar to the Ondo State experience. Many believed that the conciliatory dispositions of legislators in the Osun state Third Assembly was an outcome of the confidence-building efforts of the Governor and the leadership of the assembly. A former principal officer of the legislature in the state pointed out that mostly the governor and some powerful chieftains of their party, the PDP, facilitated the convergence of interest between the executive branch and the legislative assembly. He disagreed with the notion of describing the Third Assembly as a docile legislature. According to him, ‘there is nowhere in the Constitution where it was stated the legislature must engage in fisticuffs with the executive to demonstrate its independence or to show that it is not a rubber stamp’ (Personal Interview XXXI, May 4, 2018).

Pointedly, this regime of harmonious working relationship with no executive-legislative impasse persisted between the governor and the state House of Assembly until the period when the legislative session of the third assembly ended in May 2007 (Dode, 2010).

In the 2007 gubernatorial election in the State, Governor Olagunsoye Oyinlola, secured a second term in office. Nevertheless, the PDP maintained a slim majority of 15 seats in the 26-member legislative assembly. The opposition party, the Action Congress (AC), won 11 seats. Nevertheless, there were a series of litigations against the results of the election.

In November 2010, the Court of Appeal nullified the election of Olagunsoye Oyinlola as the Governor of the State, and declared Rauf Aregbesola, the candidate of the opposition Action Congress of Nigeria (ACN) as the winner. Consequent upon this, two members of the legislature on the platform of the PDP decamped to the new ruling party, ACN. The ruling party (ACN) and the opposition (PDP) had 13 members each but PDP members retained the leadership positions in the legislature (Official Report of the Osun State House of Assembly, December 6, 2011).

In spite of this, there was no crisis that altered the harmonious working relationships between the executive and the legislature until the session of the Fourth Assembly lapsed in May 2011 (Personal Interview XXX, May 2, 2018). In the 2011 elections into the House of Assembly, the ruling ACN won all the 26 seats in the legislative assembly. Thus, a single party dominance resurfaced in the state with the ACN controlling the legislature and the executive branches of government. The Fifth Assembly of the Osun State House of Assembly essentially functioned to complement the agenda of the executive (Omitola and Ogunnubi, 2016). A senior aide to the governor attributed the sustained confidence and harmony between the state governor and the assembly to the transparent conduct and disposition of the Governor (Personal Interview XXXII, May 4, 2018). He claimed that, the governor usually carried the legislature along on issues regarding to the 'allocation and distribution of state resources, particularly the revolving revenue profile of the state' (Personal Interview XXXII, May 4, 2018). In similar manner, a respondent, who is a serving lawmaker in the state, confirmed the assertion of the governor's aide. According to him:

The legislature has every reason to support the Governor in his bid to transform the state. He has been very transparent in managing the affairs of the state and we lawmakers are always in the know of the financial position of the state government (Personal Interview XXXII, May 5, 2018).

For these reasons or so it seemed, there were no disagreement or crisis of confidence that could jeopardize the stable and harmonious working relationship between the two branches of government under the firm grip of a single political party, the ACN.

The relationship between the executive and the legislature under Aregbesola was very cordial. Nonetheless, questions have been raised about the state of the oversight functions of the legislature between 2011 and 2015, especially the effectiveness of its constitutional role as the watchdog of executive activities. One of the principal roles of the legislature in Nigeria's

presidential system is to serve as an effective check on the exercise of executive powers of the government.

In June 2015, a serving High Court Judge in the state, Olamide Oloyede, petitioned the House of Assembly alleging the Governor of maladministration and abuse of office (Premium Times, 07/07/2015). The Judge therefore called on the legislature to commence an impeachment process for the removal of the Governor. Nevertheless, the legislature feigned investigation into the matter, and subsequently dismissed the petition, describing it as 'baseless, lacking in merit and largely unwarranted by a serving judicial officer of the state' (Premium Times, 07/07/2015). Consequently, Justice Oloyede was forcefully retired from the judicial service of the state after publicly criticising the state legislature for failing to act on her petition (Premium Times, 06/10/2015).

The harmonious working relationship between the executive and legislative branches in the state was commendable for preventing gridlocks in government. This notwithstanding, the legislature has been less visible or possibly overwhelmed in the legislative process largely dominated by the executive and its administrative agencies (Omitola and Ogunnubi 2016). The role of the legislature is much more than being 'reduced to the arena for shrewd bargaining and allocation of spoils among its members', and in the process, abdicating the important role of institutional check on the exercise of executive authority (Omitola and Ogunnubi, 2016, p.169). To all intents and purposes, there is no doubt that the 1999 constitution construed the legislature both as a defender of citizen's popular will and as an enforcer of accountability in government (Jombo and Fagbadebo, 2019).

6.5 Executive-Legislative Relationships in Oyo State (1999-2015)

The present Oyo state had been an epicentre of democratic participation prior to Nigeria's attainment of independence in 1960 (Akinsanya and Davies, 2002). From the colonial period, Ibadan, the capital city of the defunct Western Region, and the present Oyo State, had played host to the intense politicking and shrewd party politics, characteristic of the Region (Akinbobola, 2002; Robert, 2003). In 1976, the military government created Oyo State out of the defunct Western Region (Anifowose, 2004; Agedah, 1993). Between 1999 and 2015, four successive Governors, elected under different party platforms, have since served the state. On May 29, 1999, Lamidi Adesina of the Alliance for Democracy (AD) was inaugurated as the

Governor of Oyo State. The AD won 30 in the 32-seats State House of Assembly, while the Peoples Democratic Party (PDP) had only two members (Oni, 2013).

At the inauguration of the House, Kehinde Olatunji Ayoola, emerged as the speaker but was replaced with Asimiyu Alarape, from Atiba Constituency, in November 1999 while Joshua Olagunju was elected Deputy Speaker (Department of Planning, Research and Statistics, Oyo State House of Assembly). The relationships between the two branches of government was characterised by harmony and consensus building by the elites in the executive and the legislature. This was dictated, largely, by the unifying roles of notable leaders of the ruling party as well as the understanding facilitated by the elders' wing of the AD, and the Afenifere Group (Obiagwu and Ogbodo, 2006). A leader of the former ruling party in the state in an interview described the period this way:

Executive-legislature relationships under the Lam Adesina administration were most cordial. The understanding and convergence of interests between the two organs of government can be attributed to the dispositions of the Governor and the assembly leadership to the mediatory roles of our party, especially the elderly roles of Afenifere leaders (Personal Interview XXXIV, May 10, 2018).

Thus, executive-legislative relations sailed smoothly with no recorded impasse between the two arms of government throughout the tenure of that administration. Even the undue dependence of the legislative assembly on the executive branch for the funding of its activities, including its oversight responsibilities, was hardly an issue. This was because the Governor gave prompt approvals for the release of funds due to the assembly (Personal Interview XXXV, May 10, 2018).

This is contrary to the situation in most other states, where the executive delayed the approval of funds due to the legislature. In most of these states, this was a major source of incessant frictions between the executive and legislative branches. A septuagenarian, who was a former principal officer of the legislature in the state, attested to this when he told me that funding of the assembly's activities was never an issue between the lawmakers and the Governor. According to him, 'the Governor was always acceding to the funding requests of the legislature because those monies have already been budgeted for in the appropriation law of the state' (Personal Interview XXXV, May 10, 2018). Therefore, it was a matter of implementing the laws duly passed by the legislature and assented to by the Governor.

The subsisting process of shrewd bargaining and payoffs sustained a regime of cooperation among the key players in the legislative process throughout the duration of Lam Adesina's administration thereby culminating into a harmonious working relationship between the executive and the legislature over the period. Nevertheless, the system of political bargaining and patronage among the political elites in the two institutions is a pointer to the prebendal politics characteristic of the Nigerian presidential system (Kifordu, 2010). The sustained harmony, which existed between the executive and the legislative branches over the period, was achieved at a huge cost; the partitioning of collective wealth among the governing elites for primordial gains (Joseph, 1991; Agbaje and Adejumobi, 2006). The Governor and the AD lost the state to the opposition party, the PDP in the 2003 gubernatorial election. Rashidi Ladoja of the PDP emerged the Governor and the party won 30 out of the 32 seats in the state House of Assembly.

On 29 May 2003, Rashidi Ladoja was sworn-in as the Governor and Adeolu Adeleke, and, Dauda Titilola, emerged as the Speaker and Deputy Speaker, respectively. The executive-legislative relationships were cordial until the middle of 2005, when interferences of external forces, orchestrated as a result of the fallout between the governor and his political godfather, Chief Lamidi Adedibu, altered the harmonious working relationships between the Governor and the members of the legislative assembly (Adegboyega, 2006).

The development led to polarisation of members of the House of Assembly into two opposing camps (Omobowale and Olutayo, 2007). According to Omitola and Ogunnubi (2016, p.163), 'allegations of monetary inducement of the state lawmakers' to pursue agenda linked to the politico-economic interests of certain powerful individuals in and outside the state government trailed the divisions in the House. As Omobowale and Olutayo have noted, the high point of the crisis was the impeachment proceeding against Governor Ladoja in December 2005. The ensuing development threw the state into palpable fear and turmoil, leading to a wave of political uncertainty.

6.5.1 Godfatherism and the Impeachment of Governor Rashidi Ladoja of Oyo State

On 13 December 2005, 18 members out of the 32-member Oyo State House of Assembly concluded the process of impeachment of Governor Rashidi Ladoja (Apabiekun, 2006). This followed the adoption of the report of the panel set up to investigate allegations of gross misconduct leveled against the Governor. The allegations include:

1. Conflict of interest.
2. Fraudulent conversion of public funds.
3. Establishment of Oyo State Road Maintenance Agency without the consent of the State House of Assembly.
4. Operation of Foreign Accounts, Sponsorship of attack on Honourable Members of the House of Assembly.
5. Sponsored attacks on members of the legislature.
6. Undermining the integrity and constitutional power and functions of the legislature.
7. Undermining the integrity of the judiciary.
8. Acts unbecoming of a Governor of Oyo State.
9. Nepotism on contract.
10. Chieftaincy matters.
11. Usurpation of the power of the state legislature on local government affairs.
12. Undermining the principle of separation of powers.
13. Purchase of 33 graders.
14. Dereliction of duties.

In spite of these allegations, many observers of political events in the state believed the Governor might not have been removed if he had not drawn the anger of his godfather and benefactor, the late Lamidi Adedibu and former President Olusegun Obasanjo (Fagbadebo, 2016; Oarhe, 2010; Sklar et al, 2006). They argued that the actual reasons for the impeachment remained concealed or rather undisclosed but largely a consequence of the fallout between the Governor and his godfathers (Adegboyega, 2006). A principal officer of the state legislature appeared to have confirmed the positions of these scholars during an interview when he narrated to me that:

Godfatherism was the main issue behind the unconstitutional removal of the governor from office. If you carefully consider the allegations proffered against Governor Ladoja, you will find out that they are not provable in anyway. You could see that the panel itself finds it difficult in proving even those ones that can be considered as constituting gross misconduct in breach of the constitution. The main issue is that the governor stepped on toes of his godfather and at the same incurred the wrath of President Obasanjo, who would have readily intervened and appeased Baba Adedibu on his behalf. To be honest with you, those of us who belonged to the group of lawmakers opposed to Ladoja's impeachment offered to do so at a high risk to our lives and political survival (Personal Interview XXXV, May 10, 2018).

It is evident that the plot to impeach the Governor transcended the independent actions of the 18 lawmakers, as portrayed in the allegations of gross misconduct. Evidently, it was a demonstration of the influence of political actors outside the formal structure of government (Lawan, 2010). In Nigeria, the scope of political elites extends far beyond individuals functioning within the legitimate institutions of the state. It includes array of powerful and high network individuals regarded as patrons but commonly called godfathers, who wield tremendous influence on the political process (Adebanwi and Obadare, 2011; Oni, 2013). Sklar et al (2006) captured this in their description of the Nigeria's political landscape as being

dominated by powerful 'godfathers' who sit atop vast patronage networks at the local, state and federal levels. Political outcomes are primarily a function of titanic struggles among these magnates, who bargain among themselves- and at the expense of the impoverished greater public – within a political context of multiple ethno -religious division (Sklar et al, 2006, p.101).

In the contemporary Nigeria, politics is about personalities and the political process essentially depends on the craving to please certain individuals who control state power. This is similar to what Fagbadebo (2016) describes as the strategic political elites who construed their participation in politics as a means of gaining access to the state resources. Therefore, they see the electoral process as the 'theatre of absurdities' for all kinds of manipulation to ensure the emergence of their sponsored candidates, who in turns reward them with unhindered access to the resources of the state (Kifordu, 2010; Uneze, 2008; Sklar et al, 2006).

These groups of political elites are 'patrons' or 'godfathers' who subjected the political process to the vagaries of patron-client relationship (Oarhe, 2010; Sarker, 2008; Mwenda and Tangri, 2005; Stein, 1996). In this relationship, the godfather (patron) supplies all the political and financial means required for the electoral victory of his godson (client). The political means often provided include, and, extend beyond the use of electoral violence as a strategy of rigging to manipulation of the processes and rules of party primaries for the selection of candidates all in a bid to ensure the emergence of the preferred candidate of the godfather (Fagbadebo, 2016; Adele, 2012; Omobowale and Olutayo, 2007; Agbaje, 2006).

Osumah Oarhe describes it thus:

In Nigeria, the patron-client relation is based on master-servant relationship and motivated by commercial interest at the detriment of public interest. The patrons

foist charlatans or hooligans on the rest of the people and help to ensure that they stay in office for as long as they desire. The clients in return devise perfidious schemes aimed at boosting the residual interests of the cabal (Oarhe, 2010, p.54).

After a godfather had deployed his political influence to install his godson into office, the expectation is that the godson would reciprocate the gesture by allowing unimpeded access to state resources. This could be through various means such as political appointments, award of choice contracts, even when the capacity to execute such was nonexistent, outright release of large sum of money at regular intervals or through other forms of patronage characteristic of the Nigerian political space (Olupohunda, 2014). Whenever the godson defaulted in this reciprocity, the godfather would mobilise, constitutionally or otherwise, his political influence to remove the godson from office (Animasawun, 2013; Fagbadebo, 2016, p.190; Sklar et al, 2006, p.105). Chimaroke Nnamani³⁸, a former Governor captured the larger than life posture of Nigerian political godfathers when he construes a godfather as ‘a merchant set out to acquire the godson as a client’ (cf. Tell Magazine, 2004, p.17). According to him, a godfather in the Nigerian political context was

an impervious guardian who provided the lifeline and direction to the godson, perceived to live a life of total submission, subservience and protection of the oracular personality located in the larger, material frame of opulence, affluence and decisiveness, that is, if not ruthless (cf. Fagbadebo, 2016, p.192-193).

Nevertheless, there is nothing in this description to suggest that patron-client relationship is a forceful endeavour. Rather, it is a voluntary arrangement freely agreed to by the two parties for their mutual interests and politico-economic benefits (Edigin, 2010). The tie is often motivated by mutual desires.

Scott (1972) had reasoned that the desire of an aspirant, or a budding political figure, to seek refuge and protection from an individual of higher socio-economic status and immense political means often resulted to such relationships. According to him, it is more often involved a transactional relationship where a service or support was sought in exchange for an agreed reciprocity. Richard Joseph gave an elaborate description of such relationships:

³⁸ Chimaroke Nnamani was a former Governor of Enugu State, South East Nigeria. He was elected Governor in 1999 and served for two terms of eight years. He gave the description in the wake of the faceoff between him and his *godfather*, Chief Jim Nwobodo. For details, see Nnamani, 2003.

An individual seeks out patrons as he or she moves upward socially and materially; such individuals also come to accept ties of solidarity from their own clients which they view as fundamental to the latter's security and continued advancement as well as their own. Clientelism therefore is the very channel through which one joins the dominant class and a practice, which is then seen as fundamental to the continued enjoyment of the perquisites of that class (Joseph, 1991, p.55).

Going by these assertions, mutual consent for the control of state resources, for their upward mobility in the social structure, is often at the centre of godfather-godson relationships rather than concerns for public good. Hence, it is evident that the very essence of democratic governance is far from being realised in Nigeria. Democracy presupposes the collective interests and aspirations of a people who have consented to be governed under certain set of rules and principles (Przeworski, 1992). Similarly, the modern state, as Fukuyama (2015, p.13) has reasoned, prioritises efforts 'to be impersonal, treating people equally on the basis of citizenship rather than on whether they have a personal relationship to the ruler'. Nevertheless, this is in sharp contrast to the prevailing orientation among the Nigerian elites, especially the godfathers, whose asymmetric relationships with their godsons ensured the overt appropriation of state resources for their personal benefits.

This set of elites, as Oarhe (2010) has noted, see politics as avenues for investments, in anticipation of reaping bountiful returns. They deploy their financial resources and political networks to sponsor candidates into offices in the executive and legislative branches of government. For these reasons, they exercise substantial influence on the decision-making process and often determine the course of action of government, sometimes with brazen impunity (Edigin, 2010; Sklar et al, 2006; Albert, 2005; Joseph, 1991). This group of elites, because of their sprawling networks and connections, both within and outside the official circles, also has government protection and apparatus at their disposal. They deploy such to intimidate and coerce political opponents, especially recalcitrant godsons, who have refused to do their biddings. The late Lamidi Adedibu of Oyo State belonged to this group.

He had positioned himself as an influential power broker in Nigeria, particularly in Oyo State, even before the enthronement of democratic practice in 1999 (Adebanwi and Obadare, 2011). This is largely because of his roles in the political transition programmes administered by the military. Before the sponsoring of Rashidi Ladoja for the governorship seat of Oyo state under

the platform of the PDP in 2003, Adedibu was reputed to have wielded significant influence³⁹ in the electoral victories of successive Governors in the state as well as arrays of other elected members of the legislature (Fagbadebo, 2016; Omobowale and Olutayo, 2007).

Governor Ladoja enjoyed a good working relationship with the legislature until he parted ways with his godfather; Chief Adedibu, because of the excessive cash demands from the Governor, and his penchant for a commanding control in the administration of the state (Omobowale and Olutayo, 2007). The Governor, who claimed to have a different plan for the governance of the state, had rebuffed the overtures of Adedibu; a development that degenerated to factionalisation of the ruling party (Obiagwu and Ogbodo, 2006). The 18 lawmakers that carried out the impeachment of the governor belonged to the godfather's group of supporters, while the other 14 lawmakers, including the Principal Officers, pitched their tents with the group sympathetic to the Governor (Oni, 2013).

In the wake of the impeachment crisis, the Governor had said that his problem with Adedibu bordered 'on the difference in our interpretations of governance and politics' (cf. Fagbadebo, 2016, p.200). For this reason, the Governor had sought to ensure that his preferences prevailed over that of his godfather; but that attempt resulted to his impeachment (Omobowale and Olutayo, 2007). A respondent who served as principal officer of the state legislative assembly put it this way:

Ladoja's emergence as governor of Oyo State was made possible by Baba Adedibu who sponsored his election right from the level of party primaries of the PDP up to the general election. Baba did all these obviously in anticipation of constant returns from Ladoja after he became governor. He had wanted the governor to be deferring to him on the running of the state but Ladoja chose to be his own man even to the point of ignoring President Obasanjo's advice⁴⁰ who had

³⁹Chief Adedibu established himself as a political heavyweight in the politics of the state owing to his vast networks of cronies in the political circles spanning every department of state power. His political networks also included an army of thugs and street urchins who acted as an 'informal coercive force' for the entire political machinery. Adedibu's exploits in the political arena of Oyo state won him the appellation of "the Strongman of Ibadan politics", and the reality of which he demonstrated until his death on 11 June 2008. For more details, see Apabiekun, 2006; Adebani and Obadare, 2011; Fagbadebo, 2016; Omobowale and Olutayo, 2007.

⁴⁰Olusegun Obasanjo was Nigeria's President between 1999 and 2007. Late Lamidi Adedibu, the Governor's godfather was an influential member of the Peoples Democratic Party (PDP), the platform under which both the president and Governor Ladoja were elected into office. At the height of the crisis between the Governor and Chief Adedibu in 2005, the president was said to have advised the governor to tread the path of peace by going to beg and pacify his godfather if he still wants to continue in office as Governor of Oyo state. This highlighted the importance ascribed to the roles of some powerful individuals in the Nigerian political process. Even though they are outside the

told him to go and beg Baba for forgiveness if he desire to remain as governor of the state (Personal Interview XXXV, May 10, 2018).

This means that elite group within political parties sponsored the election of a sizeable number of lawmakers. Only few of them were elected on the strength of their individual merits (Sklar et al, 2006). This is a dominant trend in Nigerian politics⁴¹, where ‘electoral contest is construed as a business deal for which returns are made in due time.

At the height of the impeachment crisis, the Governor’s godfather, Chief Adedibu, had argued that he had every right to demand money and other forms of patronage from the governor after he had laboured so hard to install Ladoja as governor. ‘I put him there, so, if I demand money, will it be wrong? Do I even need to ask for it?’ (cf. Apabiekun, 2006, p.21). This claim by the godfather was a reflection of the prevailing perceptions of the Nigeria’s political elites, especially patrons outside the official structures of government, who sponsors candidates to fill political offices purposely for the realisation or promotion of personal primordial gains. A respondent who had the knowledge of this sort of practice said:

Yes, it is true that many of us did not win election by our own strength and therefore cannot act independently of our sponsors. It was Ladoja’s decision to go against the wish of his benefactor, Baba Adedibu that led to his ordeal. This unfortunately, coincided with the consequences of his choice to support Vice President Atiku Abubakar, against the desire of his kinsman, President Obasanjo to go for third time in office. If it was the disagreement with Baba alone, Obasanjo could have resolved it (Personal Interview XXXV, May 10, 2018).

The submission made by this respondent added another twist to the events leading to the removal of Governor Ladoja from office in 2005. Apart from his failed attempt to deflate the influence of his godfather, the governor had also incurred the wrath of former President Obasanjo. This was not only in ignoring his advice to appease Adedibu but also, principally in the Governor’s refusal to support the tenure elongation bid of the former president⁴².

formal structures of government, they exert substantial influence on the course of actions of government, sometimes with brazen impunity. For more, see Fagbadebo, 2016; Sklar et al, 2006, etc.

⁴¹While commenting on the prevalence and egregious influence of some powerful and politically established individuals in the Nigerian political process, Ezumezu (2010, p.17) had derided a Nigerian ‘politician without a godfather’ as a ‘cyclist without a bicycle’. To him, these godfathers served as the underground railway for the corrupt leaders, and office holders’ thereby becoming ‘the incubators for corrupt’ political elites. For details, see Olupohunda, 2014; Adele, 2012; Ezumezu, 2010.

⁴²The former president had sought the support of all the PDP controlled states in his quest to perpetuate himself in power but failed to secure Ladoja’s support as well as some other governors elected under the platform of the PDP. Afterward, virtually all the PDP governors opposed to his tenure elongation bid in connivance with his Vice, Atiku

The Nigeria's 1999 constitution guarantees a maximum of 8 years tenure limit for the president and state governors. However, former president Obasanjo had sought to elongate his stay in office through a shrewd constitutional amendment embellished to benefit the Governors and members of the legislature, apparently to hoodwink the two critical players whose approvals were needed for the move to materialise (Fagbadebo, 2016). However, the idea did not eventuate because of the opposition mounted by Obasanjo's Deputy, Atiku Abubakar, who had rallied his nationwide network of supporters, including the PDP Governors, to thwart the proposed constitutional amendment. The president viewed his deputy as an obstacle to his third-term ambition. This did not go down well with the president, who, through the deployment of state power, descended on his Deputy together with his group of 'recalcitrant Governors', one of whom was Rashidi Ladoja (Albert, 2005; Omobowale and Olutayo, 2007; Oarhe, 2010).

Omobowale and Olutayo (2007) captured the principal reasons behind Ladoja's ordeal.

Perhaps all the support Adedibu needed had to be granted, because as well as Ladoja's disagreement with Adedibu, he was also against the supposed third term bid of President Obasanjo. Retaining Ladoja in power meant losing the vital support of one of the Yoruba South Western states that Obasanjo considered his primary constituency and base of the third term campaign⁴³. Moreover, since Ladoja was out of favour with the 'real powers behind the throne', he was impeached though unconstitutionally (Omobowale and Olutayo, 2007, p.443).

In Nigeria, crisis emanating from godfather-godson relationships often surfaced in the public domain when there was a total breakdown in the process of transactional exchanges because of infringement on the expectations of the godfather. The infringement could be in form of default or outright refusal of the godson to continue to honour the 'agreed reciprocity' (Fagbadebo, 2016, p.195).

The failure, default or refusal of a political godson to honour the demands or preferences of his godfather amounted to a revolt, which often precipitated damaging consequences on the

Abubakar, were made to suffer one problem or the other. As resonated by a good number of respondents in the course gathering data for this study, one common feature of the Obasanjo's presidency in Nigeria was the excessive use of executive power, especially the incessant use of brazen force and unconstitutional means to harass and intimidate real or perceived political opponents in his quest to achieving personal political ends. For more details, see Aliyu, 2006; Sklar et al, 2006; Omobowale and Olutayo, 2007.

⁴³The South West geo-political zone of Nigeria is home to the Yoruba speaking ethnic group and comprises Ekiti, Lagos, Ogun, Ondo, Osun and Oyo states. In his quest to perpetuate his stay in power, former President Olusegun Obasanjo who hails from Owu, Abeokuta, Ogun state, had considered the region, being his home base, as his primary constituency for his third term agenda but met with stiff resistance. For details see Sklar, et al, 2006; Apabiekun, 2006; Animasawun, 2013.

democratic space (Oarhe, 2010; Omobowale and Olutayo, 2007; Sklar et al, 2006; Albert, 2005). For instance, Kifordu (2010) has argued that the revolt of a godson against his godfather had the proclivity towards political crisis. The disagreement between Governor Ladoja and his godfather, Lamidi Adedibu, validated this position, (Omobowale and Olutayo, 2007).

The process that led to the removal of Ladoja was fraught with a series of breaches of the Constitution. Thus, the judiciary declared the removal as illegal and unconstitutional. The process was characterized by circumvention of the democratic process and violation of the constitutional provisions regarding the removal of members of the executive by the legislature.

The crisis that led to the removal of the Governor did not emanate from acrimonious relationships between the executive and legislative branches. Rather, it was the manifestation of patron-client politics of patronage. The struggle for the control of state power and resources pitched the godfather against his godson. This fallout between the Governor and his godfather generated the executive-legislative feuds, which resulted in the impeachment. If not for the judicial intervention, the impeachment would have been sustained.

6.6 Summary

In this chapter, the researcher examined the nature and characteristics of executive-legislative relationships in the selected states within the ambit of the socio-cultural milieu and institutional contexts peculiar to them. The analysis began with an assessment of the relative executive-legislative harmony experienced in Ondo state over the period. Certain informal mechanisms and practices put in place by the governing elites to cultivate and sustain harmonious working relationships between the executive and legislative branches in the states were identified. One of such practices was the usual unofficial cooperation between the Governor and leadership of the state legislature to harmonise all contentious areas in the appropriation bill, ahead of its formal presentation to the legislature for consideration.

In Ekiti state, the fallout between Governor Ayodele Fayose and former President Olusegun Obasanjo led to the removal of Fayose and his deputy from office, albeit through unconstitutional means. Subsequently, the impeachment plot became enmeshed in controversies, leading to power tussles between Acting Governor, Friday Aderemi and Fayose's Deputy, Abiodun Olujimi. The idiosyncratic traits of Fayose, which manifested in the Governor's

confrontational approach to governance as well as nature and manner of contestation for power among the political elites in the state, precipitated the political crisis, which led to the declaration of emergency rule on the state by the Federal Government.

The Osun state experience, especially in the first four years of the return of presidential democracy to Nigeria, revealed the implications of intra-executive conflicts on the smooth operations of government, particularly the relationship between the executive and the legislature. For instance, the fallout between former Governor Bisi Akande and his deputy, Iyiola Omisore led to divisions in the legislature and eventually culminated in the impeachment of the deputy governor. In addition, in Oyo state, the strained relationship between former Governor Ladoja and his political sponsor, Lamidi Adedibu led to the polarisation in the state legislative assembly and this eventually paved the way for the removal of the governor from office. Although the Supreme Court of Nigeria later nullified Ladoja's impeachment and the Governor restored to office to complete his term, the circumstances that surrounded his impeachment and its attendant consequences on the democratic space of the state portend serious danger for the growth of democratic institutions and political stability of Nigeria.

Overall, the institutional contexts of the various states revealed the peculiarities of the elites' behaviour toward the exercise of power in relation to the crisis of confidence that usually engendered constant frictions in executive-legislative relations in the selected states. Moreso, the experiences in Ondo and Ekiti states in the first four years of democratic practice also highlighted the important roles of a socio-political organisation like Afenifere in the nation's presidential democracy. This group exerted significant influence aimed at improving relations between the executive and legislative branches. My finding here is that the particularistic nature of the political elites in the states and the varying roles and degree of interventions by political parties, determined the intensity of the executive-legislative feuds. The next chapter considers the impacts of acrimonious executive-legislative relations and the stability of Nigeria's presidential system.

Chapter Seven

Executive-Legislative Conflicts and the Stability of Nigeria's Presidential System

7.1 Introduction

Executive-legislative conflicts have been a common feature of democratic governance in Nigeria's Fourth Republic. Many observers have argued that the disagreements between the executive and legislative branches were necessary for the deepening of democratic values in the nation's political process (Akinbobola, 2005; Aminu, 2006; Oyewo, 2007; Oleszek, 2014). For instance, the occasional faceoffs between the two branches over the oversight role of the legislature in some agencies and parastatals of government had somewhat increased the momentum of the calls for accountable governance in Nigeria (Aminu, 2006). However, the country's experience since 1999 has shown some semblance of personal dimensions to struggles between the two arms of government yet manifesting as constitutional issues (Oboh, 2010). As Ukase (2014) has noted, a scrutiny of the relationships between the executive and the legislature since 1999 revealed a 'pot-full' of acrimonies and conflicts with far-reaching implications on the smooth running of government and the nation's democratic process.

Conflicts, political rivalry and mutual suspicion characterised the acrimonious nature of the executive-legislative relations in Nigeria's presidential system over the course of successive administrations since 1999 (Aiyede, 2005; Oyewo, 2007; Obiyan, 2013). These have been major contributing factors to the ineffectiveness of government, manifesting in gridlocks over policy formulation and implementation as well as funds appropriation. The unending conflicts between the executive and legislative actors have serious consequences for democratic growth and stability in Nigeria (Bassey, 2006; Fashagba, 2012).

Crisis-ridden relationships between the executive and legislative branches, Lafenwa (2009) has reasoned, remained a major source of political instability in Nigeria. Executive-legislative feuds, in developed democracies, are good imperatives for the deepening of democratic values. Among such values is the attainment of more clearly defined spheres of influence of the two organs of government because there is greater propensity to resort to judicial intervention during policy logjams. In addition, frictions between the two branches do not only propel greater commitment towards institutionalising a strong regime of accountability in governance but also stimulate a robust debate for building strong institutions (Oboh, 2010; Oleszek, 2014). Nevertheless, such

occurrences in the Nigeria's practice of presidentialism are different because incessant frictions between the two arms are parts of the narratives for the deep-seated leadership crisis. This is a constant phenomenon, manifesting through an unbridled competition among the political class for the soul of the state, apparently for a strategic political gain and undue economic advantage associated with public office.

This chapter presents data to explore some factors promoting executive-legislative conflicts and the impacts of acrimonious relationships between the executive and legislative branches on the stability of the Nigeria's presidential democracy. The themes of the chapter are divided into three sections. The first is the introductory part while the second section examines some of the factors promoting executive-legislative feuds in the country's practice of presidential system. The third section presents empirical data to determine the impacts of executive-legislative acrimony on the democratic stability of the states.

7.2 Obstacles to Harmonious Executive-Legislative Relationships in Nigeria.

It is evident that executive-legislative relationships in Nigeria's presidential system are in a state of flux, as demonstrated in the political contexts of the selected states. It is expedient to discuss the factors promoting the incessant face-offs between the two branches of government. The next section explores some of these factors.

7.2.1 Constitutional History and Perceived Executive Dominance

Nigeria's constitutional history has shown that the legislature suffered from the prolonged culture of military dictatorship, in terms of institutionalisation of representative democracy. While the executive and administrative structures of the military government get more entrenched and expanded, there was total absence of any legislative body to serve as check on the exercise of powers of the military.

Lafenwa (2007) observes that one of the reasons for the recognition of executive powers in the Nigerian context was because of the nature of inactive legislatures existing alongside resilient and active executive over a long period. Even at the periods preceding independence in 1960, the colonial government had always arrogated state power and important functions to the executive council largely dominated by expatriates at the expense of the legislative council (Awotokun 1998, Ojo 1998). The situation became worse in the course of the prolonged military rule as

institutions of lawmaking was side-lined, with support shifting to the executive branch, thereby making it more powerful. On this same issue, Remi Aiyede, comments thus:

the legislative houses were immediately shut down after each overthrow of an elected government. Legislative and executive functions were then fused, thereby institutionalising a system and culture of government that was extremely executive-centred. Thus, over the years, the executive function became over-developed, especially in its authoritarian elements, in relations to the legislative function (Aiyede, 2006, p.152).

The untoward effect of this was a context where two unequally developed arms of government were made to stand side by side as autonomous and competing entities of government. In Nigeria, past military leaders have dominated the political parties during transitions to democracies after periods of military rule. In view of this, a former President, Olusegun Obasanjo, having been a military Head of State under the military era, which exercised absolute governmental powers without any form of legislative oversight or ‘interference’, will expectedly be less tolerant of a legislature he perceived as being an interfering body irrespective of their constitutional powers and role (Oyewo, 2007; Fashagba, 2009).

The leadership of the National Assembly accused him of being overbearing with the mentality of a military leader and as such could hardly survive the intrigues and politicking that goes with democratic practices (Anyim, 2003). Between 1999 and 2007, Obasanjo’s military background was always coming to the fore in his long-drawn supremacy battle with the National Assembly⁴⁴. At the states level, governors were also having running battles with their legislatures over issues of shared responsibility such as budgeting and allocation of public funds⁴⁵. Oftentimes, the

⁴⁴ President Olusegun Obasanjo was a retired army general who served as Head of State between 1976 and 1979. He completed the transition programme initiated by his predecessor, Major-General Muritala Muhammed and handed over power to a democratically-elected government headed by Alhaji Shehu Shagari as Executive President on October 1st, 1979. The period marked the first attempt at presidentialism as a system of government in Nigeria (Nwabueze, 1985; Joseph, 1991; Agedah, 1993; Davies, 1996; Anifowose, 2004; Nwabuani, 2014). At his second coming as elected president in May 1999, President Obasanjo had protracted exchanges with the National Assembly, Nigeria’s central legislature, over a sizable number of issues. These include the 2000 Appropriation Bill, Niger Delta Development and the Universal Basic Education Bills and the choice of leaders for the two chambers of the National Assembly, the Senate and the House of Representatives, among others. For more details see Anyim, 2003; Aiyede, 2005; Oyewo, 2007; Eminiue, 2008; Fagbadebo, 2009; Fashagba, 2009; Lafenwa, 2010; Obiyan and Amuwo, 2013; Oruwene, 2014; Fatile and Adejuwon, 2016.

⁴⁵ The 1999 Constitution of Nigeria, as amended, gives the state houses of assembly power and control over public funds. Sections 120(3) of the constitution specifically states that ‘no money shall be withdrawn from any fund of the State, unless the issues of those monies had been authorised by a Law of the House of Assembly of the State.’ In similar manner, section 121 of the constitution provides for an Appropriation Bill which serves as the basis of the executive’s plan for a given fiscal year and which must be considered and passed by the legislature before any

conflictual relationships between the executive and legislature degenerated into severe constitutional issues, which nearly undermined democratic consolidation.

Some state governors and/or their deputies were victim of executive-legislative conflicts having lost their seats through impeachment by their legislatures. Such included Ayo Fayose, governor of Ekiti state and his deputy, Abiodun Olujimi, who were impeached on October 16, 2006. The aftermath of the impeachment threw the state into palpable tension and near anarchy before the eventual declaration of state of emergency by the Federal government (Aliyu, 2010; Fagbadebo, 2016). Others include Diepreye Alamieseigha of Bayelsa state on December 9, 2005; Rashidi Ladoja, of Oyo state on January 12, 2006; and Peter Obi of Anambra on November 2, 2006. Joshua Dariye of Plateau state was impeached on November 13, 2006; Murtala Nyako of Adamawa state in July 2014, and a host of others (Eze, 2013; Godswalth et al, 2016; Fagbadebo, 2016; Fatile and Adejuwon, 2016).

7.2.2 Poor Institutional Capacity

The presence of a great number of legislators, newly elected after every four-year, due to the lack of continuity in legislative membership, often accounts for the lapses of the legislature in the discharge of its function. Oftentimes, members of parliament do not return to their seats, which reduced the turnout of necessary legislative experience that could boost their capacity, and in turn deepens their depth of knowledge in relating effectively with the executive. A serving principal officer of the legislature in Ondo state bear his mind on the impact lack of continuity in legislative membership has on executive-legislative relations;

Legislative functions and performance require a great depth of knowledge and experience. These experiences are not picked by the roadside; they are accumulated over a long period of time acting on the role as legislators. In my view, the more years legislators can spend on their roles, the better for executive-legislative relations. This is because, knowledge and experience on the role breeds maturity and pedigree, which are necessary in fostering a smoothed relation between the two arms of government (Personal Interview II, February 16, 2018).

In the four selected states of this study, there is a high turnover rate of legislators who did not return to their seats (Aliyu, 2010; Omitola and Ogunnubi, 2016). Between 1999 and 2003, almost

money can be withdrawn from relevant accounts of the state. Unfortunately, many of the state governors have not come to terms with these provisions in the running of the affairs of their states. For more details see Oyewo, 2007; Obidimma and Obidimma, 2015; Fatile and Adejuwon, 2016.

all the individuals who served the legislative assemblies lost their re-election bids, and, as a result, a new set of individuals with little or no legislative experience were elected into the legislatures. For instance, in Ondo and Ekiti states, out of the 26 members that served in their respective Houses of Assembly between 1999 and 2003, only one each returned to his seat. Oyo and Osun states presented similar developments (Aliyu, 2010; Omitola and Ogunnubi, 2016).

At the return of the country to civil rule in 1999, the legislature was in its infancy in terms of structures, functions, and rules of conduct. The submission of a former speaker of Ekiti State House of Assembly lent credence to this viewpoint. He avers that:

The myriad of challenges facing the legislature in the discharge of its constitutionally assigned function is enormous. This, I believe is not the making of the constitution but the system we operate which make the executive the landlord and legislature the tenant due to the decay in legislative institutional capacity as a result of prolonged Military rule (Personal Interivew VI, 10th March 2018).

Thus, it took the National Assembly and the various State Houses of Assembly some time to appreciate their constitutional powers and roles. The longer the duration of democracy, the better equipped the legislators and staff aides, and the deeper will be the entrenchment of democratic values and practice. This would facilitate and promote stable and harmonious relationships between the executive and the legislature.

7.2.3 Absence of Ideological-based Political Parties

Adebayo (2008) submits that political parties are an important institutional component of liberal democracy and the electoral process. The growth and stability of modern democratic practice revolves around political parties, which stand out as organised platforms for the articulation of aspirations of the diverse interests that make up the nation.

Essentially, political parties are most often recognised and defined by their common goal; they set their eyes on capturing political power through competitive struggles for citizens' votes and endorsement. Omodia and Egwemi (2011) maintain that the distinguishing factor that separate political parties from other groups in a political system is the goal of attaining and maintaining political power. Dwelling on the importance of political parties, Osaghae (1998) affirms that political parties perform some crucial roles in a democracy; ranging from recruitment of political

actors, mobilisation of the citizenry to provision of alternative political and electoral choices for the populace.

For political parties to be able to perform these all-important roles effectively, such parties must put on the toga of ideology (Jombo 2015; Omotola 2009). In other words, the issue of ideology is so central to the activities of political parties that none can effectively achieve its purpose without due recourse to it. Ideology indicates the durable convictions commonly held by party members and determines the natural attitude of a political party towards every public question (Iyare, 2004; Moore, 2002; Nnoli, 2003). It represents a ‘certain ethical set of ideas, principles, doctrines, myths or symbols of a social movement, institution, class, and large group that explains how society should work, and offers some political and cultural blueprint for a certain social order’ (Olanrewaju, 2015, p.8).

Political ideology serves as a veritable means of identification for political parties as well as an instrument of conflict resolution, a prescriptive formula and a unifying force for mobilisation. It emboldens political parties to pursue politics of issues in their competitive quest for political power and offers definite blueprints on how to allocate power and to what end it should be used. Ideology captures a broad spectrum of opinion and beliefs held by members of a political party, which also reflects its agenda, purpose, programmes and manifestoes. In developed democracies, ideology provides the roadmap, which guides the operation and activities of established and successful political parties, especially their programmes of action in and out of government.

However, Nigerian political parties since the return of democracy in 1999 have hardly shown any sign of ideological distinctiveness (Omotola, 2009). There are 91 political parties in Nigeria (INEC Nigeria, 2018). Of all these political parties, there is none with clear-cut ideological foundations and structures to enable them to contribute effectively to the political process. They are neither progressive nor conservative. Ideology, as captured by Simbine (2005), remains the driving force that provides direction for political parties. Since all members of both the National Assembly and States’ legislative assemblies must belong to a political party, it makes sense that they should be subject to the agendas and manifestoes of these parties. Nevertheless, political parties in the present republic have consistently shown their lack of commitment to clear-cut ideological leanings. Moreover, this deficiency continues to undermine their capacities to

embrace broad based manifestoes that could offer a sort of agenda setting for their members in government (Omotola 2009; Omodia and Egwemi, 2011).

For instance, in spite of their national spread, both the APC and the PDP are not totally immune to the ethno-regional bickering and competitions characteristic of Nigeria's political space since independence (Jombo, 2015). As Anifowose (2004) has noted, a common development in any of the ruling parties is for the sitting president or governor, mostly surrounded by their kinsmen, to take sweeping control of both party and administrative machineries of the government for political reasons. This often resulted into intra party crises and factionalisation. These internal squabbles and factionalisation most often find their way into the policymaking process and could invariably engender a disharmonious relation between the executive and the legislature even in a situation where a single party controls the two arms of government.

The two political parties that have ruled in the Fourth Republic, the PDP and the APC had majority members in National Assembly. The PDP had a majority control of the members of the Senate and the House of Representatives between 1999 and 2015. Similarly, the APC has majority of the members of the two chambers in the National Assembly from 2015 up till date. Nevertheless, this political advantage has not in anyway translated into a smoothed relationship between the executive and legislative branches (Aiyede, 2005; Oyewo, 2007; Fatile and Adejuwon, 2016). A former Chairman of the People's Democratic Party (PDP), Barnabas Gemade, affirmed this deficiency when he lamented that members of the party in the National Assembly failed to adhere to the party's directives on some issues. He conceded over the period that resorts had to be made to some respected past national leaders to mediate between the two branches of government during conflicts instead of the leadership of PDP (This Day, 2015, p.1).

Nevertheless, it should be recognised that the ability of a party to integrate its members in government in line with its ideology is somewhat antithetical to the ideals and principles of presidentialism and could not in any way remove executive-legislative acrimony. This is because; unlike in parliamentary system where party discipline is a sine qua non for the continuity of government, in presidential systems, members of both the executive and legislative branches of government have independent base of power arising from their separate competitive political contests. As a result, there is bound to be friction between the executive and the legislature in the course of policy making irrespective of party affiliation.

7.2.4 Executive high-handedness and undue Interference in the Oversight Functions of the Legislature

Since the nation's return to democracy in 1999, the executive arm of government has attracted a lot of criticism for the way and manner it handles some issues involving the legislature (Uchendu, 2008). The determination of who occupy various leadership positions in the legislature as Fatile and Adejuwon (2016) have noted, generated power tussles between the executive and members of the legislature.

Most times, the executive has been accused of meddling in the affairs of the legislature, including the performance of its oversight functions (Akomolede and Akomolede, 2012). One of such was the Senate investigations into the handling of Petroleum Trust Development Fund by the Presidency in 2005. President Obasanjo had rejected the findings of the Senate's probe, which indicted him by kicking against the composition of the Senate committee that investigated the matter (Ajayi, 2007; Momodu and Matudi, 2013). Obasanjo has alleged his Vice, Atiku Abubakar, of influencing the membership of the Senate committee in order for him to be cleared of any wrongdoing. At the height of the imbroglio, another committee was reconstituted which subsequently carried out the investigations (Obidimma and Obidimma, 2015). This has led to so much tension and crisis in the legislature, which in a way impacted on executive-legislative relationships, negatively, over the period.

In Nigeria's Fourth Republic, there are always persistent overtures by either the President or Governors to influence the choice of leadership for the legislature. Many observers believe this development is a definite ploy by the executive to ensure its firm grip on the legislature by manipulating it to do its biddings (Ayua, 2003; Aiyede, 2005; Okpe, 2014; Ukase, 2014; Mohammed and Kinge, 2015). However, whenever the executive failed to achieve that, it resorted to surreptitious means to stifle either the legislature or its leadership. A former Speaker of the House of Representatives, Aminu Masari, attested to this when he said:

The high level leadership turnover in the legislature and indeed the turnover of members in the institutions is attributable to the desire by the executive and other extraneous political forces (parties) to pull out of parliament those they termed trouble makers who would not succumb to the dictatorial tendencies of the executive (cf. Fatile and Adejuwon, 2016, p.101).

Ukase (2014) submits that one of the persistent issues that brought disagreements between the two arms of government in Nigeria was the fact that the executive had not really come to term

with the reality of the legislative oversight responsibilities. Besides its extensive powers of appropriation and control over public funds, the legislature has the power to scrutinise and approve certain appointments of the executive, including Ministers, Ambassadors, and Heads of security agencies as well as ratification of treaties for domestic use⁴⁶.

In addition, the legislature is further empowered to remove any erring President, Vice President, Governor and Deputy Governor via the impeachment procedure provided for in the Constitution. Section 143 and 144 of the 1999 Constitution provide for the impeachment of the President or vice president, while section 188 and 189 provide for the removal of a governor or deputy governor from office. In the course of performing its oversight functions as well as running its internal affairs, scholars have discovered that there were excessive interference of the executive arm in the activities of the legislature, mostly in the selection of its leaders, which often generated crisis in the legislature (Akomoledede and Akomoledede, 2012; Obidimma and Obidimma, 2014; Okpe, 2014; Ukase, 2014). For instance, as mentioned earlier, the House of Representatives had two Speakers in its first session viz; Salisu Buhari (1999-2000) and Ghali Umar Na'abba (2000-2003). While the Senate experienced leadership change five different times between 1999 and 2007.

Although official misconducts and abuse of office were often alleged as reasons for the incessant change in leadership, Ovwasa and Abdullahi (2017) identified excessive incursion and over-bearing attitude of the executive branch under former President Olusegun Obasanjo as the major cause of leadership instability in the National Assembly during that period.

Executive high-handedness also manifested in form of non-implementation of House resolutions. Most often, the legislature deliberated on some national issues and arrived at resolutions. Though it has always been argued by members of the executive branch that it is not mandatory for the executive to implement resolutions of the legislature, resolutions are not laws, but advisory statements often issued by the legislature to call attention of the executive to some matters of

⁴⁶Section 4(2) of the 1999 Constitution provides that 'the National Assembly shall have power to make laws for the peace, order and good government of the Federation or any part thereof with respect to any matter included in the Exclusive legislative list set out in Part I of the Second Schedule to this Constitution.' In the same vein, section 147(2) states that 'any appointment to the office of Minister of the Government of the Federation 'shall be made by the President but subject to the confirmation by the Senate, an arm of the central legislature. The 1999 Constitution also grants substantial powers to the legislature in the conduct of external relations. For instance, by virtue of section 12(1) of the constitution, any treaty between Nigeria and other country has to be domesticated by enactment into Nigerian municipal law by the National Assembly before such treaty can have the force of law in Nigeria.

public importance. Thus, the executive is sometimes reluctant to carry out the legislative request or may even choose to ignore it out rightly and this often results to conflicts, which hinders harmonious relations between the two branches of government.

7.2.5 Corruption

Corruption is of global concern to the discourse on public accountability and good governance, especially in developing democracies. Nevertheless, its forms, intensity and sophistication vary from one country to another. Hence, attempts at defining the concept often proves difficult due to its multifaceted forms and dimensions. Many scholars have come to see the concept from different perspectives depending largely on their purpose and orientation.

Corruption is considered to pose a great challenge to the development of Nigeria as a democratic nation. The capacity of the nation's democracy to engender good governance and better the lot of the citizenry is being eroded by the pervasive corruption ravaging every facet of the country's political and economic space (Aliyu, 2010). Nevertheless, the starting point of discussion on the concept in this section commence with Adegbite's pontification where he avers that;

In human history, no nation ever prospers with perverse values. In fact, no nation can prosper where established procedures are observed in the breach, where governance is for self-enrichment rather than public service. Where exists a yawning gap between leadership and stewardship.... virtuous societies are built by leaders who are accountable to the led and driven by the altruistic desire to improve the lot of the highest number of the people (cf. Ibietan, 2013, p.41).

The concluding part of Adegbite's statement, no doubt, adds the dimension of elite complicity in the Nigeria's corruption dilemma. It further underscores the elite factor identified by Onah and Ibietan (2012) as the driver of corruption in Nigeria. Theoretically, these are relevant premises because elite culpability remains a crucial element in the discourse on the pervasive corruption in Nigeria.

Bello-Imam in Onwuka et al (2009) describes corruption as 'the abuse of public office through the instrumentality of private agents, who actively offers bribes to circumvent public policies and processes for competitive advantage and profit' (Onwuka et al, 2009, p.42). The usefulness of this definition lies in the attempt to expose the negative correlation between corruption and national development, which manifests in the circumvention of public policies and processes for

personal pecuniary gains. The author goes further to state that ‘beyond bribery, public office can also be abused for personal benefit through patronage and nepotism’ such as diversion of state resources or outright theft of public assets (Bello-Imam in Onwuka et al, 2009, p.117).

Onwuka et al (2009) see corruption as deviant behaviour that makes public officers to deviate from the ‘formal rules and duties of a public role because of private pecuniary gains’. This definition is so useful by characterising the act of corruption as deviation from the norm and standard rules of a public role in favour of personal gains. Ogbuke and Enojo (2007, p.96) contend that corruption or a corrupt act encompasses every ‘dishonest illegal behaviour’, mostly of public officials or ‘people in authority’. This also includes every act of making someone ‘change from moral to immoral standards of behaviour’. These views add both ethical and behavioural dimension to the discourse on corruption, which indicate that any successful anti-graft campaign, in a country such as Nigeria can only be achieved when it is anchored on sound moral principles and enduring cultural values and practices (Ibietan, 2013).

Ifesinachi (2004) attributes corruption in public life to ‘natural human factors of greed and ambition for social-psychological, economic and political power’ and describes it as ‘all those behavioural orientations that impinge on and necessarily vitiates and destroys rules and basis of public and political conduct’ (Ifesinachi, 2004, p.79). This appears to have corroborated the ethical perspective to the concept of corruption. It identifies and emphasises the human behavioural factor to be at the centre of top-level corruption that is characteristic of the Nigeria public space, and which often manifest in form of ‘abuse of power, conflict of interest, extortion, tribalism, nepotism or fraud’ (Ibietan, 2013, p.42). Nonetheless, in whatever form corruption manifests, it impedes the cause of democratic consolidation and national development. As established by Ogbuke and Enojo (2007), there is a strong link between corruption and nation building.

Corruption can be classified depending on the arena it occurs. Nevertheless, for the purpose of this study, attention is placed on political and economic corruption. Political corruption often takes the form of manipulating people and institutional apparatus of government to gain or retain political power. Moreover, it usually occurs in the political arena, especially in activities related to or connected with elections and succession into political offices (Ibietan, 2013). Economic corruption, on the other hand, often assumes the circumvention of procedures and subversion of

the institutional regulations to benefit underserved favour or unmerited advantage. This could manifest in activities of parliamentarians in the discharge of their legislative duties, especially in the exercise of their oversight powers over the administrative agencies of government (Orluwene, 2014). For the purpose of this study, I define corruption as all types of irregular behaviour that vitiates or impedes the rules of public conduct, not just in terms of exchange of material means but also in terms of deployment of state power for pecuniary motives.

Corruption is the bane of the Nigerian society. Though the executive branch together with officials of its administrative machineries are often at the centre of most corruption scandals, the legislative institution is not immune from the vagaries of the country's 'pervasive culture of corruption' (Fagbadebo, 2016, p.110). In confirmation of the fact that the legislative institution in Nigeria is also enmeshed in corruption, a principal officer of the House of Assembly in one of the selected states had this to say:

But what do you expect from lawmakers who have no money to buy vehicles, build their own house? That will be his preoccupation for the first four years. He will want to recoup his electioneering campaign fund. So, if the governor offers him money to look away, he will gladly accept (cf. Fagbadebo, 2016, p.110)

The Nigerian political landscape since 1999 has been characterised by the increasing boldness of the ruling elites to abridge and circumvent the democratic norms to enliven their primordial interests. One of the ways this often manifests is in the desire of, and sometimes struggle by the executive arm to manipulate or excessively control other two arms of government as extensions of the executive branch rather than as independent organs in a system of shared powers.

This development, Fagbadebo (2016) has noted, 'is a common political strategy to secure legislative and judicial shields against impeachment.' This is because both the legislature and the judiciary play crucial role in the impeachment process in Nigeria's presidential system⁴⁷. While

⁴⁷Section 188(1-3) empowers the State legislature to initiate impeachment proceedings against the Governor or Deputy Governor. It states: The Governor or Deputy Governor of a state may be removed from office in accordance with the provisions of this section. (2) Whenever a notice of any allegation in writing signed by not less than one-third of the members of the House of Assembly. (b) stating that the holder of such office is guilty of gross misconduct in the performance of the functions of his office, detailed particulars of which shall be specified. Sub-sections 5 and 8 of the constitution enlisted the Judiciary into the process by providing that: (5) Within seven days of the passing of a motion under the foregoing provisions of this section, the Chief judge of the State shall at the request of the speaker of the House of Assembly, appoint a Panel of seven persons who in his opinion are of unquestionable integrity, not being members of any public service, legislative house or political party, to investigate the allegation as provided in this section. (8) Where the Panel reports to the House of Assembly that the allegation has not been proved, no further proceedings shall be taken in respect of the matter.

legislature reserves the right and power to initiate the proceedings, the judiciary is empowered to set up the panel that would prove the allegations of misconduct. To secure their seats, state governors always seek in the legislature and the judiciary a willing ally, who are ready to be ‘co-opted into the regime of executive dominance and recklessness’. And to cap it all, in a system where the legislature has no autonomous source of financing for its activities, a loyal legislature or compromised judiciary will have all its funding requests speedily approved and released by the executive. Moreso, the legislature will find it difficult to move against the governor even in the midst of glaring evidence of corruption or gross misconduct (Kumolu, 2014). Fagbadebo and Francis (2016) succinctly capture this;

The lack of financial autonomy of the Nigerian legislature at all levels was the bedrock of the incessant executive-legislative crisis in the formative years of the Fourth Republic. The budgetary allocations of the legislature require executive approvals for disbursements. Indeed, at the state level, daily financial needs of the legislature require the approval of the Governor. This phenomenon literally made the legislature a department of government under the executive branch. While Governors often used this opportunity to negotiate policy preferences, the legislature was incapacitated to actually function as an independent institution of government responsible for routine oversight of the activities of the executive (Fagbadebo and Francis, 2016, p.21).

In Nigeria’s presidential system, where executive and the legislature operate as separate but interdependent organs; the delivery of public good is consequent upon mutual trust and cooperation between the two branches of government. The Nigeria’s constitution prioritises the roles of the legislature as the foremost institution of accountability, and accordingly grants the legislature extensive controls over the administrative machinery of government (Fatile and Adejuwon, 2016). However, a compromised legislature can choose to allow the exercise of powers without proper scrutiny. A respondent in the study, who is a serving legislator, puts it this way:

The biggest challenge in most states is that the executive arm always takes sweeping control of their legislative assemblies, and sometimes the judiciary as well. Whenever the legislators observe any lapses or abuses, there are chances that they can be settled but if not, the result will be executive-legislative rift (Personal Interview VI, April 9, 2018).

As hinted earlier, corruption is in terms of not only monetary inducement but also all forms of deliberate deployment of state power to achieve personal pecuniary gains. The Economic and Financial Crimes Commission (EFCC) was established in 2002 under the Obasanjo regime with

the power of coordinating and enforcing varied but related economic and financial crimes laws. The efforts of the anti-graft agency were initially applauded to have brought corruption into the open and under check. Nevertheless, the agency was later found to have been compromised and was being used by President Obasanjo as a political tool to fight perceived opponents of his regime (Aliyu, 2010; Lawan, 2010).

Little wonder the Obasanjo regime (1999-2007) witnessed the highest cases of impeachment since the country returned to democratic rule in 1999. Fagbadebo (2016) contends that ‘in almost all the major cases of impeachment in Nigeria’ during the Obasanjo regime, ‘there was evidence of interference by the federal government’. A respondent explains it thus:

Corruption in terms of deployment of state power was prevalent under the administration of President Olusegun Obasanjo. In fact, Obasanjo did it in most crude and brazen manners. The army, the police, the anti-graft agencies especially the EFCC was readily deployed to harass, intimidate, and sometimes bring down some Governors who were proving stubborn or refusing to toe his line of thought (Personal Interview V, April 2, 2018).

The heights of executive-legislative conflicts that culminated in the impeachment crises in Ekiti and Oyo, Bayelsa, Plateau and other states, were facilitated by the EFCC, an agency of the federal government (Aliyu, 2010; Fagbadebo, 2016). For instance, how can one explain a situation where six members of a 24-member legislature were provided security backing by the EFCC instead of the conventional police to carry out an impeachment of the Governor, as it happened in Plateau State? Many observers considered the incident as an abuse of the rule of law and a breach of the impeachment process as provided for in the constitution (Aliyu, 2010; Fashagba, 2009; Lawan, 2010).

7.2.6 Adverse Legislative Environment

David Easton, the chief proponent of the system approach to the realm of political theory, identifies the political system as a system of interactions within a given environment. In other words, the political system does not operate in a vacuum; it functions in an environment of interactions and exchanges (Parsons, 1968). According to Easton (1965), the political system operates and interacts with the environment in a process involving input and output mechanism. The inputs are information emanating from the environments, which are expressed in form of demands, material requests or supports and being fed into the political system. After processing,

they were converted as outputs and released into the environment as authoritative decisions, which in turns, generate feedbacks from the environment.

Awotokun (1992) notes that Easton's analysis identified information being fed into the political system as inputs and the outcome of its conversion as outputs. The environment, he reasons, would therefore include the people, the constitution, (or constitutional history), political parties, constituency interests, political culture, public opinion and other variables defining the political context. Going by the prescriptions of system theory, the political system is in a state of constant interactions and seemingly unending exchanges with the environment. This implies that the political system constantly shapes and being shaped by events or happenings in the environment.

Presidential system, by design, positions the legislative branch of government to play some vital roles in the governing process (Nwabueze, 1985; Mainwaring, 1993). Unlike the fusion of power synonymous with parliamentary democracies, presidentialism espouses the notion of separation of powers in a system of institutional checks and balances. Under this arrangement, both the executive and the legislature are recognised institutions of government operating within the dictates of their environments.

These environments, as described by Oyewo (2007, p.18), include the broader context of the socio-economic, political, and cultural milieu under which the two institutions operate. In other words, the environment which represents the political context within which the two governmental branches function largely shape and determine the mode of exchanges between them in the policy-making process. This context, for the legislature, is described as the legislative environment.

Legislative role theorists used the concept of legislative environment to denote the link between the legislators and their constituents. The theory of representative linkage by Hurley and Hill (2003), for example, espouses the necessity for an established links between the legislators and their constituents on a number of issues (Fagbadebo, 2016). However, Walker et.al (1962) in their earlier work notes that the efficacy of such links is determined by legislative environment. This, according to them, denotes the context or the operational environment under which the legislators perform their representative roles. In their subsequent study, Johnson and Secret (1996) submit that the operational environment of the legislators can be formal or informal. The formal environment entails the operational boundaries allowed the legislators by law to function

as people's representatives, including the physical infrastructure such as office space and apparatus in addition to their 'party affiliates or ideological leanings' (Cooper and Richardson, 2006). While the informal environment represents 'the undefined, ever-changing modes of constituents' demands and preferences, party pressures, public opinion as well as the nature of exchanges between the executive and legislative branches of government' (Rehfeld, 2009, p.21).

For the purpose of this study, I define legislative environment as the political context under which the legislators carry out their representative duties and oversight functions. It includes both the formal and informal operational environment suitable for the performance of legislative assignments. An executive-centred environment where the executive is elevated far above the legislature is considered as an adverse legislative environment and is repulsive to the realization of the goals of parliaments (Oni, 2013; Ukase, 2014).

Since the return of democracy in 1999, the executive arm, in Nigeria's presidential system, has continued to operate as 'a super-ordinate branch' over other branches of government. Apart from the tremendous power it enjoys over the legislature, successive government since the colonial periods have demonstrated the importance of executive power and in so doing impressed it on the psyche of the people the prime place of the executive branch as the engine room of government (Nwabueze, 1985; Akinsanya and Davies, 2002).

For this reason, it is commonplace for the Nigerian public to ascribe the appellation of 'government' to the executive branch (Fagbadebo and Francis, 2016, p.11). Usually, the public perceives the role of the legislature in the nation's democratic space as inferior to the executive. The prolonged dominance of the military in the country's political space had not only weakened the legislative institution but also eroded the any semblance of legislative role in the policy-making process. These, together with the disdain with which the executive arm often treat the legislature, sometimes degenerate into executive-legislative conflict. A former majority leader of a state legislative assembly added his view this way:

Under the Nigerian presidential system, the executive branch has tremendous edge over the legislature. The executive role over the course of the military interregnum had always been stabilized and expanded as against the legislature, which was not allowed to function. This situation has resulted into a weakened legislature and over-celebrated executive with enormous political goodwill from members of the public. The executive has always harped on this to foster his will

on the legislature, which often results into conflicts (Personal Interview IX, April 6, 2018).

The primary role of the legislature in presidential democracy is to represent the interests of its constituents. This legislative role entails the set of internalized norms of behaviour by the legislator, which informs or determines his actual behaviour (Johnson and Secret, 1996; Olson, 2013). Nevertheless, the extent to which this can be achieved is dependent on the conscience of the legislator and preferences of the people. This is especially true of developing societies with asymmetric political cleavages and high prevalence of poverty such as Nigeria (Alabi, 2009; Olson, 2013; Fukuyama, 2015). Most often, the legislators have to battle between their political survival and the demanding postures of their constituents, which could force them to abandon the ideals, which they strongly believed in before their elections into office.

This implies that the preferences of the people could at times be at variance with their true interests which changes over time and the representative role of the legislators. As a result, most of the behaviours and dispositions of the legislators that often heighten executive-legislative conflicts do not conform to their political representation role but in response to the demands and preferences of their constituents. Fagbadebo (2016) notes that a large proportion of the citizenry in 'developing democracies like Nigeria, are not well informed' on what constitutes the official responsibilities of their representatives. In lieu of that, he reasons that, 'to determine the behavioural disposition of legislators in crucial decisions, there is need for an analysis of the context in which they seek to represent the preferences of the constituents' (Fagbadebo, 2016, p.112).

Added to these, is the obvious lack of physical infrastructure such as adequate office space, operational vehicles and other office apparatus that would facilitate effective legislative process. The National Assembly, Nigeria's central legislature, secured its financial autonomy in 2010, which is over a decade after the nation returned to democratic rule while the state legislatures continue to depend on the executive for the approval of funds to finance their activities, including their oversight functions. These situations, oftentimes, elicit negative reaction from the legislature and impacts, wittingly or unwittingly, the mode and pattern of executive-legislative relations. In the course of conducting interview with some members of the legislature, I embarked on several visits to legislative assemblies in the selected states where I observed the dilapidated and sometimes, unkempt state of the legislators' offices. This is in contrast to the

physical state of infrastructure at the executive branch also visited for the same purpose. A minority whip of a state legislature summed up the situation this way:

The environment is not conducive to effective legislative business. As you can see for yourself, we seldom have electricity supply. Moreover, the House can afford to run generator as alternative power supply only when there is plenary or an Executive session. Oftentimes, committee reports of the house are delayed because of erratic power supply or inadequate stationery equipments for the secretariat. This, I strongly believe is not what obtains in governor's office or any other high office of the executive branch (Personal Interview VI, April 10, 2018).

Generally, when the country returned to civil rule in 1999, its growing legislative tradition had been eroded. This is a result of the prolonged military dictatorship where both the executive and legislative powers were appropriated and controlled by de facto military rulers. Under the military regimes, the legislature was never allowed to function and was thereby deprived the opportunity to grow and mature as a formidable institution of the state (Akinsanya and Davies, 2002) In some of the states like Ekiti, such tradition was nonexistent; because the state had never experienced such before 1999. Therefore, it is quite clear what kind of legislative infrastructure would be available in the state.

The legislative infrastructure goes beyond physical buildings, fittings and gadgets; but transcend into a conducive legislative atmosphere, which has to do with the socio-political environment; adequate and reliable staff resources; and a continuing programme of action to deliver legislative autonomy (Ukase 2014).

7.3 The Impacts of Executive-Legislative Relations on Political Stability in the Selected States

Executive-legislative conflicts have serious implications for the stability of democratic regimes as well as political development of a nation. As events in the selected states have shown, it did not only slow down the pace of governance and the smooth running of government but also stagnated the democratic process and overheats the polity (Fatile and Adejuwon, 2016; Ukase, 2005). 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 among the governing elites (Momodu and Matudi, 2013). For these reasons, Ukase (2005) has argued that,

...the truth of the matter is that these conflicts circumvent the process of governance, especially through the unnecessary delays in the implementation of government policies and programmes. Importantly, the rift between both branches has the potentials of threatening our democratic experiment with the attendant effect (Ukase, 2005, p.136).

The summary of Ukase's argument borders on the threat posed by the seemingly unending face-offs between the executive and legislative branches to the Nigeria's quest for good governance and democratic consolidation.

In Ondo state, findings revealed that within the period under review, disagreements between the executive and legislature were usually resolved through informal means. The party caucus and the elders' forum of the ruling parties - the Alliance for Democracy (AD), the People's Democratic Party (PDP), and the Labour Party (LP) – and, sometimes, some selected traditional rulers, were active in this process. For example, the differences over the 2005 budget of the Ondo State Oil Producing Areas Commission (OSOPADEC), was resolved by the intervention of the political party. The House of Assembly had queried the implementation profile of the 2004 budget of the Commission and demanded the Governor to furnish it with relevant documents before it could entertain any brief on the 2005 budget (Aliyu, 2010; Ukase, 2005).

The incident, as revealed by former principal officer of the Ondo State House of Assembly, stretched the structures of the PDP but was eventually resolved before it could have any significant effect on the polity. According to him:

The incident of the 2004 OSOPADEC budget almost jeopardised the existing confidence between the House and the Governor. Nevertheless, both sides were aware of the untoward effect any open disagreement could have on the state in terms of peace and stability. For that reason, the political actors across the divide swiftly agreed to resolve their differences (Personal Interview XIV, April 16, 2018).

This demonstrated the collaborative mindsets of members of the executive and legislative branches in the state who chose to exercise restraint than being confrontational whenever there were issues that needed to be resolved between the two arms of government. Hence, the need to resolve issues amicably before it poses any serious threat to the peace and stability of the state.

A former Liaison Officer to the State legislative assembly, told me, in an interview that he was aware of the negative impact that frictions between the executive and the legislature could have

on political stability in the state. He stated that the various confidence- building mechanisms put in place by the Governor and party leaders were ‘consciously laid to prevent or at best forestall any executive-legislative face-offs that could destabilise the peaceful political atmosphere being enjoyed in the state’ (Personal Interview XI, April 14, 2018). I discovered that there was no other major political crisis associated with executive-legislature impasse in the state during the period under review.

Similarly, a former Senior Legislative aide to the presiding officer of the Ondo State House of Assembly had disclosed in an interview that the unintended impact of unresolved executive-legislative faceoff on political stability informed a reasonable cooperative approach to governance between the two arms of government. He put it this way: “Any crisis between the Governor and the legislature is often a political crisis. Whenever there is friction, governance cannot take place and the peace of the state is somehow threatened” (Personal Interview V, April 2, 2018). He further listed the possible impacts of executive-legislative conflicts to include ‘stalemate in government; political uncertainty that may lead to unrest; breakdown in public social service delivery system; and political re-alignment that may spur ethnic or group suspicion and antagonism’ (Personal Interview V, April 2, 2018).

The import of these developments is that incessant acrimony between the two organs of government has serious implication for the political stability of any state and vice versa. Ondo State enjoyed a relatively stable political environment, partly because of the harmonious and cooperative approach to governance imbibed by both the executive and legislature in the discharge of their constitutionally assigned duties and functions. Even the impeachment of the Deputy Governor, Ali Olanusi, by the state legislature in April 2015, which the Court had overturned, did not, jeopardise the peace and stability of the state.

The situation in Ekiti was in sharp contrast to the experience in Ondo state, where executive-legislature antagonism reached its crescendo in the crises that led to the impeachment of Governor Ayodele Fayose and his Deputy, in 2006. Although, political forces, outside the legislature, orchestrated the face-off between the Governor and the lawmakers, the crises that followed led to the declaration of state of emergency in the state by the Federal Government (Aliyu, 2010).

Findings revealed that the state was under a siege of political uncertainty during the period. A respondent, with the knowledge of the development said:

Our state was under siege; it was unfortunate that tension could reach that level in Ekiti state. The PDP-led government lost focus and almost set the state ablaze. You can recalled that Ekiti state groaned under a sole administratorship agent of the federal government occasioned by the state of emergency declared following the so-called impeachment of Fayose when other states were enjoying the dividends of democratic government (Personal Interview XXVIII, April 23, 2018).

A former secretary of the PDP in the state during this period also supported the above assertion when he said:

We in the PDP hierarchy regretted the situation. We regretted the untold hardship brought upon the people of Ekiti state as a result of the unprecedented tension and anxiety that engulfed the entire landscape before and after the forceful removal of Governor Fayose and his deputy (Personal Interview XXIII, April 21, 2018).

Findings further revealed that the kind of political anxiety experienced in the state because of the rifts was unprecedented and catastrophic, with far-reaching implications that stretched even to the present political situation of the state. A respondent affirmed this viewpoint, saying ‘the state was laid under a siege by external forces that were bent on causing political chaos in order to impeach Fayose’ (Personal Interview XXVII, April 23, 2018).

Moreover, the events that led to the declaration of a state of emergency in the state were connected with the power tussle that followed the impeachment of the Governor and his Deputy in October 2006. A respondent said the situation in Ekiti State, following Fayose’s removal, portended a great danger to the peace and stability of the state (Personal Interview I, February 14, 2018). He reasoned that ‘nothing can be more politically challenging than when three separate individuals were parading themselves as rightful governor of a state; it is nothing short of chaos’ (Personal Interview I, February 14, 2018).

Thus, the outcome of the executive-legislative impasse in Ekiti State, particularly with its level of antagonism, showed that acrimonious executive-legislative relations pose serious threat to political stability or democratic development of any state. Generally, executive-legislative interface demonstrates the primacy of the principle of separation of powers, with interdependent of functions constructed to avert tyranny. ‘Neither the legislature nor the executive can function

in isolation; this presents the logic that government is an interactive process' (Omoruyi, 1992, p.2).

This assertion guided the executive-legislature relationships in Ondo State. The efforts made by key players in both the executive and the legislative branches showed that they recognised the danger that an acrimonious executive-legislative relationship could pose to the political stability and overall democratic development of the state. The administration of Governor Olusegun Agagu epitomized this development. According to a respondent, 'despite the shortcomings of Agagu administration in some sectors, he achieved a great feat in executive-legislative relationships' (Personal Interview XII, April 10, 2018).

The contributions of the party hierarchy also helped in maintaining the harmonious executive-legislative relationships in the state. Nevertheless, that could not have been possible without the conducive operational environment created by both the Governor and members of the legislature.

In Ekiti State, for instance, the crisis that trailed the removal of the governor and his deputy, which subsequently plunged the state into a state of emergency rule, also had some unintended consequences on the legislature, leading to frequent change in the assembly leadership. It was discovered that between June 2, 2003 and June 5, 2007, four different speakers had led the Ekiti State House of Assembly. Although Friday Aderemi was the second speaker of the assembly having replaced Mr Patrick Ajigbolamu on July 21, 2006, the swearing of Aderemi as Acting Governor following the impeachment of Fayose and his Deputy, led to the emergence of two House Speakers in quick succession. This is presented in table III.

Table III: Turnover rate of Speakers of Ekiti State Second Assembly (2003- 2007)

<i>S/NO</i>	<i>NAME</i>	<i>PERIOD</i>
1.	Patrick Sola Ajigbolamu	2 nd June 2003-19 th July 2004
2.	Friday Aderemi	21 st July 2004-17 th Oct 2006
3.	Adetope Ademiluyi	18 th Oct 2006-2 nd May 2007
4.	Olusola Omolayo	3 rd May 2007-5 th June 2007

Source: Department of Budget, Planning, Research & Statistics, EKSHA, 2018.

This high turnover of leadership at the state House of Assembly, findings revealed, could not be isolated from the happenings in the executive-legislative relationships. This is because, following the emergence of the Speaker of the House of Assembly, Friday Aderemi, as the Acting Governor on October 17, 2006, Mr Adetope Ademiluyi was appointed as his replacement. However, the declaration of a state of emergency in the state, in the wake of the impeachment crisis, led to the suspension of the legislature and the executive. Aderemi lost his position as the Acting Governor, and replaced by Sole Administrator. Aderemi returned to the House, as a member of the legislative assembly under the leadership of Ademiluyi as Speaker after the end of the state of emergency.

On May 3, 2007, Olusola Omolayo yet again emerged as the Speaker of the Ekiti State House of Assembly. The development was consequent upon the swearing-in of Ademiluyi as the new Acting Governor of the state. This followed the expiration of the period of state of emergency declared by the Federal Government. Omolayo led the assembly as speaker until the session of the Second Assembly ended on June 5, 2007.

In Osun state, the incessant conflicts that characterised the relationship between the executive and the legislature during the Bisi Akande administration had some consequences for the smooth running of the state affairs. Governor Akande's dictatorial dispositions in taking some unilateral decisions, which ought to have involved the state lawmakers more often, pitched him against the legislature. One of such was the directive issued by the Governor for the stoppage of payment of housing and transport allowances to the state lawmakers (Personal Interview XXX, May 2, 2018). The issue generated discontents among the legislators and heightened the acrimony between the assembly and the executive branch, which also formed part of the crisis that led to the commencement of impeachment proceedings against the Governor.

Similarly, the refusal of the governor to give effect to the assembly's resolution urging the sack of the Commissioner for Finance generated heated disagreements between the Governor and the state legislature, which frustrated collaboration and caused disaffection between the arms of government (Omitola and Ogunnubi, 2016). The mistrust and lack of cooperation between the two arms of government is unhealthy for the imperatives of good governance. As Nwokeoma (2011) has asserted:

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, judiciary and legislative arms of government. He therefore, argued that this assumption reinforces the theory of separation of powers of the different arms of government to prevent arbitrariness, tyranny and recklessness (cf. Fatile and Adejuwon, 2016, p.104).

The executive had argued that the lawmakers' demand lacked any force of law and stood contrary to the principles of separation of powers in the 1999 Constitution and thus rejected it. However, it should be noted that the Governor has the prerogative to appoint members of the Executive Council but with the approval of the legislature. This approval is usually given through legislative resolutions. For instance, if the legislature had resolved not approve the appointment of a Commissioner, would the Governor had gone ahead to appoint the person? The same legislative resolutions that lacked the force of law as they had claimed empowered the Governor to appoint the Commissioners whose approvals were through resolutions.

The high point of these imbroglios was the crisis that trailed the impeachment proceedings initiated against Governor Bisi Akande in November 2000 (Momodu and Matudi, 2013). In the wake of the impeachment trial, the political atmosphere of the state was charged under palpable tension and anxiety that almost degenerated into political crisis until the intervention of some influential political actors within the ruling AD, which prevailed on the state lawmakers to halt the impeachment plot against the governor (Lewis and Alemika, 2003). A respondent who was a former lawmaker in the state put it this way:

The impeachment notice issued against Bisi Akande precipitated a political crisis that almost grounded the operation of the state. As critical players in the whole plot, the state legislators were fully aware of the possible implication of such plot on the political atmosphere of the state. Being a member of that assembly, I can tell you that that is one of the reasons why majority of the lawmakers yielded to pressures to abandon the impeachment proceedings (Personal Interview XXX, May 2, 2018).

The intra-executive conflicts occasioned by the fallout between the Governor and his deputy, also accentuated, in a way, the incessant acrimony between the executive and the legislature. Omisore was having a running battle with his principal because of his alleged overt moves to succeed the Governor after their four years term in office; a plot considered as inimical to the interests and political gain of the governor, especially his desire to secure a second term in office (Zoaka, 2003).

However, this is contrary to the promise given to Omisore by the party leaders. A respondent said that ‘the origin of the crisis was the decision of the party leaders to prevail on the popular candidate (Omisore) to step down and yielded his political structure for another candidate (Akande) based on the promise that he would succeed him’ (Personal Interview III, February 20, 2018). There is no doubt that the decision of the party leaders provided the fertile ground for the intra-executive conflicts, which climaxed in the impeachment of the Deputy Governor. All these happenings were in spite of a single party dominance in government and in parliament.

Overall, one visible finding from the Akande’s era in executive-legislative relationships in Osun State was the failure of party hierarchy of the AD to unite in finding a common ground to resolve the intra-executive conflicts and the incessant executive-legislative rifts that hampered the smooth running of government and polarised the party structure in the state. Instead, they were divided between the camps of the Governor and the Deputy. These leaders also appeared to have taken side with the Governor on a number of issues related to the legislature, which led to their inability to mediate between the two branches of government in periods of crisis.

This is contrary to the experiences of the state under the Oyinlola and Aregbesola administrations, where party hierarchy played strategic and responsive roles in facilitating convergence of interests that was responsible for the harmony and cooperation between the executive and legislative branches (Personal Interview XXXI, May 4, 2018). The two administrations witnessed smooth and cordial executive-legislative relationships. There were no occurrences of gridlocks in the legislative-executive relations capable of threatening the effective running of government business as well as the political stability of the state (Davies, 2004; Ogundiya, 2010; Omitola and Ogunnubi, 2016).

Nevertheless, the impact of executive-legislative feuds in Oyo state came to the fore in the crisis that trailed the impeachment of former Governor Rashidi Ladoja by the 18 lawmakers loyal to the governor’s godfather, Lamidi Adedibu, ‘the Strongman of Ibadan politics’ (Omobowale and Olutayo, 2007).

As earlier stated, Ladoja’s impeachment was an aftermath of the fallout of the governor with his godfather owing to his refusal to continue to honour Adedibu’s insatiable demands for political patronage. The attempt by the governor to leverage on his gubernatorial powers to de-emphasise the influence of Adedibu in order to consolidate his grip on the politics of the state was met with

stiff resistance by the godfather and that led to the fragmentation of political institutions and political processes of the state. A visible consequence of this fragmentation was the polarisation of the 32-member state legislature into two opposing camps.

The development affected the operations of the state government, especially the state House of Assembly (Animasawun, 2013). There were two separate sittings of the legislature: the 14 members of the legislature, led by the Principal Officers, were sitting at the State House of Assembly complex, while the other 18 members held their meetings at a Hotel in Ibadan with security provided by the Nigerian Police (Omobowale and Olutayo, 2007). In view of these developments, the political atmosphere of the state was enmeshed in anxiety, palpable tension and uneasy wave of uncertainty while it lasted (Animasawun, 2013).

Aside from this, there was a spate of chaos and political brigandage in most parts of Ibadan, the state capital, perpetrated by political thugs believed to be parts of Adedibu's political machinery (Oni, 2013). These political thugs harassed and intimidated supporters of the Governor (Adebanwi and Obadare, 2011). A party chieftain in the state expressed it this way:

The spate of brigandage and uncertainty brought upon the political atmosphere of this state was unprecedented. The impeachment of Ladoja bore more of a political war between two powerful titans than removal of the governor from office. The tension and the charged political environment that characterized the impeachment crisis subjected the entire state to devastating political turmoil (Personal Interview XXXIV, May 10, 2018).

These developments reinforced the argument that politics, in contemporary Nigeria, revolves around individuals and personalities as against popular participation of the citizenry (Edigin, 2010; Oarhe, 2010; Albert, 2005). These individuals engaged in godfather-godson relationships defined by transactional exchanges of patronage politics. For instance, Fagbadebo (2016, p.190) submits that the 'godfather provides all the financial and political means for the electoral victory of his godson in a transaction that commercialises the political process'. This is so because in this relationship, the godfather provides all the political and financial backings required for the emergence of his godson in positions of authority in anticipation of receiving certain 'political goods' from the godson. Hence, the refusal of a godson to continue to maintain this relationship has the propensity to precipitate political crisis (Animasawun, 2013; Fagbadebo, 2016; Kifordu, 2010). This is what happened between the late Adedibu and Governor Rashidi Ladoja in Oyo state.

At the height of the impeachment imbroglio, the late Adedibu was said to have argued that he had every right to demand money from the governor because ‘he put him’ in that office as governor (Apabiekun, 2006). The import of Adedibu’s position is that by extension, he also had the right to remove the Governor from office, either through constitutional means or otherwise. Apparently, the godfather’s argument appeared to have been in conformity with the submissions of scholars that whenever a godson incurs the wrath of his godfather, ‘the game of politics becomes perilously rough and lawless’ (Sklar et al, 2006, p.110; William, 2009).

A former lawmaker in the state had informed me that it was so unfortunate that the ‘disagreement between the governor and his sponsor decimated the political process of the state as witnessed between December 2005 and January 2006’ (Personal Interview XXXV, May 10, 2018). According to him, the main drivers of the violence that engulfed the state over the period were the use of ‘unconstitutional means to remove the governor and the complicity of the Federal Government in the impeachment drama’ (Personal Interview XXXV, May 10, 2018)⁴⁸.

7.4 Summary

This chapter explored some of the factors promoting the recurrent executive-legislative conflicts in Nigeria since the adoption of presidentialism as a governing system and the implications of the constant acrimonious executive-legislative relations on democratic development of the states as well as political stability of Nigeria. Most of these factors are manifestations of the nature of contestation for power among the country’s political elites.

For these reasons, the researcher claims that most conflicts between the executive and legislative branches in Nigeria are symptomatic of the interplay of political forces always enmeshed in long-drawn battles for the control of state power and resources. As a result, the arena of executive-legislative interface since 1999 has manifested the egregious contentions among the

⁴⁸The culpable roles of the Obasanjo- led Federal Government in the subversion of the democratic process which submerged the state into avoidable political turmoil once again reveals the neo-patrimonial culture characteristic of the Nigerian state. Under this, the political elites both within and outside the formal structures of governance engage in transactional relationship of politics of patronage, and in the main, subvert or allow the subversion of public institutions and known rules of political engagement for the promotion of personal gains. It was obvious during the Ladoja’s impeachment crisis that former President Obasanjo pitched his tent with the Chief Adedibu, the governor’s godfather and allowed the apparatus of state power such the police to be used in subverting the democratic process. Formore details, see Adebani and Obadare, 2011; Kifordu, 2010; Higley, 2011; Fashagba, 2014; Sklar et al, 2006.

political elites, sometimes powerful opposing political forces, in their bids to outwit one another in the race to gain advantaged position in the control over public policy and state resources.

Chapter Eight

Summary, Conclusion and Recommendations

8.1 Conclusion

This study examined the peculiarities in the nature and character of executive-legislative relations in the selected states in Nigeria's Fourth Republic. The central theme of the study is interrogation of the incessant antagonism and confrontation between the executive and legislative branches of government in the states within the ambit of the socio-cultural milieu and institutional contexts peculiar to them. This included the determination of the implications of acrimonious executive-legislative relationships on democratic stability of the states and Nigeria over the period under review.

The study commenced with the discussion on the operations of presidential democracies, based on shared decision making by the executive and legislative organs of government. It focused principally on the underlying principles of presidentialism, which construe the three arms of government – the executive, legislature, and the judiciary – to function and operate as independent institutions in a system of separated but shared powers. The analysis of the central theme of the study is anchored on the components of two major but complementary theories: David Easton's input-output analysis model of the systems theory and the historical approach.

For this study, the researcher utilised the interpretative approach to knowledge to unravel the peculiarities surrounding the interplay of power between the executive and legislative institutions in Nigeria's presidential system. The primary purpose for adopting this method is to gain an in-depth understanding of the intricacy of decision-making and the web of interactions among political actors within and outside the formal structures of governance. The qualitative methodology was adopted for the collection of data principally because of its flexibility. The interviews of key informants drawn from major political actors in the legislative process formed the major source of primary data. Other sources of primary data included documentary analysis of archival materials, government publications, as well as records and Hansard proceedings of legislative assemblies of the selected states. I depended on the extant literature for my secondary data.

The analysis of the main issues of executive-legislative relationships in Nigeria's Fourth Republic was compartmentalised into eight chapters. Drawing extensively from the differing

perspectives of scholars, chapter one provided a general background of the extant principles of presidentialism as a governing system as well as the main issues surrounding executive-legislative relationships in the country's presidential democracy since 1999.

In chapter two, the researcher explored the different perspectives of scholars on the underlying principles of presidentialism as a governing system. This included an appraisal of the existing taxonomies of executive-legislative relations and their implications for different contexts. Using the practice of presidentialism in the United States, Latin America and Asia as templates, the researcher probed into the literature to examine the contending debates on gridlocks associated with presidential democracy. There was convergence among scholars that the primary concern of presidential system is the elimination of arbitrariness and the need to promote accountability in government. The extant literature was also reviewed to explore the evolution and development of legislative institution in Nigeria starting from the First Republic.

In chapter three, the two principal theories for the study were discussed. The chapter examined and analysed the relevance of these theories within the context of executive-legislative relationships in the Nigeria's presidential system. The researcher found out, from the literature, that none of these theories is sufficient to undertake a comprehensive analysis required to explain the nature and manner of contestation for power among the governing elites in the executive and legislative branches of the government. This was applied to the governance structures in Nigeria's presidential system to show the interplay of power relations between the executive and legislative branches of government. Thus, it was discovered, theoretically, that there is a personal dimension to most of the disagreements between the two arms of government, which often border on the nature and scope of power granted either of the two in the constitutional scheme. The researcher therefore claimed that in Nigeria, the incessant antagonisms and acrimonies between the executive and the legislative branches are fallouts of the nature and manner of contestations among the political elites, which often centre on the excessive push to gain advantaged positions in the appropriation of state power and resources for primordial gains.

The fourth chapter traced the history of executive-legislative relationships in Nigeria's presidential system beginning with the Second Republic when the country first adopted presidentialism as a governing system. Drawing on documentary and empirical evidences, it was discovered that Nigeria's journey into nationhood, both in democratic practice and military

dictatorship, has been characterised by an executive-centred political environment where the executive was always stronger than the legislature in the policy making process. The researcher claimed that most of the conflicts between the executive and the legislature in Nigeria are manifest evidence of political intolerance and struggles for power, which is often shrouded in politics of survival among powerful and contending political actors seeking to outsmart one another, rather the concerns for public good.

In chapter five, some relevant provisions of the 1999 Constitution of the Federal Republic of Nigeria, as amended in relation to the functions and powers allotted to the executive and legislative branches of government were explored. The strengths of these provisions were equally examined, to provide insights into the exercise of power by the Nigerian governing elites. It was discovered that the constitution formally structured the interactions between the executive and the legislature but the relationships that exist in actual practice depend largely on the political context as well as the characteristics of the governing elites.

The researcher explored the various constitutional guarantees granted the legislature to monitor the exercise of executive power, which seeks to institutionalise adherence to the rule of law and the culture of accountability in government. The study discovered that the various constitutional provisions that defined the interface between the executive and the legislative branches are adequate to engender stable and accountable government. For these reasons, the study claimed that the nature of the conflicts between the executive and the legislature in Nigeria proved that most of these acrimonies had nothing to do with the contradictions in the 1999 constitution. The Nigerian experience, since 1999, has shown some semblances of personal dimensions to the struggles between the two arms of government; yet manifesting as constitutional issues.

Chapter six examined the nature and character of executive-legislative relationships in the selected states within the ambits of the socio-cultural milieu and institutional contexts peculiar to them. Insights from these states provided the basis for the researcher's claim that every phenomenon of executive-legislative impasse has its own unique nature, causes, implications, and consequences. This was proven, with data that showed the differing peculiarities of executive-legislative relations in each of the states. These peculiarities showed how internal dynamics and external forces influenced the political outcomes of both the executive and legislative institutions in the selected states. The researcher therefore claimed that the

particularistic nature of the political elites in the states and the varying roles and degree of interventions by political parties determined the intensity of executive-legislative feuds.

In chapter seven, some of the factors promoting the recurrent executive-legislative conflicts in Nigeria since the adoption of presidentialism as a governing system were explored, including the implications of the constant acrimonious executive-legislative relations on democratic stability of the states as well as political development of Nigeria. Empirical data were presented to identify some of the factors promoting the recurrent executive-legislative feuds in Nigeria since the adoption of presidentialism as a governing system as well as the peculiarities surrounding most cases of executive-legislative stand-offs and their consequences on the nation's body politic. The findings showed that some of these contending issues are not particularly inherent in the practice of presidential system but a manifestation of the nature of struggles for power among the country's political elites. The researcher therefore claimed that the nature of patronage politics in Nigeria weakens the capacity of the legislature to act as an independent body thereby making it susceptible to the abuses of external forces

The researcher claimed that the incessant frictions between the executive and legislative branches in Nigeria are manifestation of the entrenched leadership crisis, manifested through the unbridled competition among the political elite. The objective is for the control of state power and resources for strategic political survival.

8.2 Summary of findings

A major finding of this study is the peculiarities of elites' behaviour in the exercise of power, in relation to the crisis of confidence that engendered, often, constant frictions between the executive and legislative branches in Nigeria's presidential system. The different attitudes and dispositions of the political elites is a major factor responsible for the varied experiences of the selected states. The particularistic nature of the political elites in the states and the varying roles and degrees of interventions by political parties always determined the intensity or otherwise of the executive-legislative feuds.

This development was visible in Ondo State over the period under review in the conscious efforts made by the governing elites across the divide to institute a regime of harmonious working relationships between the executive and the legislature. Overtime, an atmosphere of

consensus building, inter-branch consultation and dialogue characterised the interface between the two organs of government. This was reinforced by the various mediatory and stabilising roles played by party structures and other relevant stakeholders such as traditional institutions in promoting or at best ensuring harmony and cooperation between the executive and the legislature for the overall democratic health and political stability of the state. A respondent explained the nature of the mutual interaction thus:

The House of Assembly, from 2003, set about doing its work including lawmaking, budgeting, oversight function, confirmation, and investigation. Conflict often developed over these and they could have become centre of controversy but for the quick and responsible intervention of respected party leaders who often see things from the perspective of legislature (Personal Interview XVIII, April 17, 2018).

From the foregoing, it is evident that the real issue in executive-legislative relations is not the elimination of conflicts but the development of conflict management or reduction mechanism. This is capable of mitigating political conflicts or disagreements between the two arms of government.

However, the crisis generated by the impeachment of Ayo Fayose and his deputy in Ekiti state in 2006, as well as the nature of contestation for power among the state political elites, precipitated the political crisis that led to the declaration of emergency rule on the state by the Federal Government. Without disregarding the culpability of the Obasanjo-led Federal Government in the escalated conflicts between the executive and the legislature in the state, the governor had been having running battles with different groups and institutions such as traditional rulers and opinion leaders in the state. This development swayed public opinion in favour of the governor's impeachment in spite of the unconstitutional means employed to carry out the plot.

A party chieftain in the state described the governor's confrontational attitude this way:

The governor having successfully caged the legislature; he extended the same ploy to other actors but was serially rebuffed. It was pressure from these forces on the legislature that forced Fayose out of power. After all, the legislature that can be a willing tool in the hand of the governor can equally do the same for others when the die is cast (Personal Interview XXVIII, April 23, 2018).

A writer supported this claim when he noted that Fayose's removal from office through unconstitutional means appeared to have been applauded and legitimized by relevant groups and

institutions in the state when these stakeholders could no longer condone the ‘impeccably garrulous and unrepentantly confrontational approach of Fayose to governance’(Oyetayo, 2006, p.16).

In a similar version, the Osun State experience in executive-legislative relationships, particularly in the first four years of democratic experiment under Bisi Akande’s government, showed the shrewd exchanges and influence of the political elites in the altercation between the governor and the state legislature. The roles of these individuals became visible in the wake of the impeachment process of Governor Bisi Akande, as well as in the rifts between the governor and his deputy, Iyiola Omisore, which climaxed into the impeachment of the Deputy Governor by the State House of Assembly.

The leaders of the AD who pressurized the state lawmakers to halt the impeachment of the governor were the same people who mounted pressure on the legislators to remove his deputy, Iyiola Omisore, from office (Fagbadebo, 2016; Omitola and Ogunnubi, 2016; Fatile and Adejuwon, 2016; Akinsanya and Davies, 2002).

To further prove the plausibility of this claim, under the successive administrations of Olagunsoye Oyinlola and Rauf Aregbesola in the state, the split in the legislative membership between the two opposing political parties, the PDP and ACN, especially in the Fourth and Fifth Assemblies, did not lead to executive-legislative conflicts. This was attributed to the convergence of purpose among the political elites, irrespective of their political affiliations (Kaur, 2007; Omitola and Ogunnubi, 2016).

In Oyo state, split among the political elites of the same political party polarised the legislature and eventually led to the removal of former Governor Rashidi Ladoja from office albeit through unconstitutional means. The executive-legislative face-off that culminated in the governor’s impeachment was a sad reflection of the nature and consequences of patronage politics prevalent in the political landscape of Nigeria. Overall, the infamous roles of the state political elite both within and outside the formal structure of government were reflected in the struggles and battles of wits which plunged the state into avoidable chaos and political uncertainty that characterised the period.

8.3 Patronage Politics and the Culture of Impunity in Nigeria's Presidential System

Executive-legislative impasse has proven to be a major source of political instability in Nigeria since 1999 (Fatile and Adejuwon, 2016). In advanced democracies, such contradictions are regarded as necessary and even pivotal in deepening democratic ethos and practices. However, this is not so in Nigeria where executive-legislative rifts is perhaps considered as part of the narratives of the deep-seated leadership crisis impeding the country's socio-economic growth and democratic consolidation. Akinbobola (2002) captures this situation when he remarks that:

In Nigeria, democratisation has remained a dilemma. The dilemma is that there exists an articulated desire to democratise the polity, but the spirit and commitment is wavery. Indeed, the stakeholders in the polity circumvent the democratization process (Akinbobola, 2002, p.366).

In Nigeria, the prolonged military dictatorship had entrenched a tradition of executive dominance. The lack of commitment of the governing elites to initiate a sincere and genuine process of democratisation that 'provides the pillars for political stability and good governance', compounded this crisis (Ukase, 2014, p.93). The military had always had the penchant and culture of fusing both the executive and legislative powers and functions under the sole control of military rulers. This development spilled over to the Fourth Republic and has continued to impact negatively on the country's democratic practice since 1999.

As Okpeh (2014) has argued, the collapse of the previous Republics was not because the constitutions were bad. Rather, they were attributable to the failure of the political elites to comply with the basic rules of engagement that governed the political process, especially the interface between the executive and legislative branches of government. Evidently, the contemporary Nigerian leaders appeared to have refused to learn from history because of the growing culture of impunity and flagrant disregard for the rule of law prevalent among the governing elites in the executive and the legislature both at the national and state levels from 1999 up until date.

This development, as Oyebode (1995, p.56) has argued, has led to a situation of 'executive recklessness and legislative rascality' in the political process. The attendant consequences are the denial of Nigerians and Nigeria the opportunity of savouring the proceeds of good governance,

economic advancement and political transformation believed to the accompanying benefits of democratic governments.

The conflictual executive-legislative relationship has ominous implications for good governance and stability of democratic regimes. Nevertheless, it is incontestable, as events in the selected states have shown, that much of these conflicts in Nigeria were manifest expression of the overt struggles and contests for power among the political forces. These individuals often spanned beyond the political actors in the formal structure of state power. They operate outside the official positions of authority but on a large scale, their towering influence determined the political outcomes of government institutions.

This is attributable to one of the misconceptions in the country's presidential system where the concept of executive president or governor is widely misconstrued as legitimate conferment of absolute power in the executive branch. This often heralds the emergence of individuals who exert immense control on state affairs thereby hastening the personalisation of the political process. This development is antithetical to the extant principles of presidentialism (Fagbadebo, 2016). The direct consequence of this institutional malaise is the culture of impunity that characterized the executive and legislative branches of government. As a result, frequent breaches of constitutional rules have become common occurrence while the concerns for public good have become a rarity.

This is contrary to the underlying principles of presidentialism, such as the notion of separation of powers and the doctrine of checks and balances which, in the interests of the people, sought to entrench the culture of accountability in government. However, the perception of politics and the reconstruction of the concept of political power by the Nigerian political elites has remolded their behaviour and orientation from being the governing elites to becoming the political merchants, who see politics and political power as the easiest, surest, and fastest means of amassing personal wealth (Kifordu, 2010).

This is a true reflection and manifestation of Richard Joseph's concept of prebendal politics, which he used to denote the Nigeria's presidential system of the Second Republic. He reasoned that in the understanding of the Nigerian political process, 'the nature, extent and persistence of a certain mode of behaviour, and of its social and economic manifestations' cannot be underestimated (Joseph, 1991, p.1). According to him, prebendal politics approximates the:

Pattern of political behaviour, which rests on the justifying principle that such offices should be competed for and then utilised for the personal benefit of office holders as well as of their reference or support group. The official public purpose of the office becomes a secondary concern, however much that purpose might have been originally cited in its creation or during the periodic competition to fill it (Joseph, 1991, p.8).

From the foregoing, it is evident that Richard Joseph's theory of prebendalism draws heavily from the penchant of the political elites to exploit state power, constantly, for their pecuniary gains at the expense of public good and the collective interests of the citizenry. In the process, they often expose the political environment to the repulsive consequences of their 'intensive and persistent struggles to control and exploit the offices of the state' (Joseph, 1991, p.1). Thus, the political process in Nigeria's presidential system and the theatre of intense competition among the political elite resulted into unbridled rivalry and acrimonious relationships between the executive and legislative branches of government.

Fagbadebo (2016) advances the theory of prebendalism further in his study of the presidential system in Nigeria's Fourth Republic, describing it as 'a mercantilist version of politics' (Fagbadebo, 2016, p.258). In both theory and practice, mercantilism is a regimented economic agenda seeking to strengthen the economic and political positions of a state at the expense of other states (Irwin, 1991; Hutchison, 1988).

As a strategic economic policy of a rent-seeking state, the primary objective of mercantilists is to consolidate on a state economic position by seeking to monopolise the trading system to the disadvantage of other competing states in a bid to eliminate or push them out of reckoning. Irwin (1991) notes that the mercantilist overtures have the propensity to precipitate armed military conflicts among states as they seek to counteract the unpleasant implications of the monopolised trading system on their economies.

In a sublime version, Fagbadebo (2016) adapts the mercantilist orientation to explain the pervasive influence of godfathers in the Nigeria's presidential system. He posits that:

As an advanced form of prebendal politics, mercantilist politics permits a godfather to buy off the political space with a view to determining the outcome of the socio-economic and political process. He recruits godsons as subordinate trading agents to oversee the various political outposts in the executive and the legislative arms of government (Fagbadebo, 2016, p.258).

In his analysis of the politics behind the impeachment of some state governors in the Fourth Republic, he construes the oversight power of the legislature as ‘a trading instrument in exchange for socio-political rewards in favour of the godfather’ (Fagbadebo, 2016, p.258). In other words, the godfather, acting as a merchant, only sees in the impeachment provision a veritable tool to be appropriated, mostly through unconstitutional means, in his quest to pursue personal profits at the detriment of other political actors and the larger society. This development, unfortunately, has become a menace depriving Nigerians the much sought after dividends of representative democracy.

This is reconceptualised as the Nigerian version of patronage politics. By this conceptualisation, the researcher seeks to define politics as transactional relationships where an individual invest in the political aspiration of another in anticipation of rewards of personal benefits. As a variant of prebendal and mercantilist politics, patronage politics in Nigeria, denotes the political orientation of individuals who construe their involvement or participation in politics as a means of achieving some predetermined personal advantages. Under this orientation, both the godfather and the godson acquiescence to realise their mostly incompatible selfish purposes through brazen subversion of the democratic process. Moreover, in the main, ‘activities of political parties are largely determined by the towering influence of godfathers to satisfy a pecuniary political objective’ (Fagbadebo, 2016, p.257).

Just like its prebendal and mercantilist variants, patronage politics is amoral and thrives in an environment of impunity, intense struggles and brazen subversion of the constitutional order. In essence, patronage politics is an inclusive form of godfatherism, in which some ruling merchants seek to engage in various shrewd tactics to pull down the very foundation of masses-driven governance in favour of the political process where the preferences of the few hold sway (Akinola, 2009; Kaur, 2007). This set of individuals, as Oarhe (2010) has noted, see politics as an avenue for investments in anticipation for reaping bountiful returns. Thus, the godfather, who operates as political merchant, could deploy his financial muscles and political networks to ensure the emergence of his chosen candidates (godsons), in positions of authority. The godson, who functions as a trading agent, submits himself to the tutelage and guidance of his sponsor until, at least, political power is attained (Albert, 2005; Edigin, 2010; Sklar et al, 2006).

A former state governor in Nigeria described the position of a godfather in the nation's political turf as

an impervious guardian who provided the lifeline and direction to the godson, perceived to live a life of total submission, subservience and protection of the oracular personality located in the larger, material frame of opulence, affluence and decisiveness, that is, if not ruthless (cf. Fagbadebo, 2016, p.192-193).

Nonetheless, nothing in the foregoing suggests that the relationship of patronage exchanges of personal rewards and benefits is a forceful endeavour. Edigin (2010) has noted that mutual interests and politico-economic benefits of the individuals involved often motivate the relationship. Scott (1972) has reasoned that the desire of an aspiring political figure, to seek refuge and protection from an individual of higher socio-economic status and established political power, mostly results in such relationships. According to him, it is often involves a transactional relationship where a service or support is sought in exchange of an agreed reciprocity.

It is evident; therefore, that mutual consent for the control of state power and resources is the motive behind godfather-godson relationships other than the concerns for public good. The failure, default or outright refusal of a godson to continue to honour the standing principles governing the relationships, leading to the breakdown in the process of reciprocity and patronage, amount to a revolt, and has the proclivity towards political crisis, sometimes, violent conflicts. Such crisis often elicits damaging and abrasive consequences on the democratic space (Fagbadebo, 2016; Olupohunda, 2014; Omobowale and Olutayo, 2007).

The researcher uses patronage politics to mirror the shrewd and sometimes violent struggles among the political elites for the control of state power and resources to explain the escalating acrimonious relationships between the executive and legislative branches in Nigeria's presidential system. This unending struggles and battles of wits have subjected the country's political process to the vagaries of patron-client relationships of patronage politics (Oarhe, 2010; Sarker, 2008; Stein, 1996; Mwenda and Tangri, 2005). In this relationship, when there is a convergence between the godfather and the godson, in their interests and goals, the two sides unite to plunder collective resources, subvert the democratic process, and even deploy state power as a political tool to further their private benefits to the disadvantage of the public. However, whenever there is conflict of interest between or within these groups, the public space

becomes suffocated with intense struggles and bickering which often lead to acrimonious relationships among the political elite and ultimately among the institutions of government (Ayeni and Soremekun, 1998). Oarhe (2010) argues that the breakdown in the patronage exchange is the bedrock of the struggle between a godfather and his godson.

The import of these developments on the Nigeria's democratic space is that the menace of godfatherism, as well as its attendant patronage linkages, has made it increasingly difficult for political actors, operating within the various institutions of government, to act independently. Therefore, the unconstitutional removal of former Governor Ladoja in Oyo state transcended the independent actions of the 18 lawmakers, contrary to the allegations of gross misconduct proffered against the governor.

Patronage politics also manifested among political actors within the formal institutions of government. This is often aimed at providing important shields for the positions of elected public figures or strategic interests of individuals or groups. For instance, the usual crave by state governors to install their surrogates in the legislature is believed to be aimed at providing legislative shields for themselves in the exercise of executive power (Fagbadebo, 2016). Moreover, this usual plot by state chief executives can be viewed from the standpoint of patronage politics. Similarly, the state governors are also fond of ensuring the emergence of their loyal godsons and allies as Local Government Chairmen through either compromised election or selection by executive fiat. It is understood that most of these governors engage in such practices to avail themselves of unfettered access to the local government treasury (Davies, 2004).

A serving lawmaker in one of the selected states had argued that state governors could go to any length to deflate the oversight influence of their state legislatures:

As experiences did show under Mimiko, the governor's sinister attempt at eroding the autonomy of the state's legislative assembly stemmed beyond reducing the institutional and operational capacities of the legislative body. It dovetailed into the political arena where the governor often mobilise state resources to ensure the selection of politically naïve individuals bereft of informed minds, intellectual capacity and visible electoral base needed to understand and pursue legislative oversight agenda capable of checking any possible infractions in the exercise of executive power (Personal Interview XIX, April 15, 2018).

As the lawmaker further argued, the plot often begins with party primaries where state governors usually manipulate the selection process in favour of their preferred candidates and even go

further to ensure their emergence in the general elections. According to him, the implication of this development is a 'legislature operating as an extension of the executive branch' (Personal Interview XIX, April 15, 2018).

A trend prevalent in the Nigeria is that many of the elected public officials were sponsored into office by one elite group or the other within political parties while a few of them were elected on their individual strength independently of any godfather (Sklar et al, 2006). Thus, any form of conflict or bickering within and/or between these groups could also elicit acrimonies among the institutions of government. Much of the conflicts between the executive and legislative branches in Nigeria can be understood from this perspective.

8.4 Recommendations

a. Institutionalising Dialogue Procedure as a Measure of Enthroning Executive-Legislative Harmony in Nigeria's Presidential System

Taking into consideration the underlying principles of Nigeria's presidential constitution, the study argues that institutionalisation of the culture and procedure of dialogue between the executive and legislative branches remains the most viable means of enthrone executive-legislative harmony. By this, I mean to emplace, constitutionally, cooperative approach and dialogue procedures that will be legally recognised by both sides on important inter-branch issues such as money bills and appropriation-related matters. The leadership of both arms of government needs to understand and choose to act in the consciousness that, in a presidential system, the legislature wields tremendous power and control over public fund while the executive is in charge of its approved budget. Any public spending outside this requires legislative consideration and approval.

This measure will enable the political actors to explore the numerous available viable options to resolve their grievances and differences on policy issues at the primary level before they magnify into serious impasse. In this regard, the two organs of government should endeavour to put in place conflicts resolution mechanisms in form of active and functional inter-branch liaison offices in their respective institutions to foster stable and harmonious working relationships.

At the states level, such offices could derive its structure and modus operandi from what is presently in operation between the Presidency and the National Assembly. Under this arrangement, presidential advisers on legislative matters function to relate directly with the two

chambers of the National Assembly. The usual practice is to appoint former lawmakers with demonstrable experience and goodwill to run the affairs of such offices. This kind of arrangement should be replicated at the states level. However, to make such offices functional and goal-oriented, it is recommended that it should have two wings; one at the legislative chamber and the other at the Governor's office. The offices should be designed and made to operate a two-way communication links between the executive and legislative branches. Moreso, it is imperative for such offices to be manned by experienced democrats, consisting mainly of individuals that have previously served in government and former lawmakers, seasoned and versed, in mediatory and collaborative politics and engagement.

This is essential, because, in a presidential system, such as Nigeria, it is somewhat difficult, if not impossible, to eliminate frictions between the executive and the legislature. Nonetheless, functional measures, such as the foregoing, can be adopted to institute harmonious working relationships between the two arms of government. As events in the selected states have shown, disagreements between the executive and legislative branches are inevitable, because there is always a potential for it. However, one viable way to counteract this is to ensure that executive-legislative relationships are conducted, based on understanding, consensus building and dialogue as well as cooperative approach by the political actors operating within the two institutions.

The experience of Ondo state showed that the real issue in executive-legislative relations is not the elimination of conflicts but the development and sustenance of conflict management mechanisms that are capable of dousing tensions and disagreements arising from the interaction between the two arms of government. One of such was the roles played by social and political organisations like the Afenifere under Adefarati and party caucus during the Agagu government. It should be noted, however, that such informal structures equally existed in other states under review but could not muster appreciable impact like what was recorded in Ondo state. Therefore, the major lesson learnt was the avowed commitment of political elite in the state to adopting collaborative and mediatory mindsets in addressing issues that affected executive-legislative relationships.

This approach demands the executive to accept that the constitution provides for the legislature and assigned responsibilities to it. The delays often occasioned by the long process of legislative scrutiny should not be construed as antagonism to executive action. They are considered as

essential to the plurality and diffusion of power expressed clearly in the principle of separation of power and checks and balances incorporated into the country's presidential constitution to avert possible tyranny and other undemocratic tendencies of the executive branch.

The legislative actors must equally ensure they operate, with, the consciousness that the legislature is not a willing tool in the hands of political merchants to scuttle or slow down the pace of governance. There could be a possibility for the two institutions to disagree on policy issues for the good and stability of the system. However, confrontations between the two branches of government need not necessarily lead to acrimony when members of the executive and the legislature imbibe a high sense of maturity and patriotism for the overall democratic health and political stability of the nation. For democratic stability to be sustained, the two arms of government should choose and be determined to operate within the limits of their constitutional powers; and ultimately by resorting to judicial intervention as a way of settling disputes between them when negotiation fails.

b. The Need for an Active Judiciary

It is important to mention that the effectiveness of the recommendation highlighted in the foregoing requires the unbiased intervention of an activist judiciary, insulated from the vagaries of partisan politics, especially at the state levels. This is because, in a political environment besieged by the pervasive influence of powerful patrons and godfathers, the chances of independent actions by the governing elites operating within the relevant institutions of the state become very slim. In other words, the possibility of abuse of power by the various institutional actors is very high owing largely to the contending battles of wits among private interests over public goods.

Moreover, in a situation of continuous struggles among the various elite groups for the control of state power and resources to further their private purposes, there is a definite need for an activist judiciary acting as an independent arbiter in the swift dispensation of justice. This is necessary to sanitize the democratic space by ensuring its conformity with the extant laws governing political competition and electoral contests in the country, especially the limits of power granted the respective government institutions.

An unbiased judicial arbiter is not only needed for the effective administration of justice but also remains a sine qua non for the sanctity of the nation's laws, especially the rules governing the electoral process.

c. A Re-orientation of Citizens' Perception of the Legislative Role

In view of the military legacy that promoted the executive branch, most Nigerians are yet to come to terms with the exact roles of the legislature as envisaged by the constitution. The usual public perception sees the legislature as inferior to the executive. The prolonged dominance of the military in the country's political space had not only weakened the legislative institution but also eroded any semblance of legislative role in the policy-making process

This problem is compounded by the loss of integrity of the legislature, which makes it vulnerable to manipulation of the executive branch (Jombo and Fagbadebo, 2019; Odunlami, 2015). In Nigeria as of today, one of the challenges facing the legislature in the discharge of its constitutional responsibilities is the self-inflicted integrity crisis.

An added twist to this development is the prevailing culture of stomach infrastructure occasioned by the high level of poverty among the populace (Alabi, 2009; Olson, 2013; Fukuyama, 2015). This has translated into ceaseless demands from the legislators by their constituents to continually provide them with palliatives which they have somewhat construed as the direct responsibility of their representatives. A lawmaker noted that people are no longer concerned about the real constitutional role of their elected representatives.

For these reasons, a re-orientation of the peoples' perception of the constitutional role of the legislators is paramount and essential to the reconstruction of the proper legislative agenda that finds its roots in the collective will and aspiration of the people. This is necessary, because, ceaseless demands, from the legislators, by their constituents have the propensity to generate anxiety in them and in turns heightening tension in the executive-legislative relationships.

Alabi (2009) has argued that most of the behaviours and dispositions of the Nigerian legislators that often heighten executive-legislative conflicts do not conform to their political representation role but in response to the demands and preferences of their constituents. In a related manner, Fagbadebo (2016) has noted that a large proportion of the citizenry in 'developing democracies like Nigeria' are not aware of what constitutes the official responsibilities of their

representatives. In lieu of that, he reasons that, ‘to determine the behavioural disposition of legislators in crucial decisions, one needs an analysis of the context in which they seek to represent the preferences of the constituents’ (Fagbadebo, 2016, p.112).

Nonetheless, it is also very important for the lawmakers to change their attitudes of flaunting their ‘ill-gotten wealth’ and expensive lifestyles in the midst of their impoverished mass of constituents. This attitudinal change on the part of Nigerian parliamentarians is needed to win back citizens’ trust and confidence as true representatives of their interests and aspirations in government. This will no doubt ease off a lot of pressure for monetary settlement on the assemblymen and invariably allowed them to focus more on their constitutional roles of law-making, representation and effective oversight rather than seeking avenues of financial inducements from the executive, especially its arrays of administrative agencies which often results to acrimonies between the two arms of government.

In addition, the programmes of capacity building for legislators need to be reworked and finetuned to bring about optimal performance of parliamentarians on the legislative duties. To build or improve capacities of our parliamentarians, the starting point is that they need to stay longer on their seats to learn the rudiments of legislative work through experience (Personal Interview II, February 16, 2018). They need more engaging commitment to enroll in capacity building seminars and workshops on regular basis to horn their legislative skills. A rejuvenated National Institute for Legislative Studies (NILS) will suffice for this purpose.

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Guobadia, D.A. 2001. The Legislature and Good Governance Under the 1999 Constitution in Nigeria: *Issues in the 1999 Constitution* (NIALS Publication), pp.45-47.

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Official Report: Newsletter of Independent National Electoral Commission, Dec., 2011.

Official Report: Proceedings of Osun State House of Assembly, May 11, 2006.

Official Report: Proceedings of Oyo State House of Assembly, January 26, 2006.

Official Report: Proceedings of Ekiti State House of Assembly, September 29, 2006.

Official Report: Proceedings of Ondo State House of Assembly, April 21, 2015.

Official Document: Membership Profiles, Ekiti State House of Assembly, 1999-2015.

Official Document: Membership Profiles, Ondo State House of Assembly, 1999-2015.

Official Document: Membership Profiles, Osun State House of Assembly, 1999-2015.

Official Document: Membership Profiles, Oyo State House of Assembly, 1999-2015.

The Constitution of the Federal Republic of Nigeria, 1989.

The Constitution of the Federal Republic of Nigeria, 1999 (as amended).

The Report of the Political Bureau, Abuja Nigeria: MAMSER, March 1987.

Appendix I

INFORMED CONSENT DOCUMENT

Dear Participant,

My name is JOMBO, Ojo Celestine. I am a PhD (Political Science) candidate studying at the University of KwaZulu-Natal, Pietermaritzburg campus, South Africa. The title of my research is: **Examining the Peculiarities of Executive-legislative relations in Nigeria's presidential system: Insights from selected States in the Fourth Republic, 1999-2015**. The research is aimed at studying the peculiar nature and cause of acrimonies between the executive and legislative branches of government in the States. To gather the information, I am interested in interviewing you to share some of your experiences and observations on the issue.

Please note that:

- Your confidentiality is guaranteed as your inputs will not be attributed to you in person, but reported only as a population member opinion.
- The interview may last for about 1 hour and may be split depending on your preference.
- Any information given by you cannot be used against you, and the collected data will be used for purposes of this research only.
- Data will be stored in secure storage and destroyed after 5 years.
- You have a choice to participate, not participate or stop participating in the research. You will not be penalized for taking such an action.
- Your involvement is purely for academic purposes only, and there are no financial benefits involved.
- If you are willing to be interviewed, please indicate by signing the attached declaration (a separate sheet for signature is attached).

I can be contacted at: Email: greatcelexo@yahoo.com

Cell: +2348032430947 or +27742744775.

My supervisor is Dr. Khondlo Mtshali who is located at the School of Social Sciences, Pietermaritzburg campus of the University of KwaZulu-Natal.

Contact details: email: Mtshali@ukzn.ac.za Phone number: +27824038876.

My Co-supervisor is Dr. Omololu Fagbadebo, School of Management, IT and Public Governance, Pietermaritzburg Campus, University of KwaZulu-Natal

Phone number: +27611533824 Email: Fagbadebo@ukzn.ac.za

You may also contact the Research Office through:

P. Mohun

HSSREC Research Office, Tel: 031 260 4557 E-mail: mohunp@ukzn.ac.za

Thank you for your contribution to this research.

Appendix II

August 8, 2017



TO WHOM IT MAY CONCERN

Dear Sir/Ma

Re: Request for Academic Research Data

This serves to certify that **Mr. Ojo Celestine Jombo** is a registered PhD student in Political Science at the University of KwaZulu-Natal, Pietermaritzburg campus, South Africa. We request you to grant Mr Jombo permission to access scholarly research data from your institution as part of the key requirements for his research focusing on **“Peculiarities of Executive-Legislative Relations in Nigeria’s Presidential System: Insights from Selected States in the Fourth Republic.”** We assure you that the information that you provide will be used for scholarly research only and in strict compliance with the general principles of research ethics as set by the University of KwaZulu-Natal.

We appreciate your understanding to oblige **Mr. Jombo** unfettered access and other necessary supports as may be required. Do not hesitate to contact us if there is any clarification you need.

Thank you in anticipation of your cooperation and understanding.

Dr Khondlo Mtshali

Supervisor

School of Social Sciences,
International and Public Affairs Cluster,
University of KwaZulu-Natal,
Pietermaritzburg Campus, Scottsville, 3209,
Email: Mtshali@ukzn.ac.za
Tel: +27824038876.

Dr Omololu Fagbadebo

Co-supervisor

School of Management, IT and Public Governance
University of KwaZulu-Natal,
Pietermaritzburg Campus.
Email: Fagbadebo@ukzn.ac.za
Tel: +27611533824.

Appendix III

Interview Questions for the key informants

For members of the legislature:

1. As a former member of the state legislative assembly, how would you describe your session in the assembly?
2. As part of orientation programme for newly elected legislators, can you recollect measures put in place to familiarise lawmakers with their roles as provided for in the 1999 constitution?
3. Can you say the legislature was often under pressure from their constituents to re-order budgetary proposals submitted to it by the executive? Or it was just a way of asserting legislative independence over the executive and its agencies?
4. With your experience, what actually constitute impeachable offences for a governor or deputy governor?
5. In real life situation and in your own view, what will ultimately make a state house of assembly resolve to hurriedly impeach a state governor or deputy governor?
6. As a former member of the house, how would you respond to insinuations that members of the legislature often represent numerous and sometime conflicting interests other than that of their constituents? These could range from personal, business or even parochial interests of a sponsor or a political godfather.
7. Based on your experience, do you see any role for political parties in the events of recurrent face-off between the executive and the legislative branch?
8. What do you think is/are responsible for disagreements, including potentials for conflicts between the executive and the legislature in your state?
9. Based on your experience in the legislative process, what plausible measures, do you think, are available to promote harmonious relations between the two arms of government?

For principal members of the legislature:

1. As a former principal of the house, can you recollect any matter or issue that the executive tried to force on the legislature through undue influence?
2. It is often said the legislature faces myriad of challenges in the discharge of its constitutionally assigned duties. As a former principal officer of the house, can you list or identify some of these challenges?

3. Based on your experience as a former principal officer of the legislature in the state, what is your opinion on funding of the legislature? In other words, in your candid opinion, is it under funded, adequately funded, or over funded?
4. During your stint in the house, how did legislators react when the executive did not carry out resolutions passed at the floor of the house?
5. How would you react to the speculation that some principal officers of the state legislatures are often allies of the governor who are financially rewarded for coasting along?
6. Can you recollect any visible role played by your party in times of disagreements or conflicts between the two arms?
7. Can you attribute disagreements between the executive and the legislature in your state to some peculiar factors? If yes, can you itemise them?
8. Based on your experience in the legislature, what measures can you recommend to improve executive-legislative relations in your state?

For members of the executive branch:

1. As a former legislative aide to the governor, what are the main functions of your office in the legislative process?
2. How would describe the relationship between your principal, the governor, and the legislative assembly in your state during the period under review?
3. From experience, what did you observe as possible sources of frictions between the assembly and your principal?
4. As a member of the executive team working closely with the legislature, what explanations can you give on why most resolutions of the house of assembly over activities of the executive branch were not implemented or reckoned with?
5. How did your principal, the governor react when you relay sometimes excessive demands of the legislators?
6. How did you react to the incessant cases of impeachment of principal officers of the legislature by members over allegations of unholy alliance with the executive?
7. As a member of the executive team, can you recollect any visible role played by the party in mediating between the two arms of government in times of disagreement or potential conflict?

8. Based on your experience, what consequences does executive-legislative rift have on the running of government and perhaps political stability of the state?

9. Was there any specific measure(s) taken by your principal to promote harmonious relations between the executive and the legislature while in office?

For the principal party officials:

1. As a party man, how would you describe the relationship between the executive and the legislature in your state during the period under review?

2. From experience, what did you observe as potential sources of disagreement between the executive and the legislature in your state?

3. As a former party official in the state, what influence did your party has on your members holding executive and legislative positions in government?

4. Can you recollect any visible role played by your party in times of disagreements or conflicts between the two arms?

5. And what measures did you take as a party to mediate between the two arms of government in periods of conflicts or open confrontations?

For respondents from the academia:

1. As an academic and researcher in the social sciences, can you attribute incessant friction between the executive and the legislature to lopsided provisions in the 1999 constitution?

2. From the experience in the field, can you say there are factors that promote harmony and/or disharmony between the executive and the legislature in Nigeria's presidential system?

3. In your own candid view, what implications and consequences do executive-legislative gridlocks have on democratic stability and consolidation in Nigeria?

4. In your informed opinion, do you agree that most executive-legislative impasses were as a result of continued decline in party supremacy in Nigeria in recent years?

5. What are the plausible measures do you think are available to promote harmonious relationships between the two arms of government?