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## EXECUTIVE-LEGISLATIVE FACE-OFF IN NIGERIAN DEMOCRACY AND ITS IMPLICATION ON GOOD GOVERNANCE

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### Abstract

The Executive-legislative face-off has been a recurring decimal in Nigeria political history. The paper examined the face-off between Executive -legislative arms of government in Nigeria Democratic system and the implications on good governance. It adopts qualitative approach and relies on secondary data. The data collected were analyzed through content analysis techniques. The paper revealed that the face-off between executive -legislative arms of government enhances injuries to democratic governance and political stability in the country. The relationship that exists between the executive and the legislative arms of government is very critical in promoting or hindering good governance in any democratic government. The paper concludes that the face-off between the executive - legislative arms .of government represents an expression of power contest in democratic system which has made the two arms see themselves not as co-equal but as rivals and the frequency of the face-off is capable of over-heating the political space and thereby entrenching disunity, anarchy and a call for military intervention. The study recommends among others. There is need for constitution reviews and straightening of the political process through meaningful restructuring of the political system and democratize structures in Nigeria. Also, need for effective collaboration between the executive and legislative arm of government to facilitate democratic process and good governance in the county.

**Keywords:** Executive-legislative, face-off, democratic governance, resolution.

### Introduction

In a democratic system of government, the constitution stipulates the jurisdiction of the three arms of government (executive, legislative and judiciary), however for liberty and freedom of citizens to be guaranteed in the process of governance the three arms of governance must be separated and run by different people. Each organ must be given a number of checks by which the other arms or organs can be kept in balance (Momodu &Matudi, 2013). The Nigeria democratic dispensation since May 1999, to date has constitutently witnessed a ridden relationship between the key political institutions namely, the executive and legislative, both at the federal and state levels. Often times, the face-off between the executive and legislative heats up the polity to the extent that the machinery of the state is plunged in a state of inactivity and low-productivity (Igbokwe-Ibeto & Anazodo, 2015). A critical examination of the relationship between the executive and

legislative arms of government in Nigeria since 1999 to date was highly conflictual with attendant implications on the entire democratic process (Ukase, 2014). As Momodu (2012) posits that in electoral democracies in developed political system, the executive and legislative arms of government are vehicles for engineering good governance for the purpose of delivering the dividends of democracy to the citizens.

Consequently, the quest for democratic governance in Nigeria has been threatened more by the unending face-off between the legislative and executive who are often on trivialities and scramble for supremacy and control of the policy making and implementation process, thereby jettison the formation of the principles of separation of power which clearly states the three arms of government legislative, executive and judiciary shall be independent of the control of each other (Momodu & Matudi, 2013). The effect of executive-legislative face-off inflamed imputing and flagrant disregard to the rule of law observes among the members of the executives and legislative at both federal and State level thereby slowdown the effective democratic governance in the country. Also, the ability of any democratic governance to deliver the concrete benefits of good governance to the citizens is determined by the smooth functioning of the three arms of government (executive, Judiciary and legislative).

However, there can be no sustainable progress in any democratic government if the executive and the legislature will not adhere to the 1999 Constitution of the federal Republic of Nigerian; it is difficult to talk of democracy governance where the Constitution is shamble and unambiguous (Omotola, 2008). This has consequently heightened confrontation between the institutions, to such an extent that the quest for democratic governance has been affected negatively. Therefore, it is imperative at this juncture to examine the executive-legislative face-off on democratic governance in Nigeria. This study thrown up some patient questions such as; what are the factors that often trigger-off executive-Legislative face-off? What are the effects of executive-legislative face-off on democratic governance in Nigeria? These are some of the questions that this paper will attempt to provide answers to.

### **Methodology**

The paper adopts qualitative research design to gain an insight into the factors inhibits effective governance in Nigeria. The study employed descriptive analysis to examine the issues and challenges confronting executive – legislature face-off in Nigerian democracy and its implication on good governance. The paper which is theoretical in nature draws its argument basically from secondary data which includes journal publications, textbooks, internet and newspapers. To improve on the reliability and validity of the paper, multiple secondary sources were used to minimize risks of error.

### **Conceptual and Theoretical Framework**

Defining key variables in an academic enterprise of this nature provides the basis on which concepts are used and how they are used. Similarly, theoretical framework(s) provides the part way to arriving at generalization on the subject matter of investigation. In line with the above position, we direct our focus on defining some recurring concepts in this discourse.

#### ***Legislature***

Legislature is responsible for law making in a democratic system of government, it is usually made up of elected people by popular suffrage. The legislature is seen as occupying a key position in the machinery of government and as the people branch with the singular purpose of articulating and expressing the collective will of the people (Fatile & Adejuwon, 2016). Legislature also serves as assemblies of elected representatives from geographically defined constituencies, with lawmaking functions in the governmental process (Lowenberg, 1995). In the view of Awotokun (1998) the legislative represent the act of government made up of elected representative or a constitutionally constituted assembly of people whose duties among other things are to make law, check executive activities and safeguard the interest of the masses. Legislature is the law making body, and policy influencing working for the furtherance of democratic political system. (Ojo, 1985)

#### ***An executive***

Is an organ of government responsible for policy implementation, executive as the irreducible core of government. Executive is the organ of government which bears the responsibility of putting into effect the laws enacted by the legislature (Ikoronye, 2005), subject, however, to the judgment and orders of the judiciary. Anifowose (2008) sees the executive as the arm of government responsible for applying the authoritative rules policies of a society. In the same vein, executive is the

arm of arm of government that executes the will of people's as enacted in by the legislature (Ojo, 1985), To Oyebode (1995), executive is that branch of government whose power and responsibilities is to executed the laws such as the acts of parliament, decrees, edicts etc.

Executive perform legislative functions by recommending and initiating bills for the consideration of the legislature. In addition, through delegated power by the legislature, the executive can issue statutory orders and rules necessary to meet changing circumstances. Also executive coordinates controls and administers the affairs of the state as well as directs, supervises and coordinates the implementation of law (Aboniyi, 2006). the executive appoints, controls, disciplines and removes the higher administrative officers, such appointments, however, have to be confirmed by the legislative body, he also performs administration function (Anifowose, 2008), and control of military forces, by this factions, the chief executives is the supreme commander of the army and has the power to declare war against external aggression and internal insurrection.

### ***Word Face-off***

Means to strike together (Albert, 2001).Face-off has been an indispensable character of human social interaction. In fact, face-offs are a site of disagreement, controversy or opposition (Andre (1994). According to Woff (2006), a situation in which two or more people pursue incompatible, yet from their individual perspective entirely just goals. To have a through grasp of face-off, therefore, one must cautiously examine the various actors and factors and their interrelationship in each conflicts situation (Uchendu, 2007).The face-off between Executive-Legislative is one of the major constraints to democratic government in Nigeria. for instance in USA where such contradiction are conceived as imperatives for deepening the democratic experience, the situation quiet differ in Nigeria where legislative-executive face-off are regarded as woe to demonstrate governance which may litigate the effective and efficient policy formation and implementation process but the prospects remained largely elusive for a fairly longtime (Okpeh, 2014).Face-offs In the view of wolff (2006) is used to describe result of the struggle for power and material gain leader and followers alike. face-off may also be defined as a struggle or contest between people with opposing needs, ideas, belief, values or goals, (Fatile & Adejuwon, 2016), face-offs might escalate and lead to unproductive results or conflicts can be beneficially resolved lead to equality finals precuts.

### ***Democracy***

Democracy involves promoting the sustainability of a nation which includes an enduring capacity for the separation of power and independence of the branches of government; the exercise of power in accordance with the rule of law that respect for human rights and fundamental freedoms the transparency and accountability of responsible civil services, functioning at both the national and local levels.A state which identifies with the culture of democratic governance is one which welcomes a wide scope of political participation embracing a pluralistic system of political parties, a vibrant civil society and media (Basseyy, 2000). Democratic government is one of the keys to development in any society. In democratic government it is acknowledged that political processes, regulations and institution play a major role in economics growth and human development.

### ***Good governance***

Refers to competent management of a country's resources or affairs in a manner that is open, transparency, accountable, equitable and responsible to the yearning and aspirations of the people. Ukase (2014) of the opined that good governance is the participation , rule of law, transparency, responsiveness, consensus oriented, equity and inclusiveness, effectiveness and efficiency and accountable. To Onyebuchi (2013), the use of legitimate power and authority exercised in the application of government power and in the management of public affairs.

### **Theoretical Frame Work**

This paper is anchored on institutional conflicts. It gives in-depth analysis on executive – legislative face-off in Nigeria democratic governance. The theory was propounded by Schmide (2006), it emphasis the state either as itself a rational actor pursuing the logic of interest or as a structure of interest within which rational actors follows in competition over scarce resources in the heart of all social relationship. The theory lays emphasis on the relations among level of government, implementation of norms and values and the manner in which pursuit of interest caused different types of conflicts which

forms part of normal life in the society. The theory believes that conflict arises when executive-legislative pursue incompatible goals and this makes conflicts an inevitable in the interaction among the levels of governments. Flippo (1999), posit that “a total absence of conflicts would be unbelievable, boring, and strong indication that conflicts suppressed. This implies that occasional conflicts between the executive and legislative are inevitable, predictable and if constructively handled, they can be healthy development for the progress of any democratic governance (Momodu & Matudi, 2013).

Institutional conflicts also arise when resources, status, and power unevenly distributed between the levels of government, and that these conflicts become the engine for social change. Conflicts exist whenever incompatible activities occur and an action that is incompatible with another prevents obstruct interference or causes injuries to other groups (Sears, 2008). The theory and presents that legislative and executive conflicts caused poor policy formulation and implementation and are the lane for bad governance. Therefore provides a framework for the understanding and analysis of relationship existing between executive and legislature as competing in a struggling for the control of state policy apparatus ((Aboniyi, 2006).

### *Executive – Legislative Relations In Nigeria Democratic Governance Executive*

Legislative relation in the Nigeria’s Fourth Republic have two-fold dimensional namely, collaborative executive – legislative relations and conflicts executive-legislative relations, with regards the latter, it has been observed that over the decade, conflicts between the National Assembly (House of Representative and Senate) and the executive at the Federal level of government existed, which was widely presented by the press” (Adejumobi, 2002), conflict transcends the relationship between state executive and the legislature in various states and even spilling to the local government councils. Major effect of such conflicts was the impeachment of key-personnel in both executive and legislature, such as Speakers, Deputy Speaker and Governors etc. (Anifowse, 2008). On several occasion conflict between executive and legislature have been heating up the polity to such an extent that Nigerians have feared that the Fourth Republic would be short-lived due to the recklessness and greed of some political elites. As Soyinka (2010) asserted that Nigerians should rescue the nation from the cabal of reprobate gangsters, extortionist, and even political murderer.

Aiyedele (2005) also remarks that the only thing that will prevent the nation from this facer off between legislatives and executive arms of government is constitution be upheld’ that the rule of law be respected. Nonetheless, the relationship between these institution have also preserved the Nation from collapse as with the case of the power vacuum crisis which occurred in 2010, after the demise of President Umaru Musa Yar’ Adua’s demise. Contrast, the national Assembly usually impeachment threats to the executive for failing to carry out its legislative enactments, while in some states also, some House of Assembly issued impeachment threats to their states governor and some of the impeachment threats actually led to the removal of some formal governors namely, governor Rasheed Ladoja of Oyo State, Governor Peter Obi of Anambra State governors Chris Ngige and Andy Uba, also from Anambra State were sacked by the court on the ground that the elections that brought the duo to power were marred with rigging on the other hand, some states governor have influenced the impeachments of their deputies and speakers of their State House of Assembly (Igbokwe-Ibeto & Anazodo, 2015).

When the executive and legislature are headed by different parties, there is bound to exist conflict, this is likely to render the government ineffective as a result of disagreement in policy direction, (Murry, 1975). The conflict ridden relationship that exist between the executive and legislative has been slowing down the process of governance, thereby having debilitating effects on good governance in the country.

### *The Role Of executive And Legislative Arms Of Government In Democratic Governance*

The executive- legislative relation in political institutions is very crucial in presidential democratic system government, thereby promoting governance. The achievement of this task however is dependent on whether the significance that exists between the two institutions is constructive conflicts (Momodu & Matudi, 2013). In advanced democracy, the principal function of arm of government is the people’s representatives, legislatives elected by the people, and hold the mandate of their constituencies within the polity especially under a democratic regime (Kopecky, 2004) and they plays an important role in the amendment of the national constitution camphorated of selection and appointment of senior governance officials sent by the president. All these activities together promoted development in the political institution.

The legislature also play vital roles in enforcing accountability and responsibility and that promote the institutional mechanism for ensuring accountability and good governance (Tom & Attai, 2014). Legislatures also play a critical role in the promotion of good governance in democratic regimes and exercises the basic legislative roles law making, representation and oversight functions. The modern legislature serves as an agent of reform in the state. In a state where some members of parliament are ideology inclined, the desires to implement their reforms agenda will greatly influence their behaviors in the assembly. The assembly serves as forum for discussion of ideas and policies and it provides a formal platforms for deliberation among significant political in the life of a political system (Fashagba, 2012).

Fashagba (2012) affirmed that legislatures in some countries have gained a role in approving macro fiscal framework. The Nigerian legislature belongs to the class of legislative assemblies vested with preponderance of power fiscal matters. It also the watch dog of public funds in that it not only appropriates for the scrutinizes how the funds so appropriate are spent. In other words, the legislature is constitutionally mandated to direct investigations into the conduct of the affairs of state, institution, organization and individual within the state. The executive performs a very function in the administration of a state. The executive is the main, institution charged with the responsibility of development good governance through the formulation and implementation of policies and programmes that would enhance the effective and efficient management, of the state's resources. The executive is therefore, the organ of the state that is charge by the constitution to manage the resources of the state that will promote good standard of living to the citizens (Adejumobi, 2002).

The relationship between the legislature and the executive arms are one of the key defined characteristics of the functioning of any political system. it is central to the constitutional and political system of any territory and has been at the forefront of debate in recent times (Kopecky, 2004). In nutshell attaining the quest for good governance in Nigeria Shahu, (1999) of the opine must as a matter of urgency synergize together to engineer the policy making and implementation process that will engender good governance.

### ***Causes Of Executive- Legislative Face-Off In Nigeria Democracy And Its Implication On Good Governance***

The issues of legislature – Executive conflicts can be linked to ambiguity in the 1999 constitution of federal republic of Nigeria over the power of the executive vis-à-vis the other arms of government which has serious implication on democratic governance and the dynamic of intergovernmental relation in Nigeria. The culture of fusion of power and fractions under the military era has impacted negatively on the practice of democracy in 1999 till date, since then the constitution was drafted by the military men, the institutions of the parliamentary is the worst affected. Through constitution clearly separated executive and legislative powers and functions thereby provided for checks balances in the institutions.

Rockman (1983) highlighted the causes of executive – legislative face- off in Nigeria democratic governance since 1999. These include pride and personality clash, executive dominance, ignorance of the constitution, functional overlapping and legislative performance of oversight function. In the view of Fatile & Adejuwon (2016), the causes of executive-legislature conflicts are: Struggle for power and domination, conflicts of roles, limited conceptualization and understanding of their constitutional responsibilities, high handedness of the executive over the legislature, greed and hypocrisy of members of the two organs, lack of patriotism, corruption, poor leadership skills, and poor conflict management skills. Power tussles between the executive and members of the legislature in Nigeria Democratic system usually base on who occupy various leadership positions in the parliamentary seat and the starting point executive – legislative conflicts since 1999. In many instance, the executive acts under the guise of party supremacy and often members of the ruling party are coerced into accepting the proposals of the executive as the position of the party. This has caused serious tensions, instability and crisis in the legislative house since 1999 (Momodu & Matudi, 2013). Thus, sustained urge by the executive at the centre to anoint leaders of the legislature is only another way ensuring firm subordination of the latter by the former. However, where the executive failed to impose leaders, various means are often employed by it, to stifle the tenure of the freely elected leaders.

One of the critical issue that brings disagreement between the executive and the legislature in the eight (8) National Assembly is budget pending. This occurs when the amount budgeted by the executive and the amount eventually approved by the National Assembly is not correspondence with the initial figure. Ukase (2012) noted that; in the course of performing oversight functions by the legislative arm of government and during budgetary legislation at all levels of government in Nigerian, empirical evidences revealed that most projects executed are not appropriated in the National budgets (Uchendu,

2008; Okpe, 2014; Obidimma & Obidimma, 2015). This is the bane of unhealthy rivalries between the executive and the legislature.

### ***Executive – Legislative Face-Off In Nigeria Democracy And Its Implication On Good Governance: Exploring The Relationship***

Executive- Legislative face-off contributed to the dilemmas of poor policy formulation and implementation in the country. Bassey, Raphel, Omono & Bassey, (2013) identified others major consequences:

#### ***Political Consequences***

legislative-executive face-off adversely affect the process and overheats the political system (Ukase, 2003). The quest for Democratic governance in Nigeria has been threatened more by the unending conflicts between the legislature and the executives who are often entangled in a constant battle for supremacy and control of the policy making and implementation process (Momodu & Matudi, 2013) thereby jettisoning the tenets of the principles of separation of powers.

In the same vein, Legislature – executive conflicts slow the pace of governance. It creates suspicious and hostility between the two organs (Fatile & Adejuwon, 2016), which undermines the unity of that creates division between the executives and legislature; creates destruction to the processes of governance, create tension and political instability; and encourage the culture of impunity and disregard for the rule of law among the political class (Momodu & Mutadi, 2013). The consequences of the face-off resulted into poor governance (Robert, 2007), it may breed political instability and this is certainly unhealthy for sustainable democracy. The strength of any democratic government is to deliver the concrete benefits of good governance to the citizens is determined by the smooth relationships among the three arms of government legislative arms of government (Nwokeoma, 2011). He also went further that the assumption reinforces the theory of separation of the powers of the different arms of government to prevent arbitrariness, tyranny and recklessness.

#### ***Policy formulation and implementation process***

Executive –Legislative face-off have profound consequences on the policy making and implementation process thereby engenders the smooth running of the affairs of the state. However efficient management of executive-legislative conflicts can assist in averting its dysfunctional consequences and associated with the passage of Bills that will effect well-being of the citizens, for instance, 2016 and 2017 national budget experienced serious disagreement and delay in the passing of appropriate bills. There were series of confrontations between the executive and the legislature has led to stalemate in Nation economy and foreign investors into the nation's economy. As a result, Nigerian economy remains confronted by serious challenges arising from democratic instabilities that have characterized the country for more than a decade (Ayuba, 2003).

#### ***Social cultural consequences***

Executive- legislative conflicts have serious ethno-religion implications for the Nigeria state. The introduction of ethno-religion variable into legislative-executive conflicts affects the unity of the country. it has cause agitation from different ethics group call for self actualization and restructuring the unit of Nigeria. The failure and mobility of the executive and the legislature to co-exist and provide the pillars for sustainable development through the initiation and implementation of sound policies has a damaging effect on the Nigeria democracy.

### ***Executive – Legislative Face-Off On Budget Approval In Nigeria Democratic Governance***

At the federal level, are engaged in the face-off through their different repeated actions and omission kin on the federal budgeting process. From 1999 till date, the consensus, harmony and concord needed to design and approve successful budgets have been lacking. The executive claims that budget imitation, its underlying parameters and macro-economic framework are reserved from them and any new project introduced by the legislature is in nature of initiation which it claims is outside the purview of the legislature and therefore null and void, illegal and unconstitutional (Ayuba, 2003) . They believe that the role of the legislature is very restricted in the process. The executive insist that they initiated the framework and have the original information on which the macro-economic framework is constructed and no input from the legislature with the exception of the parameters set in the Medium term expenditure Framework which is usually sent to the legislature for approval as stipulated by the Fiscal responsibility Act (Fashagba, 2012). On the other hand legislative extremists believe

that they can insert figures inter and intra ministries department and agencies and to initiate entirely new projects even at the late of appropriation.

For instance the estimates sent by the President to the legislature are mere proposals and there is nothing different between the budget bill and any other bill that comes of the National Assembly (Momodu & Matudi, 2013). Ideally, bills do not leave the legislature exactly the same way they were introduced, there must be discernable legislative budget padding or inserting projects that were not there originally at the time the executive sent the budget. Meanwhile, the two arms of government have been locked in perpetual acrimony and turf war. But the casualties are usually development projects and the common people who are caught between the gladiators. It is imperative to state that the two arms of government are working for the interest of Nigerian people. They both work to achieve the purpose of development and good governance to their citizens.

In the terms of constituency projects; the executive and legislative arm should agree by allow legislator to submit their projects to respectively MDS for scrutiny. These projects will be scrutinized to see if they are in line with sectoral priorities so that their designs, technical drawings, environment and social impact assessment will be done to read them for implementation.

### **Conclusion**

The executive – legislative conflicts at both federal and state levels have profound negative and positive impacts on good government in the country. In other word, poor relationship between the two arms of government may translate into bad governance and disunity. It is imperative at this juncture that the face-off between the executive and the legislative represent an expression of contest for power in the democratic system, which has made them to always see themselves not as co-equals but as rivals. In this regards, the executive is always ready to dominate and meddle in the affairs of the legislature, which the legislature often made efforts to counterbalance the executive actions (Ukase, 2014). Tom & Attai (2014) stressed that frequency of the face-off is capable of over-heating the political space and thereby provide disunity achy and vacuum for military intervention. It also serves as the usurpation of the power and functions of the legislature by the executive; this is expressed by the nature and character of long military rule that has led to the emergency; of a highly predatory executive constantly trying to subsume the legislature in the political and demarcation process.

The executive arm of government is responsible for policy formulation, evaluation and execution while, the legislature enacts laws and makes the same functional as instrument of cohesion in the society and oversight function. The judiciary interprets the law. Fundamental, the relationship that exists between the executive and legislative which is very crucial for facilitating peace, security and good governance in any democratic system . This makes cooperation and good relationship preferable to face-off in executive legislative relations. Remington (2004) also noted that, for legislative arm of government to be able play their role of representation, legislation and oversight function, there must be certain degree of harmonies or cooperation between the arms of government (Executive, legislature and the judiciary) in policy making, implementation and interpretation respectively.

### **Recommendation**

Executive – Legislative face-off have been a recurring decimal in political system of Nigeria. Executive – legislative face-off have been on occurring at both Federal and State levels since the military transit power to democratically elected government in 1999. The impacts propounded bad governance (Obidimma, 2015). The face-off has poor link between the two arms of government such relationship engender bad governance.

The paper recommends that a harmonious partnership between the executive and legislative arm of government and they should respect and strictly adhere to the tenements of the principle of discharging of their constitution duties, while embracing dialogue in resolving their impasse. The need for institutional training on the executive and legislative arms of governments on leadership workshops and conflict management should be instituted with a view to improving their skills and to pave ways for conflicts resolution. Also, periodic meeting between the executive and legislative must be in place for more critical to facilitate democratic process and good governance in the county. It is imperative to know that there is need for constitution reviews and straightening of the political process through meaningful restructuring the political system and the democratize structures in Nigeria.

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