

## **LEGISLATIVE-EXECUTIVE RELATIONS IN NIGERIA: A COMPARATIVE STUDY OF THE 8<sup>TH</sup> AND 9<sup>TH</sup> NATIONAL ASSEMBLY**

**ABRAHAM OWUGBOSIA STEWART (PhD)**

**Department of Political Science, Faculty of Social Sciences,  
Ignatius Ajuru University of Education,  
Port Harcourt.**

### **Abstract**

*The legislature and executive arms are the fulcrum of democracy owing to her ability to give the people the opportunity of actually taking control of their own affairs through their elected representatives. It therefore becomes imperative that the relationship between the legislature and the executive must be cordial to enhance the mutual agreement in the handling of the state and citizens affairs for development and the protection of life and property. As a representative assembly, the legislature in a democratic government enacts the general rules of society in the form of laws, the executive implement and enforced the law. This cannot be done without eliciting the views of the people regarding a proposed legislation and support from the executive. It is in keeping with this that the legislature across the world holds public hearings to ensure that citizen's views are taken into the process of legislation, this will assist the executive, in its role to ensure that the purpose of governance will be felt by the people. This study is descriptive in nature and adopted the secondary data which have qualitative baseline orientation. The objective of this paper is to identify the nature and importance of public hearing in Nigeria as well as to identify the reasons behind the exclusion of most citizens from the process. The paper adopted the Bureaucratic organizational theory as its theoretical framework and make adequate recommendations towards ensuring mutual cordial relationship between the legislature and the executive in the country.*

**Keywords: Legislature, Executive, Relations, National Assembly, Nigeria.**

### **Introduction**

The performance of politics, administration and governance universally is acceptable generally that the political powers of the State are functionally divided into three broad categories, the Executive, the Legislature and the Judiciary, the concern of this paper is Legislative-Executive relation in the 8<sup>th</sup> and 9<sup>th</sup> National Assembly in Nigeria. According Kapur, (2006, p.56) formulates and expresses the will of the state, as a representative assembly, the legislature in a democratic government enact the general rules of society in the form of laws. Secondly, there exists a power that ensures the laws of the state as enacted by the legislature are obeyed. This power resides in the executive; the judiciary power on the other hand, determines the manner in which the work of the aforementioned arms of government has been done in strict adherence to the subsisting laws of the land.

Executive-Legislature relationship has always been a challenge in participatory democracy in Nigeria. The executive and legislature are always in cat and dog 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. The story of the 8<sup>th</sup> National Assembly has however, been peculiar. Its journey in 2015 took off on an acrimonious note, as the ruling party All Progressive Congress (APC) was pitted against members of the National Assembly who were bent on choosing their own leaders.

The relationship between the executive and the legislature in the legislature and oversight processes is complex, yet dynamic and robust, with interdependent responsibilities and power-sharing among these two arms of government. The constitution bestows on the executive the responsibility to draft policy in the context of a legal framework, which in essence gives effect to a “draft bill” which is then referred to parliament for consideration and deliberation. Likewise, the constitution bestows on the legislature the responsibility to pass legislation which the executive must implement Kolawole (2017, pp. 45-67).

The Nigerian 8<sup>th</sup> National Assembly commenced on 9<sup>th</sup> of June, 2015 and terminated on 9<sup>th</sup> June, 2019. The Senate was headed by Bukola Saraki as the President and Ike Ekweremadu as the Deputy Senate President while the House of Representative was headed by Yakubu Dogaro as the Speaker and Yusuf Sulaiman Lasun as the Deputy Speaker. The 9<sup>th</sup> National Assembly started on 11<sup>th</sup> June, 2019 and will terminate on 11<sup>th</sup> of June, 2023. The leader of the Senate is Ahmed Ibrahim Lawan as the Senate President Obarisi Ovie Omo-Agege as the Deputy Senate President. The House of Representative Speaker is Femi Gbajabiamila and the Deputy Speaker is Ahmed Idris Wale.

This paper will strictly look at the real political life situation between complete balance and severe imbalance of the Executive-Legislative relations in democratic administration in a presidential system of government as it operational in Nigeria. In a presidential system, the head of government, the President is elected for a constitutionally prescribed period and in normal circumstances cannot be forced to resign by a legislative vote of no confidence (although it may be possible to remove a president for criminal wrongdoing by the process of impeachment. The Executive President is one-person, no collegial.

### **The Legislature**

No form of human organization can function effectively without any rules of behaviour. Legislatures are usually elected bodies which have the primary responsibility of making laws for the whole society. Although, practically everywhere, the universal duty of legislative bodies is law-making, yet they do more than simply write laws. The legislature in Nigeria is also called the parliament. It is made up of the Senate and the House of Representatives. Its laws are therefore meant to determine the acceptable behaviour in the community. Modern legislatures do not perform the same type of functions. Their functions vary according to the type of political system existing in the country.

### **Functions of Legislature**

1. **Law-making:** The primary function of the legislature is to make laws, for the country;
2. **Amendment of the Constitution:** The legislature amends the constitution in every country. Whether such constitution is rigid or flexible, it is still the function of the legislature to effect the necessary amendment;

3. **Control of the executive:** The legislature controls all the executive actions. It also creates government departments, ministries and supervises the activities of government departments. The executive action can come under questioning in the parliament. This is done during the question time. Question time is a forum to air grievances about the executive;
4. **Control of finance and public expenditure:** The legislature approves annual budgets. The money being spent by the government is public money. The legislature being the representatives of the people has to approve any money raise or to be spent by the government or the executive;
5. **Expression of grievances:** The forum created by the legislature enables the peoples' representatives to air their political grievances and other matters of public interest.
6. **Training ground:** The legislature provides a training ground for the practice of politics. Although, today in Nigeria, there is a centre for democratic studies that helps to train elected members of legislature. In the legislature, there are practice political activities.
7. **Control of other Arms of government:** The legislature controls other organs of government. This control is exercised through the removal of judges. It can also impeach the Head of state. This is especially the case in a presidential system of government. in a cabinet or parliamentary system of government, the executive could be removed by the legislature through a vote of no confidence. In that case the entire executive will resign.

Apart from this form of control, legislature exercises supervision and control over government agencies such as public corporations. It also approves appointment to top and important government posts. It can probe activities of government departments and institutions. Finally, through the legislature the electorates participate in running of the government.

### **Types of Legislature**

Broadly speaking, there are basically two main types of the legislature houses i.e. bicameral and unicameral legislatures. However, Nigeria operate bicameral legislature.

### **Bicameral Legislature (Bicameralism)**

A bicameral legislature is that types of legislature that is made up of two chambers or two houses i.e. the Upper House and the Lower House (House of Lords and House of Commons as in Britain or Senate and House of Representatives as in Nigeria).

### **Reasons for Bicameralism**

1. It is safeguard against the dictatorship of a single chamber. Absolute power it is argued corrupts absolutely. Therefore the existence of two chambers will prevent one house from becoming power drunk.
2. Prevention of hasty legislation: It is argued that a second chamber is necessary in a legislature because it acts as a corrective device against rush or ill considered legislation on the part of the lower house.
3. It widens the basic of representation of the citizens in the law making process. The existence of two chambers makes it possible for the adequate representation of all the component unit of the state as both aristocrats and the masses would be represented.
4. It also reduced the work load of legislature. This is necessary because they work load on a single chamber would have been too much to bear if a second chamber does not exist.

5. It has power to delay money bills (for one month) and this can help to check the lower House from releasing public funds to the executive without careful considerations.
6. The second chamber makes it possible for older and experienced individuals to be involved in the law making process. In some countries, membership into the second house is by nomination while in others, it is by election. The composition is such that older people are made members of the second chamber.
7. It also argued that the experience of history has been in favour of bicameralism. Experience has shown that most nations weather big or small have always adopted bicameralism. Therefore, it is not wise to disregard the lessons of history.

### **How the Legislature pass Bill into Law**

A bill is a proposed law. The following are the different stages through which a bill is passed into law in a cabinet system of government.

**Drafting stage:** This stage involves the wording of bill which is usually carried out by the initiator of the bill. The draft will then be sent to the parliament for discussion.

**First Reading:** After the drafting of the bill the legislator or a member of the executive as the case maybe presents the bill to the parliament. He states the nature and purpose of the bill. Members of the legislature will then decide whether the bill should be brought before it. When members agree that the bill should be brought before the House, a date is fixed for the second reading. At this stage, members are given copies of the bill to study for the second reading.

**Second Reading:** After the second reading members are allowed to discuss the principles of the bill, its short-coming and merits. Members are also allowed at this stage to make necessary suggestions for amendments. After deliberations, the bill is referred to a special committee of the house.

**Committee stage:** After the second reading the bill is referred to one of the standing committee of the legislature. These committees are made up of specialists in various fields. This committee examines the bill clause and makes suggestions for amendments both to its substance and wording.

**Reporting stage:** After the special committee of the House has scrutinized the bill, it now reported back to the parliament its deliberations and amendments on the bill. This stage affords the whole House the opportunity either to reject or accept the bill is therefore prepared for the final reading if it has been accepted by the members.

**Third Reading:** This involved the final reading of the bill. No major debate is held here. Only verbal or minor amendments may be introduced. Bill is then sent to the president for his signature before it becomes finally a law. If he vetoes or refuses to sign the bill into law, the bill is returned to the House. It will only become a law if two third (2/3) majority of the members of the parliament vote in support of it. In this case, the signature of the president will no longer be necessary,

## **The Executive**

From time immemorial, the executive has been the hub or centre of government. In very early times, the chief executive made enforced and interpreted laws. The executive could be described as that branch of government responsible for planning, initiation and execution of the laws of the state. It could also be seen (especially in the Nigerian context) as the person or group of persons charged with the responsibility of inspiring and guiding which could lead the nation in a period of socio-political and economic transformation.

## **Type of Executive**

There are types of executives, the parliamentary or cabinet system of government and the other is the presidential system of government. In the presidential system, the executive is made up of president and his ministers.

## **Uni-cephalous or Single executive**

The uni-cephalous or single executive could be like the type obtainable in the presidential system of government. In this type of executive, final control of executive powers rests with one individual. The President as a chief executive is often described as a man with many hats. In the presidential system of government as we have in Nigeria, the president is elected independent of the legislature. The functions of the executive vary considerably in different countries. Sometimes the difference in function can be accounted for by differences in structure. Generally, however executive functions include the following:

### **First as the head of state:**

1. In his capacity as the head of state, he symbolized in his person the state and its people.
2. He performs major ceremonial functions.
3. He receives foreign dignitaries and the members of the diplomatic corps.
4. He confers national honours and awards on deserving citizens and graces major occasions with his presence.
5. He acts as grand patron to certain voluntary and philanthropic organizations.

### **Second, the chief executive as the National Leader:**

1. In his capacity as the national leader, the chief executive speaks for the nation.
2. He speaks to his people on national day celebrations and others major occasions.
3. He articulates public opinion and expresses them on major issues.
4. The people look up to him during moments of tension and crises for emotional and psychological leadership.

### **Third, the chief executive as the leader of his party:**

1. In his role as the leader of his political party, the chief executive is expected to provide partisan and effective leadership for his party.
2. He plays decisive roles in electing the key officers of the party.
3. He helps to articulate and fashion the party's programmes and policies.
4. He make effective use of patronage to distribute rewards to his political party supporters. In his appointment of ambassadors, ministers, secretaries, judges to the high court, liaison officers and other executive advisers and assistants, he promotes the cause of his party.

#### **Fourth, the chief executive as the chief legislator:**

Even though legislation is the constitutional responsibility of the legislature, it is widely acknowledged, even in the United State of America where separation of power received its greatest articulation that major bills originate from the executive branch of government. Executive bills dominate the legislative activities of the legislature. Private members' bills have consistently dwindled.

#### **Fifth, the chief executive as the chief administrator:**

This has been the traditional function of the executive. In the tripartite division of functions, the executive executes the laws. The constitution charges him with the responsibility for good and efficient administration. In this capacity, all heads of executive ministries, departments, agencies, boards and commissions are directly responsible and accountable to him. He appoints them to help him in the work of administration. He reserves the right to dismiss them when he feels that they are no longer promoting the cause of good and efficient administration.

#### **Sixth, the chief executive as the commander-in-chief of the Armed Forces:**

In his role as the commander-in-chief of the armed forces of his country, the chief executive is the highest ranking officers. Consequently, he and he alone has the last word on all matters of military policy. Major military operations cannot be undertaken without his consent. Major mobilization of the army must receive his approval. In fact, the country cannot go to war without his consent.

#### **Seventh, the chief executive as the chief of foreign policy:**

1. Here the chief executive is the single most important diplomat of his country.
2. He formulates all crucial foreign policy decisions.
3. He negotiates treaties with foreign countries on behalf of his country.
4. He appoints and dismisses the members of the diplomatic corps of his country.
5. He receives foreign dignitaries and ambassadors.
6. He represents his country in major world gatherings involving others heads of state and government.
7. His presence in other countries is symbolic of bilateral co-operation.

#### **Theoretical framework**

This study adopted the bureaucratic management theory as its theoretical framework. Max Weber (1864-1920), is said to be the "the father of bureaucratic management theory. Bureaucracy is a personnel and administrative structure of an organization, business, labour, religion, educational, governmental systems depends on a large workforce arranged in a hierarchy to carry out specialized tasks based on internal rules and procedures. The term is used mostly in referring to government administration, especially regarding how the day to day governmental functions are carried out Chand (2010 p. 45). Bureaucracy is administrative system designed to accomplish large-scale administrative tasks by systematically coordinating the work of many individuals. Weber has observed three types of power in organizations; traditional, charismatic and rational-legal or bureaucratic, as bureaucratic is the type of power the ideal one.

Weber's theory of bureaucratic management has two important elements. First, it entails structuring an organization into a hierarchy. Secondly, the organization and its members are governed by clearly defined rational-legal decision-making rules. Each element helps an organization to achieve its goals. He developed the principles of bureaucracy as a formal system of organization and administration designed to ensure efficiency and effectiveness

The constitution of the Federal Republic Nigeria confers the role of law-making on the legislative arm of government, and that of implementation and policies making on the executive. These roles are exercised through the passage of bills which may originate from the Executive, Judiciary, members of Parliament or the public. Due to the technicalities involved there must be cordial relationship between the executive and the legislature for efficiency and effectiveness of the democratic governance in the country.

In the modern World, the bureaucracy is a major organizational context, within which policy making, implementation and evaluation takes place. So the important of the bureaucratic input in policy process and administrative policy making have become commonplace in policy studies. Although public administration in many modern states are conceived as being politically neutral, anonymous and insulated from the socio-political sub-process of policy making. This conception as the previous insulates administration from politicization. The first conception, the politics / policy and administration dichotomy is not valid today, because of executive dominance of policy making. Consequently, public administration has assumed considerable policy making power. The second conception of neutrality and anonymity is no more rigidly held in some societies because administrators are increasingly becoming powerful, influential and active in the socio-political process.

#### **The relationship between the executive and the legislature under the presidential system of government:**

1. The legislative approves of certain appointments to executive posts, eg. Ministers and Ambassadors.
2. The executive assents to bills passed by the legislature before they become law.
3. The legislature approves finances for the executive to implement its policies.
4. Under this system, legislature is empowered to summon members of the executive to appear before it to answer questions about their departments..
5. There is greater separation of power between the executive and the legislature under this system and members of the legislature are not members of the executive.

#### **In the Forth republic beginning of 1999, there emerged seven areas of dispute between the executive and the legislature:**

- a) A presidential directive relocating four parastatals (the Nigeria Maritime Agency, NMA, the Nigerian Shipping Council, NSC, the Nigerian Ports Authority, NPA, and the Nigerian Railway Corporation, NRC) from Abuja to Lagos;
- b) The scrapping of the Petroleum Trust Fund (PTF) by the president without recourse to the National Assembly. The PTF was established by Decree No,25 of 1994;
- c) The amount of money to be paid to the federal legislatures as furniture allowance;
- d) The proposal, by the president, to purchase a presidential aircraft;
- e) Issues relating to appropriation of public funds;

- f) Military deployment to Odi, a village in Bayelsa State leading to serious bloodshed; and
- g) Allegation of disregard for rule of law, aversion to consultation, and lack of respect for the National Assembly and separation of powers on the part of the president.

### **The Relationship between Legislature-Executive in 8<sup>th</sup> and 9<sup>th</sup> National Assembly:**

As regards the relationship between the Executive and the legislature, from the blast of the gun on the 29th May, 2015, when the 8th Assembly assumed office, the Senate President, Bukola Saraki, perhaps due to the then undisclosed intention to contest the 2019 presidential election, made himself symbolically a cog in the wheel of a free-flowing progress of executive proceedings in aspects where there exists a common frontier between the executive and the legislature. As faith would have it, he deceived the then speaker of the house of representatives, Yakubu Dogara into sipping some douse out of this self-deluding journey into the abyss. This conflict continued into the eve of the 2019 general election, where fate once again took its course with the voting out of Mr Saraki, although the speaker was re-elected, but lost his place as the head of the house in the 9<sup>th</sup> Assembly. There was allegation of budget padding labelled against the leadership of the legislature by the media and a number of well-meaning Nigerians as contained in the statement credited to the former governor of Lagos state and leader of the ruling

Apc, Senator Bola Ahmed Tinubu below;

*“National budgets were delayed and distorted as these actors repeatedly sought to pad budgets with pet projects that would profit them, Tinubu claimed in the statement. Even worse, they cut funds intended to prosper projects that would have benefited the average person. After four years of their antics, halting the progress of government, we should do all we can to prevent a repeat of their malign control of the National Assembly. He (Saraki) planted himself at the apex of legislative power. But his actions as Senate President showed a man devoid of compassion for the average Nigerian. All he cared for was power and position”.*

It was as such not surprising that as the term of the legislature came to an end that Buhari in an interview with NTA zeroed in on the Saraki-Dogara legislature as one of the major encumbrances to the realization of this 2015 change agenda. There was also the accusation between the leadership of the legislature and the executive over delay in approving the INEC budget for Nigeria’s 2019 general election. Certain allegations have also been brought forth by the legislature against the executive such as the non-accent of some bill passed by the legislature which the executive turned down such as the petroleum industry bill, the electoral act amendment bill etc.

**Selected Cases under APC Government** The unfolding drama and conflict between the presidency and the senate in particular is the consequences of the leadership crisis of which the seed was planted by the rebellious legislators and how the party responded to the crisis. Not long after the dust had been settled on the leadership of National Assembly, the presidency commenced the prosecutions of senate president and his deputy, for allegedly forged the



senate standing rules in their favour. Bukola Saraki is been prosecuted separately at the Code of Conduct Tribunal for alleged falsification of declaration of asset form when he was about to leave office as the governor of Kwara State. At the time the senate president is under trial, the panama paper unravels Saraki properties in tax heaven; the presidency later dropped the forgery trial. The trial at the CCT disrupted seating at the senate, the senators relocated to the CCT in solidarity with the senate president, as if it was the senate that is under prosecution.

In view of many, senate president is been politically victimized by his party, and therefore, he must seeks help and support of PDP senators whose member he had helped to the post of deputy senate president. From the onset there was lack of coordination in the presidency on the one hand, and between the presidency and national assembly on the other hand. There are contradictories policies, programmes and reports from ministries, department and agencies of government under the power and supervision of the presidency.

One of the issues that lead to the face-off between the executive and legislature is the discrepancies of what the executive presented as the 2016 appropriation bill and what the heads of some agencies defended at the appropriation committee. First, the lawmakers claimed that the executive had inflated the budget with unclear items injected; however, most of the MDAs claimed the budget the lawmakers were making reference to is difference from what they prepared for presentation by the president. The discrepancies generated allegations and counter allegations, and the possibility that the presidency actually presented two versions of the budget. Again, that the budget was padded by cabals at presidency and in cooperation with the lawmakers may not be ruled-out. The house of representative investigated the allegation and subsequently suspended the chairman of the appropriation committee, Hon. Abdulmumin Jibrin, for 181 legislative days. Abdulmumin Jibrin had claimed that the speaker and other principal officers of the house inserted constituency projects into the budget. In the presidency, the head of budget office was sacked and replaced. There was also allegation of budget disappearing from the senate immediately it was presented by the president. The confusion that trails the 2016 budget is a reflection of lack of coherency, coordination and cooperation between and among the presidency, national assembly and APC. Even though the president constantly met with the senate president and speaker, it has not made their relation less confrontational and distractive.

The funding and execution of constituency projects have remained unresolved since 1999. The legislators had earlier fumed at the exclusion of the constituency projects in 2016 budget and threaten a showdown with the executive. After negotiating with the executive, the projects were inserted into the budget. The constituency projects is view by the legislators has their own effort to get the national cake to their constituents, and inability of any feasible project would negatively affect their ratings and re-election bid. The legislators were also not happy about their exclusion from the social welfare programmes of the present government. The senators wanted the programmes to be like a constituency projects that would get them directly involved. But, to the presidency, the legislators were only trying to hijack the programmes for their cronies and supporters and not for general goods as envisaged by the executive.

Similarly, another area of conflict between the executive and national assembly, particularly the senate is the rejection of summons by some government officials. First it was the secretary to the government of the federation (SGF), Babachir David Lawal that refused to appear before the senate. The summoning was sequence to the allegation of fraud at the Presidential Initiative of North East (PINE), the award of contract for grass clearing in refugee camps in the north east. The senate investigation unravels the fraud to the sum of N500m for grass clearing. Again the same award was contracted to the company in which the SGF have a substantial share which was against the rule of public procurement. In a move to give his refusal to appear a legal backing, he went to court but later rescinded and agreed to appear before the senate. The Senate forwarded its report to the president and order the SGF sacked. In his response, the president sent a letter exonerating Babachir David Lawal to the senate. However, six (6) months after, the president ordered his suspension and constituted presidential panel headed by the Vice-President Prof Yemi Osinbajo to investigate corruption charges against the SGF along with the Director-General of National Intelligence Agency, Ayo Oke.

Immediately after the swearing-in of president Buhari, change of leadership at EFCC was one of his priorities. Mr Ibrahim Mustapha Magu though in acting capacity replaced, Ibrahim Lamorde, which many believe headed the EFCC of toothless bulldog. The EFCC act empowers the president to nominate the chairman of EFCC but subject to the approval of the senate. On the assumption of office, Mr Magu embarks on anti graft crusade, which could only be comparing to Nuhu Ribadu era in EFCC. Money was voluntarily returned, while EFCC operators engage in recovery of funds hidden in banks, apartments and stores. Politicians, ex-cabinets members, paramilitary chiefs, military officers, serving and retired were investigated and in some cases properties and billions of naira were recovered. Nigerians especially those in support of the anti-corruption war of the present administration hailed the success recorded, even when the prosecution and conviction of the accused is a rare occurrence.

Still there's some sense of approval among the masses but the power interplay among forces in the presidency and the senate are hard bend not to see Magu to cross the hurdle of a constitutional screening by the senate. The delay in forwarding the name of Ibrahim Magu was as a result of competing interest at the presidency. It took the bravery of Prof Yemi Osinbajo, the vice president then acting as president to forward the name of Ibrahim Magu as substantive EFCC chairman for senate confirmation. Unexpectedly, the senate rejected his confirmation due largely to a damning report by Department of State Security Service (DSS) of him lacking integrity to continue as EFCC chairman.

President Buhari responded to the report by the senate of the rejection of Ibrahim Magu by ordering a separate underground background check on Magu and no concrete evidence to implicate him of the allegation was found, therefore he was re-nominated and his name forwarded back to the senate. In another twist of events, D.S.S once again sent implicating report to the senate, therefore, the senate hinged on the report to reject the nomination of Magu. The senate had capitalized on the power game and supremacy battle within the presidency. As one senator reiterated

We told the leadership of our party that political appointees of President Muhammadu Buhari were using the media against us, especially Magu. We stated to them that Magu (case) was brought in dead; that what we did was to only conduct his funeral (Baiyewu, 2017).

EFCC had been investigating some senators of corruption especially ex-governors, there are some 17 ex-governors both civilian/military governor/ administrators in the 8th senate (Emmanuel, 2015). Immediately after his first rejection, EFCC had accused the senate president of fraud in the Paris Club refund to states government. It was alleged that Saraki been a former chairman of the Nigerian Governors Forum (NGF) received the sum of \$3.5billion, the allegation the senate president denied. Despite Magu rejection by the senate twice, he still keeps his job as the acting chairman of EFCC which some senior lawyers have argued can remain in the job in an acting capacity. Some have suggested that the presidency could forward Magu for re-nomination until the senate confirms his appointment.

Other prominent aspect of frosty executive-legislative relationship was the confrontation between the senate and the Comptroller-General of custom Col. Hammed Ali. President Buhari had appointed the retired colonel as the head of the custom, raising eyebrow over the appropriateness of the post. While it is lawful for the head of custom to come outside the organization, the job title could have been an administrator of custom. Soon, the issue of uniform suffices, as retired military man; Col. Ali had said he wouldn't wear the custom uniform; because it would rub off his military prowess. Custom had announced that it would embark on vehicle verification imported through land border and impound those without full duties. The senate summoned the CG and ordered him to appear in appropriate uniform. The CG initially refused to turn-up and adamant not to appear. He however appears before the senate in mufti and was turned back by the senators to appear in custom uniform. Later, the custom accused the senate of frustrating the new policy because it seized a SUV allegedly belonging to the senate president, the allegation the senate investigated and exonerate the senate president of any wrong doing.

In a move to inform the executive of the frustration of the senate, it had threatened not to take any further action on 2017 appropriation bill and the 27 Resident Electoral Commissioner nominees sent to it. In a swift reaction, the APC had caution the appointees to shed their sword and respect the senate. Subsequently, the senate proposed an amendment to the EFCC act that would transfer the power to appoint the chairman from the executive to the national assembly. Again, in bid to usurp the power of the executive, there is another proposal to bring the code of conduct tribunal directly under the control and influence of the national assembly. The CCT has been placed at the presidency. Even though there had been agitation in the past for the CCT to be taken to either the control of the judiciary or the legislature, however the present propose amendments are in bad faith.

The power politics in the National Assembly took a new turn by the suspension of another member. Abdulmumin Jibrin had been removed and suspended as the chairman of the appropriation committee of the house of representative after the budget padding scandal of 2016. The second suspension was handed to Sen. Ali Ndume, by this time, had been removed as the senate leader in what looked like a palace coup. It was reported that Ndume excused himself to observe the noon Islamic prayer and before he came back, power had changed

hands. Sen. Saraki sacrifice Ndume for Sen. Lawan, his challenger for the senate presidency and the party's backed candidate. Sen. Lawan had been recommended to Saraki as the Senate leader, but instead announced Ndume as the senate majority leader.

The reason(s) why Saraki removed Ndume is clouded in obscurity. But it may not be unconnected to Ndume's constant support for President Buhari. In reacting to Magu rejection by the senate for the second time, Ndume had challenged the Sen. Bukola for lacking moral right to base Magu rejection on D.S.S investigation. In the floor of the senate, Ndume called for the investigation of Dino Melaye certificate scandal and the allegation by the custom of fake document to clear SUV allegedly belong to the senate president. Both allegations were investigated by the senate committee on ethics; the report exonerated both Sen. Bukola Saraki and Dino Melaye. The committee recommended suspension of Ndume for 190 legislative days. There are similarities between the suspensions of Jibrin by house of representative and that of Ndume of the senate. First both men are members of APC the majority party in both chambers of National Assembly; second, they were allies of both senate president and speaker who defied their party.

In view of many, the power play in National Assembly and the rift with the executive are moves towards the 2019 general elections. The rift between the institutions is not new in Nigeria at both national and sub-national levels; the patterns have been similar since 1999. No doubt, the APC legislators have remained the government strongest opposition. Even though the same party controls both the executive and the legislative, this confrontation between the arms of government is not unpredictable.

First, political party influence in the emergence of principal officers of the parliament in the presidential system has been another lingering problem especially in Nigeria. Since the two institutions have separates origin and survival, the best possible way to balance the need for the independence of the National Assembly, party cohesion, the spread of political office among competing interests or what is known as zoning and the desire of the president to have smooth relations with the legislators for easy approval of bills and nominations continue to be problematic. The constant changes of national assembly leaders during Obasanjo and Yar'adua tenures (1999 to 2010) is as a result of this cobweb of competing intrigues within the erstwhile ruling political party, the Peoples' Democratic Party, the presidency and the legislators. Goodluck Jonathan had no concrete confrontation with the legislators, thus there was stability in the National Assembly. its two years into the present administration, but from the available evidence, the recent confrontational stand of the senate is the unfavourable emergence of principal officials of the national assembly to the presidency and the party, APC and their initial reaction to the rebellious act of the legislators.

Second, the public misconception about the role of the legislature has been a challenge, which the executive has capitalized on. People most time confuse the role of the legislature to that of executive and place high expectation on them to provide amenities such as roads, schools, hospital, employment, social/ economic empowerment programme and even to seek personal help like payment of hospital bills and tuition fees. Thus, failure to provide these amenities is regarded as legislative ineffectiveness both individually and as an institution of government. In a survey conducted in Kwara State, Nigeria out of the 229 respondents who plan to vote in

2015, 209 (91.3%) of the respondents plan to vote in the presidential election, 87 (38%) of the respondents plan to vote in the senatorial election, 78 (34.1%) of the respondents plan to vote in the House of representative election, 138 (60.3%) of the respondents plan to vote in the governorship election and 71 (31%) of the respondents plan to vote in the House of assembly election of the 209 that plan to vote in the presidential election Ojibara, ( 2015, p.76).

Third, the legislature been a victim of prolong military rule has constantly in the struggle for power, relevance and public acceptability in the political space. Majority of Nigerians are ignorant about the functions of legislators and in constant bashing by the Nigeria Public. The recent gridlock in the National Assembly has some Nigerians advocating a separate date for the National Assembly elections. Nigerians are now aware of the importance of the legislature as a critical institution for democratic development and advancement. The need to be more sensitive about candidates seeking legislative seats has also been stressed. Politicians' fates are linked due to public perceptions of collective responsibility for competence, honesty, and policy success or failure, accordingly, a politician's career depends on both individual attributes and collective party characteristic, Samuels and Shugart, (2006, p. 10).

In addition, Saraki is known to have the presidency as his final political destination. The power play is view as his battle for political reckoning and influence within APC and PDP. The process that threw up the emergence of both Saraki and Dogara was possible because the duo were formal members of PDP, the erstwhile governing party. The allegation that both men are preparing ground for their return back to the PDP can't be wash away given that politicians cross carpet at will. Related to the above, some of the executive-legislative conflicts are masterminded by forces outside the precincts of the institutions but using forces within the parliament Muhammad, (2010, pp. 96-112).

The argument is that both Saraki and Dogara are implementing this agenda and will jump ship as the 2019 approaches. In the face of policy disposition by an executive bent on "fighting corruption" as a fundamental principle of governance in Nigeria, then a major fallout is expected with legislators bent on perpetrating a rapacious mode of political behaviour and its attendant social and economic consequences Bassey, (2014, pp. 36- 52).

Unfortunately, the executive has not properly investigated corruption against some government officials. Furthermore, another area of serious argument in presidentialism is the issue of party supremacy. It is clear that the constitution is supreme and supersedes any other laws in the country, political parties most often than not, emphasized the importance of party supremacy to legislators. What is often refers to as the party supremacy is the decision of the few that control the party machinery which is expected to be final and binding. The process of candidates nomination is not always open and transparent, unlike in the United States of America were all party members participate in the nomination at one stage or the other. In Nigeria, only few party members engage in the primaries process. The influence of Godfathers is rooted in Nigeria's political culture of primitive accumulation that includes the reciprocal expectation concerning the nature of reward, which continues to condition the behaviour of the political class in ways that defy constitutional propriety and civility Bassey, (2014, pp. 37-52).

The line of leadership and authority of political parties in parliamentarianism is very clear. Any party member that wins the leadership contest of a political party is automatically declare as the prime-minister when such party triumph in general elections and in as much as he/she continues to enjoy the support of members of the party both in parliament and outside. The control of both the party and machinery of government is therefore unified. In Presidential system, even when the president is considered to be the leader of the party, which is mostly ceremonial, his influence maybe limited. In Nigeria, there have been cases of clash of interest between presidents and party chairmen. During the tenure of Obasanjo (1999-2007), the Peoples' Democratic Party had more than five (5) chairmen during this period, a reflection of party indiscipline and inconsistencies.

Finally, president Buhari has been left as a political orphan in this power play. The senators loyal to Bola Ahmed Tinubu seem to have withdrawn their supports to the president. The political naiveties exhibited by Pres. Buhari in the first month of his administration proved to be his greatest undoing. The Buhari camp had accused Bola Ahmed Tinubu of trying to wield too much power in the presidency and the possible way to put him under check is not to support either camp at the national assembly. The events in recent months have left the president at the mercy of the senators demanding that Saraki trial at the CCT should be discontinue. Finally, the 8th national assembly has accused the presidency of not lobby them for smooth passage of appropriation bills, confirmation of nominees and the anti-corruption war. Lobbying in Nigeria parlance is the dashing out of cash and distribution of patronages. The term "Ghana must go" or brown envelop" is synonymous with the national assembly especially during Obasanjo administration. The national assembly wants President Buhari to continue in that tradition of distributing cash largesse to them in return for their support. But the 9<sup>th</sup> National Assembly is experiencing a better working relationship between the executive-legislature.

### **Conclusion**

The power, functions, and responsibilities of legislators should be well communicated to the electorates, so the legislators wouldn't be under undue pressure from their constituents for the execution of project, which is solely the responsibility of the executive.

As scholars have pointed out, there is a need for a harmonious relationship between the various arms of government especially in a poly-ethnic country like Nigeria, in order for society to achieve positive transformation.

While co-existence is necessary, there ought to be some caveat regarding what sort of co-operation that the arms of government needs because of the fear that, any form of co-operation taking place within the clique of a corrupt oligarchs is dangerous in all sense for the society.

While it is reasonable at times for the various arms of government to disagree on several issues concerning the society for without this societal change is impossible, opposition among these arms have to be constructive in order not to lead society to a state of disharmony.

## **Recommendations**

- a) The executive and legislature should operate within the confine and provision of the law or the constitution of Nigeria.
- b) The relationship between the legislature and the executive should be for the strengthening and sustainability of democracy.
- c) The good governance welfare of the citizen should be the absolute intension for mutual co-existence among the arms of government.
- d) The principle of checks and balances should always be applicable in the relationship between the legislature and executive.
- e) The selfish interest of the legislature and the executive should be down played for the overall interest of the state.
- f) The political party that won the majority seat in the National Assembly should for the executive of Assembly without the intervention of the executive arm.
- g) Transparency, accountability and openness should be the watch word between the executive-legislative arms.

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