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GOVERNANCE AND LEGISLATURE-EXECUTIVE RELATIONS AT THE STATE GOVERNMENT LEVEL OF NIGERIA'S PRESIDENTIAL SYSTEM

Samuel Oni*

ABSTRACT

Several decades after political independence, Nigeria is still faced with the problem of the right model of governance that will achieve its noble objectives. Following the collapse of the First Republic, Nigeria jettisoned the Westminster parliamentary system and adopted the presidential system. Neither has the parliamentary nor the presidential model of governance been able to guarantee the political stability that is much needed for development and the relationship between the executive and legislature being the single most problematic issue. With heavy reliance on empirical and secondary data, this paper examines the nature of legislature-executive relations at the state level of Nigeria's presidential system and found that these two political institutions have been relating with each other under an atmosphere of mutual suspicion, acrimony and political rivalry orchestrated largely by local godfathers in alliance with the presidency. It therefore argues that, while legislative-executive conflict may be inevitable in the presidential democratic government, mechanism for harmonious relationship between the legislature and executive is imperative for good governance in Nigeria.

Key words: Governance, legislature-executive, relations, state government, presidential system, Nigeria

Introduction

Governance is essential to any political system. While people may disagree about the best means of achieving good governance, it is quite a consensus among men that effective and good governance is absolutely imperative for social, political and economic progress of every country (Ogundiya, 2010, p. 202) and is indispensable for the achievement of the noble objectives of a state (Fabbrini, 1995; Oburota, 2003). Governance is viewed in terms of the structure

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and the procedures of the legislative, judicial, executive and administrative bodies at all the tiers of the government of a state (Gill, 2002; Gberevbie, 2014).

Since governance is both a structure and a process, the onus is on every state to adopt a model of governance whose structure and process it considers suitable for the achievement of its noble objectives. Several decades after political independence, Nigeria is still faced with the problem of achieving her noble ends by the models of governance it has operated with. Neither has the parliamentary nor the presidential model of governance been able to guarantee political stability much needed for sustainable development. At the dawn of its political independence, Nigeria was bequeathed the Westminster-style parliamentary system with the hope that the structure would usher in procedures for sustainable democracy and good governance. Paradoxically, Nigeria plunged into conflicts, which rocked the basis of the country due to the foundations as well as consolidated deficient social, economic, political, and developmental structures laid from the beginning, arising from the colonial origin of the Nigerian state (Dudley, 1982; Nwabueze, 1985; Akinboye & Anifowose, 1999).

The restoration of civilian rule in Nigeria on October, 1979 after fourteen years of military rule was quite important in the political history of Nigeria as the country jettisoned the Westminster model for the executive presidential and gubernatorial government modeled after that of the United States of America. The political bureau of 1987, the 1989 Constitution, the 1994 Constitutional Conference and the 1999 Constitution all supported the retention of presidential system as a model of government for Nigeria, despite the acrimonious politics of the Second Republic. Following the adoption of the presidential system, therefore, neither is any arm of government superior nor subordinate to the other. Each of the executive, legislature and the judiciary is independent within its own sphere of influence. The fact that Nigeria operates a federal constitution means the replication of the separate arms of government both at the federal and the state level of government. Following the federal model, each state's executive and legislature derive their powers from the constitution. The head of the executive branch, at the state level, is the Governor while the legislative body, at the state level, is the State House of Assembly. The executive branch is separate both in function and personnel from the State House of Assembly. However, for the purpose of government, these two political institutions of government are expected to operate in an atmosphere of cordial relationship. In essence, flexibility, understanding and cooperation between the Governor who

is the chief executive and the State House of Assembly in the process of governance are mostly desired. That is why over the years, scholars of intra-governmental relations are very keen at expanding the frontiers of knowledge on the nature and implications of the relationship between the chief executive and the legislature particularly, in the presidential system (Bernick & Wiggins, 1981; Cheibub, 2007). Such diagnosis will bring to limelight the nature of legislature-executive relations in the federating units of Nigerian presidential system and the factors engendering such relationship with a view to bringing to the fore valid modalities for improving legislature-executive relations, especially as the country undergoes a process of democratic consolidation.

1 Presidential System and Legislature-Executive Relations

Some basic principles of the presidential form of government have implications for legislature-executive relations. Firstly, the Chief Executive is elected in a popular election thus, having his or her own electoral base (Shugart & Carey, 1992). Concurrently, an elected legislative assembly is created to parallel the Chief Executive on the basis of the principle of separation of powers (Beermann, 2011). The Chief Executive and the legislature thus have their own electoral mandates, being separately elected. The second principle is the constitutionally fixed term of office of the Chief Executive. Until that prescribed term ends, he cannot be discharged by legislative votes of no-confidence even if he or she favours policies opposed by the legislative authority (Cheibub, 2007), though it may be possible to remove a Chief Executive for criminal wrongdoing by the process of impeachment (Lijphart, 1999). It has been established, however, that the impeachment of a president does not necessarily occur simply as a result of political disagreement between the branches of government (Riggs, 1997; Penings, 2003). In a presidential system of government, therefore, the tenure of both the legislature and the executive are fixed and are not dependent on mutual confidence of the two arms. Thirdly, there exists a constitutionally guaranteed executive authority to execute the laws which implies that one branch (legislature) makes the laws, the other (executive) implements them (Samuels & Eaton, 2002); thus, the President has extensive governmental authority vested in him to manage the government bureaucracy (Nijzink, Mozaffar & Azevedo, 2006). The fourth principle is that the Chief executive has control over the cabinet as a result of his power to select his ministers without restriction and the ministers are responsible to him and not

to the legislature (Idahosa & Ekpekurede, 1995). These basic characteristics are the salient premises on which presidential system rests and have been followed in all presidentialist regimes (Riggs, 1997; Akinsanya, 2005).

Some consequential legislature-executive relations arise from these institutional arrangements. The control over the state bureaucracy is divided between rival centres of authority – the executive and the legislature. The separate electoral mandate and fixed tenure of the executive and the legislature means that the executive does not depend on the continued support of the legislature to stay in power (Nijzink, Mozaffar & Azevedo, 2006). Furthermore, the idea of separate electoral mandate and fixed tenure and the constitutional authority of the executive to implement the laws in a presidential system inform the separation of purpose or political preferences between the executive and the legislature (Samuels & Eaton, 2002). In addition, the institutional arrangement in which both the Chief Executive and the legislature are popularly elected and are mandated to pursue policies can create a dual popular legitimacy. This dual democratic legitimacy results in frequent legislature-executive stalemates and impairs the ability of the presidential political system to control its appointed officials (Linz, 1994; Pennings, 2003). In another dimension, the Chief Executive is elected for a fixed period and often cannot be extended because of term limits, and cannot easily be shortened (Linz, 1994). This can lead to legislature-executive deadlock thus weakening the accountability of the chief executive to the elected legislative assembly (Weaver & Rockman, 1993). Further still, the dual popular legitimisation of presidential system based on the fact that both the executive and the legislature are mandated to pursue policies, creates power parity over sovereignty or supremacy over each other (Abonyi, 2006). Consequently, loose connection between the chief executive and legislative leadership due to separation of powers and separate elections makes legislature-executive relations in a presidential system cumbersome and perhaps conflictual by design (Smith, Stuckey & Winkle, 1998). Since there is no constitutional principle that can be invoked to resolve conflict between executives and legislatures, such as the vote of no confidence of parliamentary systems, deadlocks would provide incentives for actors to search for extra constitutional means for resolving their differences, thus making the system prone to instability (Cheibub, 2002, p. 285).

2 Legislature-Executive Relations at the State Level of Nigeria's Presidential System

The ecstasy that greeted the decision to opt for the presidential system in 1979 revealed the hope that it would usher in clean political governance in the Nigeria. The need for unity, energy, and dispatch inherent in the single executive system – the President, and a provision for a clear separation of the roles, personnel and powers of the executive and the legislature capable of harmonious inter-organ relations as well as ensure the independence of the legislature so as to enhance the performance of both the executive and legislative organs of government are identified as some of the reasons for adopting the presidential system by the 1977/78 Constituent Assembly (Oni, 2013; Gberevbie, 2014). Thus, while each arm is vested with power over some defined activities of government, in many respects, however, conjugal efforts and collaboration are constitutionally required for the exercise of power (Dudley, 1982 & Fasagba, 2009). In this new system, there is a clear separation between the executive and the legislature, the executive deriving its power from the direct popular vote of the electorate and from the constitution (Ekwueme, 2005). Consequently, Section 4 of the 1999 Constitution vests the legislative powers of Nigeria at the federal level in the National Assembly and at the State level of the federation in the House of Assembly of the State. Section 5, on the other hand, vests the executive powers of the Federation in the President at the Federal level and the executive powers in a State in the Governor of the State. Section 6, however, vests the judicial powers of the Federation and a State therein in the Judiciary, consisting of the Courts established for the Federation and the States by virtue of the provisions of the Constitution (CFRN, 1999).

As noted by Oshio (2004, pp.3; 2008, pp.3), although the 1999 Constitution vests the governmental powers on the three separate arms of government, the division of powers is not created to institutionalise isolation of any arm of government. Thus, the definition of powers to each arm only ensures an interlocking system of checks and balances rather than an absolute separation of powers, which is impracticable. In essence, therefore, the separation of powers operationally involves a sharing of the powers of government, a system of checks and balances which allows each arm of government to defend its position in the constitutional framework of government. It needs flexibility, understanding and cooperation among the arms with each of them recognising the limits and enforcing them (Oshio (2008, p. 6). In this way, the purpose of

government is fulfilled through contributions from all the arms as partners in progress. The relationship between the legislature and the executive at the state level of the presidential system of government has, however, over the years been characterised by mutual suspicion, acrimony and political rivalry. In the Second Republic, Kaduna State was the first to blaze the trail when the state House of Assembly brought the full force of the provisions of the Constitution as regards the impeachment of elected public office holders to bear on former Governor **Balarabe Musa** on June 23, 1981 (Nwannekanma & Ogbodo, 2010). The acrimonious legislature-executive relationship in the state was instigated by the fact that the governor's party did not command the majority in the State legislative assembly. While the Governor was elected on the platform of Peoples Redemption Party (PRP), the State's legislative assembly was dominated by a rival party - the National Party of Nigeria (NPN) (Oyediran, 1980). The legislature-executive confrontation, given this scenario, was not unexpected since it was a case of minority government in which the government's party did not have control of majority of the seats in the legislature. At the peak of the confrontations, Governor **Balarebe Musa** who was legitimately elected by the electorate was impeached by the Kaduna State House of Assembly (Awotokun, 1998).

The experience of Kaduna State however, contrasted the acrimony that greeted legislature-executive relations in the then Bendel State, where the government party - Unity Party of Nigeria (UPN) also controlled a comfortable majority in the State House of Assembly (Mbah, 2007). The impeachment of the State Governor by the Bendel State House of Assembly is thus suggestive of the dynamic and complex nature of legislature-executive relations at the state level of Nigeria's presidential system (Oyediran, 1980). In a similar dimension, the Deputy Governor of Kano State was impeached by the State's legislative assembly on the ground of his refusal to perform the duties assigned to him by the Governor (Aiyede, 2005). In the then Gongola State however, the impeachment proceeding initiated by the State House of Assembly against the Governor of the State on the account of gross misconduct was frustrated. In fact, the state assembly had secured the signatory of 43 out of the 61 members of the house to impeach the Governor but the impeachment proceeding was closed following the denial of the allegations by the Governor (Olojede, 2008). A similar incidence also happened in Rivers State where a motion of impeachment was moved against the state Governor for alleged financial impropriety, nepotism and indiscipline. The motion however, could not secure

the support of the majority of its members and was, therefore, rebuffed (Akinsanya and Davies, 2002). The Governor of Ondo State was also victim of legislature-executive hostility that resulted in impeachment threat against him (Awotokun, 1998).

When the legislature was permitted to exist under schemes of diarchy during the aborted Third Republic, confrontations characterised legislature-executive relations at the state level of the country. In Osun State, the Governor **Isiaka Adeleke** appointed two commissioners whose candidatures Osun State House of Assembly had earlier rejected on the ground of tax default. When the State Assembly questioned the Governor over such unconstitutional act, the Governor simply objected based on Decree 50 of 1991 which shielded the executive from legislative scrutiny (Davies, 1996). In Lagos State also, the State House of Assembly threatened the state Governor – **Otedola** with impeachment for his contempt on the House by revoking the land allocated to its members. The Governor of Cross River State also faced impeachment threat from the State assembly for daring to ask the basis for fixing N25,000.00 per annum to each legislator as salary and allowance of a personal assistant (Awotokun, 1998).

The legislature-executive face-offs during the Second Republic were, however, slight compared with the Fourth Republic (Lawan, 2010). The impeachment of Governor - **Diepreye Alamesieagha** by the Bayelsa State House of Assembly was one of such legislature-executive face-offs at the State level of Nigeria's presidential system in the Fourth Republic. Governor **Diepreye Alamesieagha** was impeached by the State's legislators on the ground of gross misconduct in the performance of the functions of his office which included corruption, abuse of office and extra-budgetary and fraudulent expenditures (Owei, 2002). His impeachment, however, showed abuse of the powers of impeachment by the state legislature. The Governor was impeached by fifteen (15) out of the twenty-four (24) members of the state assembly (Lawan, 2010). This number obviously, did not constitute the two-third (2/3rd) majority of the House required by section 188 of the 1999 Constitution to initiate impeachment proceeding.

Another case of legislature-executive face-off at the state government level was the acrimony that led to the impeachment of Senator **Rasheed Ladoja**, the Governor of Oyo State on January 12, 2006 (Lawan, 2010). The impeachment process was also clearly unconstitutional. Less than two-third (2/3rd) of the members of the State House of Assembly (18 out of 32 members) were present at the hotel in the capital city, Ibadan when the House made the resolution

adopting the report of the panel of investigation on allegation brought against him (Ogunmade, 2006).

The controversial impeachment of the Anambra state governor - **Peter Obi** by the State House of Assembly on November 2, 2006 is another instance of legislature-executive conflict at the state level of the federation. The **Mike Belonwu**-led faction of the Anambra State House of Assembly got the governor impeached. The impeachment proceeding was done outside the assembly complex at the early hour of 5.00am under the cover of darkness (Onah, 2007). At the time of the impeachment, the panel constituted by the state judge – Justice **Chuka Okoli** to investigate allegations of corruption against the governor was yet to submit its report. The report was constitutionally required to be adopted by two-third (2/3rd) members of the house before commencing the impeachment proceeding (Lawan, 2010). **Mike Belonwu** however, 'secured' twenty-one (21) votes of the 30-member to impeach the governor despite that no fewer than thirteen (13) legislators were purportedly to be Obi's loyalist, while one (1) of the legislators was hospitalised in London during the impeachment verdict and two (2) other members of the House denied ever being part of the plot. It was, however, alleged that the legislators' actions were orchestrated by PDP leadership and Chief Andy Ubah who wanted to be the next governor of the state (Airahuobhor, 2007).

The case of Ekiti State also comes to the fore in the analysis of legislative and executive relations at the state level in Nigeria's Fourth Republic. Governor **Peter Ayodele Fayose** and his deputy, Mrs. **Biodun Olujimi** were impeached on 16th October, 2006 by twenty-four (24) out of the twenty (26) members of the State House of Assembly (Lawan, 2010). It was only in this case that the constitutional requirement of at least two-third (2/3rd) members of the house to conduct the impeachment proceeding was satisfied. The deliberation by the House on the report of the seven-man panel led by **Ebenezer Omotoso** submitted to it, found the governor and his deputy guilty of all the financial allegations levelled against them (Ogunmade, 2006). They were accused of embezzling state funds, particularly the Ekiti State Poultry Project handled by Governor Fayose's childhood friend and contractor, **Gbenga James**. Consequently, the speaker, Mr. **Friday Aderemi** was sworn as acting governor of Ekiti State (Ailemen, 2007).

Another victim of legislature-executive squabble was Governor **Joshua Dariye** of Plateau State who was impeached in controversial circumstances on November 13, 2006 by 8 out of the 24 members of the State House of Assembly

(Olojede, 2008). He was impeached by the State lawmakers after a legislative panel set up to try him for corruption, submitted its findings to the House (Onah, 2007). The lawmakers alleged that he stole the resources of the people of Plateau State and converted same to his own, laundered the money (eight million pounds, i.e, two billion naira) and siphoned it into various accounts in England contrary to Section 15(5) of the Constitution of the Federal Republic of Nigeria (Ngamsa, 2007). The Supreme Court however, ordered his reinstatement on 27 April, 2007 on the ground that one-third (8 out of 24) of the members of the Plateau State House of Assembly did not form a quorum for the purpose of commencing and concluding impeachment process under section 188 of the 199 Constitution of the Federal Republic of Nigeria. Dariye's term of office as Governor of Plateau State, however, concluded on 29 May 2007 and so he could not return to office (Ailemen, 2007). It is pertinent to note that the House of Assembly group that plotted the impeachment action firmly enjoyed the support of the Federal Government (Olojede, 2008).

The impeachment move against Governor **Borni Haruna** of Adamawa State was however, unsuccessful. While Governor **Boni Haruna** was out of the country for medical treatment, 17 of the 25 members of the Adamawa State House of Assembly commenced impeachment process against him for alleged gross misconduct, misappropriation of several billions of naira and involvement in money laundering and inability to perform his constitutional duties as required by the 1999 Constitution (Airahuobhor, 2007). The House accused the governor of diverting over ₦50 billion meant for the payment of the state's foreign debts incurred by the defunct Gongola State (Oni, 2013).

It is asserted here that this nature of the inter-branch relations is contrary to the position of **Madison** (1992) who, while defending the newly proposed American constitution in 1788, noted an underlying principle of competition and rivalry among the branches as means of limiting and controlling government. As Nigeria works out representative democracy, conflicts continue to persist between the executive and legislative branches with severe implications on good and effective governance. More often than not, instead of being partners in governing, the executive and the legislature at the state level of the Nigeria's presidential democratic governance have been relating with each other as antagonist – which does not augur well for democratic consolidation and development in Nigeria.

It is pertinent to point out that most of these cases of legislature-executive tussle were orchestrated largely by local godfathers in alliance with the

presidency (Albert, 2005, Animasahun, 2013; Olojede, 2008). The politics of godfatherism in Nigeria is attributable to the pattern and character of funding and campaign financing. Through this, the godfathers had so much political influence within their individual states and the country in general and are able to control the party and impose anti-democratic whims and caprices (Animasahun, 2013). This is evidenced by their being able to impose virtually all principal officers and candidates for public offices in the party. They decide who become governors, legislators, local government chairmen, etc., in their constituencies and ensure that the disobedient godsons are impeached (Albert, 2005). In the case of Senator **Rasheed Ladoja**, the Governor of Oyo State for instance, the lawmakers' impeachment move was instigated by **Lamidi Adedibu's Ladoja's** political godfather. **Lamidi Adedibu** had made Senator **Rasheed Ladoja** to be nominated as the gubernatorial candidate of the Peoples Democratic Party (PDP) in 2002 and won the election but felt betrayed by the governor for not making financial returns to him (Lawan, 2010). The impeachment process was a tacit script and support of President **Obasanjo** (Animasahun, 2013). In fact, the impeachment move was after the lawmakers returned from a series of meetings with the President and leadership of the Peoples Democratic Party (PDP) in Abuja. The ex-while governor was alleged to be too close to Vice President **Atiku Abubakar** who was against the President (Ngamsa, 2007).

In the same vein, the impeachment of Governor Obi by the State lawmakers was instigated by Chris Uba's politics of godfatherism which was believed to be at least tacitly supported by the presidency in Abuja (Onah, 2007). The legislative action against Governor **Boni Haruna** was also alleged to have been instigated by the President of the federation. It must be noted that **Boni Haruna** became the Governor of Adamawa state in April 1999 when Vice-President **Atiku Abubakar**, the elected governor was elevated to the position of the Vice-President. He was re-elected in April 2003 (Airahuobhor, 2007). **Boni Haruna** tenaciously remained loyal to his political godfather, the Vice President – **Atiku Abubakar**. This constituted an obstacle to President **Obasanjo** in his war to obliterate the political influence of Vice President **Atiku** in Adamawa State (Onah, 2007). In March 2006, **Boni Haruna** opposed President Olusegun Obasanjo's third term ambition and repeated his opposing stance during a meeting of 20 state governors in April 2006. Haruna's action in this manner obviously would have pitched him against the President, hence the plot to have him (Haruna) impeached. The impeachment of Governor Alamesieagha in a similar dimension was stage-managed by the presidency through the Economic

and Financial Crime Commission (EFCC) (Gberevbie, 2014).

Conclusion and Recommendations

It is quite apparent that an atmosphere of conflicts and gridlocks, particularly when such are based on selfish and parochial interests, is antithetical to democratic consolidation and sustainable development. While legislative-executive conflict may be inevitable in the presidential democratic government, mechanism for harmonious relationship between the two branches is imperative for good governance. In this regard, it is significant that both the executive and the legislature see their roles as mutually supportive. Though a separation of powers exists between the two organs, each one needs the other to function properly. Thus a harmonious working relationship is the ideal towards which both should aspire and pursue. Furthermore, a mechanism for mediating between party members in the executive and the legislature should be instituted by political parties in Nigeria. Such mechanism should be constitutionally supreme over its members and must be able to legally mediate between party members in the legislative assembly. It must also be able to sanction such members whose activities in government are capable of breeding acrimony. However, such mechanism will have influential control over members in the legislature only if deflection from one party to another by members of the House is prohibited. Any serving member of the House who may wish to leave the party on which platform he or she was elected into the House should have his seat in the House vacated and then be subjected to competitive election.

The politics of patronage have made godfatherism phenomenal parasitic with severe implications for participation, political stability, democratic consolidation, peace and development. Political Parties should, therefore, shun the domination of money bags politicians. Party leadership should closely monitor their activities while relevant agencies of government such as the States Security Service (SSS) and The Economic and Financial Crimes Commission (EFCC) should constantly investigate their political activities. Moreover, the presence of an empowered civil society that can demand that the executive and the legislature always govern according to constitutional stipulations is indispensable. There is, therefore, the need for public vigilance on the activities of government and their power as constituents to recall their representatives adjudged to be non-performing in the State Assembly.

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