

Executive-Legislative Relations in Nigeria's Fourth Republic: Issues, Challenges and Prospects

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ABSTRACT

This study examines the executive-legislative relations in Nigeria's Fourth Republic. The study's objective was to ascertain the extent to which Nigeria's democratic form of government was influenced by disagreements between the administration and the legislature. The study employed an ex-post facto design and also utilized qualitative methods and important information from literature research. Documentation was used to gather the majority of the data from secondary sources, and content analysis was used to give the information a complete and comprehensible explanation. Because of its ability to describe the pattern of relations between the legislative and executive branches in Nigeria's democratic system, Baron Montesquieu's theory of separation of powers, which was created in 1948, was chosen as the framework for examination. The study discovered that the relationships between the legislative and executive branches were unhealthy, antagonistic, conflictual, and dysfunctional during the study period, particularly from 2015 to 2022. Additionally, it is demonstrated that a variety of elements, including constitutional provisions, the capacity to pass laws, the administration of public funds, the perception of executive dominance, haughtiness, and a disregard for the law, among others, are to blame for the ongoing conflicts between the Legislative and Executive arms that have a detrimental effect on the development of democracy in Nigeria. Based on these findings, the study recommends that the connection between the executive and legislative arms of government be reinforced in order to promote a democracy that functions in Nigeria. Additionally, it is recommended that those in public office respect the law.

Keywords : Executive, Legislative, Democratic Consolidation, Relation, Fourth Republic

I. INTRODUCTION

The interplay of the executive and legislative branches is one of several dichotomies encountered in political science and public administration studies. Its philosophical and theoretical origins may be discovered in the famed essay on the Spirit of Laws by Baron de Montesquieu (1689-1755) (Anyim-Ben et al., 2017). He gave a pioneering argument of the idea of Separation of Powers in this article, which Eme (2016) thinks is more applicable for presidential regimes. The interaction between legislative and executive branches are one of the essential components that define how any political system works (Kopecky, 2004). It is indispensable to the political and legitimate framework of any nation and has recently dominated legislative discussion (Winetrobe, 2000). These connections depend on a variety of formal and informal behaviors, making them complicated. Of course, the constitutional powers granted to the executive and legislative branches are of utmost significance since they set the framework for interactions between them (National Democratic Institute (NDI), 2000).

The relationship of the executive and legislative branches of government can represent serious risks or obstacles to participatory democracy and, ultimately, growth if participation requirements (the constitution) are disregarded or taken for granted. The idea of upholding obligations places emphasis on the separation of powers, which holds that the legislative sets laws, the executive implements them, and the judicial renders judgments and interprets the laws. This encourages the concept of checks and balances to prevent tyranny, oppression, and autocratic or dictatorial authority (Kalu 2018). No branch of government should, therefore, assume the power of another.

The administration and legislature under Nigeria's presidential system each have particular duties for leading the nation. The constitution mandates cooperation and partnership in various ways for the

exercise of authority. The interactions between the executive and legislative branches in a presidential system have generated a variety of viewpoints on conflict and cooperation, whether one branch predominates over the other, and the benefits and drawbacks of each. Positive working relationships between the executive and legislative branches of government are essential for the effective maintenance of the constitution and the rule of law (Holme, 2007). However, recent years, both broader societal developments and changes in governance have had a substantial impact on the nature of these connections. The nature of these relationships and the elements that contribute to them will be highlighted through analysis of these relationships, allowing for the identification of effective strategies for enhancing them and guaranteeing democratic consolidation.

Unfortunately, because of the actions of some members of the executive and legislative branches, some of which will be covered in this article, this relationship has occasionally threatened or hampered the development of democracy in Nigeria. Nwannekanma and Ogbodo (2010) claim that in Nigeria, the relationship between the executive and legislative branches has been characterized by rivalry, skepticism, and mutual mistrust. Regulating these relationships has been the most challenging problem at the Center and state level since the country was restored to civil rule in 1999, despite provisions in the 1999 constitution meant to address concerns with these interconnections highlighted in past republics. It is critical to assess the nature of the relationships between the legislative and executive branches in order to support the consolidation of democracy. This study examines how the executive and legislative branches interact and how democracy is consolidated in Nigeria's Fourth Republic from 2015 and 2022.

Concept of Executive

In a presidential democracy like Nigeria, the executive is seen as an indispensable part of the government (Heywood, 2007; Oni, 2013; Okpe & Taya, 2018). In a similar spirit, Puke (2007) proposed

the executive as a state branch organ tasked with ensuring that the people have effective and efficient government. It is an official governmental entity responsible for carrying out public policy (Edosa & Azelama, 1995). For example, while political institutions have existed for years without a separate body for passing laws, those lacking an executive branch would struggle to function efficiently (Okpe & Taya, 2018).

As a result, Anifowose and Borode, quoted by Victor and Muhammad (2020), thought that the executive was a powerful branch of government that was primarily tasked with carrying out both the state's supreme laws and its public policies. In Nigeria, the executive is frequently seen as the primary state instrument that wields the supreme authority in terms of governance, among other public policies, for the benefit of the populace. Therefore, according to the aforementioned conceptualizations, a state's lack of an executive branch may make governance more difficult.

Legislature Toward Conceptualization

'Legislature' is known by several different names over the world (Okpe & Taya, 2018; Oni, 2013). In Nigeria, for example, it is known as the National Assembly. In contrast to "the Parliament" in the United Kingdom, the Congress in the United States is referred to as "the Congress" (Heywood, 2007; Lafenwa, 2009). The legislature, according to Ewuim et al. (2014) and Obidimma & Obidimma (2015), is an important institution in the process of democratic government. Similarly, Bernick and Bernick (2008) saw the state legislature as a component tasked with articulating and expressing the collective will of society. It is the most important institution of political representation, according to Murana and Bakare (2019). In Nigeria, the legislature is a state-level legal entity tasked with enacting laws and representing constituencies in the National Assembly. It was established through a constitutional amendment in 1999. It also has authority over the government through its monitoring function (Okpe & Taya, 2018).

The legislature, according to Okoosi-Simbine (2010), is a vital institution for policy creation. To improve the democratic political system, it was founded as a legislative and advisory body. The legislature really reflects the Site of Sovereignty, the Realm's First Estate, Public Expression, and the Realm of Public Will Representation. The legislative branch is shown in the aforementioned Okoosi-Simbine contributions as the state's and the people's voice. These thus corroborate Bernick and Bernick's (2008) depiction of the legislature. As a result of the aforementioned perspectives on the legislature, it may be claimed that the institution draws its authority from the people. It just suggests that the legislature's presence and power should be used to represent the will of the people.

The Concept of Democratic Consolidation

Democratic consolidation lacks a clear definition, like other hotly debated terms in the social sciences. It is difficult to determine "when a democracy has become consolidated" since there is no widely accepted meaning of the phrase (Arthur, 2010). Consolidated democracy occurs when the winners of founding elections peacefully hand over power after losing in a subsequent election, and the new winners, in turn, peacefully hand over power to the winners of a subsequent election, according to Samuel Huntington's "two turn over test" proposed in 1991. According to the longevity or generational test, which has been advocated by several academics, frequent competitive elections held every twenty years or more can determine if democracy has been entrenched even if a new administration does not emerge (Beetham, 1994). However, this metric is problematic since it is sometimes difficult to assess how well new democracies will be able to withstand a "shock or crisis" if governments hold onto power for a longer period of time (Abdulai and Crawford, 2010). Despite the conceptual difficulties, this study will use Linz and Stepan's (1996) substantive standpoint of democratic consolidation, which they refer to as "the only game in town" since it is more thorough. The three elements of Linz and Stephan's definition are (a),

behavioral, suggesting that the democratic system is devoid of separatist threats or the fear of revolution; (b) attitudinal, where the majority of people are dedicated to enacting political change using democratic ideals; (c) constitutional, in which case dispute settlement is based on the constitution. The lack of these three elements in Nigeria suggests that democratic consolidation has not yet taken place in that nation (Abdulai and Crawford, 2010).

Theoretical Framework

The idea of separation of powers was used in this study because of its ability to describe the structure of legislative-executive relations in Nigeria.

Theory of Separation of Power

Barron Montesquieu is credited with creating the theory. Mbah (2007) asserts that this notion has served as the cornerstone of the democratic ethos throughout history. In 1748, De Montesquieu presented his "the Spirit of the Laws" thesis. From an archaic piece of information, it was restructured into a more common political philosophy. Montesquieu, for example, credited England's liberty to the division and balance of the judicial, executive, and legislative powers over each organ (Sabine and Thorson, 2018). It might be argued that the concept of power division served as a deterrent to the monarchs' professed divine right to rule in medieval European law. The lengthy conflict between the monarch, the common law courts, and the parliaments, which peaked in the Glorious Revolution of 1688 in England specifically, highlighted the need of power separation as well as checks and balances amongst the institutions of the state (Mbah, 2007).

The 1999 Constitution, for instance, grants the three main branches of government in Nigeria all the authority of the state. The legislative, executive, and judicial branches make up these arms (Obidimma & Obidimma, 2015). No organ or level of government, either directly or indirectly, is allowed to execute or exercise any duty that is not specifically delegated to it by the law at any time (Aguda, 2000). Sadly, neither

the fundamental objectives of the 1999 constitution nor the basis of Nigeria's presidential democracy have been fully attained. This helps to explain why the relationship between the legislative branch and the executive branch has been more contentious and crisis-ridden than cooperative since the inception of the Fourth Republic in 1999 (Godswealt et al., 2016; Fatile, 2017; Momodu & Matudi, 2013; Okon et al., 2013).

Along with the aforementioned, crises typically occur when the leaders of the parliament are chosen and when the legislature is monitoring activities like approving executive legislation, nominations, and public spending. This was demonstrated by all three presidents: Obasanjo (1999–2007), Goodluck Jonathan (2010–2015), and Buhari (2015–2019) (Baba, 2019). According to Oni (2013), the 1999 constitution provided power separation for an efficient administration of the state and the development of democratic government, but relationship crisis patterns have frequently been the game. This has been the scenario since 1999 since the 1999 constitution's definition of the application of the idea to encourage good governance has only survived as a paper and not been put into real use.

The Characteristics of Nigeria's Executive-Legislative Relationship

Intergovernmental relations have been shown to be the glue that keeps all levels of government working together to carry out orders and contribute effectively in the pursuit of predetermined objectives. The smooth operation of government has, however, not only been endangered by executive-legislative relations in recent years, but also by their opposition to one another. Even though they both assert that they are performing their legally given duties, the administration and Legislature have continued to exercise their power. As a result, the relationship has remained unhealthy, contentious, and at its lowest point.

According to Lafenwa and Oluwalogbon (2014), the majority of presidential democratic systems are

characterized by "hide and seek" or "cat and mouse" games, conflict, cooperation, hostility, and collusion in the use of political power. Even when the dominant party has a disproportionate amount of representation in the nonpartisan legislature, this is still true. This is particularly clear in the 8th and 9th National Assemblies, whose journey got off to a rough start in 2015 because both legislative chambers wanted to assert their cherished independence in selecting leaders, effectively negating the much-touted party supremacy and authority to impose leaders on the legislature.

An unfavorable connection between state governors and some members of the NASS from states like Kaduna, Kogi, Zamfara, and Bauchi was concerning on political matters, and it was felt that the President was implicitly condoning the individual governors' acts (The Guardian, 2018). These members had ruptured relationships with their governors. This is one of the many challenges that characterize the 8th Assembly of the Fourth Republic's executive-legislative relationships. The alleged excessive actions of the previous Inspector General Police, who allegedly treated various important officials and members of the 8th and 9th Assembly (particularly the senate) with mockery, scorn, and disrespect, are among the other concerns. The president gave the impression that he wouldn't be able to bring this prominent figure to order until he removed him from his position. His actions hurt the public and strained the ties between the legislative and executive branches. Diverse issues, including the executive's tardy distribution of funds to lawmakers for constituency projects, the oversight responsibilities mandated by the constitution as a mechanism to ensure accountability and good governance (Igbokwe-Ibeto and Anazodo, 2015), the rejection of bills or the use of the veto power (Kalu 2018), and others, cannot be disregarded.

The legislature's repeated practice of tampering with the budget—known as "budget padding" in Nigerian—is a similar issue to the above that is in the

public eye. According to Igbokwe et. al. (2015), "the legislature has always been painted as mutilating the budget after the executive has "painstakingly" prepared it." This is typically interpreted as an insult to the executive. The convincing and benevolent justification for the legislators' actions would have been that the budget belongs to the citizens, and that it is their overriding responsibility as their legitimate representatives to see to it that the budget fulfills their aspirations. However, the legislature has also been shrouding its budget in secrecy. However, this perspective is constrained by claims of conceit, greed, and repeated corruption.

The Roots of Executive-Legislative Conflict in Nigerian Democracy

In modern African governments, conflict between the executive and legislative branches has been cited as a primary source of political instability. In fact, contrary in Western democracies where such inconsistencies are regarded as essential for improving the democratic experience, they are frequently regarded as a symptom of grave crises in Africa because to how the system's dramatic personae perceive and handle them (Okpeh, 2014).

As depicted below, many variables have been suggested as the causes of tensions between the legislative and executive branches of government in Nigeria's democratic experiment, particularly from 2015 to 2022:

The Constitutional Provision

Any democratic administration may advance using the constitution as a guide (Fasagba, 2010). He claims that the constitution outlines the duties and authority of the various governmental organizations. As observed by Ajayi (2007), The constitution of Nigeria's first through third republics fell apart not because it was weak, but rather because the ruling class was unable to follow the laws. The Nigerian constitution includes provisions for the interdependence of each branch of government. These positions, nevertheless, frequently conflict with one another. For instance, the heads of both organs

appear to be confused about the legislature's function in creating laws and the executive's ability to reject them. Even while the executive sometimes proposes laws for the legislature's review and approval, the legislative mostly relies on executive initiatives to pass laws. One key constitutional difficulty resulting from the Constitution's ties between the executive and legislative branches in 2010 is the problem of a power vacuum (Fasagba, 2010; Momodu & Ika, 2013).

Management of Public Funds

Since the establishment of the Fourth Republic, disagreements between the executive and legislative branches have surrounded the national budgets. The Federal Legislature has frequently been blamed for these disagreements since it specializes in tampering with the budget after the president has painstakingly drafted it. The legislature is accused of frequently including projects in the budget that the government had not considered, which alters the budget's fiscal constraints. Basil and Narnabas (2017) claim that the 2017 budget caused a protracted disagreement between the executive and the legislature because the executive charged the legislature with inserting expenses and breaking budgetary laws by including constituency projects that were not included in the executive's initial budget estimate that was submitted for approval. The chief officials of both chambers of the legislature were accused of engaging in what is known as "budget padding" in Nigerian legislative jargon. The passage and ratification of the 2017 budget, as well as President Muhammadu Buhari's signing it into law, were seriously delayed by this charge or allegation, which lasted for more than seven months.

Perceived Executive Dominance

It is crucial to emphasize the 'strongman' or Executive Leader phenomenon, which permeates not just Nigeria's political landscape but also Africa's. This phenomenon is a significant burden and an albatross for a democratic atmosphere. Due to prebendalism, which influences political agenda and political behavior through sponsoring political parties and

supporting candidates for office, the executive branch becomes overly dominant. According to Eme (2016), "political party institutions inside and outside of legislatures are frequently the instruments of contestations between the executive and the legislatures." The aggressiveness of the legislative and the potential imposition of penalties for violations of party principles are added to this justification.

Arrogance and disrespect for the rule of law

There has been a discernible increase in the practice of impunity and blatant disdain for the law among Nigeria's legislators and government officials at both the national and state levels since the creation of the Fourth Republic on May 29, 1999. As a result, tensions between these institutions have increased to the point that the country's efforts to promote good governance have suffered. This issue is also made worse by poor leadership that is incapable of using the country's vast human and material resources and transforming them for the benefit of Nigerians as a whole. The true problem confronting Nigeria is not a lack of resources, but a lack of leadership in both the executive and legislative branches of government as well as in every facet of Nigerian society (Ajayi, 2007). Recently, Sen. Godswill Akpabio, the minister of the Niger Delta commission, Sen. Chris Ngige, the minister of labor and productivity, and Sen. Rotimi Amaechi, to name a few, all recently engaged in very heated debates with the members of the committees that oversee their ministries' operations in the 9th National Assembly. The executive, led by President Muhammadu Buhari, and the legislature, led by Senate President Ahmed Lawan and House of Representatives Speaker Hon. Femi Gbajamila, had to intervene to prevent the executive-legislative crisis under the 9th National Assembly from devolving into an impasse and public humiliation that could undermine our nascent democracy. Before the executive could address the legislative chambers, the leadership of the Executive and Legislature had to agree on the formation of a joint advisory panel. This group would be headed by Vice President Yemi

Osibanjo, and its purpose would be to periodically collaborate on important issues. In order to restore harmony and calm rising tensions, a retreat was planned before the executive introduction and president laying of the 2021 budget estimates, which were needed for both houses of the legislature to review and approve the 2021 appropriation bill (Nwankwo, 2020).

Law Making Function

Another significant area where the executive-legislative relationship in Nigeria has difficulties is this. Experience has demonstrated with numerous occasions that every bill enacted by the legislature that must get the president's approval before becoming law is accompanied with grave doubts. The executive in Nigeria, whether it was genuine or imagined, believed that the majority of measures issued by the legislature always contain "salient bubbly traps" that, if not carefully examined by the president before receiving assent, would later be used to track down and harm the executive. As an illustration, consider the modified electoral act bill of 2018, which has been passed by the legislature four times but on each occasion the president withheld his or her approval due to credible but unconfirmed concerns. Political analysts and academics have determined that this is the case because, if the bill becomes law, it is likely to harm his chances for reelection in 2019 because it will be much more difficult to rig elections using state apparatus, such as the security agencies (Barnabas and Nwankwo, 2018).

The Impact of Executive-Legislative Relations on Nigerian Democratic Governance

One issue that is essential to the maintenance of democracy in Nigeria is the sporadic and never-ending competition and fight for supremacy among the three branches of government that make up the trifecta of power—executive, legislative, and judicial. The relationship between the executive and legislative branches has been excessively and severely conflictual, according to Nwankwo, 2020; Barnabas,

2019; and Ukase (2014), with major concomitant effects on the overall democratic process.

Frosty, the interaction between the executive and legislative branches of government can pose serious risks or challenges to participatory democracy and, ultimately, progress in situations where the limits established by the norms of engagement (the constitution) are maintained in violation or taken for granted. The principle of the separation of powers is supported by the idea of maintaining duties, according to which the legislature passes laws, the executive is in charge of putting them into action, and the judicial renders judgments and interprets the law. In order to prevent autocratic power, dictatorial rule, tyranny, and oppression, this supports the idea of checks and balances (Kalu 2018). This has the effect of preventing any branch of government from interfering with another's power. A strict division or compartmentalization of legislative-executive relations may restrict or limit rapport-building, consensus-building, and the enshrinement of democratic principles/practices, having a negative impact on governance. This is important to keep in mind and is comparable to the age-old politics-administration (dichotomy) debate.

This development has really made the confrontation between the Senate leadership and the APC/President worse. The executive scorned lobbying, an instrument necessary for securing the necessary legislative support and approval, from the outset and replaced it with blackmail, while the legislature took solace in filibustering executive bills and requests that were ostensibly "thrown" at the National Assembly for consideration. That trend eventually led to a frostier relationship between the government and National Assembly. The APC-controlled administration found it difficult to seek understanding from the National Assembly leadership on issues that typically demand legislative support (Ojeifo, 2018).

During President Buhari's first term, the tension and political instability of the impasse allowed political class members to act illegally and with impunity. The

results of this have been bad governance and political instability in Nigeria (Osakade and Adesanya, 2017).

The legislative-executive stalemate is now excessively polarizing the nation's political system. The principles of the separation of powers, which are established in the 1999 constitution as modified, have really been imperiled as a result of the constant debates between the legislative and the executive branch, which are regularly involved in a battle for control (Daniel, 2017).

The executive-legislative impasse under the Buhari government has detrimental effects on Nigeria's ethno-religious environment, which is another important point to make. The ongoing inclusion of an ethnoreligious element in the legislative-executive standoff has an effect on Nigeria's unity and national cohesion. Ojiabor (2018) claims that the impasse has spawned a wave of demonstrations from different ethnic groups who are calling for self-actualization and reconstructing Nigeria as a country. It is detrimental to Nigeria's democratic government when the legislative branch and the executive branch are unable to cooperate and provide the groundwork for long-term growth via the formulation and implementation of sound policies.

II. Conclusion & Recommendations

In the aftermath of a crisis of confidence between the Executive and Legislature, which the President intimated was slowing down government activity, there is a need to accelerate efforts to rebuild intergovernmental ties. Executive and the legislature are two essential and crucial democratic institutions, but if their interactions are not properly handled, they have the power to stifle democratic governance. To reduce conflicts during the budget process, leaders of both governmental organs must be aware of their distinct duties, responsibilities, and constraints. Democracy is under danger, democratic institutions are weakened, and anarchy is encouraged by the habit of the executive having disproportionate control over

other organs.

It is useless and no less harmful for ongoing growth and development when the appropriation bill is delayed as a result of political conflict between the various governments. The obvious lack of coordination between the government's primary delivery-critical agencies is explained by the continuous conflict between the Executive and the Legislature over the federal budget.

The study conclusions led to the following recommendations:

- i. To increase democracy without losing checks and balances, executive and legislative harmony should be improved.
- ii. It is also advised that respect for the rule of law and constitutionality among Nigerians in executive and legislative posts be strengthened.
- iii. Both the Executive and the Legislature must thoroughly grasp and appreciate their separate responsibilities in the budgeting process and in the preservation of democracy as a whole.
- iv. To ensure the legislative's independence from the administration, wages and budgetary allocations to the legislature should be shifted to a first-line charge from the Federation Account. Financial independence is critical to legislative freedom.

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