

The Executive and Legislative Arms of Government: Managing the Relationship for State Development

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Abstract:

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

Keyword: Corporate; Social; Responsibility; Law; Policy.

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I. Introduction

Cordial relationships between the two arms of government in a democracy—the executive and the legislature are essential to the effective maintenance of the constitution and the rule of law. In recent years, the character of these relationships has changed significantly, both because of changes in governance and because of wider societal change. In a democratic dispensation, governance and development are best optimized by collective participation. The legislature, which is a veritable arm of government in a democracy, is a catalyst of socio-economic development. It's worth is measured not only by the quality of intellectual debate in the parliament but also by the attraction of constituency projects such as roads, electricity, industries, among others which aid development.

There are three basic institutions or arms of government in a modern democracy; namely the executive, the judiciary, and the legislature. In order for stability and ultimately good government to be achieved, some degree of cooperation and understanding amongst these three arms is expected. The virtue, spirit and essence of democracy are the extent to which policies and programmes reflect the needs of the people, or are relevant. And, a relevant programme is no doubt, that which operates within the prism of the law. Taking into consideration that it is the Legislature that enacts the law, and the Executive (or government) is expected to operate within the parameters of the law thus enacted, one can conclusively say that the Legislature in modern democracy is the soul and essence of the nation. The constitutional division of power between executive and legislative branches ranges from presidential systems of separation of powers, such as in the United States, where the legislature has a strong role, to Westminster parliamentary systems, where the executive generally dominates. In between are modified forms including semi-presidential systems and non-Westminster parliamentary systems. "The constitutional division of responsibilities between the executive and the legislature has a major impact on executive-legislative roles in budgeting" (Raymond and Camir, 2017).

II. Conceptual Clarification: The Executive and Legislative

The establishment of the executive Arm of Government

Chapter six of the 1999 constitution of the Federal Republic of Nigeria as amended made provision for the executive arm of government. The executive regarded as the most influential organ of government is charged with the responsibility of executing and enforcing laws. It comprises all the functionaries and agencies that are concerned with the administration of the state. It consists of the president and his ministers as in the presidential system of government; the prime minister and his cabinet as in parliament system, the politicians elected or appointed to the executive arm of government, the civil servants, police and other security agencies.

The executive, according to Heywood (2007), is the irreducible core of government. Similarly, Laski (1992 cited in Oni, 2013) sees the executive as occupying a very crucial position in the administration of a state. According to him, the executive in all democratic systems exists to, first and foremost, decide on the final choice of policy to be submitted to the legislative assembly for approval; secondly, it is its business to see to it that the public services fully adhere to that policy as intended by the legislature; and thirdly, it ensures that it delimits and also coordinates the activities of the different departments of state. It is on this score that Puke (2007) sees the executive as responsible for providing good and responsible governance for the state. Edosa and Azelama (1995) also defined the executive as the implementation organ of government. They, noted that from ages, making and enforcing binding rules and allocations through the executive have been the primary functions of government. They however, argued that while political structures have existed for centuries without separate agencies for making laws, state structures without executive organ will be hard to come by. This position is also supported by Heywood (2007) when he averred that political systems can operate without constitutions, assemblies, judiciaries, and even political parties, but cannot survive without an executive arm to formulate government policy and ensure that they are implemented. Anifowose (2008), however, sees the executive as the arm of government responsible for applying the authoritative rules and policies of a society. The executive, he noted, by implementing the constitution, statutes, decrees, treaties, i.e., of the land gives effect to the will of the state. Furthermore, he noted the executive performs two principal roles which include ceremonial role and control of governmental administration. These two roles are performed by the executive as the Chief of the State and as Head of Government respectively.

Ibekwe Ibeto and Anazodo outlined the functions of the executive as contained in the 1999 constitution as follows: budget preparation, initiation of development projects, execution and maintenance of the constitution and laws and by-laws made by the National, States Assembly and councilors, preserving, protecting and defending the territorial integrity of the nation, ensuring the stability and security of the nation, states and local government areas and carrying on the business of governance in all ramifications including conducting the Nation's international relations. He concluded that these two roles are performed by two distinct officials in a parliamentary system of government and by the same official in a presidential system of government.

The legislative Arm of Government

Chapter five (5) of the 1999 constitution of the Federal republic of Nigeria made provision for the legislative arm of government. The legislature is an organ of the government that comprises the elected representatives from geo-political zones whose primary function is to make laws and change laws and policies for the welfare of the citizenry. In democracy, the legislature plays a crucial role to give voice to the voiceless and ensure effective representative of all interest and cultural affiliations or segments of a country. Legislature can be described as symbol of liberal democracy, because it is only the institution or arm of government that always receive the sledge hammer of the military juntas whenever there is coup d'état, as the executive and judiciary continue to function even during such periods.

The legislature is classified into two: unicameral and bicameral. Unicameral legislature is the type of legislature with a single or one chamber while bicameral legislature is the type of legislature with two chambers. One of the chambers is called a lower chamber while the other is called an upper chamber. In Nigeria, the two chambers called the House of Representatives (Lower house, presided over by a speaker) and the Senate (the upper house, presided over by the President of the Senate).

The primary function of the legislature remains enactment of laws, modification or amendment of existing laws to make them to be effective to address the multifaceted and critical needs of populace through good governance. Other functions include: amendment of the constitution, supervision of the activities of the executive, approval of the budget, provision of forum for public opinion approval of appointment, ratification of treaties and approval of state of emergency and declaration of war by the executive.

With respect to the legislature, it is a fact that representative liberal democracy cannot exist without a healthy, lively and credible legislature. Legislature has been given different names across nations of the world. It is referred to as "Parliament" in Britain, "National Assembly" (the central legislature) in Nigeria, "Congress" in United States etc Okoosi-Simbine (2010). The legislature is seen as occupying a key position in the machinery of government (Heywood, 2007) and as the people's branch with the singular purpose of articulating and

expressing the collective will of the people. As an organ of government, it is the forum for the representation of the electorate (Taiwo & Fajingbesi, 2004). Lafenwa (2009) defined the legislature as an official body, usually chosen by election, with the power to make, change, and repeal laws; as well as powers to represent the constituent units and control government. (Abonyi, 2006; Heywood, 2007; Lafenwa, 2009). Also conceptualized the legislature as the lawmaking, deliberative and policy influencing body working for the furtherance of democratic political system. He describes the legislature as the First Estate of the Realm, the realm of representation and the site of sovereignty, the only expression of the will of the people (Bernick & Bernick, 2008; Okoosi-Simbine, 2010). It follows from this analysis that the authority of the legislature is derived from the people and should be exercised according to the will of the people who they represent. Some legislatures have two chambers popularly referred to as bicameral legislatures while some others have single chamber commonly known as unicameral legislature.

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

The establishment of the legislature under the 1999 constitution

Legislative power is law making power or power to make law. The legislative power of the federation is vested in the National Assembly which consists of the Senate and the House of Representative – S.4(1) while the legislative power of the states is vested in the House of Assembly of the State S.4(6).

Section 4(2) (3) provides that the National Assembly shall have exclusive power to make laws for the peace, order and good governance of the Federation or any part thereof with respect to any included in the exclusive legislative list.

In addition, the National Assembly is authorized to make, in respect of matters in the concurrent legislative list (subject to constitutional limitations) and in respect of any matter it is empowered to make in accordance with the provisions of the constitution Section 4 (4).

The state House of Assembly is empowered to make law for the peace, order and good governance of the state or any part thereof in respect of matters not in the exclusive legislative list but concurrent legislative list and any other matter with respect to which it is empowered by the constitution to make laws.

Other functions of the legislature apart from law making

It cannot be overemphasized that the principal functions of the legislature is to make laws. But apart from making laws, there are other five ancillary functions that can be identified. These are representative, deliberative, administrative, investigative and quasi-judicial functions. These distinctive functions are performed by the Nigerian Legislature without doing violence to the doctrine of separation of powers. These functions will be examined as follows:

The representative function:

At the national level, the specific wording of the constitution clearly portrays the representative nature of the legislature. In this connection section 47 instructively provides as follows: "There shall be a National Assembly for the Federation which shall consist of a senate and a House of Representative". The phrase "House of Representatives" in the above provision bears eloquent testimony to the representative nature of the organ of state. The representative nature of the senate can be inferred from the fact that its members are elected on the state basis. The representative nature of the House of Assembly at the state level is derivative from that of the National Assembly as can be seen from the provision of section 91 of the constitution.

The deliberative function:

Before any bill is passed into law, a legislature legally and procedurally, must of necessity know of all the facts in issue. It is gratifying to note that the constitution drafting committee of 1976 recognized the importance of this when it stated as follows: We believe that the legislature, under a democratic system of government, has an important role to play in sustaining the democratic system. Its primary function is to make laws, but in exercising these functions, it must keep itself informed of the needs of society and executed. The

legislative process would be incomplete if all the legislatures have to do were to examine bills placed before them without any further. We think that is too narrow a view of legislature functions. “Legislatures must inform themselves of how existing laws are admonished and what defects show up on the administration of the laws. When they make new laws, they are, as a rule. Dealing with political, economic or social problems which exist or are likely to arise as they must be fully informed about those problems (through proper deliberations). Other powers of legislature include: the administration function section 147 (2) and the investigative function, section 88 of the 1999 constitution of the Federal Republic of Nigeria.

III. Separation of Power Between the Executive and Legislature

In the words of John Locke in his second Treatise in Civil Government: it may be too great a temptation to human frailty, apt to grasp at power, for the same persons who have the power to making laws, to have also in their hands the power to execute them, whereby they may exempt themselves from obedience to the laws they made, and suit the law, both in its making and execution, to their own private advantage (Wade & Phillips, 1970).

Baron de Montesquieu, in his book “The Spirit of Law” (Esprit Des Lois, Chapter XI) explained on the work of John Locke. According to Montesquieu: “Political liberty is to be found only when there is no abuse of power. Experience shows that every man invested with power will abuse it by carrying as far as it will go...to prevent this abuse, it is necessary from the nature of things that one power should be a check on another. When the legislature, executive and judicial powers are united in the same person or body. There can be no liberty... again there is no liberty if the judicial power is not separated from the legislative and executive... There would be an end of everything if the same person or body, whether of the nobles or of the people, were to exercise all three powers”.

In his view, Prof. Ben Nwabueze postulates thus: “Concentration of government powers in the hands of one individual is the very definition of dictatorship and absolute power is by its very nature arbitrary, capricious and despotic” (Abiola, 1981).

In the words of the nationalist, statesman and legal luminary, Chief Obafemi Awolowo, SAN, GCFR: “Man loves power, in the family, village, town and state, in the club, group, association, business, in the institutions of learning, newspaper, office... in all these spheres, you see him always exalting in the use and abuse of power”.

In his view, Carl J. Friedirch (1946) warned: “Many who today belittle the separation of powers seem unaware of the fact that their clamor for efficiency and expediency easily leads to dictatorship”.

For as John Adams said long ago in 1775: “A legislature, and executive and a judiciary comprehend the whole of what is meant by government. It is by balancing each of these powers against the other two, that the efforts in human nature towards tyranny can alone be checked and restrained and any freedom preserved in the constitution”.

In his view, James Madison, a republican and 4th President of the United States of America said: “In framing a government which is to be administered by men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself” (Wright 1961).

In *Kilburn v. Thompson*, the US Supreme Court held that for separation of powers to work, those entrusted with power in one branch of government should be limited to the power given to it by the constitution (*A.G. Abia State v. G. Fed*, 2022 6 NWLR pt. 763, 263 SC).

IV. Checks and Balances in the Executive – Legislature Relationship

The constitution of the Federal Republic of Nigeria provides for a system of checks and balances to restrict the powers of each arm of government at both the federal, state and local government tiers. On one hand, the constitution empowers the executive arm to veto bills passed by the legislature while on the other hand, the latter can override the veto by the former. Similarly, the executive can check the judiciary through its power to appoint or remove judges while the judiciary can declare laws made by the legislature and certain executive actions unconstitutional. Other measures to check the excesses of the executive arm by the legislature include:

- i. Invalidating the actions of the executive done in excess or beyond the constitutional pressures by declaring it null and void and of no effect or ultra vires.
- ii. Removal of the head of the executive (the president or the prime minister) through impeachment process in accordance with the constitutional provisions.
- iii. Ratification or approval of the appointment of ministers and ambassadors (high commissioners) who are members of the executive
- iv. Control of the expenditure of public fund by the executive (e.g., approval of money bill or budget)
- v. Audits public account spent by the executive and carrying out oversight functions in order to obtain first – hand information on the implementation of the budget by the Executive (Nwankwo, 2002).

V. Why Should There be Separation of Power?

There are two schools of thought as follows:

The school of division of labour in politics:

The school of thought argues that separation of powers in governments springs from the eminent English economists, Adam Smith's theory of division of labour. It argues that there should be division of power for specialization or expertise and greater efficiency in government

The liberty school of thought:

This school of thought maintains that liberty of the citizen is the primary and real reason for separation of powers in government. This agrees with the views of Montesquieu. This is the most favoured view in most common law countries and in other countries of the world, as the greatest reason for the doctrine of separation of powers.

In *USA v. Brown*, Earl Warren CJ in the U.S Supreme Court supported in this view, by saying that the American Constitution was not instituted with the idea to promote government efficiency, in his words: "The separation of powers under the American Constitution was obviously not instituted with the idea that it would promote government efficiency. It was on the contrary, looked at as a bulwark against tyranny." The theory of separation of powers was formulated as a check against tyranny. The organs of government are to co-equal. No arm of government is to be allowed to be so powerful as to subjugate the other arms of government and the people.

Explaining that the doctrine of separation of powers was included in the United States Constitution to guard against tyranny and dictatorship, Justice Louis Dembitz Brandeis of the U.S. Supreme Court in *Myers v. USA*, said: "The doctrine of separation of powers was adopted by the Convention of 1787 not to promote efficiency but to preclude the exercise of arbitrary powers. The purpose was not to avoid friction, but by means of the inevitable friction incident to the distribution of the governmental powers among three departments, to save the people from autocracy." Implementation of separation of powers, is a general safeguard against tyranny, dictatorship, oppression and other social political evils, such as, legislative exercise of judicial functions or more simply, legislative judgment and so forth.

The main object of legislative powers is to lay down rules, that is, to make laws. In *Yakus v. United States*, the United States Supreme Court described function thus: "The essentials of the legislative function are the determination of the legislative policy and its formulation and promulgation as defined and binding rule of conduct.

Judicial powers, on the other hand, involves investigation of facts and declaration of rights and liability and other enforcement. The legislature lays down the rules, the executive applies the rules and the judiciary interprets the laws. However, these are broad statements which admit some exceptions. The distinction between judicial and legislative powers has been concisely put by the United State Supreme Court in *Prentis v. Atlantic Coast Line Co.* Thus: "A judicial inquiry investigates, declares and enforces liabilities as they state in present or past facts and under law supposed already to exist. That is its purpose and end. Legislation on the other hand looks to the future and changes existing conditions by making a new rule to be applied thereafter."

The separation of powers is not a question of mere convenience, nor is it an accident of political history, but a deliberate regulatory step to prevent tyranny, by separating the powers of government, conferring them on different persons and making each arm of government to act as a check and balance to the other, whilst the press plays the role of a watchman to keep the people well informed and to hold the government responsible and accountable to the people. It has long been recognized, for instance, that vesting judicial powers in an independent judiciary is essential to justice and liberty, which charged with the exercise of judicial powers, there will be an easy betrayal of justice and liberty and the concept of the rule of law will become empty. The position was explained by DEANE J. in the High Court of Australia in *Polychowich v. The Commonwealth*. Thus: "The main objective of the sometimes-inconvenient separation of judicial from executive and legislative powers has long been recognized at the time of the Federation. It is to ensure that the life, liberty, and property of the subject is not in the hands of arbitrary judges. Whose decisions are then regulated only by their own opinions and not by any fundamental principles of law: Blackstone, Commentaries 1830 Vol. 1 p.269; and see, to like effect, story, commentaries on the Constitution of the United State 1833 p. 1568. Contrary *Re Tracey, Ex parte Ryan* (1989) 166 CLR 518 at p.580."

VI. Separation of powers in Nigeria – constitutional backing

It is interesting to note that, the 1999 constitution of the Federal Republic of Nigeria, separation of powers is a fundamental constitutional principle which spells the roles and duties of the three arms of the government. These principles are enunciated in the constitution as follows:

- i. Part I Section 231(1), states that, - the appointment of a person to the office of Chief Justice of Nigeria shall be made by the president on the recommendation of the National Judicial Council subject to the confirmation of such appointment by the Senate.
- ii. Part I Section 231(2), States that, - the appointment of a person to the office of a Justice of the Supreme Court shall be made by the President on the recommendation of the National Judicial Council subject to confirmation of the appointment by the Senate.
- iii. Section 232(2) States that, in addition to the Jurisdiction conferred upon it by sub-section(1) of this section, the Supreme Court shall have such original jurisdiction as may be conferred upon it by any Act of the National Assembly.
- iv. Part II Section 4(8) states that, save as otherwise provided by this constitution, exercise of legislative powers by the National Assembly or by the House of Assembly shall be to the jurisdiction of courts of law and of judicial tribunals establishes by law and accordingly, the National Assembly or a House of Assembly shall not enact any law, that ousts or purports to oust the jurisdiction of a court of law or of a judicial tribunal established by law.
- v. Chapter V (The Legislature) Section 5 8(1) states that, - The power of the National Assembly to make laws shall be exercised except as otherwise provided by this section and sub-section (5) of this section, assented to by the president.
- vi. Section 5 8(3) says, - Where a bill has been passed by the House in which it originated, it shall be sent to the other House, and it shall be presented to the President for assent when it has been passed by that other House and agreement has been reached between the two Houses on any amendment made on it.
- vii. Section 5 8(4) states that, -Where a bill is presented to the President for assent, He shall within thirty days thereof signify that he assents or that he withholds assent.
- viii. Chapter V Part II (House of Assembly of a State) Section 100(1) states that, - The power of a House of Assembly to make laws shall be exercised by bills passed by the House of Assembly and, except as otherwise provided by this section, assented to in accordance with the provisions of this section.
- ix. Section 100(2) states that, - a bill shall not become Law unless it has been duly passed and, subject to sub-section (1) of this section, assented to in accordance with the provision of this section.
- x. Section 100(3) states that, - Where a bill has been passed by the House of Assembly, it shall be presented to the Governor for assent.

From the foregoing, it is obvious that the essence of the doctrine of separation of powers is to protect the arbitrariness of rules. It by bills passed by both the Senate and House of Representative and, prevents the danger that is most likely to emanate by the conferment of two much powers any single person or body and check of one power by another (The Tide; 2010:23). The power of the executive to convene the legislature and to veto its enactments affirms of defense while the legislative power to impeach is necessary and sufficient to hold the executive accountable to examination without holding him hostage.

The people also look forward to the judiciary for the dispensation of justice and that of judge must carefully but firmly set out to administer according to law which is established by the legislature or by the binding authority of President, which itself is substantially founded on the laws passed by the legislature (The Tide: 2010:23).

Despite the grammatical niceties with which the constitution is coated with in practice, any rigid separation of the state department as stated above is obviously going to paralyze the governmental activities of the State. In theory, separation of powers seems to imply that, the powers of government consist mainly in making, executing and applying laws to cases through the rule of law.

VII. Executive-Legislative relations and governance crisis: An Empirical Verification

The Constitutional Provision:

The constitution is the map through which any democratic government can progress (Fasagba, 2010). He states that the constitution stipulates the powers as well as the responsibilities of the various institutions of government. The first to third republic Nigerian constitution collapsed not because the constitution was not good enough, but it was caused by the inability of the government elites to abide by the rules of the game (Ajayi, 2007). The Nigerian constitution made provisions for each arm of government to survive interdependently. However, these roles are conflicting most of the times. For example, the role of law making by the legislature and veto power of the executive seems to be unclear to the leaders of both organs. Whereas, the executive also initiates legislation and submits to the legislature for consideration and approval sometimes, look as the legislature depend solely on the executive initiatives to pass laws.

Conflicts of Roles:

The role conflict has to do with respect to budget endorsement, execution and evaluation processes (Lewis, 2011). The Executive and Legislature under the 1999 constitution were empowered to prepare and approve budgets of the Federation respectively. Consequently, sections 80 and 81 further established the mode of approving and implementing the budgets. However, section 81, part 1, reserves the exclusive right to the executive in budget preparations. There are cases budget proposals from the executive which have been hampered by the legislature for approval. For example in 2002, the budget sent to the National Assembly for approval was gridlock for five months before it was later passed into law (Aiyede, 2005). The proposed budget was a total of N1.06 Trillion which has about of N297 Billion, capital expenditure and over N588 recurrent expenditure. Instead of passing the budget, the legislature, however, increased the capital allocation as well as slashing the current allocation. This does not go down well with the executive who later revised version of the 2002 budget. This action prompted the legislature to embark on impeachment process against the President. But for the intervention of the party leaders in this bid, the legislatures would have had their way (Eminue, 2006).

Additionally, in 2003 similar budget conflict ensued between the executive and the National Assembly. The budget which was sent to the legislature in mid-November 2002 with the hope of passing it into law was eventually stocked and later approved by the legislature eight months after, in May and then signed into law by July 2003. Of course, the lawmakers concluded that their reason was to have time to study the budget because of its significance to the nation (Oni, 2013). This trend in the relations does not promote political development as government business is mostly affected by this gridlock thereby making the country witness underdevelopment in many aspects of the society. Again, in 2004, budget presented was delayed approval by the National Assembly; the legislature instead increased the budget from the initial amount of ₦1.089 Trillion to about ₦1.3 Trillion (Olojede, 2008). This different role is what experts in executive and legislative relations called functional overlapping (Okon, 2013; Fasagba, 2010). However, the conflicts between the executive and legislature in the fourth republic is identified by disagreement occurred within the period. Thus, Abiodun (2000), supported this factor influencing the Executive and Legislative Conflict in Nigeria political development claim when he stated that, conflicts arose when the President demanded huge sums of money in the form of supplementary from the legislature, which the National Assembly considered unnecessary and therefore, refused to approve.

Perceived Executive Dominance:

Another factor affecting the Executive and Legislative relationship is perceived executive dominance. The administration of former President Olusegun Obasanjo, 1999 on the assumption of office went ahead to scrap the Petroleum Trust Fund established by the Military Decree in 1994. The legislature conceived his action as unconstitutional as he did not consult them before abolishing the law. Meanwhile, the Attorney-General of the Federation and Minister of Justice intervened that Section 315, part A and C, provided for the executive powers under the Constitution to modify prevailing laws. Lafenwa (2007) observed that the first republic parliamentary system in Nigeria does not only fail due to the multiethnic society but also because of the nature of inactive legislatures existing alongside resilient and active executive. One of the reasons the executive is perceived of having so many powers, especially in the Nigerian context was due to the state of prolonged Military rule. For out of the number of years Nigeria has existed from independence in 1960, the Military has ruled for 30 years as against the civilian rule of only 29 years in 2019.

The essence of this is the absence of watchdog from the legislature who would have made them accountable to the people through its oversight. As this institution of law making was side-lined, and support was shifted to the executive branch by the military, thereby making it more powerful. In 2007, towards the end of the Obasanjo's administration, he initiated plans conceived by the legislature as underground moves to amend the constitution to favor him for the third term. The National Assembly through its leader debated this and later aborted this plans because the clause for the amendment of the constitution was not substantial enough to carry on with the task. This attempt of the third term, however, met resistance from the legislature as the majority of them did not support it (Adedoja and Epia, 2006).

Oversight Function of the Legislature:

The oversight functions of the legislature in any given society cannot be overemphasized. How these oversights create conflict in the relations between executive and legislature for the development of Nigeria is what this section will look at. First and foremost, the 1979 and 1999 constitution of the Federal Republic of Nigeria provides basis and powers to the legislature's departure to promote unity and political development, section 147(2); 153, 154, and 171(4) of the Constitution. Invariably, without the oversight of the lawmakers, it is possible for the executive to govern with impunity and not accountable to any person for their actions and inactions about the public funds. This is the more reason it was observed by the then Secretary General of

Commonwealth that, the major function of the law-makers world over include: legislation, representation, national budgeting and oversight of the government among other (Shija, 2008).

VIII. Other Sources of Executive/Legislative Feud

Executive Interference in the Election of Principal Officers of the House:

Section 92(1) empowers the House to elect a speaker from among themselves.

Budgetary Proposal/Budget Implementation:

By section 121(1), the Governor shall cause to be prepared and laid before the House of Assembly at any time before the commencement of each financial year estimates of the revenues and expenditure of the State for the next following financial year.

Exercise of Power of Investigation Under Section 88 and 128:

By these sections, the House can inter alia conduct investigations to correct any defects in the existing laws; each House can expose corruption, inefficiency or waste in the spending of public funds and the administration of laws. It may be noted however, the doctrine of separation of powers also limits the National /State Assembly's investigatory power. As the United States Supreme Court aptly stated: "The power to investigate must not be confused with any of the powers of law enforcement; those powers are assigned under the Constitution to the Executive and Judiciary, (Congress) has no power to expose for the sake of exposure.

Power and Control over Public Fund:

By Section 120, all revenues or other moneys raised or received by a State shall be paid into and form one Consolidated Revenue Fund of the State. By sub-section (2) No moneys shall be withdrawn from the Consolidated Revenue Fund of the State except to meet expenditure that is charged upon the Fund by this Constitution or where the issue of those moneys have been authorized by an Appropriation Law, Supplementary Constitution. The power of House to control public expenditure is absolute and even the Court cannot interfere with the decision of the house.

Threat of Use of Power of Impeachment:

By section 188, the House is empowered to remove the Governor and his Deputy from office from gross misconduct in the performance of the function of their office as Governor and Deputy Governor. Undoubtedly, those power has been used in a manner not contemplated by the constitution in some instances which provoked avoidable overheating of the polity.

IX. Conclusion

One undeniable truth is that the relationship among political actors in any democratic system determines, to a reasonable extent, the success of such a system. Nigeria presents a classic case in this direction. In fact, since its return to democratic governance on May 29, 1999, the nation's political landscape has witnessed a series of altercations caused by the morbid desire of members of the political class to outdo one another in the search and consolidation of power. Indeed, diatribes, mudslinging, and, in some cases open confrontation, have become a recurring decimal in our present-day politics, especially among the three arms of government vis-à-vis the executive, the legislature and the judiciary with each striving vigorously to assert its independence. The historical development of the executive and legislative political institutions in Nigeria has been examined in this paper. It is obvious that the roles of the Executive and the Legislature cannot be overemphasized. These institutions of governance have always been established to complement each other under the presidential constitutions of Nigeria. The presidential practice in the country since 1979 when the country adopted the system of government, have nonetheless, witnessed legislature-executive gridlocks, deadlocks and stalemates over important policy issues. The legislative institution of Nigeria is adjudged to have been unable to adequately perform its constitutional roles in the face of executive dominance in the Nigeria's presidential model.

The power relation between the executive and the legislature remains germane to the analysis of legislature-executive relations in the government and politics of Nigeria. The executive in the presidential system tends to monopolize power and discretionary authority not in Nigeria alone but in presidential regimes across nations of the world. With regards to trajectories of the executive-legislative relations and governance crisis in Nigeria, we noted amongst others the crisis of confidence that has existed between the executives and the legislators in Nigeria from 1999 till date. The National Assembly issued several impeachment threats to the President for failing to carry out its legislative enactments, while in some states also, some Houses of Assembly issued impeachment threats to their states governor and some of the impeachment threats actually led to the removal of some governors namely; Governor Rasheed Ladoja of Oyo State, who was impeached by the State

House of Assembly, for his refusal to play along with President Olusegun Obasanjo. Governor Peter Obi of Anambra State was also impeached by the State House of Assembly. Governors of Ekiti and Bayelsa were also impeached. But most governors subjected to impeachment attempts not only survived, with the support and interference of the presidency, they often went on to engineer the impeachment of the leadership of the state assembly. The results have overwhelmingly been weak assemblies with limited public accountability, transparency and probity in the states. On the other hand, some states Governor have influenced the impeachments of their Deputies and Speakers of their State Houses of Assembly. Executive-legislative relations have been occurring at the federal and state levels since the commencement of the Fourth Republic and that it has been having debilitating impact on the process of good governance at the federal and state levels. There is the need for the executive and legislature to understand that they are both important institutions, having power to make or unmake the smooth functioning of the democratic process, as such they must collaborate together to work for the good governance of the state. Furthermore, a political system where systemic corruption prevails will reduce impeachment to a mere instrument of political vendetta.

The failure of legislators to commence impeachment proceedings against President/State governors with records of allegations of corruption and abuse of office is politically motivated. Such deliberate docility engenders the persistent crisis of governance in the Nigerian political system. We make bold to state that this sordid situation harbours some potent dangers, which have the capacity of rocking the very foundation of our democracy. Thus, the lopsidedness in the devolution of powers among the three arms of government is at the center of the friction in their relationship. This is more South East Political Science Review, Vol.1 No.1, 2017 67 pronounced between the executives and the legislatures. Recent performance of the legislature of the Fourth Republic in Nigeria however, gives a glimmer of hope for sustainable democracy in the country as a gradual decline in executive dominance in Nigeria is discernable. Moreover, the 2011 and 2015 general elections in Nigeria indicated that Nigeria is beginning to accept and use elections as the only legitimate process for assuming power and the foundations of accountability. It can be safely concluded that for sustainable democratic governance to take root in Nigeria, power should be equitably distributed in such a way as to curb mutual mistrust, intolerance, ethnic agitation among the various arms of government especially the executives and the legislatures.

X. Recommendations

Undoubtedly, our current democratic experience has largely been objectionably unsatisfactory partly because of the failure of our elected representatives to creditably discharge their constitutional responsibilities. While some of them may be commended for being alive to their responsibilities, this cannot be said of the majority. This paper seeks to make the following recommendations:

The bill by the National Assembly to alter the 1999 Constitution of Nigeria to provide for financial autonomy of the State House of Assembly in the country is a good step in the right direction. The amendment having been effected will allow the funding of the State House of Assembly in the federation to be charged on the Consolidated Revenue Fund. However, State Houses and Assembly should ensure the implementation of the autonomy.

A joint session of all members of the House of Assemblies in the Federation should therefore, be conveyed to properly sensitize them with the need for financial autonomy for the legislature. The passage process should also be hastened to guarantee the constitutional financial autonomy of State House of Assembly in the country like the National Assembly.

A mechanism for mediating between party members in the executive and the Legislature should be instituted by political parties in Nigeria. Such mechanism should be Constitutionally supreme over its members. Such mechanism must be able to legally mediate between party members in the legislative assembly and must be able to sanction such members whose activities in government are capable of breeding acrimony. However, such mechanism will have influential control over members in the legislature only if defection from one party to another by members of the House is prohibited.

Any serving member of the House who may wish to leave the party on which platform he or she was elected into the House should have his seat in the House vacated and then be subjected to competitive election.

The paper has shown that both the formal structure and the socio-political and economic dynamics of the country mutually reinforce to determine the nature of legislature-executive relations in the presidential system of government between 1999 and 2022. Constitutional prerogative is very important in determining the relationship between the executive and the legislature. In the presidential system of government, the relationship between the executive and the legislature is formally defined by the provision for a separation of the powers, personnel and functions of the two branches and a system of checks and balances between them. However, such provision is largely at the mercy of the interplay of the socio-political and economic environment of the Nigerian states in determining legislature-executive relations.

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

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