

Institutional Perspective: Legislative-Executive Relations Under Nigeria's Democratic Dispensation

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Abstract

The emergence of the All Progressive Congress (APC) government at the 2015 general election in Nigeria became the first time since the return of democracy in 1999 any opposition party would exercise control over the federal government. The victory was great as it controls the executive with the presidency and having the highest members of the national assembly at the same time. However, not long after the new government was sworn in, troubles began to shoot in revealing the party's lack of cohesion and organization. This situation revealed absence of policy cohesion between the legislature and the executive. Thus, this study aimed to examine the relations between the legislature and the executive under the APC 2015 led administration. It is divided into several parts. These included: legislative-executive relations under the APC government and cases of legislative-executive clash under APC administration. The study relied on qualitative research and Institutional Theory. Data were generated from both primary and secondary sources. Upon conclusion, the study revealed that internal crisis, rancor and differences that featured the emergence of the principal leadership of the House of Representatives and the Senate was the genesis of the seed of disunity between the party, the legislature and the executive.

Key Words: Democracy, executive-legislative relations, National Assembly, Nigerian presidency

Introduction

In the 21st century democratic dispensation, the interrelationship between the legislature and the executive arm of the government under a presidential system cannot be kept in introversion, particularly in countries such as Nigeria, United States, Brazil and South Africa among others. With a particular focus on Nigeria, Nigeria is a federal republic in the West African region, with about 200m people (National Bureau of Statistics, 2015). It shares border with Cameroon and Chad in the east, Benin Republic in the west, and the Niger Republic in the north. Nigeria has 36 states, with its federal capital territory in

Abuja (Adeyemi, 2018). According to Adeyemi (2018), Nigeria has enjoyed 19 years of uninterrupted democratic stability since May 29, 1999 to date, after a lengthened period of military reign and occupation of the nation's political system, which lasted for almost 16 years between (1983-1999).

Furthermore, since the return of the country to a democratic rule in 1999, the Peoples Democratic Party (PDP) has ruled the country for absolute 16years without power interruption. However, the 2015 general election in the country, threw up a surprised outcome by wrestling power from the Peoples' Democratic Party (PDP) and leading to the emergence of the All Progressive Congress (APC) both at the federal and with a good number of states at the regional level (Ojibara, 2017). The emergence of APC at the 2015 general elections, since 1999, was the first time any

other political parties will control the federal government. The victory was absolute, having the majority at both the senate and the house of representative and with the executive president, all at the same time (Ojibara, 2017).

With regards to the above political scenario, the new party APC haven wrestled power from the then ruling party (PDP), and having the majority of the members of both the national assemblies, the objective of this article is therefore, to examine and analyze the interrelationship between the National Assembly and the Executive arm of the government since the emergence of the APC administration in Nigeria. The aticle makes use of qualitative research approach, as well as Institutional Theory. Data shall be generated via both primary and secondary sources and it is structured as thus, the introduction, conceptual clarification and review of relevant literatures, theoretical

framework, functions of the legislature, the executive functions, and the relationship between the organs, challenges, conclusion and then recommendations.

Conceptual Overview and Review of Important Literatures

Legislative-Executive Relations

According to Aiyede and Isumonah (2002), the significance of interaction between the legislature and the executive in any democratic dispensation can only come to play in an arena in which the political institutions, especially the legislature and the executive, are functional and relate in a manner that strengthens confidence in the government. In a closer dimension, Kopecky (2004) observed that the relationship between the executive and the legislature is one of the major defining features of the functioning of any political system. He further explained the significant place that legal and structural factors hold in shaping

the interaction between these two political institutions. In addition to this, Lijphat (2004) debated that the constitutional powers embedded in the legislature and the executive are significant because they define a far-reaching framework for communication between the two powers. Also, institutionalized rules are progressively becoming significant in regulating the conduct of the political actors, and most especially in Africa (Posner & Young, 2007).

Furthermore, constructive interaction between the legislature and the executive arms of the government are vital to the effective maintenance of the rule of law and the constitution as a whole (Holme, 2007). However, in recent years, the character of this interaction has significantly changed, both because of the wider societal changes and changes in governance. With regards to this, various authorities have been

expressing a broad variety of opinions on the legislative-executive relations, about cooperation and conflict, either one or the other dominates the other, and either liabilities or benefits result from either. While some view logghead between the legislature and the executive as a beneficial and necessary requirement to limit and control the government (Aiyede, 2005), others see it as a contributing congestion over major public policy decisions, hence making government unproductive (Dulani & Donge, 2006; Mbah, 2007).

The concept ‘Legislature’

The concept ‘legislature’ has been given various names across countries of the world. It is known as the National Assembly in Nigeria, the Parliament in Britain and the Congress in the United States (Heywood, 2007; Lafenwa, 2009). In addition, Heywood (2007) further observed the legislature as a significant institution in the

operation of government. The role of the legislature in any society cannot be overstressed and in view of this, Bernick and Bernick (2008) observed the legislature as the people’s branch with a significant objective of articulating and expressing the collective will of the populace. As an organ of the government, it stands as the platform for the representation of the people (Taiwo & Fajingbesi, 2004). Closely, according to Anyaegbunam (2000), he sensed the legislature as occupying the significant role of making, amending, revising, and repealing laws for the well being and advancement of the population it represents. Similarly, the legislature stands as an official body often chosen by election, with the constitutional power to make, repeal or change laws, as well as represent their constituency in the national assembly and control the government. In the same vein, Okoosi-Sinbine (2010) sees the legislature

as policy influencing body, deliberative and lawmaking group working to promote democratic political system. He went further to observe the legislature, as the First Estate of the Realm, site of sovereignty, the realm of representation, and the expression of the will of the populace. Considering the trend in the analysis, it appears that the authority of the legislature is gotten from the populace and should be exercised in the interest of the populace.

The concept 'Executive'

According to Heywood (2007), the executive is the irreducible organ of government. In the same vein, Laski (1992) in his own opinion, observed the executive as occupying a significant position in the conduct of the state. He further maintained that the executive in most democratic countries exists to, first, decide on the final choice of public policy to be submitted to the national assembly for approval; second,

play the role of ensuring that public services are fully maintained in that policy as intended by the national assembly; third, coordinates the activities of various departments of the state. In view of this, Puke (2007) sensed the executive as being responsible for availing good and responsible governance for the country. In addition, Edosa and azelama (1995) in their understanding, observed the executive as the vital organ of government responsible for the implementation of public policies. They further observed that, from time immemorial, allocations, making and enforcing binding rules through the executive has been the basic functions of the government. They, however, noted that, while political structures existed for centuries without separate organs for making laws, state structures without the executive organ will find it difficult to succeed. In stressing the importance of the

executive, Heywood (2007) believes that a political system can operate in the absence of assemblies, constitutions, political parties and even the judiciary, but cannot withstand survival in the absence of the executive that performs the functions of formulating the policies of the government and equally ensure that they are well implemented. Similarly, Anifowose and Borede (2007) in his opinion considers the executive as the arm of government that is primarily concerned with the application of the public policies and the authoritative rules of the society.

The Concept ‘Democracy’

The term democracy on its own has proven various controversies, ideological, analytical disputations and philosophical camps. Democracy as a type of political arrangement, just like other concepts of its kind, has been difficult to define without ideological ambiguity (Akindele & Olaopa,

1997). However, from a concrete contribution that have been written on it by reputable authorities, without equivocation, it is made clear that democracy originated in the fifth century B.C. and this led to its coinage by the historian known as ‘Herodotus’. In view of this, Akindele (1987) noted that this historical effort catalyzed the origin of democratic ideas in history. Democracy as a concept emanated from two important Greek words, known as ‘Demo’ meaning the populace and ‘Kratia’ meaning the rule. Thus, the basic meaning of democracy was ‘the rule by of the people’. In this period, among its specific features were included by Herodotus, such as “popular deliberations” and “equality before the law” (Akindele, 1987). To call it short, democracy has enjoyed a popular acceptance as the government of the people, by the people and for the people as noted by Abraham Lincoln. In view of the above

scenario, it is obvious that legislative-executive relation can only manifest in a democratic setting such as Nigeria, United States, Canada, Brazil among others.

Theoretical Framework

Theory is a vital component in any study. It avails a foundational structure in which a study is built. In view of this, Bunch (2005) observed that a theory provides a framework for examining various strategies in both short and long run studies. It also observes the nature of changes that they may possibly occur from an event under study. With regards to this, this study will make use of institutional theory to explain the Legislative-Executive relation in Nigeria under the APC government.

Institutional Theory

The early proponents of Institutional Theory were Cohen, March and Olsen (1972); Meyer and Rowan (1977); Dimaggio and

Powel (1983). In view of this, Valenzuela (2004) and Lijphart, (2004) observed that institutional model has been an ultimate theoretical framework in the study of legislative-executive relations. This theory argues that, cooperation and conflict between the legislature and the executive are conditioned by basic questions of institutional design (Linz & Velanzuela, 1994). It believes that, the features of a nation's institutional framework account for observed economic, political and social outcomes in the nation (Butler & Hammond, 2003). The theory went further to observe that institutions do not only influence the strategies of actors, such as the legislature and the executive, but equally affect the possible distribution of particular political outcomes, and thus, a nations political structure which may have a huge implication on the policy outcomes (Lijphart, 2004; Cheibub, 2007). In the light of the above,

the relevance of the theory in this study becomes indispensable. Through the theory, enlightenment has been shown that the nature of any institutional arrangement determines the nature of the relationship and productivity outcome. With this, either cooperation or conflict between the executive and the legislature will not be a surprise due to the nature of both institutions and what they represent.

Functions of the Legislature

In any political and democratic setting, the roles of the legislature are usually taken with utmost importance. In view of this, the legislature stands as a significant institution that promotes the affairs of the state. It, therefore, performs the following vital roles as discussed below;

(a) Legislation:

One of the most basic and significant role of the legislature anywhere in the world involves legislation (Abonyi, 2006). The legislature has the duty of passing laws (Laski, 1992). He further noted the legislature as a constitutional body that lays down the golden rules of the society. The legislature has the duty of making good laws for the good governance of the society. These laws may emanate from the executive branch or as a private member's bill (Benjamin, 2010; Abonyi, 2006).

(b) Oversight Function:

Another important role of the legislature is the oversight function over the executive. In view of this, Fashagba (2009), observed oversight function as a vital component activity of the present day legislature, notwithstanding the form of government in practice. According to Saliu, Hassan and Mohammed (2010), who sensed legislative

oversight function as a process in which the legislative body assumes an active role in monitoring and investigating the performance of the executive and its cabinet. Fashagba (2010), further noted that the legislature has the constitutional role of overseeing the performance of the government and holds it responsible for its actions and inactions.

(c) Representation

Representation is the key role of the legislature (Awotokun, 1998). He further noted that the complexity of the present day administration has made it difficult for the populace to directly engage the affairs of the state as obtainable in the early Greek City-States. Similarly, Edosa and Azelama (1995) observed that the legislative representation function avails the people the opportunity to contribute their say in governance. Thus, Simon (2002) observes the legislature as

performing the role of representing the choice of their constituencies.

(d) Financial Oversight

Another responsibility of the legislature involves authorizing the expenditure of the government. In the light of this, Sanyal (2009), argues that all the expenditure of the government with the exception of a few, as enshrined in the constitution, must be sanctioned by the legislature. He further noted that, this is performed as a component of the annual budget process. Lafenwa and Gberevbie (2007) also observed this role of the legislature as a machine for the endurance of a democratic government.

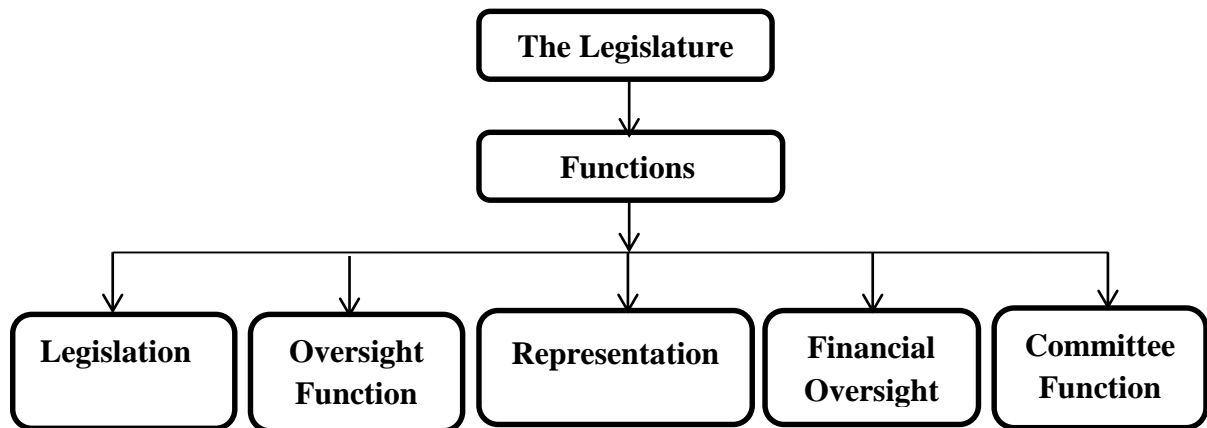
(e) Committee Function

According to Fashagba (2010), committees are task oriented bodies, with a defined purpose and direction. In the view of Heywood (2007), legislative committee operates as the anchor of the legislative

process and as the engine rooms of the legislature. He noted further that, the committees in details examine legislative measures as they scrutinize financial

demands and bills of the government. The diagram below summarizes the functions of the legislature.

Figure 1.1.



The Functions of the Executive

The executive organ of the government, according to Edosa and Azelama (1995), carries out extensive functions emanating from the growing complexity of the contemporary political system. In view of this, the executive performs the following roles as shown below;

(a) Administrative Function

The executive as a vital organ of the government performs the role of controlling, coordinating and administering the state affairs. It equally supervises, coordinates and directs the implementation of laws (Abonyi, 2006). Furthermore, the executive also appoints, disciplines, controls or even

terminate the higher administrative officers. Such appointments are, however, confirmed by the legislative organ. According to Anifowose (2008), other functions include, control of the military, declaring of a state of emergency in the state, conduct of foreign affairs, and engage in treaties with other sovereign nations.

(b) Legislative Functions

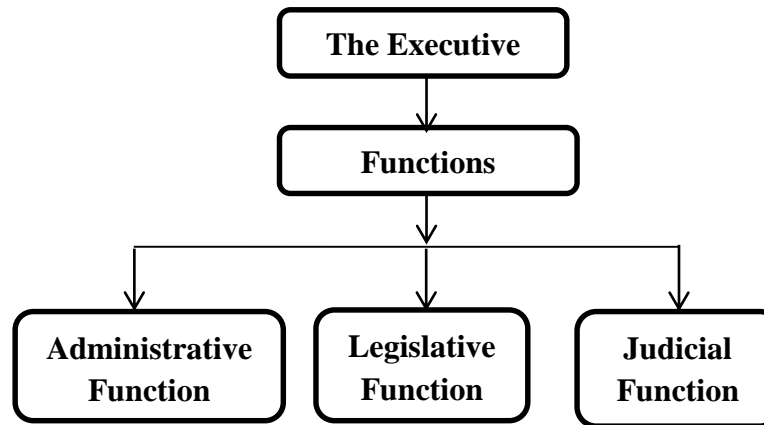
Under this, the executive engages in legislative functions through initiating bills for consideration by the legislature. Furthermore, it can issue rules and statutory orders vital to accommodate changing circumstances in the state. According to Anifowose (2008), the executive carries out the political role of proroguing, summoning

and dissolving the legislatures as enshrined in the constitution.

(c) Judicial Functions

The executive also engages in judicial function by issuing prorogation of mercy to offenders of the country. This type of prorogation may include lessening a judicial sentence already passed on an individual who had performed an act of crime, delaying execution or even relieving an individual from the legal punishment of crimes committed. The executive can equally issue a declaration of amnesty on a particular class of individuals, such as freeing them from the legal punishment of their crimes (Anifowose, 2008; Abonyi, 2006). The figure below summarizes the functions of the executive.

Figure 1.2.



Legislative-Executive Relation under the APC Government (2015 to date)

When it became clear that the All Progressive Congress (APC) had won the National Assembly and the Presidency general elections, the internal politics and intrigues of who will emerge as the Head of the Senate and that of the Speaker of the House of Representatives commenced. In view of this, the National Assembly became induced with crisis and conflict emanating from which part of the country, the Senate President and the Speaker of the House of

Representative will emerge from. The then party in power, People's Democratic Party (PDP) had a strategy for power sharing between the six (6) geopolitical zones in the country. But unfortunately, the new APC party has no zoning in their constitution.

Furthermore, after the general election and based on the zoning arrangement by the past defeated party (PDP), Nigerians believed that the Speaker or the Senate President would emerge from

the South-South or South East regions, since the President Muhammadu Buhari came from the North West, the Vice President Yemi Osinbajo from South West. Unfortunately, the new party APC had no senators from the South-South and South-East regions at that time, but (APC) presently has three senators from the regions, after some politicians cross-carpeted from the Labor Party (LP) and (PDP) to (APC) and also, the House of Representatives equally lacked ranking members from the regions too. With this, the leadership of the National Assembly became wide open for any individual to grab. However, considering the vacuum that was created in the National Assembly, Senator Bukola Saraki from the north central went against the wish of his party All Progressive Congress (APC), conspired with the opposition party PDP and emerged as the Senate President, while in the House of

Representative, Honorable Yakubu Dogara in a like mind, equally went against the wish of the party, conspired with the opposition and emerged as the Speaker of the House of Representative. The emergence of Bukola Saraki as the Senate President and Yakubu Dogara as the Speaker of the House of Representatives did not go down well in the presidency as well as in their APC party. More crises and conflicts became worsened as both the presidency and the party leadership threatened to punish the two personalities over their conduct which they described as a rebellion against their party and the presidency.

Therefore, in addition to the above, all efforts to salvage the impact of the rebellious conduct of both Speaker Yakubu Dogara and the Senate President Bukola Saraki, the presidency and the APC presented recommended names for the rest principal offices of the National Assembly.

The APC and the presidency, approved Ahmed Lawan (North-East) as the Senate Majority Leader, Senator Dr George Akume (North-Central), as the Deputy majority leader, Sen. Sola Adeyeye (South-West) as the Chief Whip, Senator Abu Ibrahim from (North-West) as the Deputy Chief Whip; Hon. Gbajabiamila (South-West) as House Leader, Hon. Ado Alhassan Doguwa (North-West) as the Deputy House Leader, Hon. M. Monguno (North-East) as the Chief Whip and Hon. Iriase Pally (South-South) as the Deputy Chief Whip (Gbadebo & Odemwingie, 2015). However, contrary to the presidency and the party's recommendations of names, as observed by Umoru and Erunke, (2015) Senator Bukola Saraki pronounced Senator Ali Ndume (North-East) as the senate majority leader, Senator Ibn B. Na'allah (North-West) as the Deputy Senate leader, and Senator Alimikhena Francis (South-South) as the

Deputy Chief Whip. This conduct again by Senator Saraki did not go down well in the presidency and the party leadership, but Saraki presented his reasons. Sen. Saraki debated that he adopted the rules and the procedures of the senate, which empowered the zonal caucuses, and not the party, to present candidates for principal offices in the chamber (Tsan & Nda-Isaiah 2015). On the part of Yakubu Dogara, the Speaker of the House of Representatives, he earlier reasoned legal factors and federal character principle for his refusal to appoint candidates approved by the party, but later rescinded and appointed the party's candidates for principal positions in the House of Representatives.

Cases of Legislative-Executive Clash Under the APC Administration

In view of the unfolded scenario between the Senate President Bukola Saraki, and the Presidency and his party, Senator Saraki

became winch hunted by the presidency and his party. The presidency and his party assumed the prosecution of the senate president Bukola Saraki and his deputy senator Ike Ekweranmadu from the opposition PDP, on the bases that they allegedly forged the standing rules of the senate in their favor. Senator Saraki was also accused of false declaration of asset before leaving the office as the governor of Kwara State, among other charges leveled against him by the presidency and his party. However, to many, the senate president is being victimized politically by the presidency and his party, and thus, must need support and help from the opposition party (PDP) senators whose member he made the deputy senate president. From the beginning, the presidency lacks coordination on one hand, and between the National Assembly and the presidency on the other hand. In view of the above, the following

cases discussed below are the major face-offs between the legislature and the executive under the APC administration;

The National Budget Discrepancies

One of the clashes between the legislature and the executive lies in the budget discrepancies on what the executive submitted to the legislature as its 2016 appropriation bill and what was defended by the heads of the agencies at the appropriation committee level. First, the lawmakers argued that the budget was inflated by the executive with unclear items inserted. However, the majority of the Ministries, Departments and Agencies (MDAs) argued that the budget being referenced by the lawmakers, varied from what they prepared for presentation by the president. The discrepancies led to allegations and counter-allegations, and the likelihood that the presidency presented two versions of the budget.

Allegation of Budget Disappearance

The was equally the allegation of disappearance of the national budget from the senate after it was presented by the executive. The allegation that trailed the 2016 budget stands as a reflection of the absence of coherency, cooperation and coordination between the national assembly, APC and the presidency. Even though the executive continually met with the Speaker and the Senate president, it has not really made their interaction less confrontational that usually emerges most of the time.

Rejection of the Senate Summons

Another face-off between the legislature and the executive is the rejection of the senate's summons by some top government officials in the executive. First, the Secretary to the Government of the Federal (SGF), David Babachir Lawal was summoned by the legislature, but refused to present himself

before the senate. The summoning was bordered on the allegation of a fraud at the Presidential Initiative of North East (PINE). It was a contract awarded for a grass clearing in the northeast refugee camp. The senate investigated the matter and discovered a fraud to the tune of \$1,388, 889m for grass clearing and was against the rule of the public procurement act. In view of this, the senate presented its report to the president and ordered that the sack of the SGF. But in response to this, the president sent a letter to the senate exonerating the SGF which did not go down well between the legislature and the executive.

The Appointment of EFCC Chairman

Immediately after president Muhammadu Buhari took the oath of office, he decided to change the leadership of the Economic and Financial Crime Commission (EFCC) which was one of his priorities in order to curb

corruption. Ibrahim Lamorde who was the then chairman of the commission was replaced by Ibrahim Mustapha Magu in acting capacity. The Act of the EFCC empowers the president of the federation to appoint the chairman of the commission, but must be subjected to the senate for approval. On the assumption of work, the acting chairman began an anti-graft crusade. With regards to this, much money was voluntary and secretly returned to the government, while the EFCC operators pursued the recovery of hidden money in stores, apartments, and banks.

In addition to the above, Politicians, paramilitary chiefs, ex-cabinets, military officers, both the retired and the serving were investigated and in some cases billions of Naira and properties were recovered. Nigerians, particularly those in support of the campaign applauded the success recorded, even when the trial and conviction

of those accused is an unusual occurrence. Finally, when the name of the acting chairman of the EFCC was forwarded to the senate by the president for confirmation, to the surprise of the president, his name was rejected by the Senate on the ground of the report submitted to the senate by the Department of the State Security Service (DSS) of Ibrahim Magu lacking integrity to hold the office as a substantive chairman of the commission. However, the presidency sent the name again for the second time to the senate, but according to the policy makers as reported one of them saying:

“The rejection of Ibrahim Magu’s confirmation by the legislature simply meant that he could not be retained as the Acting Chairman of the Economic and Financial Crimes Commission (EFCC). We informed the presidency that Ibrahim Magu’s confirmation as the authentic chairman of the commission was presented dead on arrival to the senate; and what we

did was to just conduct his burial (Baiyewu, 2017).”

Perspectives on the Factors that Influence Legislative-Executive Clash in Nigeria

Considering the above legislative-executive face-off under the APC led administration by president Muhamadu Buhari, as discussed above, the followings discussed below throw more light to the major factors usually responsible for legislative-executive face-off in Nigeria,

The Constitutional Provision

According to Fashabga (2010), the constitution stands as the national guide through which many democratic governments can attain progress and development. He further noted that the constitution establishes the responsibility as well as the powers of the institutions of the government. The Nigeria’s first and third republic constitution collapsed, not that the

constitution was not sufficiently good enough, but collapsed because of the failure of the government elites to conduct themselves in line with the rules of the game (Ajayi, 2007). The Nigerian constitution created provisions for every arm of the government to operate interdependently. However, these responsibilities are conflicting almost all the time. For example, the responsibility of lawmaking by the legislature and the executive veto power seem not to be clear to the executive and the legislature which is one of the good sources of clash.

Conflict of Constitutional Roles

The role conflict in this case, according to Lewis (2011), involves the respect to the endorsement of the budget, execution and evaluation processes. The legislature and the executive under the 1999 Nigerian constitution were both empowered to draft and approve the budgets of the country

respectively. Consequently, the approach in approving and implementing the budget is enshrined in section 80 and 81 of the constitution. However, Sec(81)(1) gives an exclusive power to the executive in preparation of budget. There were several occasions in which budget proposals from the executive became hampered by the legislature for assent. For Aiyede, (2005) observed that in 2002, a budget sent by the executive to the National Assembly for an assent was delayed for several months before it took the effect of the law. Budget delay by the legislature for approval is usually a concern for the executive and sometimes even leads to confrontation.

Perceived Executive Dominance

Perceived executive dominance by the legislature is another source of loggerhead between the legislature and the executive. In 1999, during the administration of the Nigerian former president Olusegun

Obasanjo, he went ahead on the assumption of office to abolish the Petroleum Trust Fund created by the Military Decree in 1994. This action was perceived by the legislature as unconstitutional and uncalled for as he did not engage the legislature before abolishing the law. However, the Minister of Justice and the Attorney-General of the Federation intervened by observing that Sec (315) (a) (c), empowers the executive under the constitution to adjust prevailing laws in the country. In view of this, Lafenwa (2007) noted that the first republic parliamentary in the country did not only fail because of the multi-ethnic setting, but also due to the inactive nature of the legislatures existing alongside an active and resilient executive.

An Oversight Function of the Legislature

One of the functions of the legislature in Nigeria is an oversight function, which

cannot be overemphasized. However, how this legislative function creates confrontation between these two organs is our concern. First, the 1999 Nigeria constitution mandates the legislature to perform this function over the executive in managing the nation's fund. Consequently, without this oversight function of the legislature, it will become easy for the executive to rule with impunity and will be accountable to nobody for their conducts about public funds. Sometimes, this oversight functions leads to clash and conflict between the two organs in Nigeria (Lafenwa, 2007)

Conclusion and Recommendations

In view of the above analysis, after thorough investigation, the article revealed thus: (a) that the journey and the relationship between the two institutions has not been very smooth. (b) that the whole problem started immediately after the election was won by the APC party. (c) that the main genesis of the problem was the emergence of a more

assertive parliamentary leadership which was against the wish of their party and was considered as a rebellion against the presidency and the party. Considering the above revelations, the article, therefore, found out that that in the interest of the country and the populace, the two institutions should shift ground in their grievances so that they can jointly provide better governance to the people. The article also observed a need for the two institutions to equally put the interest of the public first before theirs and co-habitat to further consolidate the nation's hard earned democracy.

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