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EXPLORING THE FACTORS RESPONSIBLE FOR EXECUTIVE-LEGISLATURE CONFLICTS IN NIGERIA

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The objective of the paper is to explore the factors contributing to the conflicts between the Legislature and Executive branches using Nigeria as a case between1999-2015. This is because Nigerians across social strata lament over the huge cost of this conflict in the polity. Throughout the history of the Nigerian Government, public officials, political practitioners, journalists, scholars, and other observers have commented on legislative-executive relations, their variation, and their underlying causes and consequences. A wide variety of viewpoints has been expressed, about both conflict and cooperation, whether one or the other dominates, and whether benefits or liabilities result from either. Some, for instance, see conflict between the executive and legislature as a necessary and beneficial precondition to limiting and controlling government. Yet others view it as contributing to gridlock over major public policy decisions, thus, making government ineffective. This paper is part of the debate. The data for this study were generated from Focus Group Discussion and documentary sources. Information generated was analyzed using tables and the technique of content analysis. Conclusions arrived after analyses include budgetary and constituency project issues are the major casual factors.

Key word: Executive-Legislature Relations, Separation of Powers, Democratic Conflicts in Nigeria, Political Institutions & Nigeria.

INTRODUCTION

The relationship between the Nigerian federal executive and the legislature since the return of democracy in 1999 has been that of mutual suspicion. Historically the legislature is often the first casualty each time the military takes over government, as was the case for more than three decades. While other arms of government such as the Executive and the Judiciary survived, the legislature was usually at the receiving end. This, as is to be expected has resulted in reduced capacity in this arm of government. This in turn was made worse by the high turnover of legislators. While the executive is accused of suffering from a hangover from the military era, the legislature is often accused of trying to usurp executive functions. This is without prejudice to the fact that the 1999 Constitution explicitly defines the roles of each arm of government.

The Nigeria's 1999 Constitution confers enormous powers on the President, who is at the helm of affairs at the executive branch; it also takes into cognizance the need for checks and balances to prevent abuse. Part II 4 (1) of the Constitution specifically states that legislative powers shall be vested in the National Assembly for the Federation which shall consist of a Senate and the House of Representatives. Section 4 (2) reads: "The National Assembly shall have power to make laws for the peace, order and good government of the Federation or any part thereof with respect to any matter included in the Exclusive Legislative List set out in Part I of the Second Schedule to this Constitution."

However, over the years, occupants of positions at both levels of government and to some extent, the judicial arm of government have in the performance of their functions, stepped out of their constitutionally recognized territories. For instance, although using proxies, the executive has shown more than a passing interest in the composition of the leadership of the two chambers of the National Assembly. This has over the years led to leadership changes especially between 1999-2015 (Sklar, 2015). The federal executive using its might compelled state sections of the state legislative arms to remove governors from office, erstwhile governors of Plateau, Joshua Dariye, Oyo, Ladoja and Bayelsa, Diepreye Alameiyeisigha, are examples.

Only recently, both chambers of the National Assembly passed resolutions asking the President to fire some of his appointees. The row over who has the last say on budgetary issues is one, which is likely to remain for a long time to come. Perhaps, the need to address some of these challenges informed the decision by the office of the Special Adviser to the President on National Assembly Matters to organize a National Conference on Executive–Legislature Relations in 2014. This contribution is geared towards exploring the factors responsible for these unhealthy relations. To achieve this objective, contextualizing Executive- legislative relations follows the introduction. The methodology and theoretical framework of analysis are next. The discussions and findings of the study closely followed.

Theoretical Underpinning of Executive-Legislature Conflict: Throughout the history of the United States Government, public officials, political practitioners, journalists, scholars, and other observers have commented on legislative-executive relations, their variation, and their underlying causes and consequences. A wide variety of viewpoints has been expressed, about both conflict and cooperation, whether one or the other dominates, and whether benefits or liabilities result from either. Some, for instance, see conflict between the executive and legislature as a necessary and beneficial precondition to limiting and

controlling government. Yet others view it as contributing to gridlock over major public policy decisions, thus, making government ineffective.

James Madison, defending the newly proposed Constitution in 1788, noted an underlying principle of competition and rivalry among the branches, as a means of limiting and controlling government (Madison, 1987). Known as the ``Father of the Constitution'' for his key role in drafting the document, reporting on deliberations at the Constitutional Convention, and authoring important Federalist Papers Madison also reflected on the checks and balances system and the need for auxiliary precautions to sustain it: ``A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions (Madison, 1987). The constant aim is to divide and arrange the several offices [branches of government] in such a manner as that each may be a check on the other (Papers, 1961).

Historian Edward S. Corwin concluded that the system of checks and balances applied even to foreign policy, where it might appear that the President has preeminent constitutional authority. In a now classic phrase, Corwin wrote instead that ``the Constitution is an invitation to struggle for the privilege of directing American foreign policy (Rosner, 1995).

Senator Arthur Vandenberg, a leading advocate of bipartisanship in foreign policy during World War II and the early years of the cold war, argued that inter-branch and inter-party cooperation was necessary. The Senator cautioned the President and others in the executive who failed to consult with Congress and, in particular, the opposition party. Senator Vandenberg made it clear why prior consultation was the desirable approach: ``I don't care to be involved in the crash-landing unless I can be in on the take-off (Vandenberg and Morris, 1952).

Recent attentions to executive-legislative relations have tended to focus on the perceived adverse impact of conflict between the executive and legislature. Reflecting this viewpoint is a 1992 study by the Panel on Congress and the Executive of the National Academy of Public Administration; it emphasized the confrontational character of inter-branch relations and the absence of comity and cooperation. A statement by the Panel Chairman, James R. Jones, summarizes these concerns: some of the major issues facing this country are not being addressed. Part of the reason is the deadlock that exists between Congress and the Executive Branch. Struggling in a climate of partisanship and distrust, Congress and the Executive Branch often appear paralyzed, locked in a permanent political standoff. More often they relate to each other as adversaries, not as responsible partners in governing (Jones, 1992).

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Former Senate Leader, Victor Ndoma-Egba, noted this in a recent interview, when he declared, “The unusually high turnover of legislators has not helped the system. Each time you bring in a new set of lawmakers, they begin to learn the ropes from the beginning and this takes time.” While the executive is accused of suffering from a hangover from the military era, the legislature is often accused of trying to usurp executive functions. This is without prejudice to the fact that the 1999 Constitution explicitly defines the roles of each arm of government.

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Then President Good luck Jonathan and the President of the Senate each spoke on the need for a robust relationship

between the two arms of government. Each of them noted that it was only through such a development that the country could move forward in its quest to deliver the dividends of democracy to the electorate. The two leaders observed that if Nigeria was to attain the much-desired democratic height, there was the need for collaboration. It was instructive to note that the former President stressed the need for the two arms not to see each other as fighting a battle for supremacy or those they were engaged in competition. This, he said, was against the background of the fact that each arm of government had its roles clearly defined in the Constitution. Each of the speakers added that both arms must not be divided as the people of Nigeria expected much from them. The former President, who was represented at the event by his Vice, said the disagreement often witnessed between the executive and the legislature should not be misinterpreted to mean that they were battling for supremacy. He said such occurrences were normal and served to entrench democratic values because lessons were often learnt from the resolution of such disputes. Jonathan said: The executive and the legislature are not in a competition, we are not in a battle for supremacy, (and) we are messengers sent to bring democratic goods. Our roles, duties and responsibilities are well defined and there is no reason whatever for us not to work together for the progress of our country. It is true that as humans, we will once in a while, have reasons to disagree but we should never allow it to divide us. We should never allow it to be blown out of proportion. He then charged parliamentarians, irrespective of their political affiliations to work with the executive for the provision of good governance to the people, adding that, What Nigerians want and desire is good governance.

Also speaking at the occasion, a former Senate President, Senator Joseph Wayas, who chaired the session commended Emodi for drawing on her experience as a former legislator to organize the event. He expressed confidence that the lawmakers as well as members of the executive had a lot to learn from one another about democracy and its practice. Wayas, however, expressed sadness that occupants of various political offices in Nigeria appeared not to have a full understanding of what separation of powers entailed. This, he noted, was largely responsible for most of the conflicts being witnessed between the various arms. The former lawmaker said,. "The checks and balances as provided in the constitution are appropriate and ought to be there and be observed by all parties" (Eme and Ogbochie, 2014).

The problem with the legislature in the past 17 years of the return to democracy has been the undue interference and disregard for the law making institution grossly exhibited by the executive under former President Obasanjo who not understanding the workings of the Presidential system or pretending not to understand and appreciate it concerned himself at all times with who was in charge at the Senate or the House of Representatives. He frequently interfered to select or depose their leaders thereby creating tension and confusion. He was always at war with them and did his greatest damage in the Senate where he caused the latter to have four or five Senate presidents in a space of few years. The situation was so bad that even those he eventually engineered their ascendancy fell out of favor and faced his scheming and meddlesomeness once they sort to assert the authority and independence required for them to function in the office.

In the House of Representatives, 2003- 2007, Obasanjo gave no breathing space to the then Speaker, Ghali Na'Abba who survived thanks only to his intelligence, strength of character and the support of a majority of members of the House (Anyanwu, 2003). Former Senate president, Anyim Pius Anyim, now Secretary to the Federal government (SGF) also suffered from Obasanjos indiscipline and lack of regard for the rule of law and only survived courtesy of the support of a majority of Senators who wisely saw that the former President is a hater of successful men. The bitter experience however, forced the easy going and humble Anyim to abandon competitive politics for some time. President Jonathan in his wisdom has just appointed this intelligent man to the exalted position of Secretary to the Government of the Federation (SGF).

It could be said that considering the recent history of democratic governance in Nigeria, and the even more recent history of the legislature, the latter has not done badly. However, the legislature could do more and come into the esteem of the public if it can eschew corruption and indiscipline as exhibited by some of its principal officers of recent.

Factors Responsible for Executive-Legislative Conflicts in Nigeria since 1999: The conflicts that characterize Executive-Legislative relations, in Nigeria, since 1999, demonstrate a correlation with violations of the provisions of the 1999 Constitution by the Executive and Legislature in the discharge of their roles. Section 1 (1) of the 1999 Constitution of the Federal Republic of Nigeria stipulates that the Constitution and its provisions shall have binding forces on all authorities and persons throughout the Federation. A critical look at Executive-Legislative relations, in Nigeria, exposes cases of demand and receipt of material inducement, which contravenes the Fifth Schedule, part 1, sections 1 and 8 of the 1999 Constitution (Akande, 2000). Precisely, the Fifth Schedule, part 1, sections 1 maintains that a public officer shall not put himself in a position where his personal interest conflicts with his duties and responsibilities. In furtherance, section 8 of the same schedule states that no person shall offer a public officer any property, gift or benefit of any kind an inducement or bribe for the granting of any favor or the discharge in his favor of the public officer's duties.

In the context of Executive-Legislative relations in Nigeria, available information reveals two patterns of corrupt inducement: the Executive-originated-corrupt inducement and the Legislature-orientated-corrupt inducement. Both result in crises of confidence among the legislators, on one

hand, and between the Executive and the Legislature, on the other hand. The allegation of bribery to impeach Ghali Umar NaAbba as the Speaker of the House of Representatives (1999-2003) owing to his independent and uncompromising attitude during President Olusegun Obasanjo's administration stands as an illustration of Executive-originated-corrupt inducement. The crises of confidence, engendered by the bribery induced circumstance caused Executive-Legislative conflicts and confrontation when some members of the House of Representatives in the hallow chamber of the House of Representatives displayed huge amount of money alleged to have been collected as bribe for the impeachment. At times, conflicts arise when legislators of honesty and integrity resist such inducement from the Executive in order to maintain their integrity and sustain the independence of legislative organ. This position brings them into conflicts with their vulnerable and pro-Executive colleagues, who are concerned with pecuniary interest. This situation manifested in an attempt by President Olusegun Obasanjo to manipulate the 2006 constitutional amendment for tenure extension. The alleged bribing of legislators by the Executive divided the National Assembly into Pro-third term and Anti-third term, with each attempting to outdo the other at all costs.

On cases of Legislative-originated corruption, the allegation of demand and receipt of bribes against the former Senate president, Adolphus Wabara (2003-2005) and some members of National Assembly Committee on Education is a good example (Anyanwu, 2003). The former Senate president was alleged to have demand and received bribes from the former Education Minister, Professor Fabian Osuji, in order to increase and facilitate the votes allocated to Education in 2005 budget. The allegation, which was given serious attention and publicity by President Olusegun Obasanjo in a nation-wide broadcast, was criticized by some legislators who described it as an attempt to discredit the image of the National Assembly because of its insistence on legislative independence. Expectedly, the situation, which cost the Senate president and others their positions, soured the relationship between the Executive and Legislature. In a similar note, at the state level, the impeachment of Joshua Dariye, former governor of Plateau State; DSP Alameyesiegha, former governor of Bayelsa State; Rasheed Ladoja, former governor Oyo State; Ayo Fayose, former governor of Ekiti State and others were directly or indirectly related to alleged corrupt practices.

The process of selection of leadership for both the Senate and the House of Representatives is another issue that pitches the Executive against the Legislature. In this process, conflict arises when the Executive attempt to make strong inputs in the emergence of National Assembly leadership, but meets spirited resistance from the legislators. This was the case of President Olusegun Obasanjo, who in his domineering character, perceived the National Assembly as an appendage of the Executive that deserved no independence. His influence manifested in the election of Chief Evans Ewerem and Salusi Buhari as the Senate President and Speaker of House of Representatives, respectively. However, conflict arose when the legislators, in subsequent selection of their leadership, asserted their independence through strong resistance to executive influence. This resistance, as demonstrated in the election of Senator Chuba Okadigbo and Ghali Umar Na'Abba as Senate President and Speaker of House of Representative respectively, caused strain relationship between the Executive and the legislature.

Apart from issue of executive interference in the selection process of legislative leaders, disagreement over the allowance of legislators generates uncordial relationship. The legislators would not always want their allowances such as accommodation, furniture, travel and constituency project funds to be high, but also be duly paid by the Executive. Any shortcoming from the Executive, in this regard, attracts cold response to Executive bill and sundry requests placed before the legislators for express approval. The misunderstanding that ensued between the Executive and the Legislature at the start of President Olusegun Obasanjo\s administration is instructive.

Limited-capacity, also, affects harmonies Executive-Legislative relations at both State and Federal levels. It is discernable that some public officers rather than utilize their capacity-building funds for acquisition of necessary administrative skills divert them into private interests. Consequently, they neither have conception of themselves in any particular role nor have a preconceived concept on the procedure of their functions because of weak capacity and institution building. This relative inexperience of the operators of Nigerian Presidential System of Government, coupled with their intolerance and refusal to play the game according to the rules, creates strain relationships between the Executive and the Legislature. There is no doubt that the critical roles of the Legislature in democracy such as effective law making, representation and oversight functions can only be satisfactory if they are well equipped and informed on their constitutional responsibilities.

Contrary to sections 81, 82, 121, 143, 147, 188, 305 and 53 that clearly stipulated the shared roles and expectations of the Executive and the Legislature, our findings exposed cases of conflict arising from struggle for dominance and interference on roles. Specifically, the passage of annual budgets and confirmation of Executive appointees, since 1999, contrary to the provisions of sections 81 and 147, most often, manifest constitutional breaches. More than twice, President Obasanjo openly castigated the Federal legislator, most especially leadership of committees in both the senate and the lower house for manipulating the figures in national budget, while factoring their different interest into the proposal. The former President equally complained against deliberate over-bloating of budget figure by the National Assembly, without due consideration of available resources. The legislators, on their parts, accused the Executive of causing delay in budget presentation and, at the same time, making shoddy preparation about national budget. Moreover, the legislators

often complain about poor implementation of national budget by the Executive. This situation creates disharmony in the relationship between the two organs.

Besides, for more than three months into 2008, the year's Appropriation Bill was not passed into Law owing to disagreement between the Late President Umaru Musa Yar'Adua and the National Assembly over their constitutional roles in budgetary matters. The president refused to give assent to the Bill on the ground that the National Assembly arrogated to itself unconstitutional powers of reviewing upward the appropriated expenditure. The Legislature, on its part, accused the president of not consulting with the legislature in budgetary matter as required by law and claimed that the power to appropriate public expenditure was vested on the Legislature by section 81 of the 1999 constitution of the Federal Republic of Nigeria (Akande, 2000). Similarly, the appointment of Farida Waziri as the acting chairman of EFCC, created an atmosphere of disharmony between the Executive and the Legislature. The Senate accused the Executive of making such appointment without recourse to legislative confirmation. This breaches section 147 of the 1999 constitution of the Federal Republic of Nigeria (Akande, 2000), which empowers the senate to confirm such person before resumption of duty. The initial counter claim by the Executive that it acted in accordance with the Law demonstrates how limited knowledge of constitutional roles lead to struggle for dominance and abuse of the Rule of Law.

Besides, communication gap, arising from poor transparency and weak contact between the Executive and the Legislature, sometimes, gives rise to conflicts. Apart from the budgetary interaction between the Legislative committees and relevant government officials of the ministries and the annual budget presentation session that bring the President and Governors together with the legislature, there is hardly any other interaction avenue between the two organs to deliberate and consult on government politics. The parliamentary question mechanism adopts by the Legislature in the discharge of its oversight function, sometimes, rather than being interactive becomes confrontation and disharmonious. The attendant consequence of ineffective liaison and inadequate forum for interaction between the two organs may be misinformation, which is capable of raising misconception and suspension. This circumstance if not property managed causes conflicts. For instance, the declaration of state of emergency in Plateau State and Ekiti State, as well as the ceding of the disputed Bakasi Pennisula area to Cameroon by the Executive, in accordance with the International Court of Justice Judgment in 2002, without necessary input or sanction from the legislative organ, kept the Legislature in doubt about the real motives of the Executive. These situations and some other actions of the government raised some controversies that threatened Executive-Legislative cordial relations.

Mostly, violations of the Constitution by the Executive and the Legislature via role interference, corruption, struggle for dominance and abuse of the Rule of Law have been considerably responsible for Executive-Legislative conflict in Nigeria, since 1999.

METHODOLOGY

The research is situated in the interpretive qualitative research paradigm, which allows the researcher an in-depth understanding as experienced by participants in their setting. Qualitative research is an approach that advocates the study of direct experience taken at face value (Cohen *et al.*, 2007). It allows the researcher to derive a deeper understanding of the situation. A case study was adopted in this study because the study was centered on the factors responsible for Executive-Legislature conflicts in Nigeria between 1999-2015 (Sklar, 2015).

The Focus Group Discussion (FGD) is a group centered interviewing technique targeted at eliciting information on group values, needs, beliefs, preferences, characteristics, problems, dynamics and their successes (Obasi, 1999). The rationale for its adoption in this study is hinges on the fact that it has obvious advantages in collecting data from people who ordinarily would not feel free discussing certain sensitive subjects, unless they are with their in –group or peer group. In this study, the focused group discussion will be held with representatives of the institutions and agencies under study. This study prepared an interview guide that shall direct the course of discussion during the sessions.

Additionally, a research assistant will be used to help record the proceeding of the sessions both in writing and electronically where possible. The researcher in these sessions is to act as the moderator of the interview sessions. The groups include voters, politicians, political parties and members of election management bodies. The use of focus group discussion with selected individuals will avail this study, the opportunities of eliciting reliable information on the true situation of things as it relates to these issue specific problems in terms of recommendations of the study. To support data from Focused Group Discussion, secondary data are obtained form an existing data bank or publish literature. These data shall be obtained from books, journals, magazines, periodicals, newspapers, government publications/documents, symposia and workshop papers, communiqué, unpublished seminars and theses, and on line materials.

Data was analyzed through the use of analytic techniques derived from qualitative research, primarily thematic analysis (Mannning and Luyt, 2011). Data analysis involves breaking up data into manageable themes, patterns, trends and relationships (Mouton, 2011). Themes that emerged from the data were identified. Different were of the view that content analysis is a research technique for the objective, systematic and quantitative analysis and description of the manifest content of communications. Content analysis as a method of analyzing qualitative information was used to determine the relative emphasis of information on Executive- Legislature conflict in Nigeria.

Theoretical Framework: In this study, we shall anchor our analysis and discussion on the theoretical foundation and persuasions of the theory of separation of power as our theoretical framework of analysis. Broadly, speaking, theoretical discourses on executive and legislatures, particularly the relationship between executive and legislatures are centered on the separation and balance of power 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 thus delineate 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 (Madison, 1987). 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 (Papers, 1961).

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 (Madison, 1987). 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 Federalist (1788) largely influenced the ratification of the American constitution, which adopted a republican government (Madison, 1987; Dahl, 2013).

Though the concept of separation of power has been used frequently as a principle of doctrine, yet, it could still be adequately applied as a theoretical framework of analysis. The legislative- executive relation in modern political systems fined its most lucid expression in the concept of separation of powers of the three arms of government. The theory of separation or power was developed by Charles Louis Baron de Montesquieu in his "the spirit of law" (1748) to address the tyrannical tendencies of political leadership. The theory assumes among other thing the following:

1. That no one person or group should exercise all the powers of government.
2. That separation of government powers prevents tyranny.
3. That each branch of government if independent and equal to the others.
4. That separation of power performs the function of checks and balances.

The three arms of government –the legislature, executive and the judiciary should each possess constitutional power, which it shall exercise without interference from the other two arms. According to Davies (1995), the doctrine of separation of power was developed to protect the liberty of the ruled and prevent tyranny. John Locke developed the concept as the only way to guarantee the protection and easy way to distribute governmental powers into different arms. This buttresses the position of Locke that if in any state, the three arms of government are in the hands of one person, the evident that the credibility of the government depends on balance between among the three arms of government as powers are separated in persons performing governmental functions (Locke, 1924). It is a veritable instrument for checking the excesses of the theory, Persson *et al.* (1997), stated that with the theory of separation of power each of the three arms of government should limit its powers and functions to its mandate and boundaries and should not intrude into the boundaries and mandate of each other. This non-intrusion eliminates the tyrannical tendencies of political leadership and enthrones accountability in governance.

Accordingly, the essence for the adoption of the principle of separation of power in the constitutions of the Federal Republic of Nigeria (Akande, 2000) is to ensure public

accountability through effect checks and balances. The theory of separation of powers as contained in the Nigerian constitutions distribute government powers to each arm of government and empowers the legislative council to exert a certain level of checks on the executive, and in extreme situations to impeach or remove the executive. On the other hand, the executive is to checks the excesses of the legislature by overriding its decisions or denying assent etc.

Generally, without the application of the theory of separation of power in governance, the executive will tend to appropriate bills or resources to itself, appoint its political appointees without scrutiny and account to nobody but itself at the local tyrannical tendency that the intends to address. The idea of separating the three arms of government from one another enhance credibility of government only if each arm is independent of the other.

Executive-National Assembly Leadership Since 1999: Since it was inaugurated in June 1999, the Legislature of Nigeria's Fourth Republic has been roundly defined as an enigmatic one, due to the many twists which accompanied its leadership. True to this definition, Nigerians have been treated to the good, the bad and ugly 'political soap opera' which now presents the opportunity to revisit the issues, controversies and triumphs of the legislative arm of government in the Fourth Republic and how it has come to hug the limelight of every administration.

When Nigeria returned to democracy on May 29th 1999, there were, basically, two groups angling for the total control of the nation's power blocs; the somewhat unorganised group of President Olusegun Obasanjo and the formidable political machine of the Peoples Democratic Movement (PDM), initiated, coordinated and funded by late General Shehu Musa Yar'adua and inherited by Atiku Abubakar at the demise of Yar'adua in 1997 (Edwards III *et al.*, 1997). President Obasanjo arm-twisted the PDM to install Chief Evan (s) Enwerem as the first Senate President of the Fourth Republic, against the popular choice of Chief Chuba Okadigbo, by rallying the support of minority parties like the Alliance for Democracy (AD), All People's Party (APP) – later ANPP – and few PDP senators.

1999-2003: Senator Evan (s) Enwerem, Senate President, June 3, 1999 to November 1999. The emergence of Chief Enwerem was with the active support of President Olusegun Obasanjo. His emergence ignited a supremacy battle between then vice-president, Abubakar Atiku's group and the president's men. Atiku's group prevailed when the opportunity came for them to take their revenge. An allegation of furniture scandals leveled against Enwerem's leadership was blown out of proportion. The PDM proved to be far more politically potent, as the ensuing political drama saw Enwerem shamed out of office after only five months on the saddle.

Chief Chuba Pius Okadigbo, Senate President, November 1999-2000**.** Following the impeachment of Senator Enwerem, the flambouyant Oyi-born political mathematician, Chief Chuba Okadigbo, was elected Senate President. Okadigbo's emergence, however, did not go down well with President Obasanjo, who considered it an affront. He feared that Okadigbo's emergence would undermine his relationship with the legislature and, left with no option, he moved against Okadigbo. True, Okadigbo's stance bordered on stubbornness, arrogance and inflexibility. Worse, he was loyal to Atiku Abubakar, who the president did not trust. When, however, Okadigbo's garments were caught in the horns of the 'Sallah Ram' scandal, Obasanjo went in for the kill. However, it proved to be tougher than he envisaged, as so much drama ensued and the NASS was nicknamed 'National Assembly of Drama'. In order to get hold of the Senate's symbol of authority, the mace, offices were invaded at odd hours and during weekends – Okadigbo was accused of hiding the mace at his hometown in Oyi, Anambra State, over the weekends and, during NASS recesses. In the end, he gave way.

Chief Anyim Pius Anyim, Senate President, 2000-2003. In Okadigbo's stead was Chief Anyim Pius Anyim. Upon resumption of office, though, Okadigbo warned his successor to avoid the "banana peels" which the Executive had left strewn all over the grounds of the NASS. In adherence to Okadigbo's warning, Anyim attempted to extricate the Senate from the control of the Executive, but he was variously threatened with impeachment. For a relatively naïve politician, Anyim was hailed as one man who was too cautious not to ensnare himself. He did stay away from the 'banana peels' Okadigbo warned about, but, after four years, his time was up. Thus, Nigeria had three Senate presidents on one Republic, the Fourth.

The Speakers, Hon Salisu Buhari, Speaker, June 6, 1999-2000: The members of House of Representatives elected Hon Salisu Buhari as Speaker upon the inauguration of the House in June 1999. Shortly after, the enemies within, who knew his true age, petitioned the Speaker for having lied about his age. The constitutional age for qualification to contest for the House of Representative seat is 30 years, but, after being hounded for days on end, Buhari confessed that he was, indeed, 29 years old when he contested for his constituency's seat.

Worse, he claimed to have attended the University of Toronto, Canada, but, after the same individuals came after him, asking him to disclose what year he graduated – after the university wrote to the NASS that at no time did they have a student so named as an undergraduate – he was caught between a rock and a hard place. Again, he confessed on national television that he lied about his educational qualification. President Obasanjo, for some reason, tried to save the naïve young man and, even, tried to help him return to relevance but failed. He was forced to resign or be impeached. Thus began 'Toronto-gate'.

Hon Umar Ghali Na'aba: Speaker, House Of Representatives, 2000-23 succeeded the disgraced Hon. Salisu Buhari. With the ascension of Na'aba came Obasanjo's worst nightmares. Obasanjo and his hatchet men saw in the new Speaker, a

recalcitrant hard nut to crack; a situation, which must be arrested. Thus, they set about employing and cooking up all manner of political gimmicks, including the purported N4m bribe by the then Rivers State governor, Sir Peter Odili, to effect Na'aba's impeachment. On his part, Na'aba struggled throughout his tenure as Speaker. He was torn between fighting for his political life against determined foes, presiding over a nascent House and leaving behind a legacy.

2003-2007, Senator Adolphus Wabara, Senate President, 2003-2005: Senator Adolphus Wabara, a dutiful protégé of President Obasanjo, was elected president of the 5th Senate, with Senator Ibrahim Mantu as his deputy. As was popular at the time, pressure began to mount after he was deemed to have disbursed funds for various purposes disproportionately, to the chagrin of not a few lawmakers (Anyanwu, 2003; Barkan, 2005).

Unable to get him, the bribe-for-budget allegation was made against him. Wabara allegedly demanded for N55m from the then Minister of Education, Prof Fabian Osuji, to increase the ministry's budgetary allocation. Within the same period, a minister-designate, Mallam Nasir El-rufai, alleged that monetary inducement was being sought to clear him for ministerial position. However, the last straw that broke his back was when he was alleged to be eyeing the office of the president. Even Obasanjo could not forgive that. He was forced to resign in 2005 (Barkan, 2005).

Senator Ken Ugwu Nnamani, Senate President, 2005-2007: Senator Wabara was succeeded by Senator Ken Nnamani, representing Enugu East. His presidency of the senate was the most turbulent, no thanks to Obasanjo's third-term agenda. The president's desperation for a third-term in office became the greatest threat to Nigeria's nascent democracy at the time. To guarantee a third term, the senate was required to insert a 'Third Term' clause into the 1999 constitution. Accordingly, a Political Reform Conference, headed by Senator Ibrahim Mantu, was set up in 2005 and a colossal amount of tax payers' money was sank into the project. When anti-third term forces learnt that Obasanjo was inches from having his way, they rallied lawmakers and traditional rulers to pressure their representatives at the National Assembly to 'kill' the constitutional reform process. One man that quickly hijacked the struggle was Obasanjo's vice-president, Atiku Abubakar. He was instrumental in the scheme to 'kill' the third-term bill (Barkan, 2005). In the end, Nnamani was able to avoid the 'banana peels', repel the third-term plan and see the 5th National Assembly to a credible conclusion – but not without sordid drama.

Hon Aminu Bello Masari, Speaker, 2003-2007 (Anyanwu, 2003). The House of Representatives elected Katsina-born politician, Alhaji Aminu Bello Masari, as the speaker. Masari's tenure was uneventful and peaceful. His age, many opined, was an added advantage. Clearly, he was no rabble-rouser; he was ever willing to do the master's bidding. As a result, his time in office was uneventful and without drama – almost.

Senator David Mark, Senate President, 2007-2015: Shortly before he left, out-going president, Olusegun Obasanjo, used his influence to facilitate the emergence of Senator David Mark as Senate president, as a mark of appreciation for Mark's unalloyed support for his ill-fated third-term bid. Upon Mark's emergence, he came with the antidote to the 'banana peel', as he was able to bring stability, to the instability which, had come to be associated with the office of the Senate President. Mark had a peaceful tenure under President Yar'adua and this calm transited into the days of Good luck Jonathan. This era marked a major shift in the Executive-Legislative relationship, as Mark's influences continued to grow, especially in the face of the controversy which trailed the illness and subsequent death of President Yar'adua. No thanks to this constitutional lacuna, the NASS was expected to step-in and invoke the 'doctrine of necessity,' to enable Good luck Jonathan take over as acting president (Sklar, 2015).

This, they did, accordingly, when President Jonathan was elected to a substantive term in the 2011 general election, the cordiality between Mark's Senate and Jonathan's Executive was enviable, that is, until their party, the PDP suffered an eye-popping defeat in the 2015 general election (Sklar, 2015).

Hon. Patricia Olubumi Etteh, Speaker, 2007-2008: After the inauguration of the House of Representatives in June 2007, the PDP's anointed candidate, Hon. Patricia Olubunmi Etteh, clinched the speakership of the House, making her the first female speaker of the House of Representatives.

Five months down the line, however, she was accused of financial recklessness – attempting to buy a body massage machine for N90m. She was also accused of attempting to renovate her official residence with an amount big enough to build the same house. In the brouhaha that ensued between the 'pro' and 'anti' Etteh lawmakers, Hon Aminu Safana from Katsina State, slumped and died. Hon Etteh was eventually pressured into resigning in October 2007. With the passage of time, it became clear that the issues involved in her predicament were more socio-cultural than administrative. It was discovered that some elements swore never to be led by a woman.

Hon Dimeji Bankole, Speaker, 2008–2011: Hon. Dimeji Bankole was unanimously elected to replace the shooed-out Etteh. Unlike his predecessor, though, Bankole's time on the saddle was marred by controversies. Free-for-all fights at the hallowed chamber were a current feature and allegations of massive corruption were hauled at the Speaker incessantly. Members like Hon. Dino Melaye and a number of others were dragged out of the chambersfor trying to stand in Bankole's way.

Despite the turbulence, which he oversaw, Bankole managed to finish his tenure, but he could not escape the net of the Economic and Financial Crimes Commission (EFCC) net. He has since lived with the bruises he sustained while in office.

Hon Aminu Waziri Tambuwal, Speaker, 2011-2015: The preferred candidate of the PDP establishment for speakership in 2011 was Hon Mulikat Akande Adeola, from the South-west. However, owing to a twist, Hon. Tambuwal, in

connivance with the then Action Congress of Nigeria (ACN), ambushed the PDP (Sklar, 2015). Security agencies were set on the trails of Hon Tambuwal and Hon Emeka Ihedioha, but no one could account for or disclose the whereabouts of both men, who, it was believed, were hiding to avoid being arrested by the 'interests' at play. They were helped, to a great deal, by those who wanted them in as Speaker and deputy and, by the time the security agencies caught wind of the plan, both men had surfaced on the floor of the House and were easily elected as Speakjer and deputy of the House, to the chagrin of the PDP.

The party never forgave the duo and, arguably, set landmines on their way, but, inspite of the frosty relationship between Tambuwal and the PDP, he time in office was a delight to observe, thanks to the active support of the ACN. This was however, not without its attendant consequences. In September, 2013, the factional chairman of the PDP (New PDP), Alhaji Abubakar Kawu Baraje, led the 7 dissenting PDP governors and their supporters to the green chamber, to address the PDP caucus, but it came to naught.

In the twilight of Hon Tambuwal's leadership of the House, his long-standing 'romance' with the opposition parties came to the fore. He abandoned the PDP and decamped to the newly-formed All Progressives Congress (APC). This led to a further deterioration of his relationship with the PDP. The party, in turn, used every known ploy to remove him from office – including using his trusted ally, Ihedioha. The PDP's desperation got messier when the Hon Tambuwal and his loyal lawmakers were locked out of the NASS complex, leaving anti-Tambuwal lawmakers and Hon Ihedioha with the active support of the then Senate President, Mark, in the green chamber, to effect Tumbuwal's impeachment. Fierce-looking lawmakers who would have none of it kicked against the plot. Tambuwal was able to serve out his term on the platform of the APC and was later elected governor of Sokoto State.

Senator Abubakar Bukola Saraki, Senate President, 2015:

Following the triumph of the APC in the 2015 general election, the godfathers in the party began wetting ground for their anointed candidates to assume 'command' of the eighth National Assembly. Groups began to emerge in pursuit of their various goals. Asiwaju Bola Tinubu's group had allegedly anointed Senator Ahmed Lawan of the Unity Forum for the position of the Senate Presidency and Hon Femi Gbajabiamila as Speaker of the House. Just like it happened in the days of Tambuwal's emergence, while the senators were holed up at the International Conference Centre (ICC) to make a decision, Bukola Saraki and Mark led what could best be described as "the greatest political ambush of the Fourth Republic" and installed Saraki as Senate President, with the required number of senators required for the victory (Sklar, 2015).

Saraki was called upon by the party many times to rescind the office which he got 'behind' their back, but he held on. Shortly after his victory, his political travails with the Code of Conduct Bureau (CCB) began and many have insisted that it was not unconnected to his emergence as Senate President, but he has managed to hold onto the leadership of the Senate, thanks to undying support of the PDP bloc in the Senate. Hon. Yakubu Dogara, Speaker, 2015. Just like in Saraki's case, Hon Dogara was elected in defiance of party preference, but he was smart to have adopted Hon Femi Gbajabiamila as House Leader (Sklar, 2015). He has been able to stabilise the House, but the script is still being written (Table 1).

FINDINGS & CONCLUSIONS

From the analysis so far conducted, the first conclusion drawn is that the generation, allocation and expenditure of funds for the execution of projects which is the crux of the budget, is often the source of conflict between the executive and the legislature since 1999. For instance, the budgets since 1999, which the Presidents signed, have been returned to the National Assembly following disagreements over the shuffling of funds from certain subheads. The executive complained that funds were moved from recurrent expenditure into various capital projects some of which the Federal Government had no business being involved in. In response, the legislature said it tinkered with the document because as representatives of the people they knew where the "shoe pinches" more.

The second conclusion is that the execution of constituency projects, which the legislature said it was not being carried along is another issue. Legislators often complain that the executive sites and executes projects without taking into account the more pressing areas of need.

The third conclusion is that the National Assembly also query the envelop system of budget allocation where they allege funds are allocated to ministries, agencies and departments without regard to their most challenging areas of needs.

Civil society groups and public commentators are of the opinion that disagreements between the executive and legislators are healthy because the ordinary person stand to benefit in the long run. Executive Secretary of the Civil Society Advocacy and Legislative Centre, Mallam Auwual Musa, said, "Such disagreements are healthy to the extent that reason prevails and Nigerians get the services for which they pay taxes and elect these officials into office. Our experience has however been that most of the disagreement is not about the people but what will go to officials"(Eme & Onuigbo,2015:21)

Fourth at every public event, Presidents since 1999 expressed the desire to have a good working relationship with the legislature. The presidents wished that the existing relationship between the Executive and the legislature were sustained so that the government, especially the executive can face the tasking job of good governance and development without distraction and obstacles. The expectation by the presidents underscored their commitment to democracy and harmony in the society and government. It not a surprise considering also the important role played by the legislature for instance in the emergence of the presidents following the period of uncertainty the country faced all through the period of illness of late President Yar'Adua and after his untimely death in 2010. It could be said that because the legislature

Year	Head of Executive	Sources of Conflicts
1999	Olusegun Obasanjo	Controversy over the constitutional role of Executive and Legislature on budgetary matter caused by upward review of the 1999 budget by the National Assembly. Conflicts over the allowances of the legislators
2000	Olusegun Obasanjo	Executive interference in the process of selecting the leadership of the National Assembly and in the conduct of its roles
2001	Olusegun Obasanjo	Executive interference in the process of selecting the leadership of the National Assembly and the impeachment of Senator Chuba Okadigbo as the Senate President.
2002	Olusegun Obasanjo	Impeachment attempt on President Olusegun Obasanjo by the House of Representatives on alleged constitutional breaches.
2003	Olusegun Obasanjo	Executive interference in the internal affair of the National Assembly and resistance by the leadership of the legislature led by Pius Anyim and Gali Umar Na'Abba.
2004	Olusegun Obasanjo	Disagreement over budgetary matters and executive policies
2005	Olusegun Obasanjo	Allegation of corruption against leadership of the National Assembly by EFCC and Executive strong insistence on the removal and prosecution of involved leaders.
2006	Olusegun Obasanjo	Attempt by the president to manipulate the constitutional review for the actualization of his third term in office and insistence on due process by the leadership of the National Assembly.
2007	Olusegun Obasanjo	Allegation of corruption against the president in the pursuit of his third term agenda. Insistence of the leadership of the National Assembly and some legislators on due process in constitutional review.
2008	Musa Yar'Adua	Controversy over the constitutional role of the legislature on budgetary matter following the upward review of 2008 budget by the National Assembly. Conflict over the appointment of Farida Waziri as new EFCC chairman without the Senate confirmation.
2009	Musa Yar'Adua	Disagreement over medical trip of the late President to Saudi Arabia for more than three months, without transmitting letter to the National Assembly as required by section 145 of the constitution.
2010	Musa Yar'Adua	Conflict over senate resolution on the transmission of letter by the president on his medical trip.
2011-2015	Goodluck Jonathan	
2015 Till date	Mahmadu Buhari	

Table 1: Rate and Sources of Executive-Legislative Conflicts at Federal Level in Nigeria, since 1999.

was able to get its act together Nigeria was able to avert the crisis that could have been engendered by the cabal that was around late President Yar'Adua and which was playing political, ethnic and religious games with his illness. No longer under military rule, as a democracy, the legislature emerged as an arbiter of social and political conflict and was able with the support of organized civil society and the populace came up with the "doctrine of necessity" that made it possible for the then Vice President to become acting President and later President.

Based on the above findings, the paper concludes by positing that until strong democratic institutions are built and elected officials better understand their roles, the search for harmony between the executive and the legislature will continue to elude the polity.

RECOMMENDATIONS

To have an efficient government in a democracy, whether it is Presidential or parliamentary, the three arms of government- executive, legislature and judiciary must have a harmonious working relationship while maintaining their institutional independence. They must observe the principle of mutual respect and non-interference in their workings and follow the provision of the constitution in their day- to- day activities. President Buhari in the view of this paper and in the view of many Nigerians will likely enjoy a good relationship not only with the legislature but also with the Judiciary because of his respectful disposition, his unassuming nature and his honesty in striving to keep his word on issues. For example, while the last election, which gave him a pan-Nigerian mandate was not without violence and irregularities, the view of many Nigerians were that the polls were largely free and fair and any irregularities or underhand dealings that took place were not at the instance of the former President but is the handiwork of overzealous supporters or party workers. It should be noted that long before the 2015 elections and close to it, the President told anyone who cared to listen that he is a supporter of free and fair polls and the entrenching of democratic values through political and electoral reform. It can be said unequivocally, that in the next four years of hisadministration, President Buhari will enjoy a

good working and collaborative relationship with the legislature if he shuns executive interference and meddlesomeness in the affairs of the law-making body. No one is saying that as President he should not have an opinion or even give advice to the latter if his opinion is sought or on the vexed issue of emoluments of legislators, which is making our democracy very expensive and pauperising the people he should not interfere. Rather, the President should not seek to undermine the legislators or force leaders on the legislature. The President should learn to respect legislative independence and adopt a neutral stance on issues that border on how the principal officers of that arms of government emerge and be ready to cultivate and work with whosoever the members in their wisdom decide to choose to run their affairs.

It is when the President as in the better forgotten days of the Obasanjo presidency openly shows preference to a candidate and as the leader of the ruling party, allows the party to be used as a weapon of blackmail or intimidation on legislators. The practice in the recent past where to get them to toe the line against the dictates of their conscience, legislators have been threatened with no return to any of the houses even when their constituents still want them and they have performed satisfactorily cannot create a harmonious working relationship between the executive and the legislature. There must be peace in the legislature for that peace and accord to be transferred to the relationship with the executive. Where the executive and the party connive and gang- up to impose preferred candidates on the legislature as leaders would surely with time create tension and conflict in the legislature. Now if in the process of conflict, the preferred candidate of the executive or the party who is a Speaker or Senate president is ousted and a new one emerges, courtesy of the other members of the house who resent imposition, the relationship with the executive will be suspicious and tension ridden as was the case in the Obasanjo years.

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