

EXECUTIVE-LEGISLATURE RELATIONSHIP IN A DEVELOPING DEMOCRACY: THE NIGERIAN EXPERIENCE (1999-2005)

Abonyi, Nichodemus Nnaemeka

Abstract

The principle of the separation of powers was initially conceived by theoreticians as the enduring framework for the realization of checks and balance and elimination of autocratic or tyrannical governance. Political systems founded on principles of liberal democracy have found the principle of separation of power highly effective and somewhat efficient in organizing the political community. It is, however, noticed in the Nigerian study, as shown in this work that certain anti-democratic forces, such as clan and ethnic politicking, "godfatherism", corruption and other social vices hamstring the development of the separation of powers principles, indeed to the detriment of democratization and rewarding governances in Nigeria, at the beginning of the twenty-first century.

Introduction

The principle of separation of powers is a specific feature of presidential democracy. Democratic governments are normally denominated by three arms of government namely, the executive, which core task is rule-implementation; the legislature saddled principally with rule-making and the judiciary takes responsibility for rule-adjudication. These three arms of government are not in competition, but they exist to compliment and checkmate the excesses of one another. In most cases, it is the executive and legislature that come into conflict, because it is the duty of the legislature to control the executive in its rule-implementation. It is, therefore, not surprising that in most democracies, even in the most advanced democracies, the executive and legislature have had cause to misunderstand each other. However, in such democracies, given such situation, society and governance have always come out effective and stronger.

Unfortunately in Nigeria, this is not so. The relationship between the legislature and executive has been that "of mutual suspicion and perpetual subversion. The executive does all it can to make the legislature its rubber stamp, while the latter struggle to maintain some independence and authority. Such factors include godfatherism, party pressures, ethnic and even religious sentiments. The legislature is the engine-room of any functional democracy and the work calls for better working relationship and understanding between both arms of government in Nigeria, knowing that leaders are ultimately answerable for their action.

Another unfortunate fact about the Nigerian condition is that the leaders doubt that they would be made answerable now or in future. The Nigeria executive and legislature expect that they would influence the future usually through bribery, chicanery or blackmail.

Theoretical Survey

When on May 29 1999, the current democratic dispensation was ushered in with civilians taking over the reigns of power from the military junta that kept democratic growth in chains, Nigerians were reassured of the preparedness of the civilian class to sustain and ensure continued democratic growth in the country. The emergent civilian leadership gave Nigerians hope of better times ahead. The consequent inauguration of the National and State Assemblies signaled the dawn of another era of democratization.

After over five years on the saddle, the various levels of government have presented disturbing report cards in relation to the relationship between the legislature and executive arms of government. In about seven years, the executive arm of government and the legislature at the federal, state and local government levels have disagreed frequently. Such disagreements have generated so much tension and crisis in the system that two elected governors have been swept away via impeachment, while the National executive government has had to contend with impeachment threats through this duration.

These unhealthy development between the legislature and executive have prompted watchers of the Nigerian democratic dispensation to caution on the need for a balance of power between both arms of government. This would enhance a better working relationship and consolidate the principles of separation of power.

Under the presidential system of government, legislators have large autonomy so as to discharge their duties without executive interference. Interest in this autonomy of the various arms of government is the virtue of separation of power and the imperative of cooperation, given the logic of governance.

According to Ochie (1992), for the survival of democracy, there is need for legislators and executive to strike equilibrium between party pressure, constituency demands and the dictates of their own conscience as to what is good and what is bad.

Unfortunately, since 1999, the political adre in Nigeria have been behaving like an enfolded generation that is permanently unprepared to define the national agenda. We seem not to be able to learn from history. George Santayana is a great philosopher with special bias for the political evolution of nations. Having painstakingly observed the repeat tragedies of history by various leaders, Santayana noted that those who cannot remember their past mistakes are condemned to repeat it. Vladimir Lenin has also noted that, In concrete historical circumstances, the elements of the past become interwoven with those of the future and the two paths get mixed. Against this background, we could say that history is a continuum and possesses some mutative social forces, which provide the basis for determining the existence of self-regulatory mechanisms in society.

In his *Political Danger Signals* Nwankwo (1993), observes that nations are built not just on the imperatives of patriotism and nationalism but also on the material conditions and circumstances that make life worth living. He went further to state that the struggle for a just democratic order, a humane economic condition and positive social ethics are the fundamental expressions of the character of a nation "and its people and the elaboration of their collective ethos. The essence of democracy is to enable everybody in society to contribute meaningfully to the development of society. One basic definition of democracy indicates that it is a form of government by the people, and for their benefit. The beauty of democracy is its elective principle where the people reserve the sovereignty to freely elect their leaders in a free and fair election. These leaders so elected are ultimately answerable to the people who elected them.

Every modern state, for practical purposes, is usually made up of a relatively small number of persons who issue and execute orders which affect a larger population within which they are themselves included. And it is the essence of its character that, within its allotted territory, all citizens are legally bound by those orders.

What are the means through which government is organized to perform its appointed task? In answering the question, we are persuaded to bear in mind that since the time of Aristotle, it has been generally agreed that political power is divisible into three broad categories.

According to Harold J. Laski, the legislative power enacts the general rules of society. It lays down the principles by which members of society must set their course. The second category is the executive. It seeks to apply those rules made by the legislature to particular situations. There is, thirdly, the judicial power, which determines the manner in which the work of the authority conforms to the general rule laid down by the legislature. The court has the power to invalidate any order that is not in conformity with the laid down rule. The basic logic of these categories is that they are art and not of nature.

It is not impossible for us to imagine all these functions of government being performed by a single body of persons or even in the name of an individual. Even in contemporary democratic states, the line of demarcation between the aforementioned categories is more or less tenuous.

The reason is that there is always an overlap of responsibilities among them. For instance, in any functional democracy, devoid of hermitic demagogues, where the power connoisseurs use their power to regenerate and protect society, the legislature can perform executive functions as when the national or state house of assembly ratifies or confirms the nomination of the executive. The legislature can as well perform judicial functions. This nature of overlap in function can be observed among other arms of the government. In essence, we can conveniently argue that in all modern states devoid of totalitarian regimes or feudalistic inclinations, the observable distinctions between the arms of

government exist to maintain the doctrines of freedom, liberty and good governance.

Since the contributions of Locke and Montesquieu in Ranney 1985, we have generally come to admit the truth of Madison's remark that, "The accumulation of the power in the same hands may justly be pronounced the very definition of tyranny:" (Madison 1985). The *raison d'etre* for Madison's remark is not far fetched.

Power that is not in a manner divided is bound to be absolute; and power being by its very nature, dangerous for those who exercise it, it needs to be limited before it can be exercised with safety. C.S Montesquien, in Raney 1985, captured this graphically when he note When the legislative and executive powers are united in the same person or body, there can be no liberty, because apprehensions may arise lest the monarch or senate should enact tyrannical laws, to enforce them in a tyrannical manner where the power of judging joined with the legislature the life and liberty of the subject would be exposed to .arbitrary control, for the judge would then be legislator were is joined to the executive power, the judge might behave with all the violence of an oppressor.

It is not therefore, possible to define the areas of each of these organs of government in such a way that each remains distinct and supreme in it allotted territory. Herein lies the wisdom of separation of power. If the business of the executive, for example, is to carry out legislative enactment of principles of general policy, the executive must retain the confidence of the legislature. Such confidence presupposes the power to compel subordination of the executive to the will of the legislature.

The legislature, therefore, can as a matter of right directly ensure that the substance of executive acts is suffused with what it deemed to be its purposes. This also applies to the judiciary but in a more indirect manner. The legislature cannot dictate to the judiciary the nature of the result it should attain in any particular case, but the legislature is entitled, within he limits hereafter discussed, to provide by statute against the recurrence of a decision of which it is in disagreement with. Even in a situation where and when a particular decision is likely to result in injustice, a legislative compromise is not an unfair solution of the matter raised. In a general sense therefore, executive and judicial powers find their limits in the declared will of the legislature.

But there are instance where the activities of a legislature are the subject of intense judicial scrutiny. For instance, where the constitution is written and the powers of the legislature arc defined by it, then the authority of the legislature is confined to what the courts hold to be within the competence to its powers. Also in any Federal State, even when the national assembly is not encumbered by such constitutional restriction as those manifest in the fourteenth Amendment to the American constitutions, the question of the area of competence of the various elements of the federation falls under the schedule of he judiciary.

I have tried in this brief survey to show that the principle of separation of powers is inevitable in societies to avoid the emergence of the Hobbesian leviathan and that all other organs of government find their limits within the declared will of he legislative organ.

The Centrality of the Legislature

Every legislature in democratic societies, according to Laski (1981), is normally elected or chosen by the people. The question is how do you make the choice? What is the relationship between the legislator and the electorate that chosen him? In addressing these questions we must accept the fact that in all modern democratic states, there is no alternative to the concept of universal adult suffrage. Universal adult suffrage lies at the disposal of each of its member to enable him realize the best in him. The member to society is entitled, as a matter of logic, to vote and be voted for that he may thereby express what his experience seems to warrant him in the scheme of things. There is really no alternative to choosing the legislature. Property as a basic of franchise, as specified in the 1922 Clifford Constitution in Nigeria, merely short-circuits the interest of the stale to those of the owners of property. There must be that freedom for all persons in society to participate in the political processes. Political of exclusion as practise in Nigeria during the Babangida era (1985-1993), is totally antithetical to the logic of democracy and cannot guarantee healthy legislature. It is therefore reasonable to expect that some form of relationship must exits between the member of a legislature and his constituency. What must be realized from the start is that every legislator will only be returned as a member of a party or a

group. It is the party-system in any state that determines the life span of the legislator in the house. Therefore, the party plays vital roles in the formation of the legislature. Political parties arrange the issues upon which people are to vote. It is not unusual that in a fast changing world, political parties experience the problems of selection from a vast array of candidates. It is that task of election that the party undertakes. In this regard the party acts as the broker of ideas. From the welter of opinions, sentiments, beliefs by which the electorate moves, it chooses out those it judges most likely to meet with general acceptance. It organizes persons to advocate its own view of their meaning. It states that view as the issues upon which the voter has to make up his/her mind.

Its power enables it to put forward for election candidates who are willing to identify themselves with its view. Since its opponents will do the same, the electorate is enabled to vote as a mass and decision that could otherwise have been chaotic assumes some inner logic of coherence and consistency.

Having touched briefly on the role of the party in presenting candidate for legislative and other elections, let me now adopt a more practical method of comparative analysis on the evolution of the legislature in Europe, America and Nigeria.

Evolution and Nature of Parliaments in Europe and America

From 1920 until the Italian invasion, Albania had a parliamentary or legislative system, which has a single elected chamber. Various, this single chamber legislature has never functioned effectively under the monarchy or even the Republic. The Albanian Republic was formed in 1946 with a one-chamber legislature known as the People's Assembly. Members of this assembly are elected by universal adult suffrage and have a life span of four years. The Assembly elects its "Presidium" and Council of Ministers. Albanian legislature operates on the Soviet pattern; the Assembly sits for short sessions, while the presidium meets more frequently. But it is constitutionally provided that the assembly must meet twice in a year. The ratio of legislator to voters in Albania as in 1978 was one legislator to 8,000 voters. The initiation and passing of any legislation and the exercise of legislative and executive power is the same as in the former Soviet Union.

In the United Kingdom, the legislature is bicameral. There are the House of Lords and the House of Commons. Members of the House of Commons are elected directly by universal adult suffrage for a five-year term. The House of Lords is composed of hereditary peers and peeresses, those on whom peerages have been conferred on for life, Archbishops and 24 bishops. No English or Scottish peer may sit in the Commons unless he has disclaimed his title for life; Irish peers may sit. The executive power lies nominally with the Crown but in fact, it is exercised through the cabinet of responsible ministers headed by the prime minister who recommends the appointment of other ministers who are members of either House.

As at 1918, the House of Lords was as it had been recognized by the Parliament Act of 1911. Bills certified by the speaker of the House of Commons as money bills were to receive royal assent one month after being sent to the House of Lords - whether the Lords have approved them or not. Any other bill, except the one extending the life of parliament, passed by the Commons in three successive sessions and rejected by the Lords was to receive the royal assent nevertheless, provided two years have elapsed between the second reading and the first session and the third reading in the third session.

The 1949 Parliament Act reduced the delaying power of the Upper House to two sessions and one year. In 1958, the parliamentary balance of the House was improved by the introduction of peerages given for life to men and women by the sovereign on the advice of the prime minister. Opposition party leaders are able to convey their own recommendations for peerages through the prime minister to the Monarchy.

Parliament sits from September to October to the same time of the following year, with a summer recess beginning in July. During adjournments, the Speaker or Lord Chancellor may give notice of a meeting if it is in the national interest. AH sessions end by prorogation and all bills not passed by then should lapse. Bills, including private members' bills, may originate in either House, unless they deal with finance or representation when they are introduced in the House of Commons. Until 1938, private members generally had preference for bills and motion on some 22 days in each session of which some 13 days would be Fridays and shorter than other working days. Since 1967, private members have had precedence on 20 Fridays in each session. The United Kingdom has no

written constitution.

In France, the Third Republic kept the constitution of 1875 until it ended in 1940. This constitution provided for two chambers of the legislature - a chamber of separate representative and a senate. The chamber of the members was elected for four years by manhood suffrage on proportional representation. The senate has 314 members elected for nine years - one third retiring every three years. Both Houses Assemble annually and are obliged to remain in session for at least five months in a year. Bill could be presented in both Houses either by the executive or by private members, excepting financial bills, which the responsibility of the deputies. There was also a council of state presided over by the minister of justice and other members all appointed by the president. The council of state gives opinion on any question of administration put to it by the government of which the president was a symbolic Head of State, theoretically with wide ranging powers but in practice not exercising them. His role in law-making and the determination of state policy was controlled by the cabinet. The government's executive powers lay with the ministers who are not necessarily members of either House and are chosen by the President in conjunction with the Prime Minister. They are responsible to both Houses and are obliged to individually counter-sign every act of the president.

Political dissension and cleavages between many small parties made for weakness in the executives, which had on several occasions to be defrayed by a grant of special powers made by the parliament to ministers. Through 1946 to 1965, the French was able to evolve a stable political order with a reasonable equilibrium between the executive and legislature.

In the United States of America, the congress has also developed over the years to become the highest decision-making body in the country. The congress is the nation's representative policy-making institution and its major business is "problem-solving" to the men who drafted the American constitution in 1787, the national legislature was the most central and important element of the government they were trying so hard to establish. The legislative arm of the national government therefore, becomes the subject of the constitution's first article, which is the longest and most detailed segment of the constitution. From the care given to writing this article, as well as the notes and accounts of the proceeding of the constitutional convention, it is clear that the founding father of American democracy were conscious of the council role and the power and function assigned to the congress would play on determining the success or otherwise of the American government.

The American people were well aware of the dangers inherent in an improperly constituted congress. They were even more worried by the threat that would be posed by an unlimited, regulated congress than they were by the threat of a tyrannical president or court. In the opinion of the author of the constitution, if the government was to have limited powers, it was the congress or the legislature that needed to be restrained. Having managed to throw away the burden of British imperialism Americans did not want to replace alien oppressor with a home-bred one. They wanted sufficient but clearly defined and limited power for both the executive and legislature. The first article in the American constitution vests all legislative powers in the congress of the united State.

The Legislature in Nigeria

In pre-colonial Nigeria, the various ethnic nationalities practiced some kind of legislative processes even where some researchers adjudge such legislative processes as rudimentary. Among the acephalous states like the Igbo and Ibibio, such legislative functions resided in the village assemblies. However, the first semblance of modern legislature in Nigeria came in 1914 following the amalgamation of the southern protectorate to the Northern protectorate by Lord Lugard. Earlier in 1962 when Lagos was declared a Crown Colony, Odinchozo Ikejani., noted that there was established a small legislative and executive council. The major aim of establishing the legislative council was to assist and advice the governor-general. The competence of this council was limited to Lagos. It was not representative and its decisions were not binding on the governor.

Even the legislative council of 1914 was not representative and had little or no power to influence the executive decisions. The events that followed forced the colonial government under Sir Hugh Clifford to introduce a new constitution in 1922 which entrenched the "elective principle". This new constitutional provision was to open a new chapter in the legislative evolution of Nigeria; the legislative council was enlarged to forty-six members. The Richard's constitution of 1946 further

provided for a broad-based national legislature. It was this legislature that made laws for the whole country, which its effect as law was subject to the power of the governor -general. The Richards constitution introduced regionalism and created regional legislatures and houses of Chiefs. The legislature at the regional level at his time was bicameral, while the central legislature was unicameral.

By this time there was already a formidable nationalist movement agitating for self-rule. Further agitations by the nationalist compelled the colonial government to introduce the 1951 McPherson constitution which created a fairly strong central legislature, membership of which was gained via collegiate electoral process. The central legislature, at that time was supposed to be made up of 74 members with the Eastern and Western regions producing 22 members apiece, while the Northern region produced 30 members. The bicameral regional legislature was retained and even strengthened by the McPherson constitution. Curiously, on January 1, 1952, when that constitution came into effect, it provided a national assembly of 148 members with 74 members coming from the North instead of the 74 members as a total of the whole legislature. The national assembly had fairly strong powers such as voting legislations passed by the regional legislative assemblies.

Further constitutional developments, particularly the London and Lagos constitutional conferences of 1953 and 1954 respectively provided for a Federal House of Representative with a speaker and three ex-officio members. The membership of the House was 184 persons elected on the basis of single member's district. The North had 92 members, while the East and Western regions had 42 members each; six members came from Southern Cameroon, while two came from Lagos. The 1954 constitution was the first that provided for exclusive legislative and concurrent legislative list, specifying areas where the Federal legislature had exclusive powers and areas where both the federal and regional assemblies can jointly legislate. The House of Representative could no longer give the regional houses directives under the new constitution to the extent that the regional houses no longer needed approval from the center before enacting laws. Ministers were appointed directly from elected members of the federal House of Representatives.

The 1960 constitution provide for a bicameral federal legislature consisting of the Senate and house of Representative. The senate at independence was made up of 44 members, while the House of Representatives had 312 members. The regions also retained their bicameral legislature with a House of Assembly and House of Chief respectively.

At independence Nigeria adopted the West minister Parliamentary system of government with its institutionalized opposition. However, the relapse of most of the nationalist into their ethnic enclaves to check their more prosperous colleagues soon proved inimical to the young democratic experiment. The national assembly could not achieve consensus on urgent national issues as each regional assembly saw every action of the national assembly from the point of view of ethnicity. It was surprising that the regional assemblies became cog in the wheel of progress by passing bills that obviously negated the spirit of national cohesion. The crisis of that period prompted a civilian coup which put democratic development under chains for 13 years.

It was in his speech to the constitution drafting committee in 1975 that General Murtala Mohammed, then Head of State made known his preference for an American-type constitution rooted in the principles of separation of powers, The 1979 constitution established a bicameral National Assembly and a unicameral state assembly. After four years of civilian government, the military seized power again in December 30 1983 and was forced out of power in 1999 by the contradictions and dialectics of their own governance. The 1999 constitution was still a presidential constitution based on the American constitution model. As a mater of fact, there is no fundamental difference between the 1979 and the 1999 constitution.

Executive- Legislature Relationship in Nigeria (1999-2005)

The military has long played an integral role in the conduct of Nigerian politics. Senior members of the armed forces dominated Nigeria politics from independence in 1960 until 1998, with only nine years of civilian government. Despite repeated efforts to install democratic institutions in Nigeria, ethnic-based factional tensions, endemic corruption and the overtly political ambitions of the military all worked to weaken the fragile mandate of civilian rulers. General Sani Abacha seized power in 1993 and

established a military dictatorship in Nigeria. However, General Abacha died suddenly in June 1998 and political power was quickly transferred to General Abdulsalam Abubakar. Quite unexpectedly, General Abubakar initiated a guided transition to general elections and civilian rule in Nigeria. General Abubakar, building on the limited political reforms established by Abacha in 1996, overhauled and reinvigorated the party system in

Nigeria. After fifteen years of repressive military rule, a democratically elected government was sworn in on 29 May 1999. While the presidential election of February 1999 was marred by voting irregularities and acts of political intimidation and violence, most international and domestic observers accepted the outcome of this balloting as reflecting the will of the people.

Presidential elections were once again held on 19 April 2003. These elections, won by Obasanjo, were disputed by the opposition. Local and international observers, while unwilling to call the elections fraudulent, nevertheless, noted serious breaches of the electoral process (particularly in southeastern Nigeria). Twenty parties launched an unsuccessful attempt to petition the courts to overturn the results. Despite Obasanjo's electoral victory in 2003, since these flawed election the President's position has become increasingly tenuous. In October 2004, four military officers and a civilian were charged with plotting to kill President Obasanjo by shooting down his helicopter with a missile. Moreover, in early 2005, the chairman of Nigeria's ruling party was forced to resign from his post under intense pressure from the President after he had warned Obasanjo that his government was becoming increasingly unpopular and that the prospects for a coup were extremely high. Public disapproval of Obasanjo increased in 2006 and in May 2006, the legislature blocked a constitutional amendment that would have allowed him to contest the 2007 election. On 21 April 2007, Umaru Musa Yar'Adua of Obasanjo's People's Democratic Party was elected president in elections that were seriously marred by improprieties by the PDP-Controlled government. The opposition remains highly fragmented and were unable to sustain a challenge of the election results.

Executive Constraints

t

The three branches of government largely acted independently during President Obasanjo's first years in office, however, the continued political influence of the military and the tense relationship between the executive and legislative branches of government have been a constant threat to the stability of this fledgling democracy. Despite Obasanjo's substantial majority in the legislature, the President has not been able to exercise executive authority without legislative oversight and consultation. The legislative branch, in conjunction with the judiciary (which has been undermined by years of neglect, corruption and politicization), have been relatively effective in establishing a modicum level of horizontal accountability to the Nigerian political system.

In August 2002, the legislature gave the President fourteen days to resign or face impeachment proceedings, alleging several constitutional breaches by Obasanjo. President Obasanjo ultimately defused this tense political situation by accepting the mediation of former civilian president Shehu Shagari and former military ruler General Gowon, to get the legislature to back down. The main impetus behind the impeachment process, which few political observers viewed as likely to pass, was to rattle the President and curb his efforts to consolidate power. Despite this visible display of political authority by the legislative branch in 2002, the lack of a strong party system in Nigeria continues to undermine the mobilization capabilities of opposition forces within the National Assembly that would be necessary to be an effective counterweight to presidential power. Moreover, the April 2003 elections provided significant gains for the President's party and handed some of his most vocal opponents in the legislature crushing defeats.

This turn of events seemed to set the groundwork for a more harmonious relationship between the executive and legislative branches of government over the next few years. In 2006, however, the legislature refused President Obasanjo's attempt to alter the constitution in order to remain in office for a third term. Obasanjo's decision to step down, adhering to constitutional guidelines, demonstrates that the legislature maintains substantial limitations on executive power.

Political Participation

The Nigerian state incorporates over 250 ethnic groups and has a post-colonial history of factional political conflict. The most intense ethnic divisions have historically revolved around the Hausa-Fulani (Muslims from the northern states), members of the Igbo ethnic (southern "Christians"), and the southern-based Yoruba tribe. The core division within the Nigerian polity over the past forty years pits the politically dominant Muslim states of the north against the economically advantaged "Christian" south. This core factional division has given strong impetus for strict military rule in this country. While democracy has been tried on several occasions, its reign was inevitably shortened by endemic corruption, ethnic favoritism and, ultimately, military intervention (which, in most cases, continued the course of corruption and ethnic favoritism pursued by their civilian predecessors). In its most recent incarnation, democracy in Nigeria has, at least so far, avoided the naked ethnic dimensions of the past. While factional tensions continue to underlie politics in Nigeria, the new democratic regime has attempted, albeit not always successfully, to accommodate ethnic demands without weakening central state authority. After fifteen years of blatant ethnic-based military rule, the return to democracy in Nigeria in 1999, reflected a general rejection of northern hegemonic domination and has triggered increased pressure for a regional "power shift" in Nigerian politics. While President Obasanjo (who is of Yoruban descent), has actively sought to downplay the role of ethnicity in Nigerian politics, nevertheless, factional struggles and violence have intensified under the new democratic regime. Political parties continue to be formed around ethnic markers and numerous ethnic-based vigilante groups have assumed responsibility for crime control and other government functions throughout the country as the power of the central state to penetrate society has weakened and the level of political and communal violence has escalated. Over 10,000 individuals have been killed in communal violence in Nigeria since 1999. As a response to this rising level of factional conflict within the country, federal troops have been used to quell civil unrest in thirteen of Nigeria's thirty-six states in recent years. Signaling the continuing weakness of human rights in Nigeria, as the number of attacks on federal government troops has increased, the number of reprisal killings by these forces has also escalated.

While the factional divisions that have long defined the political landscape in Nigeria are not currently institutionalized in a repressive ethnic-based regime, nevertheless, Nigeria's nascent democracy continues to be plagued by ethnic friction, regional contention, economic scarcity and religious polarization. Three regionally divisive and politically explosive issues threaten the new democratic order in this country: (1) the institutionalization of the sharia (Islamic law), in the predominantly Muslim north; (2) the fight over oil profits between the central government and the southern residents of the Niger Delta; and (3) the agitation for true federalism in southern Nigeria generally. First, recent efforts to impose the Sharia in the northern states (Bauchi, Borno, Jigawa, Niger, Kano, Katsina, Sokoto, Yobe and Zamfara) has sparked resistance by the region's Christian minority communities and has triggered rising levels of violence throughout the country. This sectarian violence has been greatest in the northern and central regions of Nigeria. Longstanding political and economic animosities between the dominant Hausa-Fulani and the large number of non-Muslim groups residing in these areas have converged in recent years with a revival of Islamic fundamentalism ethnic nationalism to produce an explosive political situation.

Hundreds have died and thousands have been displaced in civil unrest in these regions over the past few years. Under British rule the 150 "Christian" ethnic minorities residing in the central regions of the country were placed under the political domain of the Hausa-Fulani in the Northern Region. While the direct political dominance of the northern-based Sokoto Caliphate over the minority groups of the central regions waned over the course of post-colonial era, nevertheless, these groups remained culturally — and in many ways politically - subservient to their Muslim countrymen. Tensions between these groups have been exacerbated in recent years by the migratory tendencies of the Hausa-Fulani, who are mainly traders and farmers. Motivated by economic opportunity and by the relentless southward march of the Sahara Desert on the cattle grazing lands of the northern states, a massive southward migration has occurred over the past two decades. These Hausa-Fulani "settlers" have come to establish large communities in the central states and have gained increasing levels of economic and political power within the region.

Economic and political grievances between the "indigenous" and "settler" communities in the

central states has exploded into violence in recent years as the northern states have pursued a policy of implementing Islamic law. The implementation of the sharia is widely perceived by the non-Muslim minority groups throughout the northern and central regions as a move by the Hausa-Fulani to achieve cultural hegemony over them. Moreover, as the February 2002 ethnic clashes in Lagos demonstrate, the escalating levels of sectarian violence in the north and central regions has increasingly come to jeopardize the tenuous hold on power by the democratically elected central government. Increasingly, groups such as the Oodua People's Congress (OPC), a militia which purports to defend Yoruba interests in the south of the country from Muslim influences, has come to challenge the legitimacy and political authority of the newly established federal government. It is estimated that during President Obasanjo's first four years in office (1999-2003), well over 10,000 people have died in clashes between Muslim and Christian communities (however, government statistics place the death toll in the Plateau state itself at more than 53,000).

However in November 2004 the six-month old state of emergency in the Plateau was rescinded as a tenuous peace took hold in the state. Second, the struggle for the control of oil revenues (which account for over eighty percent of national exports and central government revenues), derived from the Niger Delta has the potential to further fractionalize the Nigerian state. The desperately poor and underdeveloped 70,000 square kilometer Niger Delta, where the River Niger breaks into a series of rivers as it empties into the Atlantic Ocean, produces over ninety percent of the country's crude oil. Over the past decade armed groups have targeted the oil facilities of the Delta in an effort to force the central government to allow them greater access to the oil wealth generated from their region. Such efforts by residents of the Niger Delta to retain control over their oil revenues have been actively rejected by the central government. The central government fears that such a regional-based resource regime would increase economic disparities between this oil-rich region and the rest of the country (dominated by the Hausa-Fulani, Yoruba and Igbo communities), and trigger ethnic-based factional fighting. Economic tensions within Niger Delta have also triggered intense political rivalries among the residents of the Delta itself and have resulted in brutal government repression. Rival ethnic Ijaw and Itsekeri militias have been the primary participants in the instability in Niger Delta region. Over one thousand were killed in ethnic fighting between the two groups in 2004. This violence stems largely from personal differences among the leaders of each group as well as disputes over control of the illegal trade in crude oil stolen from pipelines crisscrossing the delta. The Ijaw is the largest ethnic group in the region but claim that the Itsekeri are favored by central authorities. The Ijaw have mounted a sustained campaign of disruption and intimidation in the Delta region since 2004 in their attempt to force the government to increase the share of oil revenues expended on regional development. Finally, the violent struggle in the Niger Delta is only a small component of the broader campaign in southern Nigeria for "true federalism." While Nigeria is constitutionally a federal republic, in recent years the southern governments have actively lobbied for greater regional autonomy. This movement for greater federalism has not only been rejected by the central government but also by the nineteen northern states, which are more dependent than their southern counterparts on the current system of distributive federalism.

The relationship-between the executive and legislature in Nigeria since 1999 may be likened to the relationship between the cat and the mouse. These first six year since 1999 have been years of complaints and protests by both legislature and the executive, then seven years of embarrassing lapses on the part of the legislature. It is seven years of funny executive recklessness; of impeachment as a dangerous weapon in the hands of the legislature; of executive manipulation of the legislature together with the doggedness by the legislature to assert its authority and independence.

In the past six years, the executive-legislature relationship has been that of mutual suspicion and perpetual subversion; of distrust and verbal wars. During the first tenure of this administration, the President was accused of constitutional breaches and threatened with impeachment. In its attempt to control the legislature, the presidency for instance, had to contend with the turnover of five senate presidents in six years, while maintaining turbulent relationship with the house of Representatives.

Unfortunately, the executive and legislature in Nigeria have even found a common, ground of cooperation particularly in this dispensation. On two occasions the National Assembly has had to veto the executive over the bills on onshore/offshore dichotomy and the electoral bill of 2002 which the executive

was accused of doctoring after its passage into law.

In the states, the legislators have not fared better; they are today robots in the hands of state governors. Their only routine is to confirm executive appointment, pass budgets and wield the impeachment weapon when they find the opportunity to extort money from the executive. The legislature has not been able to successfully call the executive to order even in glaring cases of misconduct. The legislature and executive in Nigeria have not been able to strike a balance or equilibrium on the scale of separation of powers. The legislature has always played the second fiddle either for gratification or to secure party nominations for re-election.

One problem that has engendered this disequilibrium is the fundamental nature of Nigerian politics. The Nigeria politics is essentially mechanistic, robotic, ethnicized and religion-guided. Where the legislature would normally rise above party pressures to do their duty, they are bogged down by ethnic and religious sentiments. The politicians choose to make inflammatory statements to overheat the system and distract attention from the real issues. Recently, an administrative panel of inquiry alongside the EFCC gave a verdict of guilt against the Vice-President in relation to misappropriation of public funds. This matter was officially reported to the National Assembly, but predictably, some members have left the real issues at stake to attack the person of the president.

Godfatherism is another factor affecting executive -legislative relationship in our system. The fact is that most of the members of the legislative were bankrolled by executive expectedly as lackeys in the assembly. When duty calls, these legislators lack the moral courage to condemn what is evil. They would rather choose to dance to their master's tune instead of serving the public interest. The case of Chris Ngige in Anambra State is a typical example of the evils of godfatherism. Under this system, there is no independence because the name of the game is blackmail and political assassination.

The members of the legislature are representatives of themselves instead of the people. The only thing Nigerians could read from their face is "CORRUPTION". They are far from their counterpart from the American Congress, a highly respectable and disciplined legislation body. They work seriously independently of their political affiliation to protect Americans against the deviations and excesses of the Executive. In Nigeria it is only when the year budget has to be passed that we notice the existence of the National Assembly in the national life. During the past administration they spent eight years collecting unconstitutional salaries, illegal allowances and bribes from the Executive. They were just being used to seek for unconstitutional, illegal and criminal acts of the like of the "Third Term", constantly violating their oaths of allegiance to Nigeria and its Constitution, a grave betrayal of the people whose interests they are supposed to represent and defend.

By implication today instead of a "First position" as reflected in the Constitution, the Legislative arm is only second putting the Executive first. So, in the Constitution we have the order: [Legislature - Executive - Judicature] but in practice it is [Executive - Legislature - Judicature] throughout the nine years of our Democracy.

Conclusion

The relationship between the executive and legislature in Nigeria's nascent democracy has been far from encouraging. It is, therefore, necessary to remind both arms of government that indiscipline and corruption constitute a major problem towards our collective desire to build a humane, sustainable and stable political system. While corruption and indiscipline have been polity have attained unprecedented heights in our time. It is true to state that corruption and indiscipline in our lives have been the source of immorality and impropriety in our society. Since what happens in any society is largely a reflection of the leadership virtues or vices in those societies, one can only appeal for more understanding between both arms of government, given the fact that leaders are ultimately answerable for their actions.

References

- Ochie Malachy Chuma, (1992): Cracks between the legislature and executive: Danger signals for democracy, Weekend Outlook, Saturday, February 29,.
- Ochi Malachy Chuma (1993): Democracy under corrupt legislature. The Outlook on Sunday, March 7,
- Arthur A. Nwankwo, (1993): *Political Danger Signals*, Fourth Dimension Publishers, Enugu,
- Harold J. Laski', (1981): *A Grammar of Politics*, George Alen and Unwin Publishers, (Reprinted Edition).
- Quoted in Austen Raney, (1985); *The Governing of Men*, (Reversed Edition), Holt, Rinehart and Winston, Inc;.
- Harold J. Laski, (1981), Ibid.
- Austen Raney, (1985): *The Governing of Men*, (Reversed Edition), Holt, Rinehart and Winston, Inc.
- CDHR (2001): *Path to People Constitution*, Lagos, Nigeria
- For more Detail on the Evolution and Nature of Parliaments in Europe and American, Please see A., Appadorai, *The Substance of Politics*, (1974): Oxford University Press, Madras,.
- H.B. Okibe, 92001): *Political Evolution and Constitutional Development in Nigeria (1861-1999)*. Marydan Publishers, Enugu,
- Odinchezo Ikejiani, 1996, *Issues and Concepts in the Nigerian Conflicts (1966-1970)*, Fourth Dimension Publishers, Enugu.
- The News magazine, (2006), *The Case Against Atiku* Vol. 27 No. 20, 18 September
- Vladimir L. I. (1980), *Selected Works*, Progress Publishers, Moscow: