

Rule of Law and Democracy in Nigeria: A Study of Legislative and Executive Rift in the 8th National Assembly

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Abstract: *The main thrust of this study is to examine the legislative - executive conflict and its implications on democratic governance and maintenance of rule of law in Nigeria from 2015 to 2019. With specific reference to the legislative process and investigates how the “power-relations” were managed to enhance good democratic governance. Understanding legislature-executive relation is crucial to building democratic values and ideal for the sustenance of basic institutions and ensuring effective interaction towards democratic development. This study has adopted the Theory of Separation of Powers as propounded by Baron Montesquieu as its framework of analysis. The data used for this study were collected through the secondary source which was obtained from the review of related literature. Discussion revealed the existence of harmony and conflict. The attendant politics of legitimacy or the lack of it, as well as mutual distrust and frosty relations between the legislature and the executive dominated the period. Divergent interests which sometimes characterize a heterogeneous society like Nigeria accounts for the Legislative and Executive conflict especially in a nascent democracy as Nigeria. The paper succinctly draws a conclusion towards strengthening Legislative-Executive relationship in Nigeria. The quest for political power by both the executive and the legislative must be sorted out in the manner in which the political environment of the country is structured in its constitution.*

Keywords: Rule of Law, Democracy, 8th National Assembly, Legislative and Executive.

Background and Statement of the Problem

The executive and legislature are vital elements in the sustenance of democracy. This is because both arms constitute the hub of public policy to ensure good governance and promotion of welfare services for the people. It therefore follows that functional and constructive relations must exist between them in order for democracy to work. Unfortunately, Nigeria’s experience since 1999 only depicts the legislature and executive as two arms holding each other in mutual suspicion. The story of the 8th National Assembly has however been peculiar. A critical examination of the relationship between the legislature and the executive in Nigeria especially under the presidential system between 1979, 1983 and 1999 to date was highly conflictual with attendant implications on the entire democratic process (Ukase, 2014). Whereas the legislative powers include law making, investigatory power, financial power, confirmation and impeachment powers, the executive is exclusively responsible for policy formulation, policy implementation, including the execution of the provision of the laws, and the general administration of the country.

In Nigeria, the National Assembly, is the second of the trio—executive, legislative and judicial arms of government. Under normal circumstances, the arms of government are characterized by the principle of separation of powers, because each is supposed to be independent of the other. Nigeria’s National Assembly derives its powers and functions from the 1999 Constitution of the Federal Republic. Sections 4(1) and 4(2) specifically vest it with the power to make laws for the peace, order and good government of the Federation. It does this through the exercise of not only its law-making powers but also its oversight and representative functions.

The 8th National Assembly was inaugurated on 9th June 2015, following its proclamation by President Muhammadu Buhari of the All Progressives Congress (APC) who had earlier won the presidential elections and was sworn-in on May 29, 2015. From its inception, the 8th National Assembly experienced a debilitating leadership crisis following the unexpected emergence of Senator Bukola Saraki as Senate President, against the wishes of the APC leadership, whose desired candidate was outmaneuvered. As the crisis lingered, it paralyzed the work of the Assembly including the approval of nominees of the President. The new leadership of the National Assembly spent a considerable amount of time trying to establish its legitimacy and authority, which also adversely affected its work. The net result was the fractionalization of APC legislators between those who backed the new Senate President and those who supported the President and upheld the supremacy of the party.

There is the popular belief that the business of government usually suffers whenever the relationship between the executive and the legislature is strained. To observers in Nigeria, the constant feud between the two critical organs of government usually affects the effectiveness of the government in its bid to deliver the dividends of democracy to the electorate. Besides, the constant conflict between the executive and legislature could put the nation’s democracy in danger, if not properly tackled. During the days of former President Olusegun Obasanjo, there were several attempts to muzzle the legislature. But the attempt to assert the independence of the legislature, considering its constitutional role in the political arrangement, invariably brought it on collision with the executive. This led to frequent frictions between the two arms of government. The protracted face-off took a life of notoriety under the Obasanjo administration, with the removal of three Senate Presidents in three years. In the circumstances that

led to the removal of Senators Evans Enwerem, Chuba Okadigbo or Adolphus Wabara, as senate presidents, the connivance, collusion or involvement of the executive arm of government was always alleged.

Most National Assembly watchers at the time saw the Presidency as the unseen hand behind the crisis of confidence that almost wrecked the Senate. But President Olusegun Obasanjo was resisted by the House of Representatives where attempts to unseat former Speaker Ghali Umar Na'Abba was aborted. The executive arm, with its awesome powers, was more inclined to overturning the leadership of any Senate President or House Speaker that refused to bend to its dictates. Such was the situation that pervaded the hallowed chambers of the National Assembly in the eight years when Obasanjo held sway. However, the situation has since improved substantially, with the departure of Obasanjo from the seat of power and the inauguration of President Umaru Yar'Adua and the Goodluck Jonathan presidency. But have however resurfaced with a strain relationship with the ascendancy of President Muhammad Buhari.

The conflictual nature of legislative-executive relations in Nigeria, has over the years, been characterized by mutual suspicion, acrimony, budget process and political rivalry (Aiyede, 2005; Nwannekanma and Ogbodo, 2010). Legislative-executive conflicts have been contributing to gridlock over public policy formulation and implementations, thus making government ineffective. The quest for good governance in Nigeria has been threatened more by the unending conflicts between the legislature and executive who are often entangled in a constant battle for supremacy and control of the policy making and implementation process, thereby jettisoning the tenets of the principles of separation of powers which clearly states that the three arms of government namely, legislature, executive and judiciary shall be independent of the control of each other (Momodu and Matudi, 2013). There is impunity and flagrant disregard to the rule of law noticeable among members of the executives and parliaments both at the national and state levels in Nigeria since the commencement of the Fourth Republic which has negatively affected democratic governance. This has consequently heightened confrontations between these institutions, to such an extent that the quest for effective service delivery and good governance in the country has been affected negatively.

Thus, the major thrust of this study is to examine the legislative - executive conflict and its implications on democratic governance and maintenance of rule of law in Nigeria between 2015 and 2019.

Theoretical Framework: The Theory of Separation of Powers

This study anchored its analysis and discussion on the theoretical foundation and persuasions of the Theory of Separation of Powers. One basic concept of modern democracy is derived from the theory of separation of powers as propounded by Charles Louis Baron de Montesquieu. This theory has been assumed to be the cornerstone principle of democracy in the last three centuries. In 1748 Montesquieu published the *Spirit of the Laws* (*Espirit de Lois*) in which he reformulated an ancient idea in political theory. In Book XI of *Spirit of Laws*, Montesquieu ascribed liberty in England to the separation of legislative, executive and judicial powers, and to the balancing of these powers against each other (Sabine and Thorson, 1973:513). The phrase "separation of powers" actually means that whatever the amount of the political powers that exists in any given state, it should not be monopolized or concentrated in one person or a group of persons. This means the existing powers must be separated into different organs, and that whatever power occurring to any organ it should not be interfered with by another organ.

By this doctrine of "separation of powers" the functions of government in any particular state or country can be divided into three, legislative, executive, and judiciary. The legislative power is power to make laws; the executive power is the power to enforce the laws; and the judicial power is the power to interpret and apply the laws to individuals whom the executive charged with the violation of the laws. The idea of separation of powers means that the three functions of government must not only be separated but must also be exercised by different persons or body of persons; i.e. these powers must not be combined in the same persons or body of persons, but that they should be entrusted to three separate agencies, coordinate and mutually independent.

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 finds its most lucid expression in the concept of separation of powers of the three arms of government. 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. Olisa (2003, p.40), 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 constitution of the Federal Republic of Nigeria (1979 and 1999) is to ensure public accountability through effective checks and balances. The theory of separation of powers as contained in the Nigerian constitution distributes 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 checkmate the excesses of the legislature by overriding its decisions or denying assent etc.

In the application of the principle of separation of power in the parliamentary/cabinet system, there is little or no separation of powers. The functions of the executive overlap with those of the legislature in particular and the judiciary in general. The parliamentarians are under the full control of the executive. The lawmakers passed almost all the bills initiated by the executive. However, some legislators are backbenches and could attack policies or bills during question time or during debates. Secondly if the executive misrule, the parliament can pass vote of no confidence on them. Instances can be given with Nigeria. Under the Republican Constitution of Nigeria of 1963, Ministers who were members of parliament also formed the executive council. The executive now appoint the judges. In Britain, the House of Lords is the Highest Court of Appeal and is still a branch of the legislature. The principle of checks and balances are distinctly in existence here (Ujam and Agbo, 1997).

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 it intends to address. The idea of separating the three arms of government from one another enhances credibility of government only if each arm is independent of the other. If however, any of the arms depend on the other for survival as it is observed in the administration of Nigeria, where the legislature is dependent and dominated by the executive because of its (executive) capacity to disburse funds and other resource, the legislative council loses its capacity to exert its oversight functions on the executive. This implies that merely separating the powers of government is not in itself the panacea for accountability, but ensured that no arm should depend on the other for its survival. Accountability can be ensured if the various arms of government follow the rules and regulations guiding accountability, rule of law and constitutionalism.

Legislative-Executive Relations in Nigeria

Aiyede and Isumonah (2002) explicated the imperative of interaction between the legislature and the executive when they posited that democratic consolidation can only occur in a context in which political institutions, especially the legislature and the executive, are functional and interact in a way that reinforces confidence in the government and the process through which the offices of these government institutions are filled. In a similar dimension, Kopecky (2004) sees the relationship between the legislature and the executive as one of the key defining characteristics of the functioning of any political system. He noted the vital place that structural and legal factors hold in shaping the relationships between these two political institutions. This position is emphasized by Lijphart (2004) when he argued that the constitutional prerogatives vested in legislatures and the executive are most important because they define the broad framework for interactions between the two powers. Similarly, Posner and Young (2007) averred that institutionalized rules are increasingly becoming relevant in regulating the behaviour of political actors, especially in Africa. This new development, to Fashagba (2010), is heartwarming because it aligns with the postulation that democracy entails an institutionalized arrangement for arriving at political decisions.

While the institutional view of the legislature and the executive may hold strong as a factor that shapes the relationship between the legislature and the executive, numerous informal rules and conventions, such as the customs concerning nomination of members to the cabinet following an election, are very important as well. Perhaps this is exemplified by Bernick and Bernick (2008) when they affirmed that such relationships are largely shaped by the attitudes and beliefs of the participants. They contend that these relationships are complex, depending on a range of formal and informal practices. Of course while formal texts of constitutional charters and law are very instrumental to the relationships that exist between the executive and the legislature, however, such relationship hinges on the informal conditions and practices that permit these norms to be implemented in practice.

Constructive relationships between the legislative and the executive arms of government are essential to the effective maintenance of the constitution and the rule of law (Holme, 2007). In recent years, however, the character of these relationships has changed significantly, both because of changes in governance and because of wider societal changes. Scholars have been expressing a wide variety of viewpoints on legislature-executive relations, about conflict and cooperation, whether one or the other dominates, and whether benefits or liabilities result from either. While some see conflict between the executive and legislature as a necessary and beneficial precondition to limiting and controlling government (Aiyede, 2005), others view it as contributing to gridlock over major public policy decisions, thus making government ineffective (Dulani and Donge, 2006).

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

On several occasions, conflict between legislature and executive have been heating up the polity, to such an extent that Nigerians have feared that the Fourth Republic would be short-lived due to the recklessness and greed of some political elites. As Soyinka (2010) assert that Nigerians should rescue the nation from the cabal of reprobate gangsters, extortionists, and even political murderer. Utomi (2010) also remarks that the only thing that will save Nigeria is for the people of Nigeria taking over the streets of Nigeria, demanding that the constitution be upheld; that the rule of law be respected. Nonetheless, the relationship

between these institutions have also preserved the Fourth Republic from collapse as with the case of the power vacuum crisis which occurred in 2010, after the demise of President Umaru Musa Yar'Adua. Some ministers and some clandestine elements blatantly refuse to allow Dr. Goodluck Ebele Jonathan, who was President Yar'Adua's Vice-President to be sworn in as the substantive President and Commander in- Chief of the Armed Forces, even after remaining the Vice President for few months after President Yar'Adua's demise. However, Professor Dora Akunyili (a former federal minister of information) decided to break the long silence that greeted the power vacuum crisis by writing a memo to the Federal Executive Council (FEC), dated 4th February, 2010, expressing the urgency in making the vice president, Dr. Goodluck Ebele Jonathan, an acting president. In her memo, she boldly expressed that: "we should remember that permanent secretaries have been waiting to be sworn in for two months, meaning some ministers do not even have permanent secretaries now...the vice president has no constitutional power to take any bill to the National Assembly...though the VP deployed troops to quell Jos riot, many Nigerians said it was unconstitutional (Africana June 21, 2010).

The executive power vacuum was such that important public offices which needed to be filled by executive appointment could not be filled because the vice president enjoyed no real executive power until certain provisions of the constitution are met. The executive vacuum did not only leave certain offices unfilled, but also encouraged the pillaging of the national resources by government office holders (TELL, March 8, 2010, P.27). This was possible because not only was there nobody officially authorized to oversee the running of government business, but there were also some ministers, who unsure if they would survive the likely shake up in cabinet dissolution that would result from a transfer of power, felt the need to mop up whatever they could before they were removed from office (TELL, March 8, 2010, P.27). The resultant effect was the intensification of pressure on the cabinet to make the president transmit a written declaration to temporarily transfer power to the vice president, and on the legislature to intervene before the democratic enterprise crashes (TELL, March 8, 2010: p. 20-27; March 15, 2010: pp.32-34). By the time the executive eventually transmitted power to the National Assembly, both the Senate and the House of Representatives invoked the doctrine of power of necessity, which saw Dr. Goodluck Ebele Jonathan becoming the substantive President and Commander in-Chief of Armed Forces of the Federal Republic of Nigeria. This bold step taken by the National Assembly saved the Fourth Republic from collapsing.

At other times also, the National Assembly issued several impeachment threats to the President for failing to carry out its legislative enactments, while in some states also, some Houses of Assembly issued impeachment threats to their states Governor and some of the impeachment threats actually led to the removal of some Governors namely, Governor Rasheed Ladoja of Oyo State, who was impeached by the State House of Assembly, for his refusal to play along with President Olusegun Obasanjo. Governor Peter Obi of Anambra State was also impeached by the State House of Assembly while Governors Chris Ngige and Andy Uba, also from Anambra State were sacked by the court on the grounds that the elections that brought the duo to power were marred with rigging. On the other hand, some states Governor have influenced the impeachments of their Deputies and Speakers of their State Houses of Assembly.

Although, Murray (1975) has noted that when the executive and legislature are headed by different parties, there is bound to exist conflict, this is likely to render the government ineffective as a result of disagreement in policy directions. This argument should not be considered as a blanket statement, because there are many instances where the leadership of the executive and legislature belongs to the same party, yet they are enmeshed in conflict of interests. A typical example of this scenario was what happened at the beginning of Nigeria's Fourth Republic, where the leadership of both the executive and legislature belonging to the same ruling Peoples' Democratic Party (PDP), yet the executive led by President Olusegun Obasanjo, displeased with the way the parliament was querying its submissions to the parliament; the President therefore, sponsored his loyalists within the parliament and they succeeded in impeaching three consecutive Senate Presidents namely, Senators' Evans Enwerem, Chuka Okadigbo and Adolfus Wabara including the Speaker of the Federal House of Assembly, Honorable Salisu Buhari, who was impeached for forgery of certificate. Clearly, the conflict ridden relationship that exist between the executive and legislature has been slowing down the process of governance, thereby having debilitating effects on good governance in the country.

The Interface between Legislative and Executive: A Critical Look at 8th National Assembly

Executive-legislature relationship has always been a challenge in participatory democracy. The executive and legislature are always engaged in cat and mouse relations in most democracies. And the Nigerian situation has never really been different, even when the ruling party maintains an overwhelming control of the chambers. There was lack of cordiality in the relationship between the executive and legislature, under the 8th National Assembly. While the principal task of the National Assembly is to cooperate with the executive in promoting enabling policies for the common good of our people, the relationship between the two arms was marred by conflict of interest, low capacity of some members to constructively engage in legislative work, poor communication strategy, executive blackmail and intimidation. This resulted in sabotage and needless delay in the performance of some legislative activities.

Despite some accolades to the performance of the Assembly, we cannot conceal the fact that the 8th legislature was thrown into endless crisis arising from long disagreement over the elections and appointments into leadership positions, budget

padding, jumbo pay, hostile executive relations, and defection from one political party to another. This further altered its efficiency, functionality and structure.

The leadership crisis which lingered beyond expectation took turn in some State Houses of Assembly like Benue State House of Assembly, where legislators engage each other in a battle of the fists; temporary closure of Edo State House of Assembly occasioned by the pandemonium created by political thugs who went on a shooting spree injuring six persons following the impeachment of the then Speaker, Victor Eodor for alleged gross misconduct; and unjustified impeachment of the Speaker of Kogi State House of Assembly, Momoh Jimoh-Lawal by five lawmakers out of 25 members.

The unpleasant development was exacerbated by the inability and weak internal control system by the leadership of the leading political parties to inculcate discipline in their members.

Given the high expectation from citizens that the legislators would discharge such key fundamental functions as lawmaking, oversight, representation and constituency outreach to impact positively on their well-being and the nation’s democracy, critical performance assessment of the Assembly has become essential to understand how the legislators fared in fulfillment of their electoral mandates.

Some Highlights on Contending Issues of Legislative-Executive Rifts between 2015 and 2019

S/N	Subject matter	Contending issues
1.	Power of appropriation/ Budget padding	The executive and the legislature have always haggled over the power of appropriation as contained in the 1999 Constitution. While the executive would insist that the power to propose projects and assign funds for same rests with it, the legislature has always insisted that the power of the purse belongs to the people, which it represents. The legislature had always relied on Section 80 (1, 2, 3 and 4) of the constitution to support its pre-eminence claim on the power of appropriation. But the executive often finds a leeway provided in Section 82 of the same constitution, which allows it to spend public funds up to six months in the absence of the Appropriation Act. Again, the national debate over the allegations of budget padding in the 2016 Appropriation Act has raised several issues over the role and ambit of the legislature in the Appropriation process. In 2017, the crisis over the power of the purse boiled over as the budget, which was presented to the National Assembly in December 2017, did not get signed into law until six months after. There were claims of padding and altercations about introduction of new subheads by the legislature.
2.	The Magu controversy and power of appointments	The executive and the legislature also haggled over the propriety of appointments in acting capacity made by the President in the out-gone year. The striking appointment in this cadre has to do with the appointment of Mr Ibrahim Magu as the Acting Chairman of the Economic and Financial Crimes Commission (EFCC). Magu’s confirmation was rejected by the Senate in December 2016 and again in March 2017.
3.	“Federal Government’s 2016-2018 External Borrowing Plan” for a \$29.96 billion foreign loan	The plan, was first presented in 2016, but disapproved by the legislature. Buhari, in representing the external borrowing plan 2016-2018, which had earlier been rejected by the 8th National Assembly, asked the legislature to reconsider and approve the proposal to take the \$29.96 billion loan. The federal government was seeking the loan to finance key projects in different sectors of the economy. Specifically, the government decided to borrow such a huge amount of money to enable it execute infrastructure projects across the country. Thirty nine critical projects under execution by the federal government at the moment will be financed with the loan. However, When in 2016, the then lawmakers of the 8th Assembly turned down the loan request; they noted it was not in the best interest of Nigerians for the government to accrue such huge debt (the federal government will be increasing the total debt stock to about \$97billion (about N30trillion).
4.	NASS and presidential aides	One emerging issue that became noticeable in 2017 is the widening gap between legislative structures and the Presidential aides on National Assembly. In the past, presidential liaisons in the legislature were always in chubby relationship with the lawmakers. They were therefore in position to reduce the intensity of crisis on occasions. “During this period, however,

		some representatives of the executive appear to speak and act as though they were expressly directed by the president. They exhibit attitude that creates suspicion between the arms of government and claim knowledge of issues they really lack knowledge about. They tend to hijack the functions of the Clerk during Joint sitting and show overbearing conduct during screening of candidates at the Senate committees”.
5.	Constituency projects for lawmakers	In 2017, another source of tension between the legislature and executive was the running battle over quest for substantial implementation of constituency projects of the lawmakers. The Constituency Projects are designed as a take home for the lawmakers to showcase their impact in their respective constituencies. Through this channel, the Federal Government sets aside the sum of N100 billion for projects that would be executed in the 469 Senate and federal constituencies in the country. The lawmakers are to nominate the projects they feel represent the pressing needs of their people while the Ministries, Departments and Agencies (MDAs) are to execute the project. But there have been arguments as to the failure of the executive to release adequate funds for the projects so nominated by the lawmakers. With less than 15 per cent of performance ratio of the projects in 2017, the lawmakers have called for complete carryover of the projects to the 2018 budget.
6.	The call for state or community police	Although the call for State Police has resonated in Nigeria for a number of years, In July 2018, a Constitution Amendment Bill to establish State Police was introduced in the Senate as a response to the massive insecurity across the country, however, this was turned down by the executive arm.

Source: Abubakar, J. (2019). Legislature-Executive relations. Civil Society Legislative Advocacy Centre (CISLAC), Abuja, June 10th, 2019

Factors Influencing the Legislative and Executive Rifts in Nigeria

1. The 1999 Constitution as sources of executive-legislative conflicts: The 1999 Constitution of the Federal Republic of Nigeria spelt out the functions and powers of the Executive and the Legislative arms of government in its separate sections. For instance, section 5(1)(a) of the 1999 Constitution provides that:

Subject to the provisions of this Constitution, the Executive powers of the Federation (A) shall be vested in the President and may, subject to the provisions of any law made by the National Assembly, be exercised by him either directly or through the Vice- President and Ministers of the government of the Federation or officers in the public service of the federation.

On the other hand, Section 4(1) of the same 1999 Constitution of the federal Republic of Nigeria listed legislative powers of the National Assembly in which consists of Senate and the House of Representatives. The Constitution provides all the legislative powers in Section 4(1-4) among others. Surprisingly, section 315 of the same 1999 Constitution poses some relevant questions as the section empowers the Executive (the Presidency) to modify any consisting laws without reference to the legislature whose functions/powers, among other legislative responsibilities, is to make laws as contained in Section 4(1-4). However, Section 315(1) provides that:

Subject to the provisions of this Constitution an existing Law shall have effect with such modifications as may be necessary to bring it into conformity with the provisions of this Constitution and shall be deemed to be (a) an Act of the National Assembly to the extent that it is a law with respect to any matter on which the National Assembly is empowered by this Constitution to make Laws and . . .

For clarity, Sub-section 4(a - c) provide the following expressions which have the meanings assigned to them respectively:

- (a) Appropriate authority means:
 - (i) The President, in relation to the provisions of any law of the federation.
 - (ii) Any person appointed by any law to revise or rewrite the laws of the federation.
- (b) Existing law means any law and any rule or any enactment or instrument whatsoever which is in force immediately before the date when this Section comes into force or which having been passed or made before that comes into force after that date; and
- (c) Modification includes addition, alteration, omission or repeal.

Going by these provisions, Section 315 of the 1999 Constitution of the Federal Republic of Nigeria is unarguably inconsistent with the functions and powers of the legislature as contained in Section 4 already cited.

This ambiguity seems to be one of the principal sources of Executive-Legislative conflict since 1999. It has consistently borne in the minds of the general public to query the rationale for the provision of Section 315 of the 1999 Constitution which empowers the executive to modify the laws it did not enact without reference to the organ that structured the laws, more especially, when such modification or alteration had been defined in the Constitution as comprising addition, alteration, omission or abrogation of existing laws. This contradiction may have led to conflict between the Executive and the Legislature as each struggled to outwit the other in the game of power and authority. In an apparent rear that selfish ambition for political power could mar the main aim of government, James Madison in the Federalist paper (NO.15) theorized that:

The great security against a gradual concentration of the several powers in the same department consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachment of the others. Ambition must be made to counter ambition.

From the foregoing discussions of the principles of the Separation of powers among the three arms of government it seems that the doctrine of Separation of Powers suggests, at least three things:

- a. That the same persons should not form part of or more than one of the three organs of government, for instance, that the Chief Executive or/and his ministers and other presidential aides who constitute the Executive branch, should not form part of the membership of the legislature.
- b. That one arm of government should not control or interfere with the functions of the other, for instance, that the judiciary should be independent of the other two and vice versa.
- c. That one organ of government should not exercise the constitutional functions of another organ, for instance, the Executive should not exercise legislative powers or function and vice versa.

The flaw is that the authors of the 1999 Constitution did not seem to recognize the fact that laws are amended by the law-makers and not the executive: it was a constitution given by the military administration. Therefore Section 315 is not in conformity with the doctrine of the Separation of Powers. It seems to have succeeded in imposing legislative powers on the Executive. The ambiguity in the Constitution was therefore instrumental to a number of conflicts between the executive and the legislature during the 2015-2019 political experiment.

2. Overbearing influence of the executive arm that is, undue executive interference in the activities of the legislature.
3. Oversight function of the legislature: Barriers to effective exercise of oversight functions especially in Nigeria can be summarized as follows: the politically charged environment of conflicting interests, antagonism between the majority and opposition parties often resulting in a stalemate; antagonism between the legislature and the government with the latter often reluctant to accommodate a robust parliament that can hold it to account; and lack of adequate information, human and material resources.
4. The subordination of the legislative branch to the executive in Nigeria, a pattern of electoral manipulation and fraud that limits the independence of the legislators and reinforces their dependence on political executives in control of the machinery of electoral manipulation.
5. Corruption: the ability of legislators to resist corrupt inducements is vital as a pervasive atmosphere of corruption makes the performance of legislative oversight quite challenging.
6. Disunity between parties and intra-party disharmony.

The Implications of Executive-Legislative Rifts on Good Governance in Nigeria

Tension between the leadership of the National Assembly and the Executive arm circumscribed the work of the 8th National Assembly, as their relations remained frosty until the Senate President and Speaker of the House later decamped to the opposition Peoples Democratic Party (PDP), a few months to the 2019 elections. Matters were further complicated when the Senate President, Dr. Bukola Saraki, was arraigned before the Code of Conduct Tribunal on the allegation of false asset declaration. The 'trial' that ensued led to serious tension and disagreement between the two arms of government, which delayed the passage of the budget, spawned dispute over the power of appropriation as well as Senate's refusal to confirm the appointment of Ibrahim Magu as the Chairman of the Economic and Financial Crimes Commission (EFCC), among others.

The negative impacts of executive-legislative conflicts on democratic governance in Nigeria include: slowing down the pace of governance; It leads to Disagreement on political appointments, It leads to Disagreement on Budget and financial matters, creates suspicion and hostility between the two organs; encourages bad governance; public resources are deployed by executive to create factions in the legislature, which undermines the unity of the legislature; it creates division between the executive and legislature; it also creates distraction to the process of governance; it creates tension and political instability and it encourages the culture of impunity and flagrant disregard to the rule of law among the political class. This is usually because the executive and legislature, though they have different roles to play, yet they sometimes pursue incompatible goals or interests, which often deadlocks the policy making and implementation process, thereby impacting negatively on the process of good governance. Executive-legislative conflict has profound consequences on the policy making and implementation process to the extent that it affects the smooth running of the affairs of the state. But a prompt and efficient management of executive-legislative conflict can assist in averting its dysfunctional consequences.

Executive-legislative conflicts have profound consequences on the policy making and implementation process to the extent that it affects the smooth running of the affairs of the state. But a prompt and efficient management of executive-legislative conflict can assist in averting its dysfunctional consequences. From the economic perspective, the implications of the conflicts are even more glaring. Conflicts associated with the passage of Bills that have direct bearing on the economic well-being of the generality of the masses of the people leaves much to be desired. For instance, Nigeria has experienced serious disagreement and delay in the passing of appropriation Bills. As observed by Ayua (2003), series of confrontations between the executive and the legislature have led to stalemate in government business, especially in national budgeting on which the welfare of the nation depends. It also has implication for rapid inflow and influx of foreign investors into the nation's economy. As a result, Nigerian economy remains confronted by serious challenges arising from democratic instabilities that have characterized the country for more than a decade.

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

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

Conclusion and Recommendations

The legislative and executive relationship in Nigeria is of great benefit to the citizenry and could yield more benefits if the doctrine of separation of powers is promoted to ensure the independence of each arm and then backed up by the principle of checks and balances to promote interdependency. Legislative and executive conflict prevents and demotes national development. The rate of successful political development will depend on the healthy executive and legislative relationship based on the principle of democratic ethics. The political and legal framework must be in place to avoid unnecessary conflicts. Divergent interests which sometimes characterize a heterogeneous society like Nigeria accounts for the Legislative and Executive conflict especially in a nascent democracy as Nigeria. The quest for political power by both the executive and the legislature must be sorted out in the manner in which the political environment of the country is structured in its constitution. It, therefore, means that when political power is achieved, it becomes less lucrative to the occupiers (Legislature and Executive) who will channel communication and policy programmes of government to the total liberation of the plights of the masses and other developmental needs of the country. All arms of governments are to be interrelated and interdependent; relative autonomy must be accorded to each arm of government. This, especially, relates to the legislative and the executive arms which by necessity ought to be interdependent but not to be overbearing in this interrelations. This interdependent relationship promotes effective policy process. The executive, mindful of the existence of the oversight power of the legislature should always seek to promote good governance. The legislature, on the other hand, should be responsible in the scrutiny of the policies of the government with a view to ensuring implementation of the objectives of the constitution. The performance of the constitutional responsibilities of the two political branches in a harmonious manner promotes good governance. Except an immediate overhaul of the structural, economic, legal, educational, administrative and other bureaucratic impediments is done, the rule of law and democracy may remain an article of faith, as good governance shall continue to be elusive in Nigeria.

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