



An Analysis of Executive-Legislature Relationship Under President Buhari's Administration (2015-2020)

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<http://dx.doi.org/10.47814/ijssrr.v6i6.1215>

Abstract

The organs of government are institution set up by the state for the will of the states to be formulated, and achieved. The mode of operation of these organs of government varies and differs across different system of government. In Nigeria, presidential and federal system of government is adopted. Separation of powers and checks and balances are effectively operated of which the operation can either be cordial or conflictual. It is in lieu of this that this article focuses on examining the pattern and nature of the relationship that exists between the executive and the legislative arm of government under the administration of president Buhari within 2015-2020.

Keywords: *Executive; Legislature; Crises; Organs of Government; Separation of Powers; Checks and Balances*

Introduction

The government, as an organ of state, is the set of structures and mechanisms put in place to carry out the state's will. The executive branch and the legislature are two of the most important governmental organisations since they shape and direct state policy and operations.

The political progress and condition of the state's democracy are thus dependent on their acts and inactions and on the nature of their connection. Nigeria's presidential system was taken from the United States after then-military head of state General Olusegun Obasanjo and then-U.S. president John Carter visited each other on separate official visits. In contrast to the First Republic, which relied on the Parliamentary system of administration established by the First Republican Constitution of 1963, the Federal Republic of Nigeria Constitution of 1979 guided the Second Republic. It was modelled after a presidential system of government with a single executive"(Aiyede, 2005).

Nonetheless, the importance of good governance cannot be overstated because it is crucial to the realisation of the state's goals regardless of the type of government in place (Ogundiya, 2010, Oburota, 2003). Governance analyses how the many parts of a government, such as the executive, legislature, judiciary, and other institutions, work together to define, communicate, and implement the will of the state. In states that have adopted the presidential system of government, the three branches of government each have their own distinct set of responsibilities and authorities, as outlined in the constitution. Among its many responsibilities, the executive draws up the annual budget, comes up with policies to help the state's development, and carries out the will of the legislature. Yet, the legislature is responsible for enacting laws, conducting oversight, and acting as the people's official voice in government. While the executive and the legislature make laws, the judiciary interprets those laws through their judicial review power and settles constitutional disputes between people and between the executive and the legislature. Although while these organs serve distinct purposes, they are inextricably linked and dependent on one another in ways that can quickly escalate into conflict.

Yet, since the start of the fourth republic, there have been multiple incidents of executive-legislative crises that sprang primarily from the constitutional functions of the institution and the personal vendetta of politicians (Eme and Ogbochie, 2014). Three Senate Presidents—Senators Evans Enwerem, Chuba Okadigbo, and Adolphus Wabara were removed from office in the first three years of Obasanjo's presidency, a trend that became emblematic of the ongoing conflict between the government and the legislative in the fourth republic.

The democracy process in Nigeria has been severely hampered by the Senate's near-total destruction due to continual intervention and feuding between these organs. In contrast, there were seldom any incidents of hostility between the government and the legislative under the administrations of Umaru Musa Yaradua and Goodluck Jonathan (Eme and Ogbochie, 2014). In Nigeria's fourth republic, the Presidency and Legislature are constantly playing cat and mouse, even when the ruling party has overwhelming control of both chambers. It's a strange tale, though, how President Buhari's administration has interacted with the 8th National Assembly. It began 2015 on an antagonistic note, with the ruling All Progressives Congress (APC) at odds with National Assembly members who wanted to pick their own leaders. Since then, that section has been purely administrative. Now that tensions have subsided along the party's central axis, the pandemonium may be found between the executive and the legislature, with both branches viewing the other with suspicion.

At this stage, however, it is crucial to investigate the character of legislative-executive interactions in Nigeria's presidential system and to learn how effectively and to what extent the Nigerian legislatures have fulfilled their mandates despite the executive's preponderance.

So, the purpose of this study is to inquire about the character of the relationship between the two arms of government in two of Nigeria under President Buhari's Administration.

The purpose of this research is to take a closer look at how the legislative and executive branches interact under President Buhari. The precise aims are geared towards this end and involve looking at how the legislative and the executive branch have interacted with each other during President Buhari's tenure. To also investigate what has caused the current pattern of legislative-executive relations under President Buhari's administration, and to provide solutions to the problems that have arisen. Theory and concepts are examined in light of these aims.

Research Questions

The study tends to answer the following research questions:

- 1) What is the pattern of legislature-executive relations under President Buhari's Administration in Nigeria?
- 2) What are the factors responsible for the pattern of legislature-executive relations under President Buhari's Administration?
- 3) What are the ways of improving legislature-executive relations under President Buhari's Administration?

Conceptual and Theoretical Framework

This section reviews previous related studies, observations, opinions, comments, ideas and knowledge that shed light on the key concepts under discussion. The essence is to situate this study in proper context and to create a coercion between related previous studies and this research work and as well to identify the gap in knowledge with respect to the study of the subject matter and to appropriately intervene by providing the missing link and by updating and contributing to the existing body of knowledge in the field.

Political Institutions

Providing basic services that encourage political and socioeconomic growth is an integral part of good administration and one of the state's most fundamental responsibilities (Gill, 2002). The government accomplishes these goals through the creation of laws and the strict application of those laws (Bang & Esmark, 2009). Governments have always been responsible for making plans, enforcing laws, and presiding over legal disputes (Akintola, 1999). For this reason, it is crucial that a government's legitimacy exists to guarantee the efficient implementation of these programmes. According to Kousoulas (1975), there are three distinct governmental agencies that each have essential responsibilities. Some officials write laws, some carry them out, while still others adjudicate cases and hand down punishments for those who break the law. In the following headings, we examine what academics have written on these establishments.

The Legislature

Many countries use a variety of terms to refer to their legislative. Parliament in Britain, National Assembly in Nigeria, Congress in the USA, etc all refer to the same institution (Abonyi, 2006; Heywood, 2007; Lafenwa, 2009). As Lafenwa (2009) pointed out, there are substantial disagreements among academics over how to define legislature. According to Heywood's (2007) definition, legislatures are "essential institutions of government" that ensure the government functions efficiently and effectively. It is the branch of government where constituents, through their elected officials, make their voices heard and share their concerns (Bernick & Bernick, 2008; Okoosi-Simbine, 2010). The legislative branch of government is a forum for voter participation (Taiwo & Fajingbesi, 2004).

Via an examination of the roles played, Awotokun (1998) defines legislation. Legislators, in his view, are either duly elected representatives or a legally established assembly (body) of people charged with, among other things, creating laws, keeping an eye on what the executive branch is up to, and looking out for the people's best interests. The legislature is the branch of government responsible for making laws, changing laws, and making laws that favour his representatives, as defined by

Anyaegbunam (2000). In addition, Lafenwa (2009) argues that the legislature is the legally recognised entity that is created by election and has the ability to make, while Okoosi-Simbine (2010) defines legislature as the body that makes law, deliberates on public concerns, and amends laws. The legislature, he says, is the "First Estate of the Realm" because it protects national sovereignty.

The Executive

According to Heywood (2007), the executive branch of government cannot be separated from the rest of the system. According to Anifowose (2008), the executive branch is the part of government responsible for putting into action the public policies, rules, and laws created by the legislative to guide the society's affairs. He remarked that the executive branch actualizes the state's will through the execution of the country's laws, decrees, and treaties. Good, responsive, and responsible governance in the country is a responsibility shared by the legislative and executive branches of government (Puke 2007).

The executive, according to Edosa and Azelama (1995), is "the branch of government responsible for carrying out and enforcing the laws that have been made elsewhere and even by those authorised by law to make laws through delegated legislation." They have seen over and over again that making these policies and putting them into action are the government's most important roles. Of course, they went on to explain that the absence of a state structure (the government's executive branch) would make it difficult to carry out policies and operate efficiently.

Legislature-Executive Relations

Aiyede and Isumonah (2002) elucidated the significance of interaction between the executive and the legislature where they argued that democratic consolidation can only take place in a context in which these institutions of government, relates and are functional to ensure the good performance of government and effective service delivery to the people and honour the social contract government entered into with the people. Kopecky (2004) agrees, arguing that the interaction between the legislative and the administration is a distinguishing feature of any functional political system.

He noted that the constitutional tasks and the makeup of the various political bodies are two of the main determinants of whether or not there would be peaceful cooperation between them. In a similar vein, Lijphart (2004) suggested that the constitutional prerogatives bestowed in legislatures and the executive are most significant since they set the general framework for interactions between the two bodies. Posner and Young (2007) made a similar case, arguing that agreed-upon regulations are becoming increasingly important in managing and regulating the dispositions of individuals, particularly in Africa. To this regard, the idea that democracy entails adhering to due process in arriving at political decisions is intriguing, as proposed by Fashagba (2010).

Dimensions of Executive-Legislative Relationship under President Buhari's Administration

In most democracies, the relationship between the executive branch and the legislative is tense, and this is true of Nigeria's government as well, particularly when the ruling party holds a majority in the legislature following the country's adoption of a presidential system of government. It's a strange tale, though, how President Buhari's administration has interacted with the 8th National Assembly. Since the ruling All Progressive Congress (APC) took office in 2015, disagreements between the executive branch and the legislature have been ongoing. The dispute first flared up over who should head the National Assembly, and it has yet to be resolved, even after internal party strife has subsided.

The conflict reached a head in September 2015, when the government brought charges of false asset declaration against the Senate President, Senator Bukola Saraki, before the Code of Conduct Tribunal. The lawsuit between the Federal Government, represented by the office of Attorney General of the Federation and Minister of Justice Abubakar Malami, and Senate President Dr. Abubakar Bukola Saraki, the leader of the legislative arm of government, over a forgery case, is the first matter to be exam.

In 2015, the Code of Conduct Tribunal (CCT) brought 18 counts of forgery and false declaration of assets against Senate President Abubakar Bukola Saraki and his Deputy Dr. Ike Ekweremadu. Aborisade (2016) reports that the Senate has labelled the forgery case brought forth by Minister of Justice and Attorney General of the Federation and Minister of Justice Abubakar Malami as an attempt to muzzle the legislative. He claimed it was a ploy to weaken the National Assembly's grip on executive power. A statement issued by Senate Committee on Media and Public Affairs Chairperson Senator Sabi Abdullahi on behalf of the Senate called the forgery case a violation of the principles of separation of powers, checks and balances, and unconstitutional. The Senate went on to say that "the present circumstances have forced our hands to alert Nigerians and the international community about the imminent dangers on Nigeria's democracy and an attempt by the executive arm of the Federal Government to muzzle the legislature and criminalise legislative processes in order to cause leadership change in the National Assembly is a return to the period of lawlessness and violation of rule of law which was dividend of the struggle for democracy in Nigeria." Yet, legislators are able to defuse the situation and keep their relationship from completely collapsing.

Power of Appropriation

Budget passage for 2017 was delayed before presentation by the administration and approval by the legislature as a result of the toxic rivalry between the organs of government that began in 2016, and continued into 2017. As a result of this unhealthy conflict, the budget was approved in the middle of the year, which inevitably slowed down the implementation process. Appropriation authority is a contentious issue between the executive and the legislature due to its inclusion in the Constitution of 1999 and subsequent amendments. The executive maintains that it is her prerogative to launch new projects and decide how public monies should be allocated to those initiatives, while legislators have always maintained that the control of public funds is a matter of concern to the people.

The legislature relied on Articles 80 (1, 2, 3, and 4) of the 1999 constitution, as amended, to justify its appropriations, whereas the administration used Article 82, also from the 1999 constitution, to justify its spending over the subsequent six months without a budget. After being presented to the National Assembly in December 2017, the budget was not passed into law for another six months, sparking a crisis about who has control of the country's purse strings in 2017. The president has charged the legislature with padding the budget, which would necessitate debates over appropriation bills. In June, Acting President Professor Yemi Osinbajo signed the budget into law, putting an end to the debate.

The Magu Controversy and Power of Appointments

The appointment of the EFCC Chairman also caused tensions between the government and the legislative in the preceding year. The appointment of Mr. Ibrahim Magu as the Acting Chairperson of the Economic and Financial Crimes Commission is at the centre of the current controversy surrounding appointments (EFCC). In December 2016 and March 2017, the Senate voted against confirming Magu as the commission's chairman. Lagos-based lawyer Femi Falana (SAN) and his team analysed Section 171 of the Constitution of Nigeria, 1999, as amended, which allows the president to make some appointments without the approval of the Senate.

Legal experts agree that one of the openings is for the director of the Economic and Financial Crimes Commission (EFCC), but lawmakers in the National Assembly have stressed that the president cannot approve the appointment without first receiving Senate approval. They emphasised that, for as long as the Constitution is in effect, the Commission chairman must be confirmed by the Senate. There has been no progress made on the issue so far. In April of that year, the disagreement escalated beyond the original topic of budget overruns. Lawmakers announced the suspension of plenary after President Buhari did not respond to resolutions rejecting Magus's appointment, saying they could not continue passing resolutions that would not be honoured.

According to (Falana, 2017), There is still a lot of tension between the executive and the legislature because of the Magu issue. Every nomination the president has sent to the Senate chamber since last October has been ignored thus far. Because the nominees have not yet been approved by the Senate, a number of positions on government boards, agencies, and parastatals have been left unfilled

Peace Moves Gone Awry

The presidential administration attempted to repair relations with the legislature, which had clearly broken down by the third quarter of 2017. The executive branch was worried that the legislature would slay the budget, which would have dire consequences for the budgeted plans and the subsequent implementation of those plans' corresponding projects. After a series of discussions of both chambers in a joint session plenary, the legislature made the peaceful move despite the executive's reversal. A bus carrying National Assembly delegates was stopped by security guards at the entrance of the Presidential Mansion, putting an end to the peaceful march. They said that only the President of the Senate and the Speaker of the House were permitted entry. When the two presiding officers insisted on entering the villa together, the twenty legislative leaders backed out. The president quickly intervened by sending his chief of staff, which helped defuse the situation and avert further pressure between the executive and legislative branches.

NASS and Presidential Aides

The tension between the legislative staff and the Presidential advisors on National Assembly is a problem that has persisted throughout 2017. Good rapport has existed between legislators and presidential liaison officers for many years. They were consequently sometimes able to mitigate the severity of the catastrophe. Yet, murmurs have begun recently over allegations that the aides are misinterpreting their positions and, in some cases, attempting to usurp the roles of the National Assembly during joint sittings. The generally calm Assembly bureaucracy has recently become anxious over the behaviour of Presidential aides during screening sessions at joint sittings. They argued that how the assistants acted made a big difference in how well the executive branch worked with the legislature. Officials in the Assembly alleged that some members of the executive branch acted as if they were speaking and acting at the president's behest. They act in a way that sows distrust among government agencies, and they pretend expertise in areas in which they have none. They have a bad habit of interrupting during joint sessions and acting arrogantly when vetting applicants for the Senate.

Constituency Projects for Lawmakers

In 2017, another source of tension between the legislature and executive is the running battle over quest for substantial implementation of substantial implementation of the constituency project of the lawmakers to showcase. The essence of the constituency projects are to serve as an evidence of the impacts of the lawmakers on their representatives in their various constituencies. The Federal government has through this medium ejected the sum of N100 billion which is meant to execute projects in 469

constituencies in the country. The lawmakers are the country. The lawmakers are to nominate the projects they feel represent the pressing needs of their paper while the Ministries, Department and Agencies (MDAs) are to executive the project.

But there has been argument as to the failure of the executive to release adequate funds for the projects do nominated funds for the projects so nominated by the lawmakers. The lawmakers were not pleased with this as less than 15 percent execution of the various project and thus called for carryover of the projects to the 2018.

Secretary General of the Federation Indictment

Finally, the matter of a Senate investigation into allegations that the Secretary of the Government of the Federation (SGF), David Babachir Lawal, broke Nigerian law when he oversaw the distribution of funds from the Presidential Initiative for the North East's contract awards. The Humanitarian Crisis Monitoring Committee, led by Senator Sheu Sani, has accused the SGF of taking 200 million Naira from a business called Rholavision Nigeria Limited in order to remove grasses in Yobe State.

In response to a letter from Senate President Bukola Saraki, Senator Sheu Sani, who chaired the committee that conducted oversight of the alleged corrupt act committed by the then Secretary to the Government of the Federation, Babachir Lawal, said in plenary that the SGF was not given a fair hearing and that only three of the nine committee members signed the Senate report (Sanni, 2017). In his response to Buhari's letter, Sani categorically states that Buhari's assertions are false, arguing that they are predicated on a skewed interpretation of the facts. In addition, he stated that the Daily Trust, one of Nigeria's most widely read newspapers, had published the letter used to invite the SGF and the other witnesses scheduled to testify before the committee (Sanni, 2017).

Factors that have Determine the Pattern of Executive Legislative Relation under President Buhari's Administration

The Constitutional Provision:

In their analysis of the obstacles to a cooperative relationship between the administration and legislative in Nigeria, IHEMEJE et al. (2016) cited constitutional provision as one of the most difficult to overcome. According to Fasagba (2010), any successful democratic administration must adhere to the constitution as its guiding document. To put it another way, the constitution is the rock upon which the democratic stability of any government rests. He went on to say that the Constitution clearly lays out who has what authority over whom inside the government. The Nigerian Constitution of 1999, as modified, stipulated that all branches of government would function in tandem with one another. Furthermore, these functions typically work against one another. As an example, the president issued Presidential Order 006 mandating the mandatory seizure of assets acquired through illegal means. Legislators took a dim view of this because they felt such a policy ought to have been approved by them first.

Conflicts of Roles:

Approval, implementation, and assessment of budgets all show signs of role conflict (Lewis, 2011). The Constitution of 1999, as modified, gave respective authority over the preparation and approval of national budgets to the administration and legislature. Sections 80 and 81 elaborate on the process for budget approval and implementation. However, the executive has sole authority to prepare the budget in accordance with subsection 1 of section 81. In several occasions, the legislative branch has created roadblocks for the executive branch's budget plans. For instance, in 2017, it took the National Assembly

an additional six months to approve the budget that had been provided to them. An impasse emerged over the planned N7.4 trillion budget. The legislature stands accused of bloating the budget rather than enacting it. The executive is not happy about this, therefore they changed their budget estimate and are moving forward with the new budget for 2018.

Oversight Function of the Legislature

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Conclusion

This research looked into the variables that led to the current state of legislature-executive relations during President Buhari's tenure. The effects of such a connection on national governance have also been examined. The ability of any democratic government to provide the advantages of good governance to its population is acknowledged to be dependent on the harmonious interaction between the executive and legislative institutions of governance in an atmosphere free from arbitrariness, despotism, and recklessness. Since its inception in Nigeria's Constitution of 1979, the idea of Separation of Powers and Checks and Balances has been strengthened in this way. Appadorai (1975) argues that this division is essential for protecting people's freedom and ensuring that no branch of government exerts undue influence over the others.

Recommendation

One of the most efficient ways for the legislature to carry out its oversight responsibilities under statute is through the creation of committees. Hence, the House Committees' authority should be enhanced in terms of legal support, infrastructure, and staff capacity building, especially for those committees with direct responsibilities for oversight and accountability.

The Constitution is a vital piece of legislation, and the fact that it can be changed and interpreted allows it to adapt to the evolving needs of society. As changing the Constitution is under the legislative branch's purview, the Constitution itself should be changed to grant the legislature unfettered authority to make constitutional changes.

Quality and effective decision making in the National Assembly relies on the opposition party providing constructive criticism. So, the opposition legislators' role should be broadened by appointing members of the opposing party to lead committees charged with overseeing the executive branch.

In addition, it is suggested that a strong civil society exist, one that can hold the government accountable for following the law. The administration, along with civil society organisations, should launch a vigorous awareness and enlightenment campaign to educate the people on the importance of keeping tabs on government actions and the right of citizens to recall lawmakers who aren't doing their jobs in the National Assembly.

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