

Adversarial Executive-Legislative Relations on Governance in Nigeria: Insights from Buhari's Presidency (2015-2019)

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Abstract. The impasse that characterized the executive-legislature relationship under President Buhari's administration has become a major concern to Nigerians. This has slowed the processes of governance in Nigeria since 2015 following the inauguration of Dr. Bukola Saraki and Rt. Hon. Yakubu Dogara led National Assembly against the interests of the presidency and the ruling party, All Progressive Congress (APC). The forces in the APC and the presidency had severally moved to indict and remove Saraki from office as the President of Nigerian upper legislative arm using the Code of Conduct Tribunal (CCT) to no avail. This development has culminated in a frosty relationship between the executive and the legislature. Thus, it has become difficult for the APC-controlled executive to reach out to reason with the leadership of the National Assembly on issues of common concern. Relying on secondary data and institutional conflicts theory, the paper argued that to promote good governance and democratic sustainability in Nigeria, the nation's political actors need to wean themselves off the persistent culture of impunity and flagrant disregard to the rule of law which can be considered a major factor that triggers executive-legislative conflicts in the Buhari's first term in office as President of the Federal Republic of Nigeria.

Keywords: Adversarial, Executive-Legislative, Relations, Governance, Buhari's Presidency

1. Introduction

The returned to democratic rule in 1999 sixteen years of the military regime in Nigeria was received with hope and expectation by Nigerians. This is not only

because of the opportunity that democratic governance gives to the people to participate directly in decision-making but, it allows them to elect their representatives at all levels of government in a free and credible elections. The returned to democratic rule after years of the military regime in Nigeria made it possible for civilian leaders to effect a fundamental transformation of the nation's socio-political system through collaborative input of all arms of government.

According to Roberts (2007), the principle of separation of power that exists in democratic government allows all arms of government to collaborate with each other towards actualization of the government objective. It also enables them functioning according to the dictates of the constitution. As it is being practiced in advance democratic states, the executive arm of government is established to implement law and coordinate the affairs of the state, legislature is made to make law and carry out oversight functions on the activities of the executive while judiciary accordingly is established to interpret and adjudicate on judicial related matters in the state. Therefore, each arm of government is independent in the acts of performing their responsibility and this collaborative function enhances democratic sustainability and effective governance in the state.

However, Momodu and Matudi (2013) argues that the quest for good governance in Nigeria has been threatened by unending conflicts between the legislative and executive arms of government who has been entangled in a constant battle for supremacy and control of the policy-making and implementation process of the government. This conflict has

jettisoned the tenets of the principles of separation of powers which clearly states that the three arms of government shall be independent of the control of each other. Momodu and Matudi (2013) opine further that the executive-legislative relationship in Nigeria since 1999 has been characterized more by dysfunctional conflicts which often deadlock the policy-making, implementation process and ultimately inhibit good governance in the country. The impasse has resulted in impunity and flagrant disregard for the rule of law. It has triggered political conflicts and made the two arms of government not being on the same page on the issue of governance.

During Obasanjo's administration, Eme and Ogbochie (2014) aver that an attempt was made to assert the influence of the executive on the legislature and this later resulted in conflicts between the executive and the National Assembly. The frequent frictions resulted to the frequent change of leadership at the Senate with the removal of three Senate Presidents within the first three years of the administration. The scholars maintain further that during Obasanjo's administration, the domineering power of the President was more inclined to overturn the leadership of the National Assembly that refused to bend to his dictatorial tendency.

Schmidt (2006) believes that rule of law, constitutionalism and the due process was always mentioned as key aspects of governance, but the practice of governance itself shows very little linkage to the general demands of constitutionalism and the rule of law especially when the executive and legislative arms of government were not aligned in deepening democratic rule. This actually had some uncomplimentary effects on governance and democratic consolidations in Nigeria (Daniel, 2017). However, the Yar'Adua/ Jonathan presidency witnessed some little improvement on the issue of executive-legislative relationship. The complementary relationship has resulted in a pleasant and attainment of the goal of democratic governance in the country.

As claimed by Louis (2012), the efficient the government in a democracy, whether it is a Presidential or Parliamentary, the three arms of government must have a harmonious working relationship in the cause of maintaining their institutional independence. In order to promote the cordial relationship between the two arms of the government, it is very necessary for the leadership in each arm of government to come together as one and prevents any form of movement in the cause of performing their official functions that may hinder

the smooth operations of governmental activities in the country. But shortly after the 2015 inauguration, the desires of President Buhari to have a harmonious relationship with the legislative arm of government proved abortive. The administration's aim of getting needed support of the other two arms of government towards effective implementation of this agenda became a big task to achieve.

The event of the last four years really indicates that actualization of the President Buhari's government agenda was threatened because of the impasse and supremacy of power between the legislative and executive arms of the government. This actually impacted negatively on developmental policies of the administration (Ojeifo, 2018). It is in the light of this that this paper examined those intrigues that made the unhealthy relationship between the two elective arms of government under Buhari Presidency despite the fact that the majority of the members of the legislative, an arm of the government was elected from the same party like President Buhari in 2015 general elections. This paper, therefore, attempts to make both the breadth and diversity of the field more comprehensible by examining and identifying some major causes of the executive-legislative conflict between 2015-2109 and the impacts of the impasse on governance and democratic sustainability in Nigeria.

2. Methodology

The paper adopts a qualitative research design to examine those associated factors responsible for executive-legislative impasse under Buhari's administration. The study employed content analysis to examine its implication on governance and democratic sustainability in Nigeria. The paper which is theoretical in nature draws its argument basically from secondary data in order to improve on the reliability and validity of the paper.

3. Conceptual Issues

The Executive

The executive is a branch of government established with the responsibility of ensuring the day-to-day management of the government. It is an organ of government that is empowered to implement laws made by the legislature. As noted by Okpeh (2014), an executive can be regarded as an arm of government exercising authority and holding responsibility for the governance of the state. The executive executes and enforces the law in a political system in line with the principle of separation of

powers. Political authority is distributed among several branches (executive, Legislative, and Judiciary). The existence of the executive arm of government in a presidential system of the administration is, therefore, an attempt to prevent the concentration of power in the hands of a small group of people.

According to Ojo (1995), the executive does not pass laws but instead, it enforces the law made by the legislature and interpreted by the judiciary. The executive can be the source of certain types of law, such as a decree or executive order which is the only source of regulations in the administration of the state. The head of government is assisted by a number of ministers who usually have responsibilities for particular areas of governance through a large number of government employees or civil servants. In a presidential system of government, Ojo (1995) argues that the head of government is also double as the President and the Head of State, but in a parliamentary system, he or she is usually the leader of the largest party in the legislature and regarded as the Prime Minister and the executive power is shared between the President and the Prime Minister.

Ojo (1995) opines further that while in a presidential system, the leader of the executive is both the Head of State and Head of Government. Therefore, the executive branch of government is broadly referred to as the arm of government responsible for the administration of laws enacted by the legislature. In Nigeria, Ignatius (2017) argues that the 1999 constitution provided for the presidential system of government and made the President and the State Governors as the head of an executive at both the federal and the state level. They exercised constitutional powers on the advice of other cabinet members for the effective implementation of government policies.

Ignatius (2017) argues that the executive responsible for providing government services to the people through civil servants working in the ministries and other agencies of the government. Each is headed by a Permanent Secretary, a senior civil servant appointed by the President on the recommendation of the Head of the Civil Service and the Ministers are also appointed by the President subject to the approval of the Senate. They are responsible for policy implementation in their various Ministries. In order to carry out official responsibility perfectly in the ministry, a Minister is often assisted by one or more Ministers of State appointed by the President. According to Chizobe (2014), during the first

republic, Nigeria practiced parliamentary system of government, the Ministers were appointed among the legislature and meet as a body called the Cabinet, and it was chaired by the Prime Minister.

The Cabinet operated as a deliberative body that determines the legislative and executive policy of the government. Cabinet meetings are held on a weekly basis with fundamental to the operations of the executive government. As stipulated in chapter VI of the 1999 constitution, the executive arm of government performs many functions which clearly differentiate it from the legislature. Those functions include implementation of laws, maintenance of law and order, making of law through its power of delegated legislation, it prepares the budget, it oversees day to day running of the administration, the head of executive signs bills into law and intimates bills into parliament in order to speed the wave of governance in Nigeria.

The Legislature

The legislative an arm of government is a major institution of the state that promotes democratic governance. It is an institution where people directly involved in the democratic process through their elected representatives. The institution is significant to democratic sustainability because it serves as a means of checks and balances and saddled with the responsibility of law-making for the good governance of the state. According to Steven and Matthew (2009), the legislature is widely regarded as the voice of the people. It is the hearth of liberal democratic tradition and core ingredient underlining the representative character of democracy. The institution is the most representative arm of government where divergent interests can be expressed constitutionally.

As claimed by Shugart (1992), the legislature is a deliberate assembly to make laws for good governance in the state and it forms an important part of the government in the separation of powers model. The legislature enacts law for good governance and steer governing actions with exclusive authority to perform oversight function on the activities of the executive arm of government. In a democratic state, the legislature is most commonly popularly directly elected by the people. The legislature is the representative of the people with the primary function of making law for the state. In Nigeria, the constitution recognized the bicameral legislature with the House of Representatives made up of 360 members. The Senate has 109 members as provided in section 4(1) of the 1999 constitution (as amended).

Together in all, they are referred to as the National Assembly.

Daniel (2017) avers that the primary function of the legislature is to make laws for the peace, order, and good government in Nigeria. The National Assembly also has the power to legislate on items in the concurrent list as provided for in section 4(4) (a) of the constitution. Constitutional responsibilities of legislature cut across all tiers of governments (Fashagba, 2009). Since 1999 when Nigeria returned to democratic rules, the legislature is enduring uninterrupted legislative activities where the legislative powers, duties, and functions are well spelled out in section 4 of the 1999 constitution. It conferred on the National Assembly the provisions for the exercise of legislative powers. The legislature is a sensitive arm of government constitutionally empowered to make, perform oversight functions, and approved the financial requests of the executive.

This unique function hereby distinguishes the nation's legislative arm of government the executive and judiciary in a democratic state. The roles ascribed to the legislative arm of government in modern democracies include representation, law-making and oversight responsibilities over the activities of the executive. However, in the cause of performing those functions, it has generated a series of controversies recently because of the domineering attitude of the executive.

Governance

The concept of governance is not a new concept but it has to do with the nature of governance style adopted by ruling elites. The concept has been in both political and academic discourse for a long time. It is a form of connection between the government, its agencies and the society. According to Samuel (2002), governance comprises all of the processes undertaken by the government of a state. It is a form of decision-making that is set to solve societal problems. It is a form of policy consideration aimed at resolving social phenomena in the state. In lay terms, it could be described as political processes that exist informal institutions with accountability, transparency, and openness in the application of the rule of law.

Samuel (2002) contends further that governance is part of governmental decisions and rules structured for accountability; it is a process through which constitutional power is being wielded to formulate policies relating to the well being of the people. It involves the act of exercising constitutional power

related to the activities of the state and serves as the bedrock of good government. Adetunji (2013) avers that governance also involves interaction between the formal institutions and those in civil society. It refers to processes that concern the public life and social upliftment in the state. Therefore, governance is a high level of organizational effectiveness in relation to policy-formulation in the state.

4. Theoretical Framework

4.1 Institutional Conflicts Theory

The paper adopted institutional conflict theory to explain its position. It gives in-depth analysis of executive-legislative face-off in Nigeria's democratic governance. The theory was propounded by Schmidt (2006), it emphasizes the state as a structure of interest within which rational actors follows in competition over scarce resources in the heart of all social relations. The theory as lays by Osakede and Adesanya (2017) focuses on the relations among the level of government, implementation of norms and the manner in which pursuit of interest caused different types of conflicts in the normal life of the citizens, the theory believes that conflict arises when executive-legislative pursue incompatible goals and this makes conflicts an inevitable in the cause of performing the constitutional responsibilities in the state.

Osakede and Adesanya (2017) maintain that, an institutional conflict also arises in the state when resources, status, and power unevenly distributed between the levels of government, and that these conflicts become the engine for social change. Conflicts exist whenever incompatible activities occur and an action that is incompatible with another prevents obstruct interference causes injuries to other groups. The theory, therefore, serves as a guide to understanding how executive-legislative impasse under the Buhari administration has resulted in the major division along the political line. This has caused poor policy formulation and implementation of the programs that made bad governance an order of the day in Nigeria.

5. Legislature and Oversight Functions in Nigeria

In order to carry out their function as contained in section 4 (1) of the 1999 constitution (as amended), the National Assembly usually divided into standing or ad hoc committees. The purpose of these committees is to facilitate in carrying out oversight

functions on the activities of the executive. The purpose of oversight is to ensure that the laws enacted by the parliament are well implemented in line with the policy of the government. As observed by Biarkan (2009), oversight has been defined as a process of ensuring the effectiveness of the executive arm of government towards implementation of the laws. Unlike the parliamentary system of the government, the source of power to oversight the activities of the executive is contained in section 88 of the 1999 constitution and confers investigative powers on the legislature.

Obiyan (2007) notes that the legislature possesses the power to confirm the appointment of Ministers and other officials of the government in the federation. This is contained under section 147(2) where Ministers have to be confirmed by the Senate. Also, the impeachment of the President and the Vice President is contained in section 143 of the constitution and can also be regarded as oversight function of the legislature. The mode of carrying out law-making functions is also contained in Section 58 & 59 of the 1999 constitution (as amended). All other functions of the legislature apart from lawmaking can be categorized into oversight functions. However, the oversight responsibility of the legislature is done to prevent the arbitrary use of office by the executive. It also helps in ensuring the effectiveness and efficiency of the executive in the cause of performing its official functions in government.

6. Overview of Executive-Legislature Impasse under President Buhari's Administration

The executive-legislative impasse experienced under President Buhari's first tenure in the office can be traced to the decision of some forces in the All Progressive Congress (APC) and the Presidency which made several and unsuccessfully moved to remove the then Senate President Bukola Saraki and his Deputy, Ike Ekweremadu using the Code of Conduct Tribunal and the regular Courts to indict them over alleged criminal offenses ranging from false asset declaration, corruption and falsification of the Senate rules (Ojeifo, 2018).

This development has indeed aggravated the hostilities between the Senate leadership and the APC/Presidency. The causes and effects of the intractable hostility were that lobbying which is an essential instrumentality for securing the requisite legislative support and approval was scorned by the executive from the outset and replaced with blackmail while the legislature took solace in filibustering executive bills and requests that were

perceivably "thrown" at the National Assembly for consideration. That development culminated in a frostier relationship between the executive and the National Assembly. It became difficult for the APC-controlled executive to reach out to the leadership of the National Assembly for understanding on issues that would typically require legislative support (Ojeifo, 2018).

This impasse made the federal legislature to treat executive related matters with antagonism and reluctance. The admission of the frosty relationship between the two arms of the government by President Buhari at the party's National Executive Committee (NEC) underscores his frustrations. He told the party's apex organ that the frequent friction between the Presidency and the lawmakers then has slowed down the delivery of his campaign promises to Nigerians. The President's confession, which confirmed the existence of the gulf between the two arms of government later, triggered more altercations since the emergence of the leadership of the then the 8th National Assembly.

Ojiabor (2018) argues that the festering executive/legislative feud then had dire consequences for Buhari's administration change agenda. Although, such friction is not alien to Nigeria's political landscape, especially, when the ruling party has no comfortable majority in the National Assembly, this is perhaps the first time it is being admitted that frequent clashes between the two arms of the government has grown so large to slow down governance in Nigeria. It is an open secret that since the inauguration of the 8th National Assembly on June 9, 2015, the two arms of government have been locked in a cat and mouse game. The presidency and the lawmakers were rarely on the same page on issues of national importance.

The crisis of trust stemmed from the contentious emergence of the leadership of the upper and lower chambers of the National Assembly. Contrary to the wish of the ruling party's leadership, Dr. Bukola Saraki emerged Senate President and Ike Ekweremadu, a People's Democratic Party (PDP) lawmaker was elected Deputy Senate President. At the Green Chamber, Yakubu Dogara and Lasun Yusuff were elected as Speaker and Deputy Speaker. Jimoh (2018) opines that the faceoff between the two arms of government under President Buhari's first term was triggered by several issues. The administration of President Buhari in the area of executive-legislative management was not too impressive towards the effective realization of the change agenda of the government.

7. **Causes of Executive-Legislature Impasse in Buhari's Presidency (2015-2019)**

The causes of the executive-legislative impasse in President Buhari's first term in office include:

The EFCC Logjam: As averred by Ojiabor (2018), the issue of nomination and confirmation of Ibrahim Magu as the Chairman of the Economic and Financial Crimes Commission (EFCC) has been regarded as one of the effects of the impasse on governance in Nigeria. The Senate rejected the request on the ground of an indicted report submitted to it by the Department of State Services (DSS) and the Presidency rejected the Senate decision on Magu's confirmation. Since then he has been working on an acting capacity following the insistence of the Presidency that the nominee remained its best man for the job. This however made the Senate pass another resolution does not consider any the presidential nomination that was not listed in the constitution if the President did not comply with their resolution.

Endless wait by Boards' Appointees: Jimoh (2018) argues that the faceoff between the executive and legislative arm of the government between 2015-2018 in Nigeria also resulted in putting on hold the inauguration of some nominees of the government into boards of federal agencies especially, the ones that required legislative approval. The attempt to force them to resume without the Senate confirmation was reprimanded and threatened with severe sanctions by the Senate. This also resulted in unending cold-war between the executive and legislative arms of government in the first term of President Buhari's administration.

Budget Impasse: The regular delay in the passage of the national budget since the assumption of the leadership of the 8th National Assembly under Dr. Bukola Saraki and Rt. Hon. Yakubu Dogara became worrisome to the government and the people of Nigeria. According to Ojeifo (2018), when the nation's annual estimates were presented, the assurances from the National Assembly leadership to give it speedy passages were not fulfilled because of their contending issues with an executive arm under President Buhari. For those four years, the issue of the passage of national budgets always has been the buck-passing and blame games between the two arms. This graciously impacted negatively on governance and democratic sustainability in Nigeria.

Open Bickering: To show the depth of how mistrust between the two arms of government affected governance under Buhari's first tenure in office. The

House of Representatives had once taken on the then Minister of Solid Minerals & Steel Development, a loyalist of President in the cabinet, Dr. Kayode Fayemi when a vote of no confidence was passed on him and this made some Nigerians wonder why a federal government with comfortable control of the two chambers of the National Assembly cannot get anything is done without muzzle-flexing (Oji, 2018).

Elections timetable: The issue of reordering sequence of election as claimed by Ojiabor (2018) came as a result of the decision of the last National Assembly to capitalize on the impasse to propose sudden amendment to the nation's electoral Act which could result to change the order of 2019 general elections. The refusal of the President to assent to the amended electoral Act generated series of argument between the two arms of the government before the election was finally conducted without using the amended version.

7.2 **Effects of Executive-Legislature Impasse on Governance in Nigeria**

It has resulted in slow Pace of Governance: The impasse has created suspicious and hostility between the two organs of government and this has brought down the processes of governance activities in Nigeria. The impasse has created tension and political instability which encouraged impunity and disregard for the rule of law among the political class in the first term of President Buhari. The implications of this according to Osakade and Adesanya (2017) have resulted in poor governance that breeds political instability in Nigeria.

Political Consequences: Legislative-executive impasse has adversely affected the process of governance and overheating the nation's political system. This impasse has actually threatened the peace, unity and inter-parties collaboration through unending conflicts between the legislature and the executives who are often entangled in a constant battle for supremacy that made them jettisoning the tenets of the principles of separation of powers as enshrined in the 1999 constitution as amended (Daniel, 2017).

Social Cultural Consequences: Executive-legislative impasse under Buhari administration also has serious ethno-religious effects in Nigeria. The introduction of an ethno-religious variable into the legislative-executive impasse as maintained affects the unity and national integration in Nigeria. Ojiabor, (2018) argues that the impasse has caused series of agitation from different ethnics group in calling for self-actualization and restructuring the unit of

Nigeria. The failure and mobility of the executive and the legislature to co-exist and provide the pillars for sustainable development through the initiation and implementation of sound policies have a damaging effect on the Nigeria's democratic governance.

Policy Formulation and Implementation Process:

The policy making and implementation process as argued by Osakade and Adesanya (2017) have engendered the smooth running of the affairs of the state. However efficient management of the executive-legislative impasse can also assist in averting its dysfunctional consequences and associated with the passage of Bills that affects the well-being of Nigerians.

8. Conclusion

The executive-legislative impasse as witnessed under President Buhari's administration has impacted negatively on governance and democratic sustainability in Nigeria. The unhealthy relationship between the two arms has translated to major division along the socio-political line and this to some extent has translated into disunity among Nigerians. As noted by Osakade and Adesanya (2017), the face-off between the executive and legislature under President Buhari administration represents an expression of the contest for power and this has made the two organs of government regarded themselves not as co-equals partners but as rivals.

In this regard, the executive under President Buhari intended to dominate and meddle in the affairs of the legislature which was vehemently rejected by the parliament led by Dr. Bukola Saraki and Rt. Hon. Yakubu Dogara. The frequency of the impasse as averred by Oji (2018) has over-heating political space thereby provided room for disunity and national disintegration. It also serves as a way of planned usurpation of power and functions of the legislature by the executive led by President Buhari. It is in light of this assumption that this paper recommends that there is need for the nation's political actors to work towards the promotion of harmonious relationship in order to promote good governance and constitutionalism in Nigeria.

The principle of separations of power needs to be faithfully upheld by President Buhari and his Cabinet members while the impasse can be fully curtailed when periodic interactive meetings can be promoted by all the organs of government for more critical dialogue to be discussed in order to facilitate good governance and democratic sustainability in Nigeria.

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