**EXECUTIVE-LEGISLATIVE RELATIONS AND DEMOCRATIC CONSOLIDATION IN NIGERIA’S FOURTH REPUBLIC 2007-2017**

**BY**

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**CERTIFICATION**

This is to certify that this study titled “Executive-Legislative Relations in Nigeria's Fourth Republic 2007-2017” was carried out by Eze-Ukagha Chika and not by any third party

**APPROVAL PAGE**

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**DEDICATION**

This research work is dedicated to Solomon Ezeorjika, still in our hearts.

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I wish to express my gratitude to God Almighty for His mercies that are new every morning. Also without the guidance, patience and support of my supervisor Mr Rowland Okoli this work would not have come to pass, I appreciate you sir.

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**TABLE OF CONTENTS**

Title page i

Certification ii

Approval page iii

Dedication iv

Acknowledgements v

Table of contents vi

Abstract vii

**CHAPTER ONE: INTRODUCTION**

Introduction 1

Statement of Problem 6

Research Questions 7

Objectives of the Study 7

Research Hypotheses 8

Significance of the Study 8

**CHAPTER TWO: LITERATURE REVIEW**

Literature Review 10

Executive Interference in Legislative Process 10

Democratic Consolidation 12

Executive-Legislative Relations 16

Modes of Executive-Legislative Relations 19

**CHAPTER THREE: METHODOLOGY**

Methodology 26

Research Design 33

Method of Data collection 33

Method of Data analysis 34

**CHAPTER FOUR:**

Executive interference in Legislative process 35

Executive interference in the emergence of National Assembly presiding officers37

Executive interference in impeachment procedures of State Houses of Assembly 38

Interference of the Executive on the amendment of the Constitution 38

Executive interference in the passage of Appropriation Bills 39

**CHAPTER FIVE: SUMMARY, RECOMMENDATIONS AND CONCLUSION**

Summary 40

Recommendations 41

Conclusion 43

**References**

**ABSTRACT**

The necessity of building a workable synergy and desirable relationship between the forces of government both at the levels of executive and legislative systems towards ensuring democratic consolidation lies at the heart of this research.The Fourth Republic came into existence in 1999, this came after a long period of military interregnum. Democracy was highly embraced by all with expected hope it will deliver good dividends and socio-economic development. But not far into the Fourth Republic, the body polity became overheated by lots of challenges namely: corruption, electoral abnormalities, politics of godfatherism amongst others. Also the relationship between the executive and legislature, have been one of a cat-mouse game, especially with the frequent change of leadership especially during the Obasanjo’s second coming as a civilian president. These relations between the executive and legislature have contributed to democratic consolidation both positively and negatively in Nigeria. This is what the researcher has in mind to contribute to the existing body of knowledge showing how cordial relations between the two arms can help in democratic consolidation as democratic consolidation is a process and not an achievement.

**CHAPTER ONE**

**INTRODUCTION/BACKGROUND OF STUDY**

Governance is imperative for the social, political and economic progress of every country and is indispensable for the achievement of the noble objectives of a state (Fabbrini, 1995; Oburota, 2003; Ogundiya, 2010). Governance is viewed in terms of process and structure. Thus, Gill (2002) views it as the processes, structures and organizational traditions that determine how power is exercised, how stakeholders have their say, how decisions are taken and how decision-makers are held to account. Ogundiya (2010) in a very concise and succinct manner sees governance as consisting as consisting of two essential elements of the state, namely, the structure of the state and the procedures of the legislative, judicial, executive and administrative bodies at all tiers of government.

Today, democracy is the dominating form of government in the world, its rivals have “either disappeared, turned into eccentric survival, or retreated from the field to hunker down in their last strongholds” (Dahl, 1998).

Democracy originated more than 2,400 years ago in Ancient Greece. Democracy as a system of government is one in which the citizens exercise power directly or elect representatives to form a governing body such as a parliament or in the case of Nigeria the National Assembly. It is sometimes referred to as the “the rule of the majority”. The principal purposes for the establishment of democracy by the people are the protection of their rights, interests and welfare. In a democracy there are usually three principal arms or organs of government which are the executive, legislature and the judiciary but we will limit this study to the executive and legislature and the relationship between them. In a democracy, the executive carries out or implements the laws made by the Legislature. Maduabuchi (2001) and Andre (1994) agree that while the executive as a form of government is responsible for policy formulation, evaluation and execution to realize set targets, the legislature enacts laws and make the same functional as instrument of cohesion in the society. The belief here is that all the levels of government, be they executive, legislature and judiciary, each of them may not necessarily subsist without the other meaning that each organ of government is mutually reinforcing and contingent upon the success or failure of the other. It goes further to say that there is no political moose in the practice of the specifications and injunctions of the Nigerian constitution just as there is no secret cow in the dispensation of justice in all its ramifications. The executive is therefore seen as the appendage and embodiment of the legislative arm just as the judiciary as the third arm is seen as the arbiter of the two (Ekhator, 2003; Bade, 2000).

The rancor and bickering in the First and Second Republic culminated into years of military interregnums and usurpation of the reins of governance from the arms of government especially the Executive and Legislature, and denied them the opportunity to grow and mature over time in their relationship together.

For a democracy to mature (expected to endure) the political actors must accept the legitimacy of democracy and no actor must seek to act outside democratic tenets, institutions etc. The political actors which we focus on here in this case are the executive and the legislature. The necessity of building a workable synergy and desirable relationship between forces of government at the levels of both executive and legislature lies at the heart of this research. The tendency however is to enhance good, cordial relationship in the executive and legislative arena so as to institutionalize the tradition of best international practices so as to engender democratic consolidation. However, it is interesting to note that the Nigerian political system since her independence in 1960 has grossly known no peace considering the high level of feud orchestrated by political figures in the country thereby either over-heating the already tensed system or at best, running the Nigerian entity more or less like a private estate. At the dawn of its political independence, international attention had shifted to Nigeria as a country that would possibly make giant strides toward sustainable democracy and good governance, development in Africa. Such hopes were not misplaced, given the human and natural resources abundant in the country. Paradoxically, Nigeria plunged into conflicts, which have rocked the foundation of the country since independence 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. The parliamentary system of government that was in place in the First Republic Constitution bequeathed to Nigeria enthroned a system of shared power between the Prime Minister and President and no complete separation of power between the Executive and the Legislature (Dudley, 1982; Nwabueze, 1985; Momoh, 2000; Akinwumi, 2004).

The restoration of civilian rule in Nigeria on October, 1979 after thirteen years of military rule also brought with it the “Washington model” of executive presidential and gubernatorial government and Nigeria turning its back on the Westminster model. The presidential system adopted was modeled after that of the United States of America. It was also predicated on a presidential single executive system of democratic governance. There was 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 (Dudley, 1982; Fasugba, 2009).

The new 1999 Constitution of the Federal Republic of Nigeria came into force with effect from the 29th of May, 1999, the date of the military handover of governance to a democratically elected civilian regime. The document was largely based on the 1979 presidential constitution, with some amendments. Following the adoption of the presidential system of government in Nigeria, therefore no one arm of government is superior to the other; neither is any subordinate to the other. In essence, there was a separation of powers and a system of checks and balances which is very central to a democratic system of governance which Nigeria professes to adopt.

The relationships between the legislature and the executive are one of the key defining characteristics of the functioning of any political system (Kopecky, 2004). It is central to the constitutional and political system of any territory and has been at the forefront of parliamentary debate in recent times (Winetrobe, 2000). These relationships are complex, depending on a range of formal and informal practices. The constitutional prerogatives vested in legislatures and the executive are, of course, most important because they structure the interactions between the two powers (National Democratic Institute (NDI), 2000). However, numerous informal rules and conventions, such as the customs concerning nomination of members of the cabinet following an election, practically precedent, habit and the influence of political parties are very important as well (Bernick&Bernick, 2008). Constructive relationships between the executive and the legislative arms of government are essential to the effective maintenance of the constitution and the rule of law (Holme, 2007). In recent years, however, the character of these relationships has changed significantly, both because of changes in governance and because of wider societal changes. Analysis of these relations will bring to the limelight the nature of legislature-executive relations, the factors engendering such relations with a view to bringing to the fore valid modalities for improving it and ensuring democratic consolidation. This research examines the dynamics, nature, causes and consequences of the relationship between the two arms and on democratic consolidation in Nigeria’s Fourth Republic 2007-2017.

**STATEMENT OF THE PROBLEM**

The legislature and the executive in the presidential system adopted by Nigeria are each vested with some defined activities of government. In many respects joint efforts and collaborations are constitutionally required in the exercise of their powers. The nature of these relations between the executive and legislature in the presidential system has over the years, attracted wide variety of viewpoints both about conflict and cooperation, whether one or the other dominates and what benefits or liabilities result from either. Some see the conflict between legislature and executive as necessary and a beneficial precondition to limiting and controlling government (Madison, 1992; Magil, 2001). The principle of separation of powers is one unique feature of a democracy. At the same time, the branches are expected to serve as checks on each other as a preventive measure against absolute or abuse of power. The relationship between the executive and legislature is imperative to the maturing of democracy which is what democratic consolidation basically means. For democracy to deepen the executive and the legislature have very important roles to play.

Unfortunately in Nigeria today this relationship has sometimes threatened or hampered democracy and its consolidation especially with the actions of members of both the executive and legislature, some of these actions will be highlighted in this study. The relationship between the executive and the legislature in Nigeria has been characterized by mutual suspicion, distrust, political rivalry (Nwannekanma & Ogbodo, 2010). Despite the provisions in the 1999 constitution aimed at rectifying the problems identified with these relations in preceding republics, managing these relations has been the single most problematic issue both at the Centre and the state level since the country’s return to civil rule in 1999.

It is therefore imperative to examine the nature of the legislative-executive relations in fostering democratic consolidation. This research therefore investigates the nature of the relationship between the two branches of government at the Federal level regarding the consolidation of democracy

**RESEARCH QUESTIONS**

The questions that this study seeks to address are:

1. Does the interference in legislative processes by the executive undermine cordial relationship between the executive and legislature?
2. Did the absence of cordial relationship between the executive and the legislature weaken democratic consolidation?

**OBJECTIVES OF THE STUDY**

The aim of this study is to examine the relations between the executive and the legislature in fostering democratic consolidation in Nigeria’s Fourth Republic between 2007 and 2017. Following this goal, the specific objectives to be pursued in this study are:

1. To assess the issues of executive interference in legislative process
2. To assess if the absence of cordial relationship between the executive and the legislature tends to weaken the consolidation of democracy

**RESEARCH HYPOTHESES**

The research hypothesis of this research is as follows:

H1: absence of cordial relationship between the executive and the legislature weakens the consolidation of democracy

H2: undue interference in legislative processes by the executive undermines cordial relations between them

**SIGNIFICANCE OF STUDY**

This research has significance both theoretically and practically. Theoretically, the study will add to the existing body of knowledge already in existence on the relations between the executive and the legislature especially in Nigeria. It will also discuss the issue of democratic consolidation in Nigeria and its linkage with the relations between the executive and the legislature.

Practically, this dissertation will provide information to scholars, students who research into the relations between the executive and the legislature, and also on democratic consolidation in Nigeria.

The findings will also be of immense benefits to stakeholders in the political landscape of Nigeria and also members of both the executive and the legislature in Nigeria.

Finally, this study will serve as a springboard towards continued research in executive-legislative relations, democracy and its consolidation in Nigeria.

**CHAPTER TWO**

**LITERATURE REVIEW**

Many studies in this area of executive – legislative relations have been undertaken by different scholars. In this chapter, key concepts under this research are explained extensively while also reviewing previous related studies, observations, comments, ideas etc. This sets out to situate this study in proper context and create a connection between previous related articles and this research work and to identify the gap in knowledge with respect to this study and to intervene by providing the missing link and also updating and contributing to the existing body of knowledge.

**EXECUTIVE INTERFERENCE IN LEGISLATIVE PROCESS**

The functions of the legislature are done through the legislative process (Okoosi-Simbine, 2010; Anyaegbunan, 2010; Omoleye, 2011). The examination of the extent to which the legislature is independent of executive’s interference in itslegislative process is therefore, an investigation of the extent to which the legislature is able to perform its constitutional functions without undue interference of the executive. Esebagbon (2005) and Anyaegbunam(2010) identify these legislative processes to include internal procedures and business of the House, debates and passage of bills, parliamentary finance, investigation process, scrutiny and approval of nominees for political positions, consideration and amendment and approval process of appropriation bills. The 1999 Constitution of the Federal Republic of Nigeria provides for the separation of the personnel, powers and functions of the executive and the legislature. The separation of powers is understood to be a way of controlling the exercise of state power by fragmenting it among the three different institutions - the executive, the legislature and the judiciary. This separation of powers is the basic principle of the presidential system of government adopted in Nigeria since 1979 and enshrined in sections 4, 5and 6 of the 1999 Constitution. By the general principle of checks and balances, however, the powers are distinct but not wholly separate. Each of the powers designated a specific sphere of action and there are situations when one power has a partial agency in the operation of another. The whole essence is to provide for balance of power among the organs of government. Accordingly, no one arm of government is superior to the other, neither is any subordinate to the other. Each organ is independent within its own sphere of influence. As noted by Campbell (2004), however, the principle of separation of powers is abrogated when a power is exercised by a branch of the government which possesses a different power. By the principle of separations of powers, the legislature is independent of the executive in performing its constitutionally specified functions and in conducting its internal affairs. A good legislature accordingly, has to be relatively independent of the executive and participate in policy initiation rather than being a rubber stamp of executive proposals. Furthermore, one of the basic principles of a democratic system is the inherent right of the legislature to regulate its own affairs by determining the pattern and form of procedure to be followed in the conduct of legislative business (Okoosi-Simbine, 2010). Independence of the legislature from executive control is therefore, critical to the performance of the legislature’s constitutional functions of citizens' representation through legislations and checking executive excesses, arbitrariness and abuse of governmental power. It is central to democratic governance. It is in the view of this that Section 60 and 101 of the 1999 Constitution of Nigeria provide that the nation's legislative assemblies (National Assembly and State House of Assembly) shall have powers to regulate its own procedure, including the procedure for summoning and recess of the House. It is therefore, not only a duty but also a right of the legislature to exercise its power independently without executive meddlesomeness.

**Democratic Consolidation**

The apposite place to begin is perhaps the operationalization of the concept of democracy itself. Democracy has won for itself a household name across the globe. This popularity has been achieved because it is believed that growth and development must surely take place or occur. Then the question, what then is democracy? Several scholars have put forth different definitions to this concept. There is no generally accepted definition of democracy; also different forms of democracy have emerged. According to Erunke (2012), democracy is a fluid concept that has received many definitions by scholars either in classical political studies or in the contemporary world of scholarship. According to Almond, Powell, Strom & Dalton (2004), democracy is a political system in which citizens enjoy a number of basic civil and political rights and in which their most important political leaders are elected in free and fair elections and accountable under the rule of law. Schumpeter (cf Dada et.al, 2013) sees democracy as a political method or type of institutional arrangement for arriving at political, legislative and administrative decisions. Okeke (2015) defines democracy as a people-centred system of government, which entails periodic popular elections, in which the sanctity of the electoral process is strictly guaranteed. It should be emphasized that democracy thrives better in many parts of the world where there are also strong democratic institutions. In other words, democratic principles thrive and are more effective when they are supported by strong institutions of modern government (Yagboyaju, 2013).

According to Yagboyaju, Ake had argued that it is the principles of public accountability, mass participation, majority rule and minority rights that define democracy as a concept. This was a contentious issue because he (Ake) opined that democracy is about principles rather than about institutional forms. Thus citing Mimiko (2010), Yagboyaju concludes that it follows therefore, that any political system that provides for these principles qualifies to be called a democracy (anyone that does not, no matter the majesty of physical infrastructure of democracy put in place, cannot justifiably refer to itself as a democracy). Hence , according to Ogundiya (2009) cited in Akubo&Yakubu (2014), democratic consolidation is about regime maintenance and about regarding the key political institutions as the only framework for political contestation and adherence to the democratic rules of the game. Democratic consolidation should therefore consequently connote a consistent and sustained practice of democratic principles (Yagboyaju, 2013).

Now beyond conceptual orthodoxy however, democratic consolidation may as well be denoted as when democracy is being consolidated (when democracy is being consolidated (solidified) in defence of the people-centeredness of the precepts of democracy). Democracy is therefore a system for defending the powers of the people against usurpation by political goons. Democracy defends the hopes of a people against onslaught by sundry intruders. Therefore democracy is both a system of government and a system of defence. Therefore, in the context of developing democracies, the stronger the defence mechanisms of democracy the nearer the tendencies of the system towards democratic consolidation.

The concept democratic consolidation has attracted the attention of scholars and policy makers since the advent of the third wave of democratization. Andreas Schedulers (1998) says that democratic consolidation is “omnibus concept, a garbage-can concept, a catch-all concept, lacking a core meaning that would unite all modes of usage.” Some scholars also tend to view democratic consolidation as a realization – an achievement. According to Valenzuela (1990) cited in Akubo and Yakubu (2014), the building of a consolidated democracy involves in part an affirmation and strengthening of certain institutions, such as electoral system, revitalized or newly created parties, judicial independence and respect for human rights, which have been created or recreated during the course of the transition. Yagboyaju (2013) further opines that democratic consolidation could be said to effectively prevail in most mature and advanced democracies of the world, where many of the prominent democratic principles largely constitute the political culture.

Despite the nebulous nature of the concept, most scholars accept the original understanding of the concept as being associated with the challenge of securing and extending the life expectancies of new democracies, of building immunity against the threat of regression to authoritarianism and reverse waves (Schedler, 1998). For Jega (2006) cited in Erunke (2012), democratic consolidation is a term which describes the vital political goal for a transiting democracy with intermittent flop by authoritarian rule. Ademola (2011) conceives democratic consolidation as an identifiable phase in the process of transition from authoritarian to democratic system that are critical to the establishment of a stable, institutional and lasting democracy. Democratic consolidation entails widespread acceptance of rules that generate political participation and competition. Also democratic consolidation is normally understood as the level beyond which democracy is sustainable and its complex system of institutions, rules and patterned incentives and disincentives becomes, in a phrase, the only game in town (Linz &Stepan, 1996). Democratic Consolidation is the process by which a new democracy matures, in a way that means it is unlikely to revert to authoritarianism without an external shock. The overall concept of modern democracy has three principal parts: “democracy, constitutionalism and liberalism”. Each must exist for it to be genuine democracy. Diamond (1999) sees democratic consolidation as the process of achieving broad and deep legitimation such that all significant political actors believe that popular rule is better for their society than any other realistic alternative they can imagine.

**LEGISLATIVE-EXECUTIVE RELATIONS**

The great expansion of constitution writing, especially after the fall of European and then Soviet Communism after 1989, has generated a profusion of scholarship about the effects of different constitutional systems of executive–legislative relations. Aiyede and Isumonah (2002) explicated the imperative of interaction between the executive and the legislature when they posited that democratic consolidation can only occur in a context in which political institutions, especially the executive and legislature, are functional and interact in a way that reinforces confidence in the government and the process through which the offices of these government institutions are filled. Under a democratic setting, there are basically two regime types’ i.e. parliamentary and presidential systems. These types differ fundamentally through how they structure the relations of the executive to the legislative branch in either a hierarchical or a transactional fashion. In a hierarchy, one institution derives its authority from another institution, whereas in a transaction, two (or more) institutions derive their authority independently of one another.

The distinction between hierarchies and transactions is critical, because in a democracy, by definition, the legislative power (or at least the most important part of it) is popularly elected. Where parliamentary and presidential systems differ is in how executive power is constituted: Either subordinated to the legislative assembly, which may thus terminate its authority (parliamentary democracy), or else itself elected and thus separated from the authority of the assembly (presidential democracy). All forms of democratic constitutional design must trade off these two competing conceptions of hierarchy vs. transaction in the relations of the executive to the legislative assembly. In this study the focus will be on the relationships between the two arms in a presidential system which is what Nigeria practices.

Kopecky (2004) sees the relationship between the legislature and the executive as one of the key defining characteristics of the functioning of any political system. He noted the vital place that structural and legal factors hold in shaping the relationships between these two political institutions. This position is emphasized by Lijphart (2004) when he argued that the constitutional prerogatives vested in legislatures and the executive are most important because they define the broad framework for interactions between the two powers. Similarly, Posner and Young (2007) averred that institutionalized rules are increasingly becoming relevant in regulating the behaviours of political actors, especially in Africa. This new development, to Fashagba (2010), is heart-warming because it aligns with the postulation that democracy entails an institutionalized arrangement for arriving at political decisions.

What then are executive-legislative relations? Legislative-Executive relations is the interaction and total transaction that takes place between the executive and legislative arms at a particular level of government where both institutions exist (Bassey,2000). Adamolekun (1982) defined inter-governmental relations as “the interactions that take place among the different levels of government within a state.” Looking at this definition it excludes in its entirety legislative-executive within a particular level, because neither the executive nor legislature are levels as in the Federation of Nigeria. While the institutional view of executive-legislature may hold strong as a factor that shapes the relationship between the executive and the legislature, numerous informal rules and conventions, such as the customs concerning nomination of members to the cabinet following an election, are very important as well. Perhaps this is exemplified by Bernick and Bernick (2008) when they affirmed that such relationships are largely shaped by the attitudes and beliefs of the participants. They contend that these relationships are complex, depending on a range of formal and informal practices. Of course while formal texts of constitutional charters and law are very instrumental to the relationships that exist between the executive and the legislature, however, such relationship hinges on the informal conditions and practices that permit these norms to be implemented in practice.

Constructive relationships between the executive and the legislative arms of government are essential to the effective maintenance of the constitution and the rul-9e of law (Holme, 2007), this ultimately leads to the consolidation of democracy. In recent years, however, the character of these relationships has changed significantly, both because of changes in governance and because of wider societal changes. All forms of democratic constitutional design must trade off these two competing conceptions of hierarchy vs. transaction in the relations of the executive to the legislative assembly. There are numerous hybrid forms—semi-presidential and other. Scholars have been expressing a wide variety of viewpoints on legislative-executive relations, about conflict and cooperation, whether one or the other dominates, and whether benefits or liabilities result from either. While some see conflict between the executive and legislature as a necessary and beneficial precondition to limiting and

controlling government (Aiyede, 2005), others view it as contributing to gridlock over major public policy decisions, thus making government ineffective (Mbah, 2007; Dulani&Donge, 2006).

**MODES OF EXECUTIVE-LEGISLATIVE RELATIONS**

Scholars are very keen to examine the modes of relationship between the executive and legislative branches of government. This relationship, according to Lijphart (1999), is inherently a power relationship and, more accurately, a power struggle. In this regards, Bernick and Bernick (2008), while considering the model of a balance of power between the executive and the legislature, summarized the relationship between the two branches into three configurations: the governor is dominant, the legislature is dominant and the two are competitively structured. The analysis of Penning (2003) is similar in this dimension. He views that the modes of interactions between the legislature and the executive depend on the power divisions within and between the legislative assembly and the executive. In this regard, Penning (2003) identified three mode of legislature-executive relations: the government dominates parliament, the parliament dominates government, and the parliament and government are balanced. Furthermore, he identified three basic variables that constitute these relationships:

* The role of the vote of investiture. He argues that the constitutional requirement of this imposes a barrier on the executive when there is no majority in the legislative assembly.
* The vote of confidence. This procedure can be used by both parliaments and governments in order to achieve their goals.
* The role of the Head of State. This in particular relates to the formal powers in relation to the legislature and the executive.

This study aims to analyse legislature-executive relations in the towards democratic consolidation. The relationship between the legislature and the executive is pivotal to any constitution and is one of the central characteristics of a model of government. King‟s (1976) typology of the mode of legislature-executive relations, however, finds prominence among scholars of the inter-branch relationship. With regard to legislature-executive relations, King‟s model has been seen as the most authoritative typology (Andeweg, 1992; Muller, 1993; Saalfeld, 1990; Andeweg&Thomassen, 2003; Boyko& Herron, 2009). King (1976) identified five quite separate and distinct patterns of political relationship that are generally subsumed under the phenomena of executive-legislative relations. These are: the non-party, intra-party, inter-party, opposition, and cross-party modes. . The non-party or private member mode according to King (1976) is an interactive mode in which the executive and the legislature interact with each other as members of two distinct institutions. The intra-party mode addresses how government ministers compete and collaborate with backbenchers from their own parties, while the inter-party mode explains the relationship between government and different parties, i.e., this mode addresses how parties form and manage coalitions. The opposition mode, on the other, hand indicates the relations between the government and the opposition. As noted by Boyko and Herron (2009), this mode of relationship addresses how conflicts between governing and non-governing parties are managed. The cross-party relationship, on the other hand, addresses how the government, backbenchers from governing parties, and the political opposition can unify on specific policy matters. In considering the modes of legislature-executive relations, Anyaegbunam (2010) observed that legislature in most democracies, particularly Nigeria is often perceived by the executive as overstepping her constitutional boundaries in the performance of her over oversight duties. This, the executive often sees as hindering the government from speedily meeting the needs of the public. Anyaegbunam (2010) noted further the legislature on the other hand, being the constitutionally ordained watchdog of the people, views the frustration of her investigative role, as a direct affront to the people’s mandate. Thus, the legislature sees the executive’s uncooperative attitude as a denial of the citizenry’s right to be acquainted with the executives’ activities. This cycle of mutual suspicion usually degenerates into a frosty relationship between both arms of government. According to Anyaegbunam (2010), this experience in most countries has established three patterns of relationship. The first pattern of legislature-executive relations according to him is the polarized relationship which is a kind of worrisome antagonistic relationship between the executive and the legislature. The second nature of legislature-executive relations is the cordial relationship. In this type, According to Anyaegbunam (2010), executive-legislature disagreements over policies are resolved through healthy and mutual understanding. Thus mostly occur when legislative assemblies lost their constitutional oversight role to the overwhelming influence of the executive, thereby hampering the necessary checks and balances which should aid the social, economic and political well-being of the masses. The third pattern of executive-legislature relations is the mild hostility. This is a kind of mild and inconsistent hostility short of outright antagonism between the executive and the legislature. According to Oyediran (1980) however, there are three types of legislature-executive relations. The first according to him is the rubber stamp assembly. The second type is that of hostile relationship between the executive and the legislature. Mbah (2007) noted however, that the hostile kind of legislature-executive relations is not peculiar to states where one party controls the executive office and another party controls the legislature. The third type of legislature-executive relationship, according to Oyediran (1980), is the cooperative relationship. He however noted that cooperative relationship can either be based on genuine respect, or due to ignorance. In another development, many scholars of legislature-executive relations view the legislature as the first branch of government that, nevertheless, suffers a disadvantage in power to the more visible executive (Cheibub&Limongi, 2010). This they view owing to the fact that the executive, apart from having the responsibility of managing the state’s administrative machinery, has an integral role to play in the legislative process. In addition, the chief executive, by the singular nature of his office, has a competitive edge in shaping the public perception of the other branches and, more importantly, public policy (Rosenthal et.al, 2003; Bernick&Bernick, 2008). The increased executive power, Bernick&Bernick (2008) argue, does not necessarily constitute or translate into an imbalance of power between the two institutions. In order to determine the interaction between the governor and the legislature, Bernick&Bernick (2008) suggest an evaluation of the success of the executive’s legislative agenda, the frequency of vetoes (and overrides), budget approval, or gubernatorial appointments.

Scholars of comparative institutions argue that the relationship among a country’s governing institutions, especially the executive and the legislature differ depending on the type of political system such a country operates, whether a presidential, parliamentary or hybrid (Lipset, 1992; Riggs, 1997; Liijphart, 1999; Cheibub&Limongi, 2010). Bardi (2007) attempted a generalization of the legislative power in presidential systems. According to him, the legislature, in a presidential system, tends to have more power and less executive control, while those in parliamentary systems generally exhibit less legislative power but more executive control. This assertion is also upheld by Lipset (1992), who also contended that the parliamentary system has long been identified to result in weaker parliaments and stronger executives than their presidential counterparts. It is however observed that, while there are variations of the mode of legislature-executive relations among countries within each of these political typologies, some conclusions have been drawn about the characteristics of each of these systems and their relationship to political conflict and executive and legislative power. These generalisations are however, useful for helping to determine the characteristics of political systems and the nature of their legislature-executive relations. In the light of this, Cheibub&Limongi (2010) contend that the study of legislature-executive relations can be situated within the various forms of government. Similarly, National Democratic Institute (NDI), (2000) avers that the type of governmental system under which a country operates fundamentally influences the structure and tenor of legislature-executive relations. Odubajo (2011) also lends his credence to this position when he asserts that the nature of relationship between the various arms of government is typically determined by the system of government in operation. Riggs (1997) argues that the basic design of any constitutional system of governance, whether such constitution is based on the separation of powers, i.e., presidentialism or it is based on the fusion of powers, i.e., parliamentarialism profoundly affects the operations of other institutional variables. It is on this note that Cheibub and Limongi (2010) observe that literature on legislature-executive relations had evolved into two separate and independent bodies of work with each branch focusing on parliamentary and other on presidential systems. They therefore contend that the study of legislature-executive relations can be situated within the various forms of government. These two forms of government according to them represent two completely independent and alternative ways of organizing the political world. It is however noted that Cheibub and Limongi (2010) argument of bipolar division of system of government into presidential and parliamentary may not be very accurate. Sometimes, a hybrid, emanating from a combination of both forms of government is often adopted by some countries. Perhaps this gap in literature is rectified by Hankler (2002) who avers that the two most important ways of organizing legislature-executive relations in modern democracies are presidential and parliamentary systems. He however noted that a number of hybrid systems exist, such as in France and Switzerland, though most democratic states can be put into one or the other of these two categories.

**CHAPTER THREE**

**METHODOLOGY**

Theory is an essential ingredient in any research work, as it provides a foundational structure upon which a research work anchors. As posited by Bunch, (2005), a theory gives a framework for evaluating various strategies in both the long and short run, and for seeing the types of changes that they are likely to produce. Theory is a system of concepts and principles designed to enhance the understanding of a collection of events, facts, and phenomena (Sheila, 2001). A theory can help us to understand by providing a system of explanations, a framework, a way of looking at things so that we may know not only that something is a certain way but also why it is that way, either in the sense of giving reasons for it or in the sense of revealing it causes, that is, what gives rise to it (Omotola, 2007). Situating a study within a theoretical framework thus bridges the range of facts that are to be investigated, and as noted by Goode and Hatt (1952), social science is theory-based and its operations are guided by relevant principles of human behaviour. One of the most important distinguishing features of the behavioural revolution was the explicit concern with theory development. The idea is that political science had to develop some general framework of theories that could explain phenomena in a variety of settings (Peter, 2005:12). Some of such theories are the Montesquieu theory of separation of power, King’s Theory or Typology of Modes of political Interaction, and the Structural-Functional approach among others. The relationship between the executive and the legislature is a classical topic in political science. This relationship has, more often than not, been studied according to the Montesquieu formula of the separation of powers (Dalberg-Acton, 1949; Sabine and Thorson, 1973; Madison, 1992; Fabbrini 1995; Aiyede&Isumonah, 2002; Ikoronye, 2005; Aiyede, 2005; Fasagba,2010) and King’s Theory of Modes of Interaction (Saalfeld, 1990; Andeweg, 1992; Muller, 1993; Andeweg & Thomassen, 2003 & Boyko& Herron, 2009). The principle of the Separation of powers as a theoretical framework provides a useful guide to the distribution of legislative and executive powers. Nevertheless, when interpreted too rigidly and applied universally, it leads to misconception rather than enlightenment (Ball, 1977). Furthermore, as noted by King (1976), the Montesquieu theory of the separation of powers, though used widely in the study of interactions between the executive and the legislature, does not reflect the rise of political parties and the transformation of polities toward party democracies. King (1976) therefore postulated its typology of mode of political interaction.

While admitting the clarity and comprehensiveness of King‟s theory in explaining legislative-executive relations, the fact that this theory was based on King’s study of the British parliamentary system makes the theory faulty and of limited applicability. While the theory has been used as a theoretical framework for the study of inter-branch relationships in parliamentary democratic states in Europe, the political-cum-economic experience in other continents, such as in Africa, makes the theory inadequate to explain the intrigues and dynamisms of legislative-executive relationships. A more adequate theoretical approach to the study of legislative-executive relations is therefore needed. Such a theory would be one that takes into account the party composition of the executive and legislature and the intra-party differences between the government or the front bench opposition, on the one hand, and the respective backbenchers on the other. Such a theory executive and the legislative powers in the Montesquieu or King formula.

The institutionalist approach has been a fundamental theoretical framework to the study of legislative-executive relations (O‟Donnell, 1994; Linz, 1994; Fish, 2001; Hammond & Butler, 2003; Valenzuela, 2004; Lijphart, 2004). This approach assumes that conflict and cooperation between the executive and the legislature are conditioned by fundamental questions of institutional design (Linz 1994). According to this theory, features of a

Country’s institutional framework account for observed political, economic and social outcomes in the country (Hammond & Butler, 2003). Institutions do not merely shape the strategies of actors, they also affect the probability distribution of certain political outcomes, and thus, a countries political structure therefore, has great implications on policy outcomes (Lijphart, 2004;Cheibub 2007). While admitting the importance of institutional design as a predictor of legislature-executive relations, it is imperative to note that other informal or para-constitutional behavioural factors equally shape the nature of legislative-executive relations observable in a political system. As argue by Weaver &Rockman (1993), Steinmo& Tolbert (1998) and Hammond & Butler (2003) although institutional designs affect government capabilities, several other non-institutional factors sometimes mediate the impact of institutions. A more encompassing theory that will treat a larger number of relations and produce a more complex analysis is therefore desired.

Almond (1969) structural-functionalist approach is relevant in this context and provides a more comprehensive theoretical framework for the analysis of legislative-executive relations. It is a theory which aims at providing a consistent and integrated theory from which can be derived explanatory hypotheses relevant to all aspects of a political system (Lane, 1994). The structural-functional model is most associated with Parsons (1951) whose work was greatly influenced by Durkheim (Chilcote, 1998). Almond (1969) has however, restated the scheme so drastically that he has an influence independent of Parsons (Charlesworth, 1968). According to Almond’s structural-functional analysis, all political systems must perform certain requisite functions and, by comparison, one must identify which structure performs the tasks (Peter 2005). Almond‟s structural-functional theory describes societal reality largely in terms of structures, processes, mechanisms and functions. In this model the parts and pieces of an organism contribute to the functioning of the organism as an entity. The functionalist tradition postulates that social systems meet certain needs and suggests that there are functional imperatives that must be met in order for a group to survive (Malinowski, 1944; Radcliffe-Brown, 1950; Parsons, 1951).

In fact, Malinowski (1944) defined function as the satisfaction of a need. Radcliffe-Brown (1951) claimed that the rules of conduct within a society lead to a social structure consisting of defined roles that are coordinated by these rules. As these roles areenacted, they contribute to maintaining the social structure. This alignment of social relations is critical for the survival of the society. Society can, therefore, be viewed as a system of mutually interdependent parts (Radcliffe-Brown, 1950). A change in one segment of the culture of a society results in corresponding changes in other segments of the culture of that society (Malinowski 1944; Merton, 1949). This simple model of a socio-cultural system established on the mechanical structure of the human body can indicate the place of a particular element of culture or social institution with respect to other elements in the system (Spencer 1965). Thus no custom or institution exists within a vacuum. Charlesworth (1968) identified certain characteristic features embodied inthe structural-functionalism approach. These include:

An emphasis on the whole system as the unit of analysis.

The postulation of particular functions as requisite to the maintenance of the whole system.

Functional interdependence of diverse structures within the whole system.The idea of structural-functionalist approach in political science represented a vast

improvement over the then prevailing mechanistic theories of David Easton and others (Varma, 1975). Almond outlined an approach to understanding political systems that took into account

not only their structural components (institutions) but also their functions within the system as a whole. Thus instead of focusing on such concepts as institution, organization, or group, Almond turned to “role and structure”. Role is defined as the interacting units of a political system while structure is a pattern of interrelated roles or pattern of interactions (Chilcote, 1998).

According to Varma (1975), three things emerge from Almond’s definition of political system.

1. A political system is a concrete whole influencing and, in turn being influenced by the environment, the presence of a legitimate force holding it together.

2. Interactions take place not between individuals but between roles adopted by them.

3. The political system is an open system engaged in a continuous communication with entities and systems beyond its own boundaries.

A system, according to Almond (1969), is characterized by

(1) Comprehensives, (2) interdependence, and (3) the existence of boundaries. A system is comprehensive in the sense that it includes all the interactions –inputs as well as outputs - which affect the use of physical coercion in all the structures, including undifferentiated structures like kinship and lineage, and anomic phenomena like riots and street demonstrations, and not merely the interactions which take place within the structures associated with the state, like parliament, executives and bureaucracies, and formally organized units, like parties, interest groups and media of communication. Some critics are of the opinion that structuralism is unlikely to achieve its objectives of providing a scientific theory of the political system because of the difficulties in applying it to the analysis of the political system –such as defining terms operationally and specifying which activities perform functions.

They believe that Almond’s structural-functionalist model presents a static model of society and, as a consequence, cannot account for change; it overemphasizes integration and, as a consequence, fails to deal with dysfunction (Charles worth, 1968; Chilcote, 1998).Despite the criticisms against structural-functionalism, the approach provides a framework for the analysis of legislative-executive relations in this study. By this framework, the government is conceived as a social system and the executive and the legislature are political institutions viewed as structural parts or units of the political system or government. Each of these political institutions (also seen as structures) performs explicitly specified requisite functions that contribute to the stability, continuity and survival of the political system (Ray, 2004). While the legislature is saddled with the role of law making, the executive implements the law. The various functions of these structures are however, contained in the constitution of the land. With Almond’s structural-functional theory therefore, legislative-executive relations can be described largely in terms of structure, personality, processes, mechanisms and functions.

**RESEARCH DESIGN**

A research design is the set of methods and procedures used in collecting and analysing measures of variables specified in the research problem study.

According to Kerlinger, research design is the plan, structure and strategy investigation conceived so as to obtain answers to research questions and to control variance.

This study adopts the Ex-post facto design because it depends largely on content analysis of secondary source of materials such as books, journals, magazines, newspapers etc. All source materials were subjected to history's crticism to validate them and their contents. This also ensured the elimination of possible distortions in their contexts.

**METHOD OF DATA COLLECTION**

This study utilized the documentary approach. Documentary method of data collection was used in this research because it is used to obtain in-depth information and concept clarification. The documentary method is more useful to interpret, illuminate and extract valued information so as to draw inference from the available evidence to reach conclusions.

Our secondary data was basically sourced from books, magazines, institutional documents, conference papers, journals, newspapers on the subject of democratic consolidation and the relations between the executive and the legislature especially as regards Nigeria 2007-2017.

**METHOD OF DATA ANALYSIS**

Qualitative Descriptive method based on content analysis was adopted in this research because of the nature of the research work.

This research will be based on content analysis. The logical content analysis of data in explaining reality and to verify and validate the hypothesis as well. The researcher did some critical examination and analysis of various works on the subject on the internet and in the library. The rigour and systematicity in this method is veritable in understanding legislative-executive relations and democratic consolidation in Nigeria.

**CHAPTER FOUR**

**EXECUTIVE-LEGISLATIVE RELATIONS AND DEMOCRATIC CONSOLIDATION**

Executive-Legislature relations in the past years are not only antithetical to smooth running of government, but threatens smooth working relationships between the executive and legislature. The executive and Legislature have continued to flex muscles even though they both claim to be exercising constitutionally assigned roles. The implication here is that both the executive and legislature are yet to fully understand what their respective roles are in delivering public good and consolidation of the nation’s democracy process. This may largely be responsible for deep divisions and lack of sincerity of purpose in the Nigerian project. On the approach to be adopted in fighting the ongoing war against corruption, both arms of government are yet to agree on the best approach to be adopted in the fight against the scourge. As such, they appear to be working cross purposes with accusations and counter accusations of aiding and abetting corrupt practices in the country. The non confirmation of the appointment of the Acting EFCC chairman, Mr. Ibrahim Magu and the resolution of the National assembly that Mr. President should look for a more qualified Nigerian for the office has been instances of muscle flexing over issues of National importance and significance. The outcome of this power play in the coming days is yet to be seen however; there is no doubt that such power play, sharp disagreements and bickering disrupts the service delivery process and dividends of democracy that Nigerians anxiously anticipate.

Today, the relations between the legislative and executive arms of government have remained dysfunctional, conflictual and at the lowest ebb. Momodu and Matudi (2013) identified some causes of executive–legislative conflicts to include pride and personality clash, executive dominance, ignorance of the constitution, over lapping roles and legislative performance of oversight functions. In all of this, administration of the country suffers tremendously from the disagreements between key institutions of democracy and government.

Bello (2014) concludes that intergovernmental relation is that glue that holds all units of government to participate effectively and carry out mandates in order to achieve set goals. Thornhill (2012) definition of intergovernmental relations consisting of all the actions and transactions of politicians and officials in national, sub-national units of government and organs of the state. Relationship between the Executive and Legislature over their respective roles and jurisdictions over the administration of the country can well be situated under the concept, inter-governmental relations. In Nigeria, the process of making laws, nomination, screening and confirmation of appointees, putting in place appropriation bill, and approval of statutory transfers among many others including inputs of both the Executive and Legislative arm of government with each contributing its quota to improving service delivery. Including Adamolekun (1986) who defines intergovernmental relations as the interactions that take place among the levels of government within a state. In addition, Obi (2004) accounts for intergovernmental relations to mean the complex patterns of interactions, cooperation and inter-dependence between two or more levels of government. In the case of Nigeria, one may therefore conclude that intergovernmental relations cover relations and exchanges between the tiers of government namely Federal, state and local government. By extension, it would not be out of place to posit that inter-governmental relations covers interactions and relationships between the three organs of government; Executive, Legislature and Executive because they are autonomous groups working for the general good of the country and its peoples.

**EXECUTIVE INTERFERENCE IN LEGISLATIVE PROCESS**

**EXECUTIVE INTERFERENCE IN THE EMERGENCE OF NATIONAL ASSEMBLY PRESIDING OFFICERS**

There have been interference of the Executive on the emergence of Nigeria’s National Assembly office. It was more pronounced under the Obasanjo administration but our study deals with a time frame from 2007 to 2011 in 2007,, David Mark who was a largely figure in the senate emerged senate president. There is no doubt that the ultimate aim of the meddlesomeness of the Executive in the emergence of the Executive Assembly’s Presiding Officers to be able to make it subservient to Aso Rock. The Executive, through its interference succeeded to a large extent in escalating the friction between it and the legislative. And also hindering members from performing their constitutional functions to the Best of their ability.

The last Executive attempts always to railroad federal lawmakers into endorsing annual budgets without change in the estimates if presented to the lawmakers.

The Executive have also been noted to influence some standing committees in Both Houses Effiong (2010). There also the case of the Niger Delta Development commission (NDDC) Bill to give the president leverage in the determination of its chairman and situation of the headquarters of the commission. The caused frictional at the fine. The National Assembly eventually overrode the president’s veto.

**EXECUTIVE INTERFERENCE IN IMPEACHMENT PROCEDURES OF STATE HOUSES OF ASSEMBLY**

The act of removing a governor or deputy from office has procedures and conditions. Beyond the roles of the registrations, the Executive has a role to play. But such roles are articulated in the Constitution and nothing should be done outside this.

Through this interference has been less severe under subsequent administration after Obasanjo’s.

**INTERFERENCE OF THE EXECUTIVE ON THE AMMENDMENT OF THE CONSTITUTION**

In section 9 of the 1999 constitution, the power to amend lies with the legislature. In the past, the legislature has made efforts to amend the constitution in the past but for the undue interference and meddlesomeness of the executive this has not been possible

**EXECUTIVE INTERFERENCE IN THE PASSAGE OF APPROPRIATION BILLS**

Budget scrutiny involves rigorous processes so as to get it right. Many a time the bills are sent back to the President or Governors for retouching. In 2008, the budget became a bone of contention between the executive and the legislature. The president Umaru Musa Yar’Adua did not sign the budget till midway into 2009.

**CHAPTER FIVE**

**SUMMARY, RECOMMENDATIONS AND CONCLUSION**

**SUMMARY**

The focus of this study is the anatomy of legislature-executive relations and democratic consolidation in Nigeria with special emphasis on the Fourth Republic from 2007-2017. It examines the executive interference in the legislative process. The Executive and Legislative relationship in Nigeria is of great benefit to the citizenry and could yield more benefits if the doctrine of separation of powers is promoted to ensure the independence of each arm and then backed up by the principle of checks and balances to promote interdependency. Executive and Legislative conflict prevent and demote national development

In the first chapter a background of study was given to put the research work in proper perspectives by also giving the questions to be answered by the researcher, the objectives etc..

A review of extant literature was extensively carried out in chapter two of the study. The essence is to situate the study in proper context and to create a bond between it and related previous studies and as well to identify gaps 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. The interference by the executive into legislative process was extensively discussed. Also discussed were the concept of democratic consolidation.

Chapter three took a theoretical examination of legislature-executive relations in a presidential structure of government with the purpose of ascertaining how presidential

Findings revealed that the continued interference by the executive in the legislative process of the National Assembly weakened the ability of the legislative bodies to effectively perform their fundamental roles of citizens‟ representatives through legislation and oversight functions.. The cordial relationship however, became strained under a new administration following a resources distribution that was no longer mutually satisfactory to both parties. The concomitance of the strain was legislature-executive gridlock that was based not on the legislative assertiveness of its representational role in governance. Findings also revealed the extent to which the politics of god-fatherism, in an atmosphere of party politics that lack internal democracy, have exerted pressure and strains on the executive and the legislative institutions of governance, hence threatened the basic underlies of the presidential political system.

**RECOMMENDATION**

Executive and legislative harmony should be strengthened in order to deepen democracy without necessarily sacrificing checks and balance.

There is need for both Executive and Legislature to fully understand and appreciate their respective roles in the budgeting process and for the sustenance of democracy as a whole. The practice of the appropriation bill getting stuck due to inter-governmental rivalry is counterproductive and no less a threat to sustainable growth and development. It would seem that face-off between the Executive and Legislature over the national budget is becoming a recurring event; a situation accounting for an obvious lack of coordination between organs of government that are critical to service delivery. In order to limit frictions between the executive and legislature and allow government business to run optimally, there is the need for timely passage of annual budgets. On the whole, there are lessons for the key actors of the organs of government. It must be made clear that confrontation in whatever guise between the Executive and Legislature is not in the interest of the country and the citizenry, more so, when there are apparent issues of development that should preoccupy the holders of public offices in the executive and legislature in order to place the country on a pedestal through purpose-driven government policies, legislation and programmes.

The salaries and budgetary allocations to the legislature should be removed to a first line charge from the Federation Account, so as to ensure the independence of the legislature from the executive. Financial autonomy is pivotal to legislative independence.

This paper calls for respect of rule of law and constitutionality on the part of persons holding executive and legislative positions in Nigeria. Through strict compliance to constitutional provisions, the incessant breakdown of inter-governmental relations which bothers on how the functions of these organs are discharged which ultimately threatens the current democratic consolidation can be greatly minimised.

**CONCLUSION**

In the aftermath of a crisis of confidence between the Executive and Legislature which the President alluded to was slowing down the business of government, efforts needs to be stepped up to improve inter-governmental relations. The executive and Legislature are key and central organs of democracy which at the same time are capable of truncating democratic government if relations between both are not well managed. Leaders of both organs of government need to understand their respective roles, mandates and limitations in order to limit frictions during the budget process. The practice where the executive wields unnecessary influence on other organs weakens democratic institutions and represents an invitation to anarchy and threat to democracy. Conclusively, the need to separate politics from governance is canvasses because on many occasions, politics sip into governance which often leads to frictions and crisis between the executive and legislature. The resort to pettiness or name calling as witnessed in the current dispensation will not do the two organs, the citizenry and the country in general any good.

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