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ADDRESSING EXECUTIVE-LEGISLATURE CONFLICT IN NIGERIA

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This paper examined the phenomenon of executive dominance over the legislatures both at the national and state levels in Nigeria. The paper argues that legislatures in Nigeria generally are faced with the crisis of executive belligerence, which itself is a hangover of the military rule and decreed two party states between 1960 and 1999. This culture of executive dominance appears more endemic and destructive to democracy. The data for this study was generated from Focus Group Discussion, in-depth desk review and other documentary sources. The technique of content analysis will constitute our data analysis technique. The paper revealed that the legislatures in Nigeria are more or less one party dominated, influenced largely by the incumbent president and governors. Also the president and executive governors are overwhelmingly powerful and dominant because of their unlimited access to state resources, which give them control over party structures. The controls over candidates' selection by the executives make legislators stooges of the former, which relegates the institution to mere rubber stamp of the executive. It is also found that control over legislative bureaucracy in the past and to some extent even now makes the legislature dependent on the executive. This undermines the capacity and independence of the legislatures to hold the executive accountable and to a large extent to function as co-equal of the executive arm of government. The paper concludes by positing that unless parties are funded independent of holders of executive power and moneybags, governors will continue to control the proceedings in the legislatures.

Key word: The Legislature & Legislative Processes, Executive, Presidential democracy, Separation of Powers in Nigeria & Legislative Conflict & Cooperation.

INTRODUCTION

It is axiomatic to posit that the pace of democratization across the political landscape of Africa is producing strong chief executives that undermine the autonomy of legislative institutions. The latter are merely seen as appendages of the former. This power play, which is skewed against the legislature hinder the institutionalization of democracy in Africa. In terms of raw power, most African legislatures like legislatures worldwide, remain weak in relation to the executive. They are at best emerging institutions in terms of their capacity to foster horizontal and vertical accountability (Barkan, 2005). Similarly, the organization and conduct of political parties in Africa also influence executive-legislature relations, apparently in favor of the executive in most emerging African democracies. In Nigeria, for instance, the strong attachment of political parties to executive arm of government is obvious. This is largely on the account that the executive remains the major source of funding for political parties. Accordingly, agenda control, behavior of members and their re-election bids are influenced largely by the executive through the instrumentalities of political parties. Party structures (both within and outside the legislature) thus limits the powers and functionality of legislatures in Nigeria. Since 1999 to date, the Nigeria's National Assembly has been struggling to curtail unnecessary interferences from both the executive and the political parties albeit with little success. The legislature's refusal to amend the Constitution in 2006 to elongate the tenure of the then president and the election of the National leadership of the legislature in 2011 and 2015

against the interest of the executive and the position of the ruling Parties are few achievements by the Nigeria's National Assembly to engender legislative assertiveness. Despite these and other similar developments, the National Assembly cannot be described as a strong institution of democratization in Nigeria. This is largely on the account that the Nigerian political system is characterized by clientelism, factionalism, polarization and inertia and indeed structured around distributional contention and capture of rents rather than mechanisms of representation and accountability of which the legislature serves as a central arena.

Given these obvious institutional limitations of the central legislature in Nigeria and the derailing quality of democracy in the country, the National Assembly receives the attention of not a few scholars. However, little is also known of state legislatures in Nigeria, as have been the case with most state legislatures in Africa, particularly the power relations with the executive and party structures at state level. Events have shown that the state governors in Nigeria exercise control over state legislatures much as the presidency does on the National Assembly. The influence and control of the state legislatures by governors appears to be more obvious and destructive to legislative autonomy than what obtains at the center. The vulnerability, weakness and limited capacity of state legislatures has made public accountability, transparency and probity dismal and limited at state level. This has led to personalization of public funds by state governors with which they fund the activities of political parties and sponsor candidates for elections at all levels, particularly into the state legislature.

The influence and powers of state governors over political parties and elections generally, has led to the emergence of predominantly one-party legislatures across Nigeria. This is also in addition to the fact that most state legislatures rely on executive bureaucracy for staffing. Worst still, the funding of state legislatures has always been at the pleasure of the state governors.

Nonetheless, cracks within political parties at state level and disagreement within the ranks of the legislature had at different times interrogated the powers of state governors in different states of Nigeria. Some of these examples include Lagos, Ekiti, Anambra, Plateau, Sokoto, Oyo, Osun, Bayelsa and Kano states. Except for the governors of Oyo, Ekiti and Bayelsa states that were impeached by the state Assemblies, with the support and interference of the central chief executive, other governors survived the impeachment threats and in some instances engineered the impeachment of the leadership of the legislature. This paper therefore, interrogates the powers of the presidency and state governors in Nigeria vis-à-vis political parties as it affects the organization, conduct, autonomy and functionality of the legislatures in Nigeria. The paper argues that the political, legal and socio-economic order within which state legislatures operate is responsible for their subordination to the executive. The paper will rely on desk review to examine the factors that will help to address the sustained subordination of legislature- executive conflicts in Nigeria. This will, however, be preceded by theoretical discourse of the interlocking relationships between the executive and the legislative institutions in a democracy. The theoretical framework and the measures geared towards resolving them followed.

Executive and legislatures relations: theoretical underpinning: The functioning of a democracy is to very large extent hinged on the existence and development of major political institutions. Democracy as a form of governance is thus organized within some institutional frameworks. For instance, participation, accountability, equality and justice, being the hallmarks of democracy are guaranteed only with the existence of certain institutional arrangements. These arrangements, though in differing contexts, facilitates active involvement of the people in governance, fair play and accountability of stewardship in public spheres. Vibrant institutions thus make democracy. Numerous institutions count in this respect. Institutions such as electoral bodies, political parties, executive arm of government, parliaments, civil society organizations (CSOs), and the media are particularly central in the regulation and functioning of a democracy at a macro level. Our focus in this paper however is on the two dominant political institutions: executive and legislatures. Theoretically there have been discourses on these concepts as to how they relate to the functioning of one form of democratic government or the other. The emphasis in this paper is rather on the interconnectedness of these institutions; particularly the power relations at institutional level as it affects the capacity and autonomy of one another and their co-existence in the discharge of their statutorily and conventionally assigned functions.

Broadly speaking, theoretical discourses on executive, parties and legislatures, particularly the relationship between executive and

legislatures are centered on the separation and balance of power or terror between the two major arms of government. In this regard, party platforms are often used by either of the arms (executive or legislature) to be assertive and/or balance its power to the disadvantage of the other. For instance, early democratic theorists cautioned that accumulation of executive, legislative and judicial powers in one hand (whether of individual or institution, majority or minority) will lead to tyranny regardless of how government is constituted and dissolved. In this regard, Montesquieu (1689-1755) wrote on the need to build internal restraints in liberal form of government in ways which powers of government would be separated and balanced. In his famous essay 'The Spirit of the Laws' (1750) he argued on the need to institute mechanisms for checks and balances among the three major arms of government – notably the executive, legislature and the judiciary. The publication of Montesquieu had considerable influence on framers of American constitution. The theoretical position of Montesquieu (1750) is more associated with presidential democracy than parliamentary or other systems of government. Thus the modeling of Nigeria's democracy along the American Presidential system is borne out of the concerns to check and balance the powers of elected officials. The 1999 Constitution (As amended) thus delineates the boundaries of the three arms of government in terms of the power structure and relationships among them both at national and state levels.

Similarly, James Madison's question of how to achieve compromise between the power of the majorities and the power of minorities, between the political equality of all adult citizens on the one side, and the desire to limit their sovereignty on the other seems interesting in understanding power differentials between and among citizens and institutions alike. To Madison, it is necessary to limit the sovereignty of individuals and groups in order to avoid tyranny. He defined tyranny in the Federalist Paper, No.47 as the accumulation of all powers legislative, executive and judiciary in the same hands whether of one, a few or many.

Accordingly, Madison developed two working hypotheses, which depicts a political order that could either entrench or distort the practice of democracy as a system of government. The first hypothesis is stated thus: if unrestrained by external checks, any given individual or groups of individuals will tyrannize over other. He defined external checks as the application of reward and penalties, or the expectation that they will be applied, by same source other than the given individual himself; Hypothesis II suggests thus: the accumulation of all powers: legislative; executive; and judiciary in the same hands implies the elimination of external checks (empirical generalization).

From these assumptions, two other proposition are also developed: (i) if unrestrained by external checks, a minority of individuals will tyrannize over a majority of individuals (ii) if unrestrained by external checks a majority of individuals will tyrannize over a minority of individuals. Hamilton captured this situation more succinctly when he argued that "give all powers to the many they will oppress the few. Give all power to the few they will oppress the many. Madison's arguments published in the Almond *et al.* (1999) to a large extent influenced the ratification of

the American Constitution which adopted a Republican government (Dahl, 2013).

In the context of emerging democracies, however that had backgrounds of State controlled one party states and/or military dictatorship, the principles of separation of powers and checks and balances contradicts the culture of executive dominance in the political system. Thus regardless of the constitutional provisions that separate and balance powers of the major arms of government, subordination of one arm of government by another is seen as a normal and realistic trend that is part of the political process and development. In Nigeria, for instance, this trend predominates the country's political landscape since 1999. At national level there were major episodes of contentious politics between the executive and the legislature. At the state level, however it was a scenario of executive dominance with pockets of resistance from some Houses of Assembly.

In the power interplay between the executive and legislative institutions across democracies, party platforms are usually at the fore front. The institutions of political parties within and outside legislatures are often the instruments of contestations between the executive and the legislatures. Internally, members of legislatures may act unanimously against the executive across party lines in a bid to be assertive, but only at the risk of party sanctions depending on the position of their parties. As Aminu Bello Masari testifies 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.

Party affiliation of legislative members is central to the organisation of a legislative institution. Thus, to understand the level of institutionalisation of legislative assemblies in a democracy, the role(s) of some political institutions, particularly political parties, must be underscored. This is against the backdrop of their position in the recruitment of legislative members and perhaps, the tremendous influence parties have on their members in the legislature. Partisanship is thus a fundamental organizing principle in the legislature (Cox and McCubbins, 1991).

Lyne M. Mona for instance, posits that party affiliation of legislators is important to understanding policy effectiveness and regime stability. In other words, the pattern of conflict and cooperation between the executive and legislature on policy issues defines the stable nature of a democratic regime. It is also argued that the characteristics of presidential regimes (constituting of executive through direct elections, fixed term for executive, accumulation of executive powers to a single party or individual and the entry of amateur politicians) are particularly responsible for their instability and policy ineffectiveness. In advanced democracies, conflict between executive and legislature mainly focuses on policy issues, which are later, resolved through consultations, dialogue and out of fear of regime breakdown. In emerging democracies, particularly in Africa, conflicts between the two arms of government are usually on power contestations. For example, the legislature cannot sanction the president for

corruption allegations or offences or the President can spend public funds without the approval of the legislature or even the legislature must pass a bill as it is presented to it by the executive. These are some of the issues that characterized the nature of executive legislature conflicts in Nigeria.

Mainwaring (1997) on the other hand, contends that the executive-legislature conflicts in presidential regimes are to be explained within the context of legislative support to executive, especially the support of majority parties, which are to a large extent disciplined. Thus, Presidents with both strong and weak legislative powers who lack disciplined party support are likely to have difficulty in the pursuit of their policy agenda. It is further argued that coalition dynamics in presidential regimes is partly responsible for the executive-legislature face-off, especially on policy issues, which often makes the polity unstable. This is as a result of the dual democratic legitimacy character of a presidential regime. Thus, Presidents have their own independent popular mandate and are likely to be reluctant to cede the degree of power necessary to an opposition party in order to entice it into legislative coalition. As Anyanwu (2003) posited:

One of the defining characteristics of eight years of legislative practice was the struggle for supremacy between the executive and legislature. Behind the downfall of repeated leaders of both arms of NASS have been disagreements over control and independence of the legislature. Checks and balances were taken to mean opposition to the executive branch and attempts to show the independence of NASS were dubbed disloyalty to the President and the party. Each presiding officer across time and session adopted different ways to cope with the situation (Anyanwu, 2003).

The opposition parties, at the same time lack incentives to join the cabinet of a president of another party. This scenario most often results in policy gridlock and probable general instability. This submission sums up one of the dimensions of executive-legislature relationship in Nigeria. There were even unsuccessful attempts to impeach the president by majority of the then PDP members in the National Assembly.

In another context, it is argued that party membership distribution in the legislature to some extent affects the productivity of the institution, especially in the area of policy making. Accordingly, the traditional wisdom is that party control of Congress and the presidency is important in the production of legislation. Unified control of the institutions by one party, it is said, results in more policy innovation. In Nigeria, however, this seems contradictory at the national level. Because at different times the PDP dominated National assembly fiercely disagrees with the president, who is also elected on the platform of the PDP. However, it appears to be the case at state levels, where unified control of State Assemblies and Governorship leads not to policy innovations but rubber stamp state legislatures.

In the case of Pius Anyim and Aminu Bello Masari for instance, they were believed to be 'anointed' by the executive, but resisted attempts by the executive to influence their actions in the conduct of the legislature. For instance, the refusal of Pius Anyim Pius to manipulate the proposed Electoral Bill 2002 and ensure its

passage as presented by the executive was partly responsible for the face-off between the presidency and the then leadership of the Senate. In the case of Aminu Bello Masari, the failure of his leadership to manipulate legislative processes and ensure the endorsement of the Third Term (tenure elongation for President Olusegun Obasanjo) accounted for the crisis of his leadership. In both cases, the presidency in collaboration with the PDP punished the two anointed leaders. Both Anyim Pius Ayim and Aminu Bello Masari were, however, frustrated by the party under the influence of the presidency in their bid to contest gubernatorial elections in their respective states (Interview of Anyim, and Masari).

It was examined that how fragmented legislatures on party affiliation can cope with uncertainties of law making and policy issues at the legislative chambers. He described Omnibus bills as massive bills with component measures from desperate substantive policy areas. It is argued that these desperate policy areas, if considered separately, are likely to face serious opposition from certain sections of the legislature or at the desk of the President. This explains the rationale behind packaging a massive bill with a consideration of both policy measures that appear attractive and controversial to the members of the legislature and the chief executive alike.

In this way of thinking, political parties ensure order to an otherwise dispersed policy process. It is also argued that more bills fail in divided government than in unified government, a result that holds under multivariate regression analysis. Empirical evidence shows that divided government negatively and significantly affects legislative production (Sundquist, 2011). Thus, no matter the level of institutionalisation of the legislature, its fragmentation along party lines can significantly affect its productivity and efficiency.

The nature of conflicts between the executive and legislature is sometimes related to the orientation of legislative members themselves i.e. whether or not members are committed to party platforms or not. A study was conducted a study on the impact of party platforms on legislative performance. He compared the state legislatures of Illinois and Wisconsin in the United States, examining the extent to which these fulfil legislatively their platform commitments. He differentiated between 'issue oriented' and 'moralistic parties' on one hand and 'job oriented' and 'individualistic parties' on the other. He argues that issue oriented and moralistic parties are likely to do well in the fulfilment of legislative platform agenda than the job oriented and individualistic parties. He described the Wisconsin parties as the issue oriented and moralistic, while the Illinois parties as the job-oriented and individualistic parties.

'Job-oriented parties' in Illinois, are described as parties that are characterised by an orientation towards winning office for tangible reward, while a concern with issues is notably lacking. On the other hand, 'issue oriented and moralistic parties' in Wisconsin usually have extensive state-making activity (especially by the Chicago Democratic organisation) and a closed primary does seem to translate into external party organisational control of state legislators by the Democrats if not Republicans. The process described the process of fulfilling party pledges as "Party

Responsibility. In Nigeria, legislatures at both national and state level are 'job oriented and individualistic parties'. This explains why legislatures in Nigeria are vulnerable to financial shocks. Thus bribes, gratifications and providing cover for the corruption of the executive for kickbacks are some of the ways in which the executive control legislature in Nigeria. This is even worse at state level where governors give directives to state Assemblies on virtually all issues of public concern. This scenario has made state governors godfathers of state legislators. In some instances, members of the state assemblies who are elected on different party platform with the governor are compelled by the dominance of the governor to decamp to the platform of the governor for incentives and personal favours.

As Ghali Umar Na'Abba argued that: I think what is happening is that, the President being in the military for most period of his life has the tendency to be dictatorial and we must not forget the fact that he was at one time a Head of State under military dispensation. The military style of governance is such that the executive performs the functions of the legislature and judiciary. I believe that this has a bearing on the behaviour of the President (Hotline, 5 September, 1999).

The election of Ghali Umar Na'Abba as the Speaker after the resignation of Salisu Buhari, saw a House leadership that was committed to asserting the independence of the legislature. This gesture pitted him against the presidency and the latter masterminded several unsuccessful attempts at impeaching him. Anyanwu (2003) argues that: Although the executive branch did not succeed in unseating Na'Abba, it succeeded in breaking the House membership into mutually antagonistic factions. There were 'pro and anti Na'Abba groups'. As a result, his leadership experienced much internal unrest, culminating into unprecedented number of attempts at impeaching him. One of the fall outs of this struggle was that the House declared the Presidential liaison officer, Esther Uduchi a "persona non-grata" in NASS having accused her of bribing some of the House members to impeach the Speaker" (Anyanwu, 2003).

As Senator Ken Nnamani acknowledged the interference of the executive in the choice and removal of leaders of NASS. He argues that this contradicts the philosophy of presidential system of government. He disputes the assumption that the leadership of NASS are stooges of the executive and contends that the President of the Senate and Speaker of the House of Representatives were not mere stooges of the ruling party and the executive. He maintains that: It would not serve any useful purpose to impose a Senate president against the wishes of the majority of senators. In the last eight years the Senate has had five Senate presidents. The large turnover is traceable to executive interference.

Similarly, Nokken (2000) examined the dynamics of congressional loyalty from 1947 to 1997. The rate of party defection among members of the U.S Congress within the stipulated period was also investigated. It is argued that one interesting thing about congressional loyalty in the U.S is that Congress members enjoy relatively free hand to cast roll call votes than their counterparts in the parliamentary system. This is because members of parliament only vote against their party preferences at the risk of severe party

sanctions; and in the extreme, the possibility of government dissolution.

Despite the liberty being enjoyed by members of the American Congress in roll-call behaviour, political parties in the U.S. institute measures of influencing the roll-call behaviour of their members. This is achieved by maintaining cohesion in two ways: they institutionalise an incentive structure that encourages members to support the party line (Cox and McCubbins, 1991; Aldrich, 1995). The derivable benefits may be plum committee assignments, leadership positions and collective reputation to assist them in their respective re-election bid. The party leadership has the means of keeping divisible issues out of the agenda. This, however, does not suggest absolute control of members by their political parties (Edwards III *et al.*, 1997). Other factors such as ideological inclination of members and campaign statements also influence roll call behaviour of legislators. In Nigeria, party incentives and sanctions play central role in influencing the roll call behaviour of its members. For instance, most of the legislators that opposed the third term bid of the executive under President Obasanjo were apparently denied return ticket of the party or rigged out of office at the polls. At state level, this is even more obvious as governors determine who run for legislative positions in the ruling party. Given this trend, there have scenario of party switching in by legislators before or during elections.

In spite of the crisis that is associated with the imposition of legislative leadership, the trend has continued. For instance, on the eve of leaving office, the former President Olusegun Obasanjo, in a meeting of the PDP caucus held at Presidential villa on the 30th May, 2007, endorsed the candidature of David Mark and Patricia Etteh as Senate President and Speaker, respectively. Speaking in defence of the action by the presidency and the PDP, Senator Mahmud Kanti Bello, stated that: It is not a question whether I support or reject whatever, we are party people and the party did not just do this alone, we are the people who accepted it this way. The party gave reasons and it should be so for everyone who supports the ranking policy in the Senate rules. The rule is very clear, it should be ranking Senators and if the party in its wisdom decided to zone these things and advised, then why is somebody complaining? (Ologbodiyan, 2007; Yusuph, 2007).

This imposition came in the wake of a call on the executive and the PDP to desist from imposing leaders on NASS by the then Senate President, Ken Nnamani. In his valedictory speech, the Senate President made veiled reference to the instability of the Senate, which he attributed to the executive meddlesomeness in the emergence of its leadership. He opines that: I urge the leaders of our party, PDP and the President to allow the incoming Senators to determine who becomes Senate President so that the person will continue to enjoy the unflinching support I enjoyed for the past two years. In the last eight years the Senate has had five Senate Presidents.

According to David Mark, the incessant changes in the leadership of the Senate over the years, particularly between 1999 and 2007 has made it highly unstable. He contends that: I believe that if I check from 1999 to 2007, I think some of the changes in the leadership that happened between 1999 and 2007

were totally unnecessary. They destabilized the Senate. Within that time, I believe the Senate Presidents were leaving their houses for National Assembly, not sure whether they will come back as Senate Presidents. That is not good enough for a leader.

Thus, it can be argued that executive interference in the choice of legislative leaders influenced the high leadership turnover in NASS. Accordingly, this trend affects leadership stability and poses serious challenge to legislative autonomy in Nigeria. However, from 2007 to date, the National assembly as an institution has relatively enjoyed some sorts of stability, especially with regards to leadership imposition, which in the past had been the source of friction between the executive, Parliamentary Cycles and Party Switching in Legislatures was studied. It is observed that the choice of party by legislators is a strategic one and it is recurring throughout legislative cycle. The authors argued that individual legislators are prone to switching parties as they trail specific goals at different stages of parliamentary cycle. Using Russia and Italy, they argued that legislators switch to other parties basically for office benefits, policy advantage and vote seeking at distinctive moments of parliamentary cycles. This study, however, challenges the conventional wisdom that parties exist as fixed units from one election to the next. This is because recurring switching of party platforms, especially by legislators suggest that parties are, at least not fixed units, since members of political parties change party platforms in the pursuit of certain goals.

Studies on this phenomenon are documented in both emerging and advanced democracies. For individual countries including Australia, Brazil, the European Parliament, Hungary, India and United States during periods of realignment; (Nokken, 2000). Parliamentary cycle in this context is defined as the different legislative and electoral stages towards the end of a given term. It was further identified the different stages of parliamentary cycles: stage A (for affiliation) marks the transition from popular vote to taking up legislative seats in the first legislative session; stage B (for benefits) when executive portfolios and committee seats, committee chairs and other legislative posts are allocated; stage C (for policy control) when legislative agenda focuses most heavily on policy domains relevant to the broad range of issues and decisions, which bring to a peak the salience of policy aims of legislators; stage E (for elections) at this stage the electoral motivations of the legislators influences their decision to switch party affiliations. It closes the parliamentary cycle; stage D (for Dormant) this mostly refer to all periods other than stages A,B, C and E- a residual set of intervals between the active stages.

These stages are crucial in explaining the motives behind the switching party platforms by legislators. At every stage, legislators take decision on whether or not to switch party, on the basis of the anticipated results. In Nigeria, party switching among legislators are mainly for the stages of B and E. Personal benefits and the desire to win elections motivates members to switch party platforms. This is more common at state level in order to attract personal benefits from governors and ultimately be selected by the governor to run for elections. It would be recalled that former Head of State, General Ibrahim Babangida, had planted the seed of Tambuwal contesting for the highest position in the land.

Babangida did not mince words when he publicly asked the Speaker to make a bold move to be the number one citizen. To confirm the bond between him and the opposition, virtually all leaders of the APC and aspirants to state and national elective offices were at the palace of the Sultan of Sokoto to witness his turbaning as the new Mutawallen Sokoto by the Sultan of Sokoto in 2014. The event attracted the entire members of the National Executive Committee (NEC) and National Working Committee (NWC) of the APC that was led by the party's National Chairman, John Odigie-Oyegun. Other notable leaders of the party at the ceremony proper included two national leaders of the party, former Head of State, General Muhammadu Buhari, and former Governor of Lagos State, Bola Ahmed Tinubu, as well as a presidential aspirant and former Vice President, Atiku Abubakar. Governors Rotimi Amaechi of Rivers, Tanko Al-Makura of Nasarawa, Rauf Aregbesola of Osun, Ahmed Abdulfatah of Kwara, Rabiun Kwankwaso of Kano and Adams Oshiomhole of Edo were present while Governor Rochas Okorocha of Imo was represented by his deputy. Also present were former National Chairman of the PDP, Audu Ogbah; Bukola Saraki; former Nasarawa State Governor, Abdullahi Adamu and former Yobe State Governor, Bukar Ibrahim.

But the PDP was also represented by notable party leaders. They include the Deputy Senate President, Ike Ekweremadu and the then Mr. Tambuwal's deputy, Emeka Ihedioha. Others are Senators Ali Ndume, and Abdul Ningi. Business moguls, Barau Mangal and Aliko Dangote, were also in attendance.

Strong indications then emerged that former President Goodluck Jonathan and the leadership of the then ruling People's Democratic Party (PDP) are unhappy with the deputy speaker of the House of Representatives, Hon. Emeka Ihedioha, over the latter's private reception for Speaker Aminu Tambuwal a few hours after the speaker defected from the PDP to the All Progressives Congress (APC). The reception which was said to have taken place at the deputy speaker's guest house on Pope John Paul Street, off Gana Street, Maitama, Abuja, few hours after the mini-national convention of the APC, was attended by most members of APC in the House. Ihedioha however, dismissed the report as 'not sensible' while Tambuwal directed all enquiries on the matter to the deputy speaker's men.

The reception, which was initially meant to be a private one for Tambuwal, was later 'invaded' by other members of the lower chamber, including some PDP members. He was later on asked to explain which master he had elected to serve because the party cannot understand why he chose to host Speaker Aminu Tambuwal to a warm reception a few hours after he defected from the PDP to APC. A presidential aide asserted that, at this 'critical moment of political decision, President Jonathan wanted to be very clear on whose side the deputy speaker belonged. According to him,

Is the deputy speaker with us or he is planning to move to the APC with his boss? The PDP deserves an answer from him. You know this man (referring to Ihedioha) cannot be trusted; he has consistently worked against the party in the past. He now appears to be working for the PDP because of his 2015 political interest.

But even at that, we do not know where he truly belongs (Tswan, 2014).

Similarly, legislative members with portfolios in the legislatures appear to be more supportive of the executive than the rank and file. It was examined why standing committee chairs in the U.S. House, as a group, are dramatically more supportive of their party, its leaders and their agenda than they were in the 1950s and 1960s. He generated data on the roll-call behaviour of the U.S. House members before and after the Democratic Reform of the early 1970s. The study centred on Caucus Re-election requirement and the transformation of House Committee Chairs as the major reason for the increased loyalty to party, its leadership and agenda by the Committee Chairs. The study examined the extent to which Committee Chairs were more or less loyal than rank and file members on critical party votes between 1959 and 1994. This period was selected to understand the initial low level of loyalty among the Chairs which fuelled the ultimately successful Reform efforts of the Democratic Study Group, and to conclude a substantial number of post-reform Congress with which to assess fully the long-term impact of the new rule.

It can be noted, therefore, that the introduction of Caucus re-election requirement has threatened to some extent the conventional formula of the distribution of positions of power within the legislature. Indeed, the seniority requirement which has been advocated by proponents of legislative institutionalisation like Squire and Polsby is negated by the Caucus re-election requirement of the Democratic Reform of 1970s. The rationale behind the introduction of Caucus re-election is basically to enhance loyalty to party, its leadership and agenda, especially in the roll-call behaviour of legislators on critical and controversial policy issues in which parties have taken position. Thus the fear of losing prestigious position of committee leadership influences committee chairs to be supportive of party agenda. In Nigeria, the support of party agenda is by extension support for the executive. This is because at both the national and state level, parties are control largely by President and governors. It should also be noted that committee leadership in Nigerian legislature is not only prestigious but also lucrative. Chairmen of legislative committees control funds of ministries, departments and agencies and to some extent are involved in various corrupt deals organizations under their supervision.

Theoretically, therefore, executive, parties and legislatures have strong connections in the organization and conduct of a democratic form of government. To say the least, party platforms are the major source of political power. Thus politicians seeking for office in both the legislature and executive are conditioned, at least in the context of Nigeria's constitutional framework to channel their quest for office through a chosen party platform. At the period of elections therefore, political parties are the most influential institution of democracy and governance. However, both the executive and legislature assume different levels of power and influence after elections. Thus power contestations shift from interparty to inter-branches of government, especially in emerging democracies where institutionalization of democracy is yet to be achieved. Thus even when the constitution refers to the executive

and legislature as co-equal branches of government with their powers separated and balanced, the hangover of executive dominance from the military rule one party states guides the executive in their relations with the legislature. Attempt to assert their position as an autonomous institution often degenerates into conflicts, policy gridlock, party switching, political victimization of various sorts and above all subordination of the legislature by the executive through the instrumentalities of political parties. Party incentives and sanctions for or against loyal and disloyal party members appears to be central to the control of the legislature by the executive in emerging democracies. The rampant nature of corruption which gives the executive unlimited access to state resources also limit the powers and influence of legislatures and increase thus far the powers of the executive over parties and legislatures.

Theoretical framework: This paper employed Role Theory, which encompasses role conflicts, as its theoretical framework. The principal proponents of this theory include: Parsons (1951), Blatner (1985) and Merton (1957). This theory, which was originally associated with sociologists, and Social Psychologists, has acquired a multi-disciplinary dimension and is applicable in analysis of issues in the Social Sciences and Biological Sciences.

A social role, according to Wikipedia (2008), is a set of connected behaviors, right, and obligations as conceptualized by actors in a social situation. It is an expected behavior in a given social status and social position. Social role is vital to both functionalists and interactionist in understanding of society. Minson (2009) conceives role as a set of expectation held by others about what we are supposed to do when we are in a given social position. Role expectation is not just behaviors but emotion as well as feelings. A role has a set, which represents a situation where a single status, group or organization may have more than one role attached to it. It is a situation of role multiplicity.

Social Role Theory is based on the assumptions that people in a given society spend much of their lives in groups. Within these groups, people often take distinct positions. Each of these positions can be called a role, with a whole set of functions that are molded by the expectation of others. Formalized expectation becomes norm when enough people feel comfortable in providing punishments and reward for the expected behavior (Wikipedia, 2008). By extension, the theory assumes that every organization in society has roles achieved or ascribed to it. These organizations, groups or structures are expected to discharge their roles, in accordance with the norms acceptable in the society. In other words, the organizations, groups or structures are expected to conform with the societal or organizational norms in the performance of their distinct and shared roles, so as to avoid conflicts capable of hindering the actualization of the societal or organizational goals. Role development and performance can be influenced by a number of factors such as social, political, cultural, economic, situation and genetics. In other words, role development and performance are influenced by the environment of its operation (Wikipedia, 2008).

Role Theory studies role development and is concerned with explanation of what forces, which cause people, groups or

organizations to develop the expectation they do of their own and others' behavior. The five major models of Role Theory include:

1. Functional Role Theory, which examines role development as a shared social norm for a given social position.
2. Symbolic Interactionist Role Theory, which examines role development as outcome of individual interpretation of responses to behavior.
3. Structural Role Theory, which emphasizes the influence of society rather than the individual in roles.
4. Organizational Role Theory, which examines role development in organization.
5. Cognitive Role Theory, which examines the relationship between expectation and behavior.

Embedded in Social Role Theory is the assumption that role conflicts may arise in the performance of individual, group or organizational roles as a result of internal and external influences. The theory presumes that individual, groups, or organization, in the course of discharging their specific and shared roles, may come into conflict as a result of environmental influences. The analyses of the conflicts are imperative to avoid its negative effects on the involved parties and the society or organization at large.

The implication of this theory, in studies of issues in a political system, is that the State has some acceptable norms and roles expected of its citizens, agencies, organizations and institutions. These norms and roles are imperative for the actualization of State or government's goals, aims and objectives. Each of these agencies, institution or organs is expected to perform its distinct and shared responsibilities, in line with the constitutional provisions. A violation of these legally prescribed roles, may give rise to conflicts capable of hindering the realization of State's goals.

Application of theory:

The suitability of Role Theory in analysis of Executive-Legislative conflicts lies on its basic assumptions that are capable of explaining the causes and effects of conflicts, arising from interactions between the two organs, in the discharge of their constitutional roles. The Social Role Theory presumes that in a given society or political system, individuals, groups and organizations have some expected distinct and shared roles. These roles are guided by the norms, rules and regulation as prescribed by the society. It is expected that every individual, group or institution, in the performance of its roles, conform to these norms or laws. However, owing to some socio-economic, political and cultural influences, conflicts may arise in these role relationships.

With these basic assumptions, Role Theory enables us to identify the constitutional roles assigned to the Executive and the Biddle by the 1999 Constitution of the Federal Republic of Nigeria. These roles encompass their separate and shared responsibilities. From this level, the roles are analyzed to examine the extent to which the two organs conform to the prescribed role expectations or norms. In other words, the role behavior of the Executive and Legislature in Nigerian Presidential System of Government is analyzed to examine the extent to which their actions are in conformity with the provision of the 1999 Constitution and the principles of a Presidential System of Government. The analyses of their role behavior serves as a springboard for identifying and analyzing the

factors capable of causing conflicts, which arise from violation or deviation from the prescribed norms, in their relationships. With the identification and analyses of the causes and consequences of Executive-Legislative conflicts, we shall be able to prescribe possible solutions to the problems.

Reducing the rates of executive-legislative conflicts in Nigerian presidential system of Government: measures:

Adherence to constitutional provisions, by the Executive and the Legislature, in promoting role specificity, reduces the rate of conflicts. The 1999 constitution of Nigeria, as stipulated in Section 1, is supreme and its provisions shall have binding forces on all authorities and persons throughout the federation. This demands that the Executive and the Legislature, in the discharge of their roles, adhere to the provisions of sections 4, 5, 81, 82, 121, 143, 147, 188, 305, 53 as well as the Fifth Schedule (Code of Conduct) of the 1999 Constitution. Indeed, there is need for compliance when the principles of accountability, transparency, separation of power, checks and balance and the rule of law as provided by the Constitution.

Corruption, which at times engenders conflicts in Nigeria, is an endemic social problem, which demands strong political will to fight considering the status of public officers that engage in corrupt practices. Nigeria political leaders can only achieve meaningful success in fight against corruption by developing zero tolerance attitudes to corruption. Diligent prosecution of corrupt public officers, no matter how highly placed, will serve as detriment to all and sundry. Selective prosecution of corrupt public officers or the use of corruption fighting agencies to intimidate political opponents weakens the credibility of the agencies. Strengthening the internal and external mechanism of ensuring accountability, transparency and good governance will be deterred corrupt Executive and Legislators, thereby reducing the rate of corruption induced conflicts.

In addition, establishment of capacity-building institution in the Executive and the Legislature to train and educate them on the principles and processes of policy-making and implementation can reduce the rate of Executive-Legislative conflicts. The government, in partnership with non-governmental organizations, has to intensify efforts through seminars, training and workshop to educate political office holders and other public officers on their responsibilities. This enables the new legislators and executive officers to acquire necessary skill and knowledge for effective performance; while the old serving ones add to their accumulated knowledge and practical experience. Capacity-building keeps the public officers alive to their responsibilities, and ensures harmonious co-operation between the Executive and Legislature, while maintaining their independence.

Moreover, respect for the Principle of Separation of Power and the Rule of Law reduces the rate of struggle for dominance between the Executive and the legislature. The constitution, in a bid to ensure good governance, assigned separate and shared responsibilities to each organ through its recognition of the Principle of Separation of Powers, Checks and Balances. Adherence to these principles enshrined in the constitution reduces the level of conflicts between the two organs. In fact, the

Rule of law should be uppermost in Executive-Legislative relations. It is an attempt to arrogate powers, contrary to constitutional assigned responsibilities, that sometimes engender conflicts and friction. It is important that the Executive and the Legislature embrace each other. Each organ should recognize and respect the constitutional roles of the other by appreciating that both are complementary rather than competitive in the pursuit of government objectives. The Executive should appreciate the legislative oversight as necessary for accountable and good governance. Reciprocally, the Legislature should avoid unnecessary antagonism over government policies.

Increased contact between the Executive and the Legislature in the running of government business can reduce the rate of conflicts. This, does not imply, that the Principles of Separation of Powers should be disregarded but rather there should be adequate forums for the two organs to share views on the policies and actions of government to avoid suspicion, arising from information gap. The organs should adopt the culture of transparency so as to ensure access to information about their actions on important government matters. In fact, the two organs, while maintaining their independence, should, try as much as possible, to be open to each other, since their working together, as paramount stakeholders in Nigerian politics, is critical for good governance. The success or failure of government lies on their actions. Thus, the two organs should accommodate each other and see themselves as partners rather than rivals in the running of public affairs. Moreover, the two organs should explore legal interpretation in case of controversy over constitutional matters. Legal resolution of contending issues will serve as precedence and prevent future occurrence. The tendency to adopt political solution to controversies on constitutional responsibilities is of temporary benefit for such controversies in the future may not be easily resolved owing to divergent political circumstances or ideological differences.

All things considered, adherence to Principle of Rule of Law, Separation of Powers and accountability, by the Executive and the Legislature, in promoting role specificity, can reduce the rate of Executive-Legislative conflicts, in a Presidential System of Government.

In Nigeria, particularly, state legislatures are seen as mere appendages of the executive governors. This is in spite of the constitutional powers granted to the institution to function as co-equal of the executive.

CONCLUSION & RECOMMENDATIONS

In a presidential system of government, good governance is promoted through the application of the principles of separation of power, checks and balance. However, Nigeria political context, as observed by Yinka Fashagba (2009); Idowu (2007) and Aluko (1977) negates the principles of Separation of Power, Checks and Balance as enshrined in the 1999 Constitution which provides for a Presidential System of Government. Alyetan (2008); and maintain that, since 1999, the relationships between the Executive and the Legislature at both Federal and State levels have been characterized by grindlock, conflicts and controversies. As demonstrated by Yinka Fashagba (2009) the Executive and the

Legislature have been in constant struggle for dominance. In this struggle, according to (Yinka Fashagba, 2009), any legislative leader that sought to assert the independence of the Legislature vis-à-vis the Executive, as enshrined in the Constitution, was promptly removed from office through executive bully and bribery.

The first finding from the study suggests that the legislatures at both the National Assembly and State Assemblies are mere appendages to the President and executive governors. As a result of their inability of the legislatures to hold executive governors accountable, state resources are abused and misused to the advantage of the executive. Second, political parties at the National and state levels are run as private businesses of the executive president and governors. They remain the major source of funding for political parties at all levels. This way they control candidates' selection process and elections generally. This is because of the amount of financial resources in the care, which are often abused. Except under abnormal circumstances as the case of Sokoto state in 2007 and Zamfara state in 2011, incumbent governors are always at advantage in electoral contestations. Various sources indicated that the Abuja based politicians and state governors alone determine who run for legislative elections under the dominant party, which is the most advantaged. Given this, members always act as agent of the president and governors in the legislature. This explains why most of Acts of parliament passed were mainly executive bills. This is in addition to the fact that the legislatures relied on the executive funding and staffing. Given this trend, the executive governors will continue to overwhelmingly manipulate the process of governance with no concern for probity, transparency and accountability. Thus unless political parties are restructured and re-organized as people-centred with some mechanisms funding outside the state and independent of moneybags and godfathers, the legislatures at state level will continue to be under the strong influence and control of the executive governors.

To address these challenges, the principles of separation of powers and checks and balances in a democracy which are thus meant to curtail abuse of power and prevent tyranny by holders of political power should be maintained. Also, the two arms should see themselves as co-equals in governance. This is because in Nigeria, the legislatures are seen as mere appendages of the executives in spite of the constitutional powers granted to the institution to function as co-equal of the executive. There is urgent need to reform the political finance legislation in Nigeria. Thus unless parties are funded independent of holders of executive power and moneybags, the chief executives will continue to control the proceedings in legislature.

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