

LEGISLATURE-EXECUTIVE RELATIONS AND GOVERNANCE IN NIGERIA (2011-
2019)

C.K. OMOREDE, PhD¹, Stanley AIBIEYI, PhD² & A. W. FASASI³

¹Department of Public Administration, Faculty of Social Sciences, University of Benin.
christiana.omorede@uniben.edu

²Department of Public Administration, Faculty of Social Sciences, University of Benin.
stanley.aibieyi@uniben.edu

³Department of Public Administration, Faculty of Social Sciences, University of Benin.
fasasiwakeel2@gmail.com

ABSTRACT

This study looks at how the executive and legislative organs interact and how that affects Nigerian governance in the country's Fourth Republic (2011-2019). The study examined the cooperation, conflict, and consequences for policy-making of the relationships between the legislative and executive branches. The study made use of the separation of power theory and the descriptive qualitative method. Additionally, secondary data from journals, publications, textbooks, executive-legislature documents, and the Federal Republic of Nigeria Constitution from 1999 were used. The results of the study showed that, since the Fourth Republic's return in 1999, legislative-executive ties in Nigeria have been more tense and fraught, particularly between 2011 and 2019. It also showed that, on multiple occasions, this structure of relations between the arms had only managed to impede Nigerians from receiving quality services and decent administration instead of creating friendly relationship that can promote good governance. The study found that the relationships between the institutions have a greater detrimental effect on good governance, particularly between 2011 and 2019 when the two organs were at the loggerhead on some policies which were hindered. As a result, cooperation is necessary to support good governance. It was suggested that in order to advance good governance in Nigeria, the legislative and executive branches should support and uphold the concepts of the separation of powers.

Keywords: Executive, Legislative, Governance, Relationship, Rule of Law.

INTRODUCTION

The political powers of the State are generally accepted to be divided by politics, administration and governance into three broad functional categories, namely, the Executive, the Legislature and the Judiciary (Abraham, 2021). In the United States the President and Congress are independent of each other and have different powers. The system is based on checks and balances and separation of powers, which can cause gridlock, but also a clear division between executive and legislative powers. The Prime Minister and the government are very closely connected to the legislature in the UK. In this system, the fusion of powers is stressed and the executive must have the confidence of the legislature; this can lead to a more efficient policy process and a more flexible political climate. The Executive-Legislature relationship has always been a challenge to participatory democracy in Nigeria.

These two branches of government are often described in terms of friction and have had a hard time getting along even in democracies where the party in power controls the legislative chambers. Nigeria has not been immune. Both the 7th and 8th National Assemblies were noted for their turbulent beginnings. In 2011, the ruling People's Democratic Party (PDP) found itself confronting a House of Representatives determined to assert its independence by electing its own leadership. Also, when All Progressives Congress (APC) assumed power, it met resistance from members of the National Assembly in the Senate who were determined to elect their leaders.

The relationship between the executive and the legislative branches in Nigeria is complex, dynamic and interdependent with shared powers and responsibilities. The job of the executive, constitutionally, is to formulate policy within a legal framework and submit them as bills for the legislature to consider and debate. But the legislature is responsible for making laws which the executive has to implement (Kolawole, 2017). The 8th National Assembly was presided over by Bukola Saraki as President of the Senate and Ike Ekweremadu as Deputy Senate President and Yakubu Dogara as Speaker of the House of Representatives and Yusuf Sulaiman Lasun as Deputy Speaker. The presidential system of government was adopted by Nigeria with the separation of powers between the two organs and within this separation, each arm is to relate with the other as

provided by the constitution for the citizens to enjoy the fruits of good governance (Federal Government of Nigeria [FGN], 1999).

Against this background, the paper examines Legislative-Executive relations and governance in Nigeria (2011-2019) to find out whether the dividend of this relationship has promoted or hampered good governance in Nigeria.

Statement of the Problem

The Fourth Republic of Nigeria has major concerns about executive-legislative relations and governance. Unhealthy adversarial relationships and arguments have hindered effective governance and development in Nigeria between the executive and legislative arms of government. For example, the Nigerian constitution does not provide a clear division of authority to the executive or legislative branches, a lack of clear rules for separation of powers; responsibilities collide and overlap. Furthermore, the executive power over the legislature is exercised by controlling the legislature so that it is not possible for the legislature to perform its functions under the Constitution. Moreover, the lack of transparency and accountability of the executive branch makes it difficult for the legislative organ to effectively oversee the activities of government. Finally, political divergence is a threat when party politics trump national interest; as Nigeria is politically divided along party lines, tensions between the executive and the legislative arms have often resulted in deadlock.

Objectives of the Study

The general objective of the study is to analyse legislative-executive relations and governance in Nigeria. The specific objectives are to:

- i. evaluate the constitutional roles of the Executive and Legislature in Nigeria,
- ii. value the quality of legislative-executive relations and governance in Nigeria,
- iii. discuss the challenges of Legislative-Executive relations and its implications for governance in Nigeria, and

iv. identify factors for the management of Legislative-Executive relation and governance in Nigeria.

LITERATURE REVIEW

The Legislature

Legislatures are typically elected bodies that have the primary job of making laws for the entire country. The legislature has a universal duty of law-making, but they do more than just write rules” (Anifowose, 1999). Apart from law making, the legislature has the constitutional powers of control of public funds, power to approve or disapprove expenditure of such funds, power of investigation, power to scrutinise and confirm major appointments of the executive, power to approve treaties and pacts entered into with foreign countries, power to prepare its budget, recruit its staff and discipline them and also the power of impeachment, according to Anifowose (1999). Similarly, Wheare (1963) justifies the use of the term “legislatures” for parliaments, congresses and other such assemblies by their law-making role, but equally notes that this can be misleading as a large proportion of the time spent by these bodies is not devoted to law-making.

In many countries they have the power to form or dissolve governments, and one of their most important roles is to criticise the executive, he added. Nigeria has a bicameral legislature, the National Assembly, comprising the House of Representatives (Lower House) and the Senate (Upper House). The Senate has 109 members and the House of Representatives has 360. The election of members of the Senate is on the basis of equality of States, while the election of members of the House of Representatives is on the basis of population and the term of office for both is four years (FGN, 1999).

The Constitutional Role of the Legislature in Nigeria

As Abraham (2021) has observed, the Legislature’s functions are core to governance and democratic processes. These are:

Law Making: The process of drafting, debating and passing laws that govern the country.

Controlling the Executive Accountability of the Executive branch through different mechanisms.

Confirmation of Executive Appointees: Making sure that important appointees are qualified and serve the public interest.

Treaty Ratification . Debating and voting on whether to approve or reject international treaties .

Investigating Executive Actions: Creating committees to examine particular issues and ensuring transparency.

Impeaching and Removing the Executive: The power to impeach officials for misconduct.

Responding to Constituent Grievances: Addressing constituent concerns and helping constituents overcome bureaucratic hurdles.

Appropriating Money: Passes budgets and authorises government spending.

Oversight Functions: Overseeing executive branch performance, examining budgets, and evaluating law implementation.

Constitutional roles of the executive in Nigeria

The executive, which is the main engine of government, also performs its constitutional functions as provided in section 130(1)(2) of the 1999 constitution. These are :

Administrative Role: Control and co-ordination of the affairs of government, appointment of administrative officers, control of the state military, control of external affairs and declaration of state of emergency when necessary (Abonyi, 2006; Anifowose, 2008; Baba, 2019).

Legislative role – initiation of public bills to the National Assembly for deliberation, signing bills into laws, issuing commands to meet changing occurrences in the political system (Baba, 2019).

Judicial Function: Exercise of the prerogative of mercy, declaration of amnesty and reprieving or delaying the execution of citizens who have committed punishable crimes (Abonyi, 2006; Anifowose, 2008; Oni, 2013).

Executive-Legislative Relations

Executive-Legislative relations means the nature of relation that is supposed to exist between the two arms or that does exist in fact. Anifowose (1999) points out that this relationship is inherently a power relationship and is better called a power struggle. Nwaubami (2014) identified three modes of relationship, Executive dominance of the Legislature, Legislature dominance of the Executive and balanced Executive and Legislature. Oyediran (1980) also identifies three types: where the Legislature is a rubber-stamp assembly; where there is a hostile

relationship; and where there is a cooperative relationship. Depending on the context, the relationship between the two organs can be peaceful, antagonistic or one organ can be dominant with respect to the other.

Good Governance

Governance is the process by which authority is granted to rulers, by which they make rules and by which rules are enforced and changed (World Bank, 2014). According to the World Bank, good governance entails effective public sector management, accountability, transparency, prevention of corruption and a legal framework for development which emphasises justice, respect for human rights and liberties (Abraham, 2021). The United Nations Development Programme (UNDP) defines eight key elements of good governance, which are: accountability, transparency, responsiveness, effectiveness and efficiency, rule of law, participation, equity and inclusiveness, and consensus orientation.

Theoretical Framework

The basis for this study is the doctrine of separation of powers as explained by French philosopher Baron de Montesquieu who argued that if separate groups of people were responsible for making law, implementing law and adjudicating law then a concentration of power could be avoided (McLean & McMillan, 2003). James Madison in the Federalist Papers (Number 47) stated that the doctrine was a formidable tool to guide the arms of the government in their relations and thus make them more responsible to the people, thus ensuring and promoting good governance (McLean & McMillan, 2003). As further noted by Levin and Cornwell (1968), the principle has four basic elements: (1) Separation of Branches, which states that no person may serve in more than one branch at the same time; (2) Clearly Defined Powers, Duties, and Responsibilities, which are set forth in a written constitution; (3) A System of Checks and Balances, which allows each branch to protect itself from encroachment by the others; and (4) Judicial Review, which is vested in the Supreme Court. The 1999 Nigerian Fourth Republic Constitution adopted this framework which established presidentialism rather than parliamentarianism (FGN, 1999).

LEGISLATIVE-EXECUTIVE RELATIONS IN NIGERIA

The pattern of interaction between the executive and legislature in the current democratic experiment in Nigeria under the Fourth Republic has been a subject of debate. It has been shown to exist in two folds: conflictual and collaborative patterns of relations (Oaked et al., 2017). Saliu and Muhammed (2010) stated that executive-legislature relations are the sum of transactions and interactions between the two arms, which largely exist in a presidential democracy like Nigeria.

The problems of the Nigeria legislature-executive relations

Saliu and Muhammed (2010) observed that many factors have posed a great challenge to the establishment of fair relationship between the two institutions in Nigeria. These include among others:

- (i) dysfunctional democratic culture;
- (ii) culture of corruption, which is deep-rooted in political institutions;
- (iii) executive constant interference in parliamentary business;
- (iv) personal interests of political gladiators; and
- (v) democratic principles such as institutional accountability, free and fair elections, and rule of law have remained a rarity in the system (Abraham, 2021).

National Assembly composition, 2015 and 2019

National Assembly (2015)

Senate: Senate President Dr. Abubakar Saraki; Deputy Senate President Sen. Ike Ekweremadu;
Senate Leader Sen. Ali Ndume

House of Representatives: Speaker Rt. The Hon. Hon. Deputy Speaker, Yakubu Dogara; Hon.
Yusuf Lasun; House Leader. Femi Gbajabiamila

(Source: Nigerianleaders.com)

National Assembly. (2019)

Senate: Senate President Sen. Ahmed Lawan Deputy Senate President Sen. Ovie Omo-Agege
Senate Leader Sen. Yahaya Abdullahi

House of Representatives: Speaker Rt. Hon. Hon. Femi Gbajabiamila; Deputy Speaker Hon.
Ahmed Wase House Leader Alhassan Doguwa

(Image: Nigerianleaders.com)

**LEGISLATURE-EXECUTIVE RELATIONSHIP AND ITS IMPLICATION ON GOOD
GOVERNANCE IN NIGERIA**

The pattern of relationship between the legislature and the executive can be positive or negative to good governance. Interaction would be better in an atmosphere of friendly relations, consolidated democracy and promoted good governance (Saliu & Muhammed, 2010). But Oakes et al. (2017) found that the persistent face-off between the executive and the legislature in Nigeria between 2011 and 2019 led to the development and implementation of effective and ineffective policies. According to Ukase (2003) this tense relationship impacts on democratic processes and frequently overheats the national polity. This pattern inhibits the tempo for effective governance and creates hostility, suspicion, political instability, culture of impunity and abuse of rule of law (Omotoso & Oladeji, 2019).

Managing Legislature-Executive Relations in Nigeria

Factors identified as responsible for impediments to good legislative-executive interaction include executive interference in legislative affairs, weak oversight roles and corruption (Baba, 2019). But these problems are manageable. Some level of understanding and cooperation must exist between the institutions (Abraham, 2021). Omotoso and Oladeji (2019) recognised the need to practise and obey the fundamental views of the principle of separation of power as embedded in the Nigerian 1999 constitution. Cordial relationship and co-operation between the legislature and the executive is essential for effective governance and democratic consolidation for national development (Anifowose, 1999).

METHODOLOGY

The study employed qualitative data sourced from secondary sources, such as peer-reviewed scholarly journals, government and agency reports, the Nigerian Constitution, and relevant online materials. The data were analysed using content analysis method and presented thematically under sub headings to reflect key conceptual areas and the issues were organised in accordance with research objectives.

RESULTS AND DISCUSSION

The findings of this study suggest that the interaction between the executive and the legislature in Nigeria between 2011 and 2019 was more crisis than collaborative. The structural contradiction between the two branches of government often delayed the enactment of bills, national budgets and other important national policies. This result is in support of the findings of Oakes et al. (2017) and Ukase (2003) that the relationships between these institutions in terms of tension influence democratic processes and make the national polity overheated.

The study also identified executive interference in legislative affairs, weak oversight functions and corruption as recurrent challenges. The findings further show that the inability of the two organs to act constitutionally without fear or favour erodes good governance. In 2015, the National Assembly, with leadership not fully embraced by the executive, was an example of the legislature trying to assert its independence. But this also led to long-lasting frictions, especially with regard to budget approvals and confirmations of executive appointments.

The theory of separation of powers tells us that such friction is to be expected in presidential systems. The Nigerian experience however shows that the lack of a cooperative culture exacerbates these tensions to less functional levels and impedes the delivery of democratic dividends. It indicates that though checks and balances are fundamental, too much confrontation without constructive engagement leads to governance paralysis as was the case during the period under review.

CONCLUSION

The importance of legislative-executive interactions and governance in Nigeria's presidential system cannot be overemphasised. They are fundamental to the sustenance of a functional political system, the provision of sound governance and the consolidation of democracy. The results revealed that the relationship between the executive and the legislature has been more of a crisis than a partnership since Nigeria returned to democratic governance in 1999. The structural conflict between the two branches of government often resulted in delays in the passage of bills, national budgets and other important national policies. The problem also impeded the implementation of good governance, created political unrest and prevented the consolidation of the nation's democracy. In short, the interaction pattern between institutions from 2011 to 2019 was more harmful to good governance. Therefore, collaboration is necessary to encourage good governance.

RECOMMENDATIONS

Based on the findings of this study, the following are recommended as:

1. To promote good governance in Nigeria, the executive and legislature should avoid encroachment on each other's constitutional jurisdiction by promoting the principle of separation of powers.
2. Both arms must maintain their constitutional jurisdiction in order to promote lasting democratic practice, political stability and full representation of the people.
3. The interaction between the legislature and the executive arms of government should be collaborative and harmonious to achieve national development, good governance and democratic consolidation.
4. The legislature should be allowed to carry out its functions without undue interference from the executive and the executive should carry out its functions within the scope of legislative oversight.
5. To promote good governance in Nigeria, both organs of government (the legislature and the executive) must strictly adhere to the Nigerian constitution.

REFERENCES

- Abonyi, N. (2006). *Intergovernmental relations in democratic federations*. John Jacob's Classic Publishers Ltd.
- Abraham, O. S. (2021). Legislative-executive relations in Nigeria: A comparative study of the 8th and 9th National Assembly. *International Journal of Management, Social Sciences, Peace and Conflict Studies (IJMSSPCS)*, 4(2).
- Aiyede, R. E. (2005). Executive-legislature relations in Nigeria's emerging presidential democracy. *UNILAG Journal of Politics*, 2(1), 65-87.
- Anifowose, A. (1999). The legislature: Overview and performance. In *Daily Times publications* (pp. 85-106). Daily Times Publications.
- Awotokun, B. (1998). *Towards democratic integration in Nigeria: Executive-legislative relation and its effect on governance*. Development Policy Centre.
- Baba, Y. T. (2019). Executive-legislature relations: Evidence from Nigeria's Fourth Republic. In J. Y. Fashagba, O. M. Ajayi, & C. Nwankwo (Eds.), *The Nigerian National Assembly* (pp. 143-164). Springer, Cham.
- Bernick, E. M., & Bernick, L. E. (2008). Executive-legislative relations: Where you sit really does matter. *Social Science Quarterly*, 89(4), 969-986.
- Dlakwa, E. (2008). Legislative-executive relationship in Nigeria's emerging presidential democracy. *UNILAG Journal of Politics*, 2(1), 65-87.
- Fashagba, A. (2009). Executive-legislature relations in Nigeria: A case study of Muhammadu Buhari's regime, 2015-2019. <https://www.researchgate.net/publication/33>
- Heywood, A. (2007). *Politics* (3rd ed.). Palgrave Macmillan.
- Kolawole, A. N. (2017). *The making of the 1999 Constitution of Nigeria*. Spectrum Books Limited.
- McLean, T., & Mcmillan, B. (2003). *Assembly handbook: A legislator's companion*. FEF Ball.
- Momodu, A. J., & Matudi, G. I. (2013). The implications of executive-legislative conflicts on good governance in Nigeria. *Public Policy and Administration Research*, 3(8), 30-42.
- Montesquieu, C.-L. de S. (1956). *De l'esprit des lois* (Original work published 1748). Garnier Frères.
- Murana, K., & Bakare, M. (2019). Democratic consolidation: Is impeachment the panacea? In Oaked et al. (Eds.), *Executive-legislative face-off in Nigerian democracy and its implication on good governance* (pp. 60-68). Benue State University.
- Nigerian Constitution. (1999). *The 1999 Constitution of the Federal Republic of Nigeria*. Government Printer.

- Nwaubami, J. (2014). Executive-legislative power relationships: Perspectives of state lawmakers. *American Politics Quarterly*, 9(4), 467-477.
- Ojiako, A. S. (1982). Executive-legislative relations and good governance in Nigeria: Historical and current reflections. *Proceedings of the 2nd International Conference on Social Sciences*, 2, 100-109.
- Omotoso, F., & Oladeji, O. (2019). Legislative oversight in the Nigerian Fourth Republic. In J. Y. Fashagba, O. R. Ajayi, & C. Nwankwo (Eds.), *The Nigerian National Assembly* (pp. 57-72). Springer, Cham.
- Oni, S. O. (2013). Legislature-executive relations in the presidential system: A study of Lagos and Ogun States, Nigeria, 1999-2011 [Doctoral dissertation, Covenant University].
- Wheare, R. (1963). *Comparing federal systems*. McGill Queen's University.