

EXECUTIVE-LEGISLATIVE RELATIONS AND GOVERNANCE TRAJECTORIES IN NIGERIA: THE ROAD NOT TAKEN

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Abstract

The need to underscore the challenges of contemporary governance in political society has become increasingly crucial. Globally, poor quality of governance manifests in social, economic, cultural, administrative and political dimensions. There is ample evidence showing decline in the democratic quality of Nigeria's political systems via the executive-legislative relations, as a result of the power tussle and sphere of influence of the governing elites. Since Nigeria's independence from the colonialists on October 1, 1960, the political landscape has witnessed a series of altercations caused by the morbid desire of members of the political class to outdo one another in the search for power. The situation assumed a worrisome dimension with the return of democratic governance in 1999. Thus, the study examined executive-legislative relations and governance trajectories in Nigeria. Specifically, it examined the conflicts of interests arising from executive-legislative relationship, considered as two traditional contenders for power and authority in post-colonial Nigerian state. Our methodology was basically content analysis as a result of the theoretical nature of the study. The theoretical construct was based on the Marxian theory of the state, and noted among others that the contestations and co-operations between these arms of government attest to the struggle for the independence of these institutions, which expresses the decentralization of state power along functional lines. To this end, the study posits for a cohabitation of the two which has the potential to establish new executive-legislative relations independent of a president-party or a party-government symbiosis for a good society.

Keywords: Executive-legislative relations; Governance; Post-colonial state; Democracy.

Introduction

Cordial relationships between the three arms of government in a democracy—the executive, the legislature and the judiciary—are essential to the effective maintenance of the constitution and the rule of law. In recent years, the character of these relationships has changed significantly, both because of changes in governance and because of wider societal change. In a democratic dispensation, governance and development are best optimized by collective participation. The legislature, which is a veritable arm of government in a democracy, is a catalyst of socio-economic development. It's worth is measured not only by the quality of

intellectual debate in the parliament but also by the attraction of constituency projects such as roads, electricity, industries, among others which aid development. There are three basic institutions or arms of government in a modern democracy; namely the executive, the judiciary, and the legislature. In order for stability and ultimately good government to be achieved, some degree of cooperation and understanding amongst these three arms is expected. The virtue, spirit and essence of democracy are the extent to which policies and programmes reflect the needs of the people, or are relevant. And, a relevant programme is no doubt, that which operates within the prism of the law. Taking into consideration that it is the Legislature that enacts the law, and the Executive (or government) is expected to operate within the parameters of the law thus enacted, one can conclusively say that the Legislature in modern democracy is the soul and essence of the nation.

The constitutional division of power between executive and legislative branches ranges from presidential systems of separation of powers, such as in the United States, where the legislature has a strong role, to Westminster parliamentary systems, where the executive generally dominates. In between are modified forms including semi-presidential systems and non-Westminster parliamentary systems. The constitutional division of responsibilities between the executive and the legislature has a major impact on executive-legislative roles in budgeting. In presidential separation-of-powers systems, like in the United States, the legislature has a significant role in policy formulation and in budgeting, partly owing to its independent election by constituencies that are different from those of the president. Legislative powers are arguably weakest under the Westminster system, where the executive leadership is drawn from the parliament and where the legislature is politically obligated to support the government. In between are modified forms including the semi-presidential system (France, Korea), the parliamentary republic (Germany, Italy) and the non-Westminster parliamentary monarchy (Netherlands, Sweden) (Lienert, 2005).

Party systems play a fundamental role in determining the degree of independence of the legislature *vis-à-vis* the executive. Strong, cohesive two party systems will generally work to attenuate legislative influence. In these systems, legislatures have a working majority to support executive initiatives. Under these circumstances, there is often little incentive for the executive to bargain and little incentive for the legislature to disagree. In parliamentary systems, the majority party in the legislature can precipitate a downfall of its own government by voting against the budget or by making major amendments. The executive's influence is further strengthened if the national party selects legislative candidates, thereby ensuring that legislative members owe their allegiance more to the national party leaders than to local constituencies. On the other hand, weaker two-party systems, as well as multiple-party systems, generally strengthen the role of legislatures in budgeting and in the policy process more broadly. In these systems, the executive must bargain with more independent legislative actors to ensure majority support for budgets and policy goals. Sometimes this bargaining takes place outside of formal legislative channels and institutions, such as in pre-budgetary negotiations, but should

nonetheless be considered as an exercise of legislative influence over executive decisions (Posner & Chung-Keun, 2007).

The constitution allocates power horizontally between a strong executive and a National Assembly in a presidential system. It also organizes power vertically along three distinct tiers of government: federal, state, and local. The constitution provides for elected governments in the states, and vests them with some autonomous and shared authorities. The federal government has more power over a wider range of items than the states, especially in matters of monetary and economic policies, foreign affairs, and security. The absence of state or local police, along with several presidential declarations of states of emergency since the transition offer compelling examples of the latter. Though it is not unique among federal systems (Watts 1999), Nigeria's states also lack their own constitutions.

The stated aim of government all over the world is to achieve or accomplish good governance. By good governance, we imply the delivery of goods and services to the present generations and generations yet unborn. It also entails the maintenance of law and order in the society. Compared to the experience of other types of government (Military regimes, for instance) goods and services are better delivered under a democratic dispensation in which checks and balances between the different arms of government are ensured. In a democratic government where leaders are representative of the people, elected on a periodic basis, they try to ensure that the real benefits of democracy (both material and moral) are readily and consistently accruable to the citizenry. This is the hallmark of democracy.

It is a statement of fact that the laudable achievements recorded under civilian regimes were made possible because of checks and balances that existed between the Executive and the Legislative arms of government. As a major organ of government that is primarily responsible for law making, the Legislature decides on major policy issues and checks the activities of the other arms of government. Through such a check, these other arms, especially the executive is constantly made to live up to the expectations of the people. Against this backdrop, Nigerians were enthusiastic when in May 1999 a democratically elected government was enthroned. This enthusiasm was very high in view of the dismal performances of the various military regimes in the country, which culminated in the collapse of most industries and critical infrastructures established for social welfare.

The central thesis of this study is to determine the extent to which the executive-legislative relations affected the quality of governance trajectories over the years. We will x-ray the role of the executive and the legislature in the socio-economic development of the nation and the people. Thus, it investigated the effect of executive-legislative relations on quality of governance.

Conceptual and Theoretical Compass

The executive, according to Heywood (2007), is the irreducible core of government. Similarly, Laski (1992 cited in Oni, 2013) sees the executive as occupying a very crucial position in the administration of a state. According to him, the executive in all democratic systems exists to, first and foremost, decide on the

final choice of policy to be submitted to the legislative assembly for approval; secondly, it is its business to see to it that the public services fully adhere to that policy as intended by the legislature; and thirdly, it ensures that it delimits and also coordinates the activities of the different departments of state. It is on this score that Puke (2007) sees the executive as responsible for providing good and responsible governance for the state. Edosa and Azelama (1995) also defined the executive as the implementation organ of government. They, noted that from ages, making and enforcing binding rules and allocations through the executive have been the primary functions of government. They however, argued that while political structures have existed for centuries without separate agencies for making laws, state structures without executive organ will be hard to come by. This position is also supported by Heywood (2007) when he averred that political systems can operate without constitutions, assemblies, judiciaries, and even political parties, but cannot survive without an executive arm to formulate government policy and ensure that they are implemented.

Anifowose (2008), however, sees the executive as the arm of government responsible for applying the authoritative rules and policies of a society. The executive, he noted, by implementing the constitution, statutes, decrees, treaties, i.e., of the land gives effect to the will of the state. Furthermore, he noted the executive performs two principal roles which include ceremonial role and control of governmental administration. These two roles are performed by the executive as the Chief of the State and as Head of Government respectively. He concluded that these two roles are performed by two distinct officials in a parliamentary system of government and by the same official in a presidential system of government.

With respect to the legislature, it is a fact that representative liberal democracy cannot exist without a healthy, lively and credible legislature. Legislature has been given different names across nations of the world. It is referred to as "Parliament" in Britain, "National Assembly" (the central legislature) in Nigeria, "Congress" in United States etc. (Abonyi, 2006; Heywood, 2007; Lafenwa, 2009). The legislature is seen as occupying a key position in the machinery of government (Heywood, 2007) and as the people's branch with the singular purpose of articulating and expressing the collective will of the people (Bernick & Bernick, 2008; Okoosi-Simbine, 2010). As an organ of government, it is the forum for the representation of the electorate (Taiwo & Fajingbesi, 2004). Lafenwa (2009) defined the legislature 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. Okoosi-Simbine (2010) also conceptualized 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. It follows from this analysis that the authority of the legislature is derived from the people and should be exercise according to the will of the people who they represent.

Some legislatures have two chambers popularly referred to as bicameral

legislatures while some others have single chamber commonly known as unicameral legislature. This double-chamber legislature is found in countries such as Nigeria, France and United States. The Congress of the United States comprises the Senate (Upper House) and House of Representatives (Lower House). Similarly, the National Assembly of Nigeria is made up of the Senate (Upper House) and House of Representatives (Lower House). France legislative body also comprises of the Deputies and the Senate. In the case of Nigeria, the country had a unicameral arrangement at the federal level up to the 1954 Lyttleton Constitution. It, however, adopted a bicameral structure at independence. This arrangement was maintained in the 1979 and 1999 constitutions. In countries where bicameralism operates, however, the constitutions ensure that one chamber provides the opportunity for equal representation of the federating units while the diverse interests are represented in the other chamber. In addition, bicameral legislature makes it difficult for the legislature to be controlled by a despot or demagogue (Abonyi, 2006). It also provides opportunity for wider representation of various interests groups in the country.

The theoretical construct we predicated our analysis is the Marxist theory of the state. The theory arose as a counter to the proposition of the western liberal theory, that the state is an independent force and an impartial arbiter that not only caters for the overall interest of every member of the society but also regulates equitably their socio-economic transactions and processes (Okolie, 2006). On the contrary, Marxist theorists maintained that the state is the product and a manifestation of the irreconcilability of class antagonisms (Lenin, 1984). What this implies is that the state that arose from the conflict between classes is, as a rule, the state of the most powerful and economically dominant class that also becomes the politically dominant class and thus acquires new means of holding down and exploiting the oppressed (Jakutowski, 1973).

The classical Marxist theory of the state has been further developed and employed in the elucidation and understanding of the peculiarity of the neo-colonial state by scholars such as Alavi (1973), Ekekwe (1985), Ake (1985) and Ibeanu (1998) and others. The major contention of these scholars is that the post-colonial state is a creation of imperialism and as such, has followed a developmental strategy dictated by the interest of imperialism and its local allies rather than that of the majority of the indigenous population. According to Ekekwe (1985), the post-colonial state rests on the foundation of the colonial state whose major pre-occupation was to create conditions under which accumulation of capital by the foreign bourgeoisie in alliance with the ruling elite would take place through the exploitation of local human and other natural resources. Therefore, the post-colonial state that now emerged, though ostensibly independent and sovereign, was no less a creation of imperialism than the colonial state. The post-colonial state is a creation of imperialism because the class that now controlled it was a creature of imperialism and, as such, sought always to dovetail its interests with those of the foreign bourgeoisie (Ekekwe, 1985).

One basic character of the post-colonial state, as articulated by Ake (1985), is that it has very limited autonomy. This means that the state is institutionally constituted in such a way that it enjoys limited independence from the social classes,

particularly the hegemonic social class, and so, is immersed in the class struggles that go on in the society. The post-colonial state is also constituted in such a way that it reflects and mainly caters for a narrow range of interests: the interests of the rapacious political elite in comprador and subordinate relationship with foreign capital. This lack of relative autonomy is one reason why the post-colonial state in Nigeria is incapable of mediating political conflicts (Ake, 1985).

For Ibeanu (1998), the colonial state, due to the distinct colonial experience at the stage of “extensive growth” of capital in which they emerged, did not strive for legitimacy as the *raison d’être* for their constitution was “principally for conquering and holding down the peoples of the colonies, seen not as equal commodity bearers in integrated national markets, but as occasional petty commodity producers...” (Ibeanu, 1998, p. 9). As a result of this, there was no effort made to evolve, routinize and institutionalize “principles for the non-arbitrary use of the colonial state by the colonial political class. And when in the post-colonial era this state passed into the hands of a pseudo capitalist class fervently seeking to become economically dominant, it becomes, for the controllers, a powerful instrument for acquiring private wealth, a monstrous instrument in the hands of individuals and pristine ensembles for pursuing private welfare to the exclusion of others” (Ibeanu, 1998, pp. 9-10). Against this background, Ibeanu maintained that the “abiding assault on democracy in Nigeria” should be located in the character of the Nigerian state as institutions that have continued to undermine democracy are genealogically inscribed in it. These peculiar features of the post-colonial state in Nigeria, for Ibeanu, have undermined the democratization of Nigerian politics in a number of ways which include:

- ❖ Excessive premium on power converts politics into warfare rather than a process of bargaining, discussion and orderly transfer of power.
- ❖ There is a weak sense of a shared future, especially among the constituent ethnic groups, as a result, the primacy of politics and premium on power persist. There is a dominance of exclusive rather than inclusive strategies of power.
- ❖ Absence of effective institutional mechanism for moderating political competitions leads to conversion of political competition into warfare among ethnic groups, thereby elevating the military, the masters of warfare and antithesis of democracy into a position of social preeminence.
- ❖ Absolutism and totalitarianism of the state are leading to widespread deradicalization of politics through the so-called politics of consensus. The paradox of this politics of consensus is that it is pursued in a context of deepening exclusivism and lack of a sense of a shared future.
- ❖ Related to the deradicalization of politics is the use of dubious plebiscitary and acclamatory methods like rallies, popular drafts and nominations (rather than institutionalized party or community-based competition) as means of selecting political offices and reaching decisions.

- ❖ There is an overwhelming inclination towards personalization of rule...by political leaders because of the limitless power and prestige they enjoy (Ibeanu, 1998, p.12).

The theory, therefore, suggests that political leaders of post-colonial states, due to the peculiar features of these states, and their quest for economic survival pursue distorted and disprogrammed pattern of development which fosters dependence, worsens conditions of material existence and above all alienates the people.

The executive-legislative relationships and the governance trajectories in Nigeria: The road not taken, seen as the challenges of the democratization and provision of social welfare in Nigeria, between 1999 and 2015, is explained in the light of the Marxist theory of the state. First and foremost, the dynamics of Nigeria's historical emergence as well as the weak economic base of the ruling class has not permitted fundamental and independent restructuring of the Nigerian state in general and the existing pattern and structures of government in particular. Thus, the neo-colonial economic and political structures bequeathed to the Nigeria state at independence incubate a convoluted political culture, economic backwardness and a pattern of primitive capital accumulation which not only render the task of nation-building in Nigeria difficult, but also entrench and reinforce the structures of authoritarian liberalism and the corresponding social categories with vested interest in nurturing rather than dismantling these structures since these foster and guarantee their dominance.

The executive-legislative politics in Nigeria after the independence has been severely underdeveloped. This is due to absence of democracy and the consequential effects of prevailing political authoritarianism that either proscribed out-rightly or completely subordinated the legislature to the executive arm of government (Lafenwa, 2009). The Nigerian Legislature developed as an appendage and necessary extension of the colonial state which brought it to existence not to perform legislative functions as the most important institution of liberal democratic state, but to perform ratificatory functions for the executive directives issued by the Colonial Governor (Awotokun, 1998). Thus legislative institution in Nigerian, from its creation and embryonic stage, was subordinated to the needs and logic of the legislature of the metropolis and as a result was prevented from developing as an autonomous institution with the attributes of legislature. The challenges of governance faced by Nigeria, decades after independence further reinforced the weaknesses of Nigeria's legislative institutions. These systems either put the legislature in abeyance or subjected it to manipulations and control of the patrimonial executive rulers (Saliu & Muhammad, 2010).

The study on this note concludes that presidentialism has not ushered in the much envisaged democratic order and political stability through healthy executive-legislative relations not much a problem with its institutional design, but due to the ubiquitous political culture that continued to motivate political actors in the States to struggle for political power in a manner contrary to lay down principles and

institutional frameworks. As Omoweh (2012) averred, political leadership in Nigeria resorts to bloody violence at all levels of political competition in order to remain in power. Coupled with the state manager's tenuous relationship with production, politics has become the only lucrative business and the dominant means of accumulation in town. Hence, the political elites fight fiercely to penetrate the state, access its political power and retain it at all cost once it is captured.

Executive-Legislative Relations and Governance Crisis: An Empirical Verification

An executive-legislative relation involves the interaction and total transaction that takes place between the executive and the legislative arms at a particular level of government where both institutions exist. The legislature and the executive in the presidential system adopted by Nigeria are each vested with powers over some defined activities of government. In many respects, joint efforts and collaborations are constitutionally required in the exercise of their power. This is to enhance the performance of the organs, ensure harmonious inter-organ relations and guarantee the independence of the legislature (Dudley, 1982 and Fasagba, 2010 cited in Oni, 2013). The nature of legislature-executive relations in the presidential system, however, has over the years, attracted wide variety of viewpoints both about conflict and cooperation, whether one or the other dominates, and whether benefits or liabilities result from either (Oni, 2013).

Rockman (1983) identifies four major elements in legislative-executive relations namely, values and perspectives of governance; the major players, actions and institutions; and legislative control and supervision of executive behaviour, which is referred to as oversight. Ideally, the kind of relationship that should exist between the executive and legislature ought to be cordial and functional in nature, since their relationship is supposed to be guided by the constitution. In addition to the fact that, both institutions are ultimately working towards the same goal of administering the state for the purpose of guaranteeing the welfare and security of the citizens. Notwithstanding, it is important to mention here that the relationship that exists between the executive and legislature in democratic regimes is a complex one which vacillates, sometimes it may be cordial and peaceful, while at other times, it may be tensed and dysfunctional.

The fact that Nigeria operates a federal constitution means the replication of the separate arms of government at the federal level of government in the state level. Following the federal model therefore, each state's executive and legislature derive their powers from the constitution. The head of the executive branch at the federal level is the President of Nigeria and at the state level is the Governor. The legislative body at the federal level is the National Assembly while at the state level, State House of Assembly. The executive branch at the state level is separate both in function and personnel from the State House of Assembly.

The relationship between the legislature and the executive in Nigeria has been characterized by mutual suspicion, acrimony and political rivalry (Aiyede, 2005; Nwannekanma & Ogbodo, 2010). Despite the unequivocal provisions of the 1999

Constitution aimed at rectifying the problems identified with executive-legislative relations in the preceding republics, managing executive-legislature relations has been the single most problematic issue both at the centre and the state level since the country's return to civil rule in 1999 (Abonyi, 2006). The expansive appointment power of the executive widens the level of patronage which the legislature and the judicial officers do not have. This retinue of appointees, in reality, is loyalists of the heads of the executive whose survival depends largely on their continuous loyalty to the president or the governor who appointed them. Even if they know that actions of government go against the interest of the public, they defend such action not as a matter of patriotism but of political loyalty to their sponsors. This is in tandem with the assumption of Cristina Corduneanu-Huci that political elites in leadership position would want to stay in office as long as possible. In order to realize this objective, they craft a series of policy measures to reward loyal coalitions and supporters and punish the opponents (Corduneanu-Huci, 2014).

The management of legislature-executive relations has been a major disturbing issue in the presidential system of Nigeria's Fourth Republic. The country has witnessed conflicts between the legislators and the executive at all levels of government (Ikoronye, 2005). Despite some determined provisions of the constitution aimed at rectifying some of the problems identified with legislature-executive relations in the preceding republics, the Fourth Republic also follow the confrontational and conflictual power relations and the absence of comity and cooperation between the executive and the legislature (Mba, 2007). Thus managing executive-legislature relations has been the single most problematic issue since this new dispensation. The first democratic dispensation of the fourth republic (1999-2007) 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 both at the federal and state level of government in the country (Aiyede, 2005).

Historically, one of the early issues of discord between these two arms of government was the scrapping by President Obasanjo, of the Petroleum Trust Fund (PTF) established under Decree No. 25 of 1994. This act was viewed by the National Assembly as usurpation of its constitutional responsibility of making and repealing laws. It took the intervention of the Attorney-General and Minister of Justice to lay the matter to rest. The Minister argued that the President's action was not unconstitutional going by the provision of Section 315 (4) (a) and (c) of the 1999 Constitution which provided that the President could modify any existing law. He argued that the modification could be addition, alteration, omission or repeal (Ehwarieme, 2001).

The controversy that surrounded the passing of the Electoral Act of 2001 and the Independent Corrupt Practices Commission (ICPC) Act 2000 by the legislature was also one of the early manifestations of friction between the executive and the legislature in the Fourth Republic. The controversy arose from the insertion of a clause to section 80 of the Electoral Act 2001 which would make it impossible for new political parties to field in candidates in 2003 except for council polls. By that

insertion, section 80 (1) of the bill was amended to mean that a newly registered political party would be eligible to participate in federal and state elections provided that the political party shall first participate in the local government election and win at least 10 percent of the councillorship and chairmanship positions throughout the federation, spread among two-thirds of the states of the federation and the Federal Capital Territory. In the original bill however, clause 80(1) had submitted that at the close of nominations for the general elections, any political party which fails to sponsor at least 15 percent of the candidates for councillorship, council chairmanship, and state houses of assembly respectively throughout the federation, spread among two-thirds of the states of the federation, and the Federal Capital Territory, shall not participate in the general elections (Ogunmupe, and Phillips, 2002). The incidence resulted to a landmark controversy between the presidency and the National Assembly over the authenticity of the version of the Electoral Act of 2001 (Sanyaolu, 2002 and Dunmoye, 2002).

The role of the legislature and the executive in public finance is one of the major issues of gridlock between the two institutions of government in the Nigeria's Fourth Republic. There have been several areas of conflicts between the legislators and the executive in respect of the budget approval, implementation and evaluation processes (Lewis, 2011). Section 80 of the 1999 Constitution establishes the Consolidated Revenue Fund of the Federation and requires that no money shall be withdrawn from the fund except to meet expenditure charged on it or where the issuance of those moneys has been authorized by the legislature in pursuance of Section 81 of the Constitution. It further states that no moneys shall be withdrawn from any other fund of the Federation except authorized by an act of the legislature and such Act shall also state the manner of such withdrawal. Significantly, Section 81 (1) reserves the power of budget preparation for the executive. This has led to frictions between the executive and legislative arms of government since the advent of civil rule in 1999.

The performance of oversight function by the National Assembly is also an issue that generated conflicts in many occasions to the extent that President Obasanjo had to remark that that the executive will not succumb to threats and intimidation by the National Assembly through the abuse of the oversight function (Eminue, 2008). Even after the conclusion of the second round of general elections in which President Olusegun Obasanjo secured a second mandate to rule from 2003 to 2007, the legislature and executive branch often appeared locked in a permanent political standoff. The National Assembly for instance overturned a presidential veto on the Independent Corrupt Practices and Other Related Offences Commission (ICPC) Bill it earlier submitted to the President for assent on May 8, 2003 (Aiyede, 2008).

The change of administration in 2007 opened the way to new executive-legislative relations in Nigeria's Fourth Republic. President Yar'Adua's different leadership style contrasted with Obasanjo's assertive personal control of many aspects of government (Lewis, 2011). The crisis that emanated from the deliberate refusal of President Yar'Adua to transmit a written declaration to the National Assembly to inform it that it was proceeding on health vacation however, revealed

the continued acrimonious relationship between the executive and the legislature in the Fourth Republic of the Nigeria's presidential model of democratic governance (Fasagba, 2010). The power vacuum caused by the health saga was a case of executive and the legislative gridlocks caused by ambiguous provision of the 1999 Constitution. Section 145 of the Constitution provides that whenever the President transmits to the President of the Senate and the Speaker of the House of Representatives, a written declaration that he is proceeding on vacation or unable to discharge the functions of his office, until he transmits to them a written declaration to the contrary, such functions shall be discharged by the Vice President as Acting President (CFRN, 1999). Though the Constitution mandates the President to transmit to the National Assembly his inability to perform the functions of his office and his consequential proceed on vacation, it did not provide for the mode/format by which the President should transmit the written declaration (Sagay, 2010). Worst still, the Constitution did not fix any time limit within which the letter should be transmitted (Oboh, 2010).

For more than 100 days the National Assembly and Judiciary were incapacitated to take action as partisan politician kept exploring the inadequacies of the constitution to perpetrate their selfish ends at the expense of the whole country. There was the danger of an impending military takeover and the overthrow of democracy if something was not urgently done. As aptly argued by Sagay (2010), the vacuum in the constitution led to the adoption of the "doctrine of necessity" in that what was otherwise not lawful was made lawful by necessity. Hardly had President Jonathan settled down in Aso-Rock than his administration began to get in conflict with the legislature. One of these conflicts was the legal battle on the validity of the amendment of the 1999 Constitution by the National Assembly without the signature of the President (Nwannekanma and Ogbodo, 2010). The executive- legislature disagreement was on whether or not constitutional amendment required presidential assent in order to become operational (Okorie, 2010). The position of the National Assembly was that the amendment, having passed through public hearings and passed by more than even the two thirds of the state houses of assembly made up of representatives of the people, the assent of President Goodluck Jonathan was not needed (Vanguard, 2010). It is pertinent to note that according to the provisions of Section 9 of the 1999 Constitution, amendment of the Constitution is within the purview of the National Assembly which must be supported by two-thirds majority of its members and approved by not less than two-thirds majority of members of the States House of Assembly in the Federation. Conversely however, Section 58 of the Constitution provides that a bill of the National Assembly shall not become law until it is assented to by the President. By Section 58 (5), it is only when the President exercises his veto power by refuses assent that he shall after 30 days send the bill back to the National Assembly who may use its overriding power and pass the bill to law by the support of two-third majority of the whole members, the President's assent not longer required (CFRN, 1999).

Another manifestation of executive-legislature rivalry was on the removal of fuel subsidy by President Jonathan, on January 1, 2012 leading to increase in the

pump price of PMS (petrol) from N65.00 to N141.00 per litre (Akpan, 2012). Following the nationwide strike and mass protests that greeted the decision, the House of Representatives in an extraordinary session on Sunday, January 8, 2012 passed a motion in the House, demanding that the Federal Government rescinds its decision. Also, the nation's legislative assembly argued that the President was negligent in his primary duty in that the budget particularly, the capital expenditure, as reported by the MDAs, was abysmally implemented. The legislature asserted that a proper implementation of the budget would have addressed the nation's poor infrastructure. The legislature hinged its impeachment warning on section 143 of the 1999 constitution threatened to impeach him if the 2012 budget was not fully implemented by September 8, 2012 (Ameh, 2012).

The persistent cat and mouse relationship between the House and the Presidency during this dispensation is however worrisome. The National Assembly and, indeed, the House of Representative is dominated by the PDP, the government party. One would have expected that this majority government, in which the President's party has overwhelming majority in the National Assembly, should have been a source of strength and not constant legislature-executive bickering. Conversely however, as averred by Bassey (2006), the cancer of prebendal politics and culture of settlement, mediocrity and opportunism continue to dictate political behaviour of these public officers.

The executive-legislative relation in Nigeria's presidential democracy since the 29th of May 1999 has been more conflictive than collaborative. The first few years of democratic experiment 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. This is not surprising as before this time, Nigeria has had a prolonged military occupation and usurpation of the country's political machinery for 16 consecutive years. As is usual with military regimes, the legislature is the arm of government that suffers most and in most cases, does not survive at all. This invariably resulted in reduced capacity of the legislature in the new democratic dispensation. The temptation for the executive is to manipulate the leadership of the legislature in order to achieve its strategic advantage in the short term. This has been the major cause of institutional instability in Nigerian politics since 1999. This manifests sharply with the experience of the recent past when the National Assembly suffered incessant removal of presiding officers through interferences of the executive branch of government. Thus, the independence of the legislature in Nigeria was greatly threatened by the executive, especially at the early stage of the new democratic dispensation due to the disposition of the president.

There is growing culture of impunity and flagrant disregard to the rule of law noticeable among members of the executives and state assemblies in Nigeria since the commencement of the Fourth Republic, which birthed in May 29, 1999 to date. This has consequently heightened confrontations between these institutions, to such an extent that the quest for good governance in the country has been affected negatively. This problem is also exacerbated by bad leadership that is inept and devoid of the capacity to harness the abundant human and material resources that abound in the

country and transform them for the common good of the people of Nigeria. Nigeria's governors exercise control over state legislatures to an even greater extent than the presidency does over the National Assembly. The phenomenon of one party legislature is the result of governors' influence over candidate selection within the party. In addition, most state legislatures rely on executive bureaucracy for staffing, undermining the intended separation of power. Worse still, the funding of state legislatures has always been at the pleasure of the state governors. Disagreement within the ranks has erupted in Lagos, Ekiti, Anambra, Plateau, Sokoto, Oyo, Osun, Bayelsa and Kano states.

With regards to the executive-legislative relations at the state level, we noted that the acrimonious legislature-executive relations in the Nigeria's presidential system is however, not only restricted to the federal level but also a common phenomenon at the state government level. The impeachment of Governor - Diepreye Alamesieagha by the Bayelsa State House of Assembly was one of such legislature-executive face-offs at the State level of Nigeria's presidential system in the Fourth Republic. Governor Diepreye Alamesieagha was impeached by the State's legislators on the ground of gross misconduct in the performance of the functions of his office which included corruption, abuse of office and extra-budgetary and fraudulent expenditures (Owei, 2002). His impeachment however, showed abuse of the powers of impeachment by the state legislature. The Governor was impeached by fifteen (15) out of the twenty-four (24) members of the state assembly (Lawan, 2010). This number obviously, did not constitute the two-third (2/3rd) majority of the House required by section 188 of the 1999 Constitution to initiate impeachment proceeding. Another case of legislature-executive face-off at the state government level was the acrimony that led to the impeachment of Senator Rasheed Ladoja the Governor of Oyo State on January 12, 2006 (Lawan, 2010). The removal process was also clearly unconstitutional. Less than two-third (2/3rd) of the members of the State House of Assembly (18 out of 32 members) were present at the hotel in the capital city, Ibadan when the House made the resolution adopting the report of the panel of investigation on allegation brought against him (Ogunmade, 2006).

The controversial impeachment of the Anambra state governor - Peter Obi by the State House of Assembly on November 2, 2006 was another instance of legislature-executive conflict at the state level of the federation. The Mike Belonwu-led faction of the Anambra State House of Assembly got the governor impeached. The impeachment proceeding was done outside the assembly complex at the early hour of 5.00am under the cover of darkness (Onah, 2007). At the time of the impeachment, the panel constituted by the state judge – Justice Chuka Okoli to investigate allegations of corruption against the governor was yet to submit its report which was constitutionally required to be adopted by two-third (2/3rd) members of the house before commencing the impeachment proceeding (Lawan, 2010). Mike Belonwu however, got the twenty-one (21) votes of the 30-member to impeach the governor despite that no fewer than thirteen (13) legislators were purportedly to be Obi's loyalist, while one (1) of the legislators was hospitalized in London during the impeachment verdict and two (2) other members of the House denied ever being part

of the plot. It was however, alleged that the legislators actions were orchestrated by PDP leadership and Chief Andy Ubah who wanted to be the next governor of the state (Airahuobhor, 2007).

Another governor who fall victim of legislature-executive squabble was Joshua Dariye the Governor of Plateau State who was impeached in controversial circumstances on November 13, 2006 by 8 out of the 24 members of the State House of Assembly (Olojede, 2008). He was impeached by the State lawmakers after a legislative panel set up to try him for corruption, submitted its findings to the House (Onah, 2007). The lawmakers alleged that he stole the resources of the people of Plateau State and converted same to his own, laundered the money (eight million pounds, i.e, two billion naira) and siphoned it into various accounts in England contrary to Section 15(5) of the Constitution of the Federal Republic of Nigeria (Ngamsa, 2007). The Supreme Court however, ordered his reinstatement on 27 April, 2007 on the ground that one-third (8 out of 24) of the members of the Plateau State House of Assembly did not form a quorum for the purpose of commencing and concluding impeachment process under section 188 of the 199 Constitution of the Federal Republic of Nigeria. Dariye's term of office as Governor of Plateau State however, concluded on 29 May 2007 and so, he could not return to office (Ailemen, 2007). It is pertinent to note that the House of Assembly group that plotted the impeachment action firmly enjoyed the support of the Federal Government (Olojede, 2008).

It is perhaps pertinent to point out that most of these cases of legislature-executive tussle were orchestrated largely by local godfathers in alliance with the presidency (Olojede, 2008). The PDP-led federal government was complicit in most of these acrimonies. The federal government stage-managed the impeachment of Governor Alamesiagha through the EFCC. The Oyo State lawmakers acted the script of a federal government backed Lamidi Adedibu who felt betrayed by the governor for not making financial returns to him (Lawan, 2010). In fact, the impeachment move was after the lawmakers returned from a series of meetings with the President and leadership of the Peoples Democratic Party (PDP) in Abuja (Ngamsa, 2007). Political elites in Nigeria's presidential system often deploy this reward system to forge a common front in the use of impeachment as instrument of reward and punishment. The failure of the legislature to adhere to the principles associated with the application of the power of impeachment as an instrument of oversight engenders the prevailing governance crisis in Nigeria's presidential system (Fagbadebo, 2010).

The quest for good governance in Nigeria has been threatened more by the unending conflicts between the executive and the legislatures 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. However, it is very important to curtail the rivalry emanating from the interactions of these organs so as avoid a situation where the operations of the government would breakdown.

This necessity has made both Montesquieu (1748:163) and Madison (1788:322) to advocate for the separation of policy-making power as an effective formula to curb the all too human inclination of rulers to exploit the ruled- "*il faut que le pouvoir arrête le pouvoir*" suggested by Montesquieu, which Madison translated as "ambition must be made to counteract ambition" (Momodu, & Matudi, 2013). The constitution provides sufficient provisions for ensuring good governance but then the unevenness in the application of this regulatory power by the two political branches of government has remained an obstacle. Political elites seeking to exploit power to promote personal interests will not hesitate to negotiate away the interest of the public in order to promote their personal interest. In the absence of institution of accountability, governance crisis festers while the public groans under the burden of failure in the right application and exercise of power by their representatives.

In Nigeria, the problem of accountability remains a major obstacle to achieving the best in terms of governance. This has been compounded by the absence of an informed public capable of holding the leadership in the executive and the legislative branches of government accountable. In presidential system, there is no strict adherence to the theory of separation power but the conventional practice of separated but shared power Cheibub & Limongi (2014). In this sense, there is no watertight separation of functions. In fact, contemporary trend shows that interactions among institutional actors within and outside the legislature and the executive characterize the functioning of modern presidential systems. As Cheibub & Limongi (2014) have noted, the question is not so much of what triggers conflict or cooperation between the executive and the legislature, but about institutions and the struggles that allow government to obtain the support of a majority.

In Nigeria, between 1999 and 2015, the leadership of the executive and legislature belongs to the same party, yet they were enmeshed in conflict of interests. A typical example of this scenario was what happened at the beginning of Nigeria's Fourth Republic, where the leadership of both the executive and legislature belonging to the same ruling Peoples' Democratic Party (PDP), yet the executive led by President Olusegun Obasanjo, displeased with the way the parliament was querying its submissions to the parliament; the President therefore, sponsored his loyalists within the parliament and they succeeded in impeaching three consecutive Senate Presidents namely, Senators' Evans Enwerem, Chuba Okadigbo and Adolphus Wabara including the Speaker of the Federal House of Assembly, Honorable Salisu Buhari, who was impeached for forgery of certificate. Clearly, the conflict ridden relationship that exist between the executive and legislature has been slowing down the process of governance, thereby having debilitating effects on good governance in the country (Momodu, & Matudi, 2013).

Crisis of Confidence: Re-inventing Executive-Legislative Relations in Nigeria

Nigeria has had 16 years of unbroken democratic stability since May 29, 1999 to date, after a prolonged military occupation and usurpation of the country's political machinery, which lasted for about 16 years (1983- 1999). However, the Nigeria's Fourth Republic (May 1999 to date), has consistently witnessed a conflict

ridden relationship between the key political institutions namely, the executive and legislature, both at the federal and state levels. Often times, the conflict between the executive and legislature heats up the polity to the extent that the machinery of the state is plunged in a state of inactivity and low-productivity. However, the relationship that exists between the legislature and executive branches of government is very crucial for attaining good governance (Momodu, & Matudi, 2013).

The relationship between the legislature and the executive in the presidential system adopted in Nigeria is premised on separation of the powers, functions and personnel of the executive and the legislature under a mechanism of checks and balances. Following the return to civil rule in 1999, the powers and functions of these organs are explicitly stated in the Nigeria's 1999 Constitution (Section 4 and 5). The success of the presidential system however, depends on healthy legislature-executive interactions predicated upon democratic ethos. While the institutional designs and legal frameworks of presidentialism make friction between the legislature and the executive inevitable, inter-branch conflicts can be healthy for democratic consolidation if such emanate from the attempt by each organ to assert its functions and position within the constitutional framework of government.

The realisation of democratic governance in the presidential system is determined by the extent to which the legislature independently and vibrantly performs its pivotal role of citizens' representation through legislation and oversight. The health of democracy declines when the level playing ground and the capacity for the legislature to effectively influence policy and oversee the executive are lacking. Executive's domination and meddlesomeness in the legislative processes and constitutional functions of the legislative assemblies between 1999 and 2015 weakened the latter's role as citizens' representative in the modern democracy. More often, the legislatures in the both national and state assemblies existed as mere instruments in the hand of the executive for conferring the legitimacy constitutionally required for the implementation of its decisions and such political governance cannot be deemed democratic. The inability of the legislatures to meaningfully impact on policy process and perform their oversight role on the executive thus portends a reversal from democratic to dictatorial governance.

The legislature and executive are two indispensable political institutions in presidential democratic regimes and they have a very critical task to play in promoting good governance and provision of dividends of democracy. The achievement of this task however is dependent on whether the relationship that exists between these institutions is constructive or conflictive. In Nigeria's Fourth Republic, the relationship between the executive and legislature has been characterised more by dysfunctional conflicts which often deadlocks the policy making and implementation process, ultimately inhibiting good governance. More worrisome is the fact that even after sixteen years of democratisation in Nigeria, the political players have refused to wean themselves off from the culture of impunity and flagrant disregard to the rule of law, which are the twin evil introduced into the country's body politics by the military. These factors and others have remained the triggers of political conflicts in Nigeria especially between the executive and legislative arms of government. Thus,

the political landscape of Nigerian State between 1999 and 2015 revealed a political culture of personal aggrandizement, patronage, and political clientelism. This political culture continued to condition the character of the relationship between the legislature and the executive in a manner that is not only injurious to democratic consolidation, but also treacherous to political development.

Executive-legislative relations in the between 1999 and 2015 have been two-fold dimensional namely, collaborative executive-legislative relations and conflictive executive-legislative relations. With regards to the latter, it has been observed that “In 2001, two years into the commencement of Fourth Republic in Nigeria democratisation process, conflict between the National Assembly (House of Representatives and Senate) and the executive at the Federal level of government existed, which was widely presented by the press” (*The Punch*, 2001). The conflict transcends the relationship between state executive and the legislature in various states and even spilling to the local government councils. Major effect of such conflict was the impeachment of key personnel in both executive and legislature, such as Speakers, Deputy Speakers and Governors etc (*The Punch*, 2007). On several occasions conflict between executive and legislature have been heating up 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 some political elites.

In every democracy, whether presidential or parliamentary, there is need for a cordial relationship between the executive and the legislature in order to achieve good governance. This is of particular importance in presidential democracy which, by its nature, breeds more executive-legislative conflicts and has the resultant effects of tending more towards democratic break down. However, conflict is inevitable and in a lot of cases serve to entrench democratic values because lessons are often learnt from the resolution of such disputes, but it is important that such conflicts are not allowed to be blown out of proportion. They should also be promptly and constructively resolved by proper interactions by the powers that be, so as to avert its dysfunctional consequence on the democratic process. Nigeria’s governance trajectories should be based on collaborative executive-legislative relations.

Conclusion/Recommendations

One undeniable truth is that the relationship among political actors in any democratic system determines, to a reasonable extent, the success of such a system. Nigeria presents a classic case in this direction. In fact, since its return to democratic governance on May 29, 1999, the nation’s political landscape has witnessed a series of altercations caused by the morbid desire of members of the political class to outdo one another in the search and consolidation of power. Indeed, diatribes, mudslinging, and, in some cases open confrontation, have become a recurring decimal in our present-day politics, especially among the three arms of government vis-à-vis the executive, the legislature and the judiciary with each striving vigorously to assert its independence.

The historical development of the executive and legislative political institutions in Nigeria has been examined in this chapter. It is obvious that the roles of

these institutions of governance have always been established to complement each other under the presidential constitutions of Nigeria. The presidential practice in the country since 1979 when the country adopted the system of government, have nonetheless, witnessed legislature-executive gridlocks, deadlocks and stalemates over important policy issues. The legislative institution of Nigeria is adjudged to have been unable to adequately perform its constitutional roles in the face of executive dominance in the Nigeria's presidential model. The power relation between the executive and the legislature remains germane to the analysis of legislature-executive relations in the government and politics of Nigeria. The executive in the presidential system tends to monopolize power and discretionary authority not in Nigeria alone but in presidential regimes across nations of the world.

With regards to trajectories of the executive-legislative relations and governance crisis in Nigeria, we noted amongst others the crisis of confidence that has existed between the executives and the legislators in Nigeria from 1999 till 2015. The National Assembly issued several impeachment threats to the President for failing to carry out its legislative enactments, while in some states also, some Houses of Assembly issued impeachment threats to their states governor and some of the impeachment threats actually led to the removal of some governors namely; Governor Rasheed Ladoja of Oyo State, who was impeached by the State House of Assembly, for his refusal to play along with President Olusegun Obasanjo. Governor Peter Obi of Anambra State was also impeached by the State House of Assembly. Governors of Ekiti and Bayelsa were also impeached. But most governors subjected to impeachment attempts not only survived, with the support and interference of the presidency, they often went on to engineer the impeachment of the leadership of the state assembly. The results have overwhelmingly been weak assemblies with limited public accountability, transparency and probity in the states. On the other hand, some states Governor have influenced the impeachments of their Deputies and Speakers of their State Houses of Assembly.

Executive-legislative relations 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. There is the need for the executive and legislature to understand that they are both important institutions, having power to make or unmake the smooth functioning of the democratic process, as such they must collaborate together to work for the good governance of the state. Furthermore, a political system where systemic corruption prevails will reduce impeachment to a mere instrument of political vendetta. The failure of legislators to commence impeachment proceedings against President/State governors with records of allegations of corruption and abuse of office is politically motivated. Such deliberate docility engenders the persistent crisis of governance in the Nigerian political system.

We make bold to state that this sordid situation harbours some potent dangers, which have the capacity of rocking the very foundation of our democracy. Thus, the lopsidedness in the devolution of powers among the three arms of government is at the center of the friction in their relationship. This is more

pronounced between the executives and the legislatures. Recent performance of the legislature of the Fourth Republic in Nigeria however, gives a glimmer of hope for sustainable democracy in the country as a gradual decline in executive dominance in Nigeria is discernable. Moreover, the 2011 and 2015 general elections in Nigeria indicated that Nigeria is beginning to accept and use elections as the only legitimate process for assuming power and the foundations of accountability.

It can be safely concluded that for sustainable democratic governance to take root in Nigeria, power should be equitably distributed in such a way as to curb mutual mistrust, intolerance, ethnic agitation among the various arms of government especially the executives and the legislatures. The bill by the National Assembly to alter the 1999 Constitution of Nigeria to provide for financial autonomy of the State House of Assembly in the country is a good step in the right direction. The amendment will allow the funding of the State House of Assembly in the federation to be charged on the Consolidated Revenue Fund. A joint session of all members of the House of Assemblies in the Federation should therefore, be conveyed to properly sensitize them with the need for financial autonomy for the legislature. The passage process should also be hastened to guarantee the constitutional financial autonomy of State House of Assembly in the country like the National Assembly.

A mechanism for mediating between party members in the executive and the legislature should be instituted by political parties in Nigeria. Such mechanism should be constitutionally supreme over its members. Such mechanism must be able to legally mediate between party members in the legislative assembly and must be able to sanction such members whose activities in government are capable of breeding acrimony. However, such mechanism will have influential control over members in the legislature only if deflection from one party to another by members of the House is prohibited. Any serving member of the House who may wish to leave the party on which platform he or she was elected into the House should have his seat in the House vacated and then be subjected to competitive election.

The study has shown that both the formal structure and the socio-political and economic dynamics of the country mutually reinforce to determine the nature of legislature-executive relations in the presidential system of government between 1999 and 2015. Constitutional prerogative is very important in determining the relationship between the executive and the legislature. In the presidential system of government, the relationship between the executive and the legislature is formally defined by the provision for a separation of the powers, personnel and functions of the two branches and a system of checks and balances between them. However, such provision is largely at the mercy of the interplay of the socio-political and economic environment of the Nigerian states in determining legislature-executive relations.

It is significant that both the executive and the legislature see their roles as mutually supportive. A separation of powers though, exists between the two organs; each needs the other to function properly. Thus a harmonious working relationship is the ideal that both should aspire and pursue. In the light of the above, we posit for a cohabitation of the two which has the potential to establish new executive-legislative relations independent of a president-party or a party-government symbiosis for a good society.

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