

Legislative – Executive Conflicts and Democratic Governance in Nigeria's Fourth Republic

¹Fatile, Jacob Olufemi (PhD), & ²Adejuwon, Kehinde David

^{1&2}Department of Public Administration, Faculty of Management Sciences,

Abstract

This paper examines the executive-legislative conflicts in the Nigeria's Fourth Republic. The paper, adopting qualitative approach relies on secondary data, using the combination of analytical and descriptive method to assess the effect of legislative – executive conflicts on democratic governance in Nigeria. The paper observes that the relationship have been two-fold dimensional namely, collaborative executive-legislative relations and conflictive executive-legislative relations. However, the paper focuses on the conflictual aspect of the relationship. It argues that one of the major factors threatening Nigeria's nascent democracy today is conflict between the executive and legislative arms of government. This nature of relationship is not only injurious to democratic consolidation, but also treacherous to political stability and development. It argues that the relationship that exists between the executive and legislature is very crucial for facilitating good governance in any democratic government. This makes cooperation preferable to conflict in executive-legislative relations. The paper recommends that the quest for peace, security and good governance in Nigeria requires that the executive and legislature must as a matter of urgency synergize together to engineer the policy making and implementation process that will engender good governance. Also, the executive and legislature should deem it necessary to always adopt dialogue in resolving their differences instead of resulting to outright confrontation that usually deadlocks the policy making and implementation process. It concludes that the search for a harmonious relationship between the executive and the legislature is a continuous one and in every human relationship, there must always be reasons for disagreements.

Keywords: Legislative Conflict, Government and Democracy.

Background to the Study

Modern democracies are characterized by shared decision-making by the legislative and executive branches. The health of a democracy declines dramatically, however, when the executive branch excessively dominates the legislature. In nearly all democracies, leaders of the executive branch typically command much of the political power, control the financial resources, possess staff dedicated to developing policies and implementing laws, produce the bulk of legislation, and manage government contracts and administer government programs. This has resulted to conflicts between the executive and the legislature.

Legislative-executive conflicts have been a recurring decimal in Nigeria's political history. It is a fact that such face-offs as experienced in Nigeria, is a common phenomenon in a democratic process (Nnelirk-Mmalive, 2005). However, the Nigerian experience has revealed that the struggle between these branches at some point had some semblance of personal dimensions, yet clothe in constitutionalism (Oboh, 2010; Ukase, 2014). A critical examination of the relationship between the legislature and the executive in Nigeria especially under the presidential system between 1979, 1983 and 1999 to date was highly conflictual with attendant implications on the entire democratic process (Ukase, 2014).

The conflict between the two branches of government in post colonial Nigeria is based, quite often, on trivialities and the struggle for supremacy in the power matrix of the state, which is a clear reflection and manifestation of politics in Africa in general and Nigeria in particular, which is characterized by fierce and vicious scramble and competition for political office and the wealth that went with it. No wonder there was a dislocation in the anatomy of relationship between these braches of government in the colonial era, and the implications of these dislocations on subsequent attempts to put the system into operation in post-independence Nigeria (Ukase, 2014).

The focus of this paper is to critically assess legislative-executive conflict and democratic governance in Nigeria's fourth republic. A review of extant literature was carried out. The essence is to situate the study in proper context and to create a bound between it and relate previous studies as well as to identify gaps in knowledge with respect to the study of the subject matter and to appropriately intervene by providing the missing link and by updating and contributing to the existing body of knowledge. It is therefore crucial in this paper to firmly grasp the theoretical foundations and underlining issues with a view to ascertain the endemic nature of legislative-executive conflicts in Nigeria with particular reference to the fourth republic.

Statement of the Problem

The conflictual nature of legislative-executive relations in Nigeria, has over the years, been characterized by mutual suspicion, acrimony and political rivalry (Aiyede, 2005; Nwannekanma & Ogbodo, 2010). Legislative-executive conflicts has been contributing to gridlock over public policy formulation and implementations, thus making government ineffective. The quest for good governance in Nigeria has been threatened more by the unending conflicts between the legislature and executive who are often entangled in a constant battle for supremacy and control of the policy making and implementation process, thereby jettisoning the tenets of the principles of separation of powers which clearly

states that the three arms of government namely, legislature, executive and judiciary shall be independent of the control of each other (Momodu & Matudi, 2013). There is impunity and flagrant disregard to the rule of law noticeable among members of the executives and parliaments both at the national and state levels in Nigeria since the commencement of the Fourth Republic which has negatively affected democratic governance. This has consequently heightened confrontations between these institutions, to such an extent that the quest for effective service delivery and good governance in the country has been affected negatively.

Executive-legislative conflict is arguably a major source of political instability in Nigeria. Unlike in advanced democracies where such contradiction are conceived as imperatives for deepening the democratic experience, the situation is different in Nigeria where legislative-executive conflicts are regarded as part of deep crisis because of the way they are perceived and managed by the *dramatis personae* of the system. The result was that, sustainable democracy on the basis of an effective and efficient political system was not only jeopardized but the prospects remained largely elusive for a fairly long time (Okpeh, 2014). This situation was captured by Akinbobola (2002) thus:

In Nigeria, democratization has remained a dilemma. The dilemma is that there exist an articulated desire to democratize the polity, but the spirit and commitment is wavery. Indeed, the stakeholders in the polity circumvent the democratization process.

The inability of the executive and the legislature to truly and genuinely democratize and provide the pillars for political stability and good governance through harmonious relationship between branches of government is one of the banes of budgetary process in Nigeria. This is a paradox of the Nigerian state because effective budget formulation and implementation is at crossroads due to persistent conflicts and contradictions between the executive and the legislature with attendant socio-political and economic implications on the polity (Ukase, 2014).

There is dearth of empirical and theoretical knowledge on the Legislative-executive conflicts and its effect on good governance in Nigeria, because of the long period of military rule, which invariably was characterized by decrees, which make no provision for adequate relationship between the executive and the legislature. These antidemocratic forces were features of governance in Nigeria till the rebirth of democracy in May, 29, 1999. It is important to note that few studies have been carried out by different scholars on legislative-executive conflicts and democratic governance in Nigeria. Examples of such studies are Momodu (2012), Natufe (2006), Bassey (2000), Johnson (2005) etc. Most literature dwelled essentially on the Legislative-Executive conflicts in the first and second republics. However, a few of these studies examined legislative-executive conflicts in the fourth republic which is currently agitating in the mind of scholars and provoking discourse in social science. It is instructive to note that most of the findings and recommendations of the previous studies failed to address the problem in concrete term. Thus, the major theoretical significance of the paper lie essentially in filling the major theoretical gap on legislative-executive conflicts and democratic governance in Nigeria.

Objectives of the Study

The main objective of this paper is to examine the nature of legislative-executive conflicts on democratic governance in Nigeria's fourth republic. Other specific objectives include:

- (i) To examine the influence of legislative-executive conflicts on budgeting process in Nigeria.
- (ii) To evaluate the effects of legislature-executive conflicts on public policy formulation and implementation in Nigeria
- (iii) To ascertain how well and how far the relationship between the legislature and executive has affected democratic stability, service delivery and entrenchment of good governance.

Methodology

The data for this paper were generated entirely from secondary source. This involves a careful identification, reading, summarization and evaluation of published articles, books, conference papers, as well as internet entries, etc. on the topic under consideration. The advantage of secondary data is that the data have been collected and is readily available. Such data are cheaper and more quickly obtainable than the primary data and also may be available when primary data cannot be obtained at all.

Conceptual Framework and Theoretical Framework

In this section, attempts were made to explain the major concepts. These include: Legislature, Executive, Conflict, Legislative-executive conflicts and Democratic governance.

Legislature: Legislature is a critical law making institution in a democratic system. It is instrumental in the establishment and maintenance of the legal order. Legislature is generally referred to as an official body, usually chosen by election, with the power to make, change, and repeal laws; as well as powers to represent the constituent units and control government (Lafenwa, 2009). The legislature is seen as occupying a key position in the machinery of government and as the people's branch with the singular purpose of articulating and expressing the collective will of the people. Loewenberg (1995) conceptualizes legislatures as "assemblies of elected representatives from geographically defined constituencies, with lawmaking functions in the governmental process".

Simbine (2010) defines the legislature as the law-making, deliberative and policy influencing body working for the furtherance of democratic political system. He describes the legislature as the First Estate of the Realm, the realm of representation and the site of sovereignty, the only expression of the will of the people. Awotokun (1998) conceptualizes legislature from functional perspective. He defines the legislature as the 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 interest of the people. To Okoosi-Simbine (2010), legislature is the law making, deliberative and policy influencing body working for the furtherance of democratic political system.

Jewell (1997) identified two features that distinguish legislatures from other branches of government. He opines that legislatures have formal authority to pass laws, which are implemented and interpreted by the executive and judicial branches respectively and their members normally are elected to represent various elements in the population. The legislature has been given different names across the nations of the world. For instance, it is called Parliament, Congress and National Assembly in Britain, USA and Nigeria respectively.

Executive: It occupies a very crucial position in the administration of the state. Executive is the implementation organ of government (Edosa & Azelama, 1995). Heywood (2007) sees executive as the irreducible core of government. In the view of Ikoronye (2005) executive is the organ of government which bears the responsibility of putting into effect the laws enacted by the legislature subject, however, to the judgment and orders of the judiciary. Anifowose (2008) sees the executive as the arm of government responsible for applying the authoritative rules and policies of a society. The executive may also be defined as the arm of government which carries out or executes the people's will as enacted in the constitution (Ojo, 1985). To Oyebode (1995) executive is that branch of government whose power and responsibilities is to execute the laws such as the acts of parliament, decrees, edicts etc.

Conflict: The word conflict is derived from a Latin word “configure”, which means to strike together (Albert, 2001). Conflict is inherent in all societies and arises when two or more groups believe their interests are incompatible. Conflict simply means a state of disagreement, controversy or opposition. Conflict is a behaviour by a person or group that inhibits the attainment of goals by another person or group (Riggio, 2000). Uchendu (2007) sees conflict as a struggle, a clash between contradictory wishes, to be incompatible, to oppose. That is, it is opposing interest that occurs in relationship.

In the view of Wolff (2006) conflict is used to describe “a situation in which two or more actors pursue incompatible, yet from their individual perspectives entirely just goals”. He further argues that sometimes, conflict is as a result of the struggle for power and material gain by leaders and followers alike. Because of such vested interests, the conflict entrepreneurs prefer conflict to cooperation and privilege violence over negotiations. Conflict may also be defined as a struggle or contest between people with opposing needs, ideas, beliefs, values or goals. Conflict might escalate and lead to unproductive results or conflict can be beneficially resolved and lead to quality final products.

Legislative-Executive Conflicts: Executive-legislative conflict can be defined as a situation whereby the legislature is opposed to the executive and vice versa in matters of policy and their perception of the value of good governance. It is a state of partial or absolute incompatibility where one arm is in constant confrontation with the other (Bassey, 2000).

Democratic Governance: Democratic governance involves promoting the sustainability of democracy which includes an enduring capacity for: the separation of powers and independence of the branches of government; the exercise of power in accordance with the rule of law; the respect for human rights and fundamental freedoms; and, the transparency and accountability of a responsible civil service, functioning at both the national and local

levels. A state which identifies with the culture of democratic governance is one which welcomes a wide scope of political participation embracing a pluralistic system of political parties, a vibrant civil society and media (Saldomando, 1998). Democratic governance is one of the keys to development in any society. In democratic governance it is acknowledged that political processes, regulations and institutions play a major role in economic growth and human development.

Theoretical Framework

This paper adopts conflict theory in analyzing legislative-executive conflicts and democratic governance in Nigeria. The conflict perspective, or conflict theory, derives from the ideas of Karl Marx, who believed society is a dynamic entity constantly undergoing change driven by **class** conflict. The conflict perspective views social life as competition. According to the conflict perspective, society is made up of individuals competing for limited resources (e.g., **money**, leisure, sexual partners, etc.). Competition over scarce resources is at the heart of all social **relationships**.

Conflict theory lays emphasis on the importance of interest in construction and implementation of norms and values and the manner in which pursuit of interest caused different types of conflict which forms part of normal life in the society. Major proponents of conflict include Marx (1964) and Dahrender (1959). This theory believe that conflict arise when individuals or groups pursue incompatible interests and this makes conflict an inevitable consequence of human interactions, whether at the personal, inter-personal or group levels. This reality has also made Flippo (1999) to posit that “a total absence of conflict would be unbelievable, boring, and a strong indication that conflicts are being suppressed”. This, however, points to the fact that occasional conflicts between the executive and legislature are inevitable, predictable and if constructively handled, they can be healthy development for the progress of any democratic governance (Momodu & Matudi, 2013). Conflict theory sees society as a dynamic entity constantly undergoing change as a result of competition over scarce resources.

Conflict theory also states that tensions and conflicts arise when resources, status, and power are unevenly distributed between groups in society, and that these conflicts become the engine for social change. Conflict exists whenever incompatible activities occur and an action that is incompatible with another prevents obstruct interference or causes injuries to other groups (Sears, 2008). According to these theorists, legislative-executive conflicts can lead to ineffective public policy formulation and implementation and hamper budgetary process in democratic governance. Conflict has been the bane of democratic stability, effective service delivery and good governance in Nigeria. Indeed, any attempt to understand the tragedy of development and the challenges to democratic stability in Nigeria must come to grips with the problem of legislative-executive conflicts. Conflict theory therefore provides a framework for the understanding and analysis of relationship existing between executive and legislature as competing groups in a state struggling for the control of state policy apparatus.

Constitutional Issues in Legislative-Executive Conflicts in Nigeria

In this section, attempts were made to examine the issue of legislative-executive conflicts with the context of the 1999 constitution with a view to determine whether the conflicts between the two arms of government is the outcome of the contradictions inherent in the 1999 constitution or not. The relationship between the legislative and the executive is defined in the Constitution. The relationship that exists in reality depends on how the links between parliament and the legislature are institutionalized (Egbewole, 2006).

The 1999 constitution clearly and unambiguously allocated powers to all the three tiers of government in line with the principle of separation of powers and checks and balances. For instance, sections 4, 5 & 6 are very clear in the allocation of Legislative, Executive and Judicial powers respectively. These constitutional provisions are comparable with what obtains in advanced democracies like the United States, United Kingdom, etc. Therefore, the conflicts as argued by Adejumobi (2002) may not necessarily have to do with the structure or with the 1999 constitution, but attitudinal problems as well as the competition for power. This is because there can be no constitutional basis for most of the conflicts. Instead, greater emphasis should be placed on respect for constitutionalism and the rule of law.

Clearly, the 1999 Constitution of the Federal Republic of Nigeria, explicitly states that the legislature shall make laws for the good governance of Nigeria; ditto the executive shall implement policies for the good governance of Nigeria. It is however doubtful if these institutions have been able to conceptualize the intent and meaning of the spirit and letter of these words stated in the constitution. This is due to the fact that the quest for the achievement of good governance in Nigeria has continued to be a mirage, especially with the high incidence of poverty plaguing the citizens of the country as well as high level corruption among public officers in the government. Importantly, the legislature and executive can work out a synergy to re-focus and re-engineer the policy making and implementation process to promote good governance (Momodu & Matudi, 2013).

It is important to note that the conflicts between the executive and the legislature had little or nothing to do with contradictions inherent in the 1999 constitution, neither does it have anything to do with the loopholes implicit in the principles of separation of powers and checks and balances

There is therefore need for a pragmatic interpretation of the principles of separation of powers, not in its strict legal sense, but in the socio-economic sense of power sharing, collective bargaining, mutual respect and accommodation. This is consistent with the observation of Nwosu (1998) and Ajayi (2007), with regards to the Nigerian case. According to them, the previous republics collapsed largely not because the constitutions were bad, rather the demise of these republics resulted from the inability of the governing elites to comply with the basic rules of the game.

The Roles of Legislature and Executive in Democratic Governance

The legislature and executive are two very important political institutions in presidential democratic regimes and they have a very critical task to play in promoting good governance. The achievement of this task however is dependent on whether the relationship that exists between these institutions is constructive or conflictive (Momodu & Matudi, 2013).

In modern time, legislature performs representational function. Principally, the legislative arm of government is the people's representatives for the singular fact that the members are elected by the people, and hold the mandate of their constituencies within the polity especially under a democratic regime (Davies, 2004). In a democracy, the legislature plays an important role in the amendment of the national constitution, selection and appointment of senior government officials. All these activities together promote development in the nation. They channel societal dynamism into desirable paths (Meehan et al, 1966).

The legislature is very crucial in enforcing accountability and responsibility in any democratic setting. The legislature provides the institutional mechanism for ensuring accountability and good governance (Tom & Attai, 2014). Legislatures also play a critical role in the promotion of good governance in democratic regimes. This role is primarily discharged through the exercise of the basic legislative functions of law making, representation and oversight. The modern legislature serves as an agent of reform in the state. In a state where some members of parliament are ideologically inclined, the desire to implement their reform agenda will greatly influence their behaviors in the assembly. The assembly serves as forum for discussion of ideas and policies and it provides a formal platform for deliberation among significant political forces in the life of a political system (Fashagba, 2012).

Fashagba (2012) affirmed that legislatures in some countries have gained a role in approving macro fiscal framework. The Nigerian legislature belongs to the class of legislative assemblies vested with preponderance of power over fiscal matters. It is also the watch dog of public funds in that it not only appropriates for the State but scrutinizes how the funds so appropriated are spent. In other words, the legislature is constitutionally mandated to direct investigations into the conduct of the affairs of State, institutions, organizations and individuals within the State.

The executive occupies a very crucial position in the administration of a state. The executive is the main institution charged with the responsibility of delivering good governance through the formulation and implementation of policies that would enhance the efficient management of the state's resources. The executive is therefore the organ of the state that is charged by the constitution to manage the resources of the state for the common good of the citizens.

The relationship between the legislature and the executive is central to Nigeria's constitutional and political system. The relationships between the legislature and the executive are one of the key defining characteristics of the functioning of any political system. It is central to the constitutional and political system of any territory and has been at the forefront of debate in recent times (Kopecky, 2004; Winetrobe, 2000). By and large,

attaining the quest for good governance in Nigeria requires that the executive and legislature must as a matter of urgency synergize together to engineer the policy making and implementation process that will engender good governance (Shehu, 1999).

Historical Perspectives on Legislative-Executive Conflicts in Nigeria

The turbulence between the legislature and the executive is not a recent development; rather it has its root from the British Colonial Era. This historical approach as noted by Zoaka (2003) is predicated on the preposition that the conflictual posture of the legislature and the executive in Nigeria is a reflection of the type of relationship that existed between them during colonial rule. During this period the executive could be said to be “over-developed” (Alavi, 1979) relative to the other arms of government. This is due to the fact that Nigeria emerged as an “administered” state, which necessitated the undue strengthening of the Chief Executive (i.e. the Colonialists) in governance. It is interesting to note that during colonial rule, the powers of the executive vis-à-vis the legislature was devoid of check even on the eve of political independence. Thus, the overwhelming growth of the executive powers during the colonial period is not inconsistent with the authoritarian nature and character of colonial rule.

In the first republic, due to the adoption of parliamentary system, there was little or no separation of powers between the Executive and the Legislature, hence there is absolute interdependence between both branches of government (Ukase, 2014). As noted by Akinsanya (2010) under this system, the powers of the Executive and the Legislature are inextricably intertwined so that there cannot be any meaningful independent action of one arm against the other. According to him, the relationship between them is basically symbiotic and reciprocal especially in view of the fact that both branches depend on each other for survival.

At inception of the Second Republic under the Presidential democracy variant, there was, initially, no serious conflict between the executive arm and the legislature even though the ruling National Party of Nigeria (NPN) was not in control of overwhelming majority in the National Assembly (Mohammed & Kinge, 2015). This stems from its alliance with the Nigerian People's Party (NPP). As long as the alliance lasted, the relationship between the executive and the legislature seems cordial as evidenced in the hasty passage, in less than two hours, of the Economic Stabilization (temporary provisions) Bill of 1982 (Akinsanya & Davies, 2002). However, with the collapse of the alliance, conflicting situations began to emerge in executive - legislature relations. Attempts to break from executive grip by the legislature in the second republic often times resulted in conflicts. As observed by Sambo (1995) the struggle was manifested in the fierce contest between the executive and the legislature. The presidential system operated witnessed an even more fierce battle between them.

The experience of Legislative-executive relations in the second republic has portrayed the legislature and the executive as strange bedfellows in the theorizations and practicalisation of the twin concepts of separation of powers and checks and balances. Thus, there has been a struggle and contest for power between the legislature and executive resulting in serious conflicts between them with attendant consequences on democratic governance (Ukase,

2014). As argued by Mahdi (2004), both the executive and the legislature share in the blame for the collapse of the second republic. Under the aborted Third Republic, Mohammed & Kinge (2015) observes that the nature and circumstances of the Republic coupled with the fact that it was truncated did not provide ample opportunities for observing definite trends in executive – legislature conflict. As noted by Aiyede & Isumonah (2002), the exchanges between the legislature and the executive up till the period of the annulment of the June 12, 1993 election epitomizes an epoch in legislative humiliation as a result of the promulgation of Decree No. 53

In the fourth republic, the manifestation of the battle for supremacy between the executive and the legislature began even before the inauguration. Prior to the inauguration, the struggle was to capture state power and as soon as this was achieved by the People Democratic Party (PDP), the party began to have problems, especially with respect to the sharing of political offices. This led to the setting of machinery to ensure that the executive had a leverage over the legislature by seriously involving in internal politics of the National Assembly (Adejumobi, 2002).

It is important to note that the relationship between executive and the legislature in the post-independent period could be seen within the context of the struggles for a vantage position in the power matrix of the state by both arms of government. These squabbles as noted by Ukase (2014) are not unconnected with the real essence and significance of such control in the allocation of scarce but allotable resources in the Nigerian polity. Unfortunately, such struggles have hindered the healthy operation of the Nigerian system and jeopardized the prospects for democratic stability and good governance.

Causes of Legislative-executive Conflicts in Nigeria

Legislative-Executive conflicts arise as a consequence of the over-accumulation, over-development and over-growth of the powers of the executive vis-à-vis the other arms of government which has serious implications on the nature and character of our federal system and the dynamics of intergovernmental relations.

In Nigeria, prolong military rule has made executive dominance an established tradition of governance, which spilled over to the fourth republic. The culture of fusion of executive and legislative powers and functions under the military has impacted negatively on the practice of democracy in 1999. The institution of the legislature is the worst affected, even when the Constitution clearly separated executive and legislative powers and functions and provided for checks and balances.

Some of the causes of legislative-executive conflicts according to Rockman (1983) include: pride and personality clash, executive dominance, ignorance of the constitution, functional overlapping and legislative performance of oversight function. Generally, the causes of executive-legislative conflict are: struggle for power and domination, conflict of roles, limited conceptualization and understanding of their constitutional responsibilities, high-handedness of the executive over the legislature, greed and hypocrisy of members of the two organs, lack of patriotism, corruption, poor leadership skills, and poor conflict management skills (Momodu & Matudi, 2013). Power tussles between the executive and members of the

legislature in Nigeria in the determination of who occupy various leadership positions was the starting point executive-legislature conflict in 1999. It is also largely responsible for high leadership turnover. In many instances, the executive acts under the guise of party supremacy and often members of the ruling party are coerced into accepting the proposals of the executive as the position of the party. This has caused serious tensions, instability and crisis in the legislature since 1999. Thus, sustained urge by the executive at the centre to anoint leaders of the legislature is only another way of ensuring firm subordination of the latter by the former. However, where the executive failed to impose leaders, various means are often employed by it, to stifle the tenure of the freely elected leaders. Masari (2009) attest to this in the following words:

The high level leadership turnover in the legislature and indeed the turnover of members in the institution 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.

One fundamental issue that brings disagreement and which often produce conflict between the executive and the legislature in the budgetary process is in the discrepancy that exists between the amount budgeted by the executive and the amount eventually approved by the National Assembly. Virement has also been identified as a source of conflict between the Executive and the Legislature. In the course of performing oversight functions by the legislature and during budgetary legislations at all levels of government in Nigeria, empirical evidences (Ukase, 2014; Uchendu, 2008; Okpe, 2014; Obidimma & Obidimma, 2014) suggests that most projects executed are not appropriated for. However, they are executed by Executive fiat. This is unacceptable and causes unhealthy rivalries between the Executive and the Legislature.

The interference of the executive in the oversight function of the legislative constitutes another major source of conflict. The legislature is given a lot of powers in the constitution to perform oversight functions and act as the watchdog of the executive. The legislature has an important role to play in the appointment/ratification of Ministers, Ambassadors, High Commissioners and Commission Chairmen /Members, ratification of treaties, election of Principal Officers of the legislature, impeachment, recall amongst others. The legislature must screen and approve certain appointees of the executive. The legislature is further empowered to even remove the President, Vice President, Governor and the Deputy Governor through impeachment procedure provided for in the constitution (Mohammed & Kinge, 2015). It is however disheartening to say that the exercise of the above function to ensure good governance for the benefit of all and sundry is often interfered with and hampered by the executive (Akomoledede & Akomoledede, 2012). Thus the excessive interference in the activities of the legislature, particularly in the determination of its leaders is largely responsible for leadership crisis and instability in the legislature.

Conflicts also arise over non-implementation of House resolutions. The legislature performs deliberative functions and arrive at resolutions that the executive is expected to implement through its relevant ministries and agencies. However, the executive at times due to overwhelming political support ignore House resolutions. The reluctance of the executive to

implement various resolutions of the National Assembly results to conflicts.

Legislative-Executive Conflicts in the Nigeria's Fourth Republic

Legislature-executive conflicts have been a major disturbing issue in the Nigeria's Fourth Republic. The country has witnessed conflicts between the legislators and the executive at all levels of government (Aiyede, 2005; Ikoronye, 2005). Despite the constitutional provisions aimed at rectifying some of the problems identified with legislature-executive conflicts in the first, second and third republics, the fourth republic also follow the confrontational and conflictual power relations and the absence of cooperation between the executive and the legislative arms of government (Mba, 2007).

Since the return to democracy in May 29, 1999 in Nigeria, the country has witnessed conflicts between the legislature and the executive branches on a number of issues. Oyewo (2007) argues that the operation of the Constitution was characterized by conflicts, confrontations, feuds and deadlocks between the executive and legislative arms of government especially at the federal level, centered on the question of the existence, scope, and efficacy of the legislature's independence and oversight function in the constitutional scheme. As argued by Ukase (2014) long years of military rule witnessed the emergence of a highly-titanic and predatory executive threatening to swallow the legislature. The struggle by the legislature to assert its independence from the executive has led to unprecedented conflicts in the first four years of the fourth republic. The first phase of fourth republic was the worst in terms of executive highhandedness and meddling in the affairs of the legislature. Obasanjo's arrogant approach to the issues of separation of powers and checks and balances destabilized the institution but in a way also made it strong because of the institution's continued resistance to executive dominance. Aiyede (2005) noted that the Obasanjo administration was characterized by gridlocks over major public policy decisions and struggles in a climate of partisanship because of face-off between the executive and the legislature. Obasanjo was constantly at war with the legislature and did so much damage in the Senate that in a space of 8 years, the senate had five senate presidents.

The resultant threats of impeachment of President Obasanjo by the National Assembly, led then by Senator Anyim Pius Anyim and Rt. Hon Ghali Umar Na'Abba as President of the Senate and Speaker of House of Representatives respectively for constitutional violations and unconstitutional actions can be seen as desperate responses by the legislature to assert its independence and oversight the executive. Between 1999 and 2002, two Senate Presidents were impeached and one Speaker of the House of Representatives disgraced out of office while his successor allegedly survived several sponsored impeachment moves. The Presidency made concerted efforts to remove these presiding officers of the National Assembly but to no avail. Also, the Senate conducted investigations into the Presidency's handling of the Petroleum Trust Development.

Thus, since the inception of democracy in Nigeria in 1999, some state governors were victims of legislative-executive conflicts because they were impeached before the expiration of their tenure. These include Gov. Ayo Fayose of Ekiti State who was impeached on the 16th October 2006; Peter Obi of Anambra State on the 2nd November 2006; Joshua Dariye, of Plateau

State, on the 13th of November 2006; Rashidi Adewolu Ladoja, of Oyo State, on the 12th of January 2006; Diepreye Alamieyeseigha of Bayelsa State on the 9th of December 2005 and Murtala Nyako of Adamawa State, in July 2014. In similar vein, two speakers of House of Representatives, Salisu Buhari and Patricia Etteh were impeached in 2000 and 2007 respectively. Also, Evan Ewerem and Chuba Okadigbo were impeached as senate Presidents in 1999 and 2000 respectively. In some states, the speakers of houses of assembly were equally impeached at different times. Examples are Speakers of Kogi house of assembly Momoh Lawal, Niger state house of assembly speaker, Barrister Usman who was impeached in May 2015 and Adamawa house of assembly speaker Hon. Amadu Umaru Fintiri who was impeached on February 24, 2016.

The first few years of democratic experiment in the fourth republic was so conflict ridden that on many occasions, due to the unconstitutional acts of the executive and the legislature, the polity was so heated up that the survival of the fledgling democracy was threatened (Obidimma, 2015). Some of Legislative-executive conflicts in the fourth republic are stated below:

Sample of Legislative-executive Conflicts between 1999-2015

Subject	Issues
Appointment of Ministers and Ambassadors	Protocol, Federal Character
Supplementary Appropriation Bills	Amount and propriety of allowance. Responsibility for actual provision of furniture. Part or full payment to legislators. Arm-twisting, cajoling and intimidation and threat to secure executive approval.
Scrapping of Petroleum Trust Fund	Legality, partiality and imbalance in projects implementation.
Relocation of certain ministries and parastatals to Lagos	Legality. Cost implication. Protection of geo-political interests.
Option of Sharia	Constitutionality. Shifting of responsibility for decisive action. Trading of blames.
Purchase of Presidential Airplane	Misplacement of national priority. President accused of inflating price. Allegation of blackmail.
Constitutional Review Panel	Which arm of government has power to effect review?
NDDC Bill	Scope, funding character of the NDDC. Definition of states that make up the Niger Delta. Status of OMPADEC. Location of headquarters of NDDC. NASS delay in passing bill. Amendments not acceptable to Executive.
Budget	Withholding of executive assent due to inflation of budget by the legislature

Adapted from Ukase (2014)

From the above table it is obvious that the legislative-executive relation in Nigeria is characterized by conflicts especially in the fourth republic. This is as a result of power struggle and attempt to establish the supremacy of one branch against the other within the

institutional arrangement and power matrix in the state (Ayua, 2003). On several occasions, conflicts between the legislature and the executive have been heating the polity to such an extent that Nigerians have feared that the fourth republic would be short-lived due to the recklessness and greed of the political elite.

Implications of the Conflicts on Good Governance and Democratic Stability

Legislative-executive conflicts have a lot of implications for political stability and democratic governance. Contemporary development proved that the relationship between the legislature and executive branch is not harmonious (Bassey, Raphael, Omono & Bassey, 2013).

Politically, legislative-executive conflicts affect the nation's democratic process considerably. It stagnates the process and overheats the political system (Ukase, 2003). The quest for good governance in Nigeria has been threatened more by the unending conflicts between the legislature and executive who are often entangled in a constant battle for supremacy and control of the policy making and implementation process, thereby jettisoning the tenets of the principles of separation of powers (Momodu & Matudi, 2013). This is expressed by Ukase (2005:136) thus:

... 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.

Legislative-executive conflicts slow down the pace of governance. It creates suspicion and hostility between the two organs. Encourages bad governance, public resources are deployed by executive to create factions in the legislature, which undermines the unity of the legislature; creates division between the executive and legislature; creates distraction to the process of governance; creates tension and political instability; and encourages the culture of impunity and disregard for the rule of law among the political class (Momodu & Matudi, 2013). Lack of good governance arising from instability as noted by Robert (2007) will in many ways breed political instability and this is certainly unhealthy for sustainable democracy. Nwokeoma (2011) also observed that:

The ability of any democratic government to deliver the concrete benefits of good governance to the citizens is determined by the smooth functioning of the executive, judiciary and legislative arms of government. He therefore, argued that this assumption reinforces the theory of separation of the powers of the different arms of government to prevent arbitrariness, tyranny and recklessness.

Executive-legislative conflicts have profound consequences on the policy making and implementation process to the extent that it affects the smooth running of the affairs of the state. But a prompt and efficient management of executive-legislative conflict can assist in averting its dysfunctional consequences. From the economic perspective, the implications of the conflicts are even more glaring. Conflicts associated with the passage of Bills that have direct bearing on the economic well-being of the generality of the masses of the people leaves much to be desired. For instance, Nigeria has experienced serious disagreement and delay in

the passing of appropriation Bills. As observed by Ayua (2003), series of confrontations between the executive and the legislature have led to stalemate in government business, especially in national budgeting on which the welfare of the nation depends. It also has implication for rapid inflow and influx of foreign investors into the nation's economy. As a result, Nigerian economy remains confronted by serious challenges arising from democratic instabilities that have characterized the country for more than a decade.

Socially, legislative-executive conflicts have serious ethno-religious implications for the Nigeria state. The introduction of ethno-religious variables into legislative-executive conflict affects the unity of the country. The failure and inability of the executive and the legislature to co-exist and provide the pillars for sustainable development through the initiation and implementation of sound policies has had a damaging effect on the Nigerian democracy.

As noted by Ajayi (2007) the previous republics collapsed largely not because the constitutions were bad; rather, the demise of these republics resulted from the inability of the governing elites to comply with the basic rules of the game, but as a result of legislative-executive conflicts. What is however shocking is the growing culture of impunity and flagrant disregard for the rule of law noticeable among members of the executives and parliaments both at the national and state levels in Nigeria since the commencement of the Fourth Republic, May 29, 1999 to date. The foregoing challenges, amongst others, have largely robbed Nigerians the opportunity of enjoying good governance through forensic and good laws aimed at transforming the political and economic landscapes of Nigeria.

Conclusion

The executive and the legislative arms, working in harmony, are vital for the attainment of democratic and good governance and the much vaunted dividends of democracy. In this context, it is also axiomatic that a non-cooperative relation between the two has ominous implications for democratic stability and good governance. It is important at this junction that much of the conflicts between the executive and the legislature represent an expression of contest for power in the democratic system, which has made them to always see themselves not as co-equals but as rivals. In this regard, the executive is always ready to dominate and meddle in the affairs of the legislature, while the legislature often times made efforts to counterbalance the executive (Ukase, 2014).

This paper examined we have examined the political and socio-economic implications of legislative-executive conflicts in Nigeria. It stressed that the frequency of the conflicts is capable of over-heating the political space and thereby provide an alibi for military intervention. It is also dangerous and unhealthy for democratic stability. There is therefore the need for constitutionalism and the strengthening of the political process through meaningful re-structuring of political parties and democratic structures. It also argued that the usurpation of the powers and functions of the legislature by the executive is explained by the nature and character of colonial rule. This has led to the emergence of a highly predatory executive constantly trying to subsume the legislature in the political and democratic process. From the discussion in this paper, it was established that executive-legislative conflicts have been occurring at the federal and state levels since the commencement of the

Fourth Republic and that it has been having debilitating impact on the process of good governance at the federal and state levels. The paper asserts that legislative-executive relations within the period under consideration have been very contentious.

Recommendations

Executive-legislative conflicts have been a recurring decimal in Nigeria's political history, especially in an attempt to practicalize the American-type presidential system of government. It has been established that executive-legislative conflicts have been occurring at the federal and state levels since the commencement of the Fourth Republic and it has been having debilitating impact on the process of good governance (Obidimma, 2015). It is a fact that such face-offs as experienced in Nigeria are common phenomenon in a democratization process. For a harmonious partnership between the legislature and executive, each must carry out the functions assigned to it by the constitution effectively and each must keep within the limits of its power and within the constitution generally. Both the executive and legislature should respect and strictly adhere to the tenets of the principles of separation of powers so as to avoid frictions that could be counter-productive to the discharge of their constitutional duties, while embracing dialogue in resolving their differences.

The executive and legislative arms of government should embark on regular capacity building on basic conflict resolution and management training with a view to improving their conflict management skills as well as their problem solving skills. Also, synergy between the executive and legislature is even more crucial for facilitating good governance. It is also imperative that both institutions should see themselves as complementary partners in the administration of the Nigerian state and as such synergize in the policy making and implementation process with a view to promoting good governance in Nigeria.

References

- Adejumobi, S. (2002). The relevance of the presidential system of government to Nigeria's quest for democracy. *The Constitution: A Journal of Constitutional Development*. 3(2):45-59
- Aiyede, R. E. & Isumonah, V. A. (2002). Towards democratic consolidation in Nigeria: Executive - legislature relations and the budgetary process. *Research Report 52*. Ibadan: Development Policy Centre
- Aiyede, R. E. (2005). Executive-legislature relations in Nigeria's emerging presidential democracy. *UNILAG Journal of Politics*. 2(1):65 – 87.
- Akinbobola, A. (2002). Trends of democratization in Africa: An analysis of the challenges of political institutionalization. *The Constitution: Journal of Constitutional Development*. 3(2):363-382
- Akinsanya, A. (1978). The office of the Nigerian President: Experiences of the 1964-65 constitutional crises. *Indian Journal of Political Science*, July:170-179
- Akinsanya, A. (2000). Executive-Legislative relations. In Akinsanya, A. (ed). *Nigerian Government and Politics: 1979 – 1983*. Calabar: Wusen Publishers.
- Akinsanya, A.A. & Davies, A. E. (2002). Legislative – executive relations. In Akinsanya, A.A. & Idang, J.G. (eds). *Nigerian Government and Politics, 1979 – 1983* Calabar: Wusen Publishers
- Akomolede, I.T & Akomolede, O.B. (2012). Legislation as a tool for good governance in Nigeria: Legal matters arising. *European Journal of Business and Social Sciences*. 1(6): 61 – 68.
- Alavi, H. (1979). *The state in post-colonial societies: The experiences of Bangladesh and Pakistan*. In Gouborne, H. (ed). *Politics and the state in the Third World*. London: Macmillian Press.
- Albert, I. O. (2001). *Introduction to third-party intervention in community conflicts peaceful transformation forum*. Ibadan: John Archers.
- Anifowose R. & Enemuo F. (1999). *Elements of politics*. Lagos: Sam Iroanu Publications
- Anifowose, R. (2008). The structure and organisation of government. In Anifowose, R & Enemuo, F. (eds). *Elements of Politics*. Lagos: Sam Ironsi Publications.
- Awotokun, A.M. (1998). Legislative, executive and judicial duties in sustaining democracy: A theoretical discourse in Nigeria. *Indian Socio-Legal Journal*. XXIV(1 & 2): 53-60.

- Ayua, I. (2003). Democratic consolidation: Is impeachment the panacea? *Benue State University Convocation Lecture*, Makurdi, p.92
- Bassey, A. (2000). *Issues in legislative affairs: A study of Cross River State House of Assembly. Legislative Fellow Research Report*, Ibadan: The Institute of Social Science and Administration (TISSA), Vol. 1,2,3.
- Bassey, A.O, Raphel, P.A, Omono, C.E & Bassey, U.A. (2013). An examination of causes and consequences of conflict between legislature and executive in Cross River State, Nigeria. *Academic Journal of Interdisciplinary Studies*. 2(1):179-189
- Charlesworth, J.C. (1968). *Contemporary Political Analysis*. New York: The Free Press
- Chilcote, J.H. (1998). The Structural-Functionalism as a Heuristic Device. *Anthropology and Education Quarterly*. 29(1):103-111.
- Dahrendorf, R. (1959). *Class and Class Conflict in an Industrial Society*. London: Routledge and Kegan Paul
- Edosa, E. & Azelama, J. (1995). Institutions of government. In Ikelegbe, A.O. (eds). *Politics and Government: An Introductory and Comparative Perspective*. Benin City: Uri Publishing Ltd.
- Egbewole, W.O. (2006). The place of the judiciary in the sustenance of democracy. in Saliu, H.A;
- Fashagba, J. (2012). The Nigerian legislature and socio-political re-engineering the fourth republic. Accessed from <http://carllewan.com> on February 20, 2016.
- Flippo, A. (1999). *Conflict management in schools*. London: McGraw-Hill.
- Heywood, A. (2007). *Politics (3rd Edition)*. New York: Palgrave Macmillan.
- Ikoronye, I. (2005). Legislative executive relationship and powers functions of the legislature in local government administration. *Journal of Nigerian Government and Politics*. 1(1): 123-131.
- Jewell, M.E. (1977). The Legislature. *The Encyclopedia Americana International* (ed.) Vol. 17 Connecticut, Grolier Incorporated p172.
- Kopecky, P. (2004). Power to the executive: the changing executive – legislative relations in Eastern Europe. *Journal of Legislative Studies*. 10(2/3):142 – 153.

- Lafenwa, S.A. (2009). The Legislature and the challenges of democratic governance in Africa: The Nigerian Case. *A seminar paper delivered at a conference on Governance and Development on Democratization in Africa: Retrospective and Future, Prospects*, held on December 4-5, at University of Leeds, United Kingdom.
- Linz, J.J. (1994). Presidential or parliamentary democracy: Does it makes a difference? In Juan, L.J. &
- Valenzuela, A. (eds). *The Failure of Parliamentary Democracy*. Baltimore: John Hopkins University Press.
- Loewenberg G. (1995). Legislatures and Parliaments. in Seymour, M.L. (ed). *Encyclopedia of Democracy*. London: Rutledge.
- Mahdi, A. (2004). We can actualize our dreams as a nation. *6th Annual Public Lecture of A.B.U Alumni Association, River State Branch*, 10th December, 2004. P30
- Meehan, E.J., Roche, J.P. & Stedman, M.S. Jr. (1966). *The Dynamics of Modern Government* London: McGraw-Hill Kogakusha,, Ltd.
- Mohammed, A.A & Kinge, R.F. (2015). Executive - legislature relations in the budgeting process: A study of President Obasanjo Years, 1999 – 2007. *Covenant University Journal of Politics and International Affairs*. 3(2):52-67
- Momodu, S & Matudi, D. (2013). The implications of executive-legislative conflicts on good governance in Nigeria. *Public Policy and Administration Research*. 3(8):30-44
- Nnelirk-Mmalive, F. (2005). Issues in executive-legislative rapprochement. *The Senate Today*. 1(2):1-5
- Nwannekanma, B & Ogbodo, J. (2010). Constitution review needs President's assent, court rules. *The Guardian*. November 9.p.1.
- Nwosu, N.I. (1998). The military and constitutional engineering in Nigeria. *Ilorin Journal of Business and Social Sciences*. 5:31–49.
- Obidimma, A.E & Obidimma, E.O.C. (2015). The legislative-executive relations in Nigeria's presidential democracy. *International Journal of Business & Law Research* 3(1):71-80
- Olorunfemi, J.F; Lateef, U & Oludoyi, S.B. (eds). *Democracy and Development in Nigeria: Conceptual Issues and Democratic Practice*. Lagos: Concept Publications
- Ojo, J. D. (1995). The executive under the Nigeria constitution. In Amuwo, K. Agbaje A; Suberu, R & Herault, G. (eds). *Federalism and Political Restructuring in Nigeria*. Ibadan: Spectrum Book Limited.

- Okpeh, O.O. (2014). *Foreword to history of executive-legislative relations in Nigeria, 1914-2007*. Ibadan: University of Ibadan Press.
- Oyebode, A. (1995). Executive lawlessness and the subvention of democracy and rule of law. In Ajomo, A. (ed). *Nigeria: Democracy and Rule of Law*. Lagos: Spectrum Book Limited
- Oyewo O. (2007). Constitutionalism and the oversight functions of the legislature in Nigeria. *Draft Paper presented at African Network of Constitutional Law Conference on Fostering Constitutionalism in Africa*. Nairobi: Kenya.
- Parsons, T. (1951). *The social system*. London: Routledge.
- Reggio, R. (2000). *Introduction to industrial/organisational psychology*. New Jersey: Prentice Hall
- Roberts, F.O.N. (2003). The presidential system, separation of powers and the stability of the fourth republic. In Jibo, M & Simbine, A. (eds). *Contemporary Issues in Nigerian Politics*. Ibadan: Jodad Publishers
- Rockman, B. (1983). Legislative-executive relations. in Gerhard, L; Loewenberg, S.P; Romer, T. & Howard, R. (eds). *Political Resource Allocation, Controlled Agendas, and the Status Quo*. Public Choice 33:27-44.
- Sabine, G.H. & Thorson, T.L. (1973). *A history of political theory*. New Delhi: Oxford & IBH Publishing Co. PVT Ltd.
- Saldomando, A. (1998). *Construccion del orden y gobernabilidadI*. In Cuadra, L.E; Perez, B. & Saldomando, A. (eds). *Orden social y gobernabilidad en Nicaragua 1990-1996*, CRIES Managua.
- Sambo, A. (1995). The legislature, democracy and the rule of law. In Ajomo, A. (ed). *Nigeria: Democratisation and the Rule of Law*. Ibadan: Spectrum Book Limited
- Sears, A. (2008): *A good book in theory: A guide to theoretical thinking*. New York: Higher Education University.
- Shehu, Y (1999). The impact of governance on macro-economic management in governance and the Nigerian economy: *Proceedings of the one-day seminar held on January, 19, Pp 9 – 25*.
- Tom, E.J & Attai, A.J. (2014). The legislature and national development: The Nigerian experience. *Global Journal of Arts Humanities and Social Sciences*. 2(9):63-78.

- Uchendu, S.A. (2008). *Conflict management and resolution A better approach*. Enugu: Zubik Printers.
- Ukase, P.I. (2003). Issues, dimensions and perspectives on executive-legislative conflict in Nigeria: The Benue State experience, 1992 – 2003. *M.A Thesis*, Benue State University
- Ukase, P.I. (2005). Executive-legislative conflicts in Nigeria: an analysis of contending issues and perspectives. *Journal of contemporary Issues and Research*. 1(2):130-139
- Ukase, P.I. (2014). *History of executive-legislative relations in Nigeria, 1914-2007*. Ibadan: University of Ibadan Press.
- Winetrobe, B.K. (2000). Shifting control? Aspects of the executive-parliamentary relationship. *Executive Research Paper 00/09*. Parliament and Constitution Centre. House of Common Library.
- Wolff, S. (2006). *Ethnic conflict: a global perspective*. New York: Oxford University Press.
- Zoaka, Y. (2003). The concept of separation of powers and the crisis of politics and power in Nigeria. *Benue Valley Journal of Humanities*. 5(2):28-37