

The Impact of Interference of the Executive Arm of Government in the Choice of the Principal Officers at the Sub-National Legislature, in Nigeria's Fourth Republic: Kwara and Osun States in Focus

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Abstract

This paper investigates the impact of interference by the executive arm of government, in the choice of the leadership at the sub-national legislature, in Nigeria's Fourth Republic. And the focus was on Kwara and Osun States, intending to establish, or otherwise, the veracity of this claim. The objective thereby is to engender independence of the two arms of government, which is the panacea to the entrenchment of the principle of checks and balances: as the catalyst for good governance. The triangular method was adopted. The findings show that the Governors, through the instrumentality of the ruling party, exercise overwhelming influence in the nomination of candidates to the two State Houses of Assembly. In addition, the humongous bureaucratic, security and financial resources at their disposal give them leverage to interfere in the choice of the principal officers. The paper recommends that the legislature, like the executive arm at the sub-national level, should have financial autonomy. This would embolden them to take independent decisions on critical matters, including, the choice of their principal officers, without the fear of repercussion and being financially strangled by Governors. Furthermore, the ruling party should enforce party supremacy, and not be at the dictates of the Governor.

Keywords: *Interference, Principal Officers, Sub-National Level. Checks and Balances*

INTRODUCTION

Received: 15 September 2023

Accepted: 25 February 2024

Published: 30 April 2024

The fundamental precept of democracy is the existence of the legislature, executive and judicial institutions of government. Though separate, they are expected to work together for good governance. However, one of the controlling valves that guard their interdependence, and relations is non-interference in the affairs of each other. The purpose is for them to enjoy the balance of power and perform their functions without let or hindrance. However, at the sub-national level in Nigeria's Fourth Republic, non-interference of the Governor in the legislative choice of principal officers is a virtue that is yet to manifest. This paper looks at Kwara and Osun States, to mirror the validity or otherwise, of this assertion, with a view to decipher, if a generalization can be made to the 36 sub-national political entities of the country. We shall also recommend a panacea to obviate this tendency.

STATEMENT OF THE PROBLEMS

The relationships between the executive and the legislature in Nigeria's Fourth Republic were conditioned by the presidential system of government, which is unique to the separation of powers and checks and balances. The aim was to engender collaboration and not domination in the fulfilment of their duties for the delivery of the dividends of democracy to the citizens. While interference is limited at the bicameral National legislature of The Senate and the House of Representatives because they enjoy relative financial autonomy, it is not obtainable at the unicameral legislature at the sub-national level in the country. The power dominion of the executive is both palpable and discernible in the choice of the principal officers of their legislature. From this premise, the following were the objectives that this paper intends to achieve.

- i. To assess the extent and the rationale for the interference of the executive in the choice of principal officers in Kwara and Osun states in the Fourth Republic
- ii. To engender independence of each arm of government, which is the panacea to the entrenchment of the principle of checks and balances, as the catalyst for good governance.

RESEARCH QUESTIONS

In order to examine the impact of interference of the executive arm of government in the choice of the principal officers at the sub-national level, in Nigeria's Fourth Republic, it was auspicious to raise the following questions.

- i. What was the extent and the rationale for the interference of the executive arm of government in the choice of principal officers in Kwara and Osun States' legislature in the Fourth Republic?
- ii. What is the panacea to the entrenchment of the principle of checks and balances between the executive and legislature at the sub-national level to attain good governance?

LITERATURE REVIEW

Varma (2007) stated that presidential democracy envisions separation of powers between the legislature, executive and judiciary because they operate from different compartments. However, according to him, the nature of government compels them to work together under the principle of checks and balances. This he believed, was the kernel of the pioneering works of Plato, Socrates, Baron the Montesquieu, John Locke, and Jean

Bodin who were the apostles of the theory. Their aim was to obviate the concentration of powers in one person or body of persons, to avoid tyranny and domination. In their contributions, Chidiebere, Godswalth, Ahmad, and Jawan (2016) stated that the tenets of presidential democracy were the existence of the three arms of government to perform different functions. The legislature makes laws, which the executive implements, while the judiciary interprets and arbitrates, in the case of disputes. Within their jurisdictions, they were to exercise independence in decision-making but collaborate for the smooth running of the administration. However, they asserted that, often, in a nascent democracy, and particularly those that operate the presidential variant, there is interference of the executive arm in the legislative branch of government. In the case of Nigeria, they traced it to the overhang of military despotism that held sway for a cumulative 28 post-independence years, ahead of the birth of the Fourth Republic in 1999.

Writing on the Nigerian experience (Oyovbaire, 2007) contended that the huge influence of the executive, which continues to dwarf the legislature, has remained possible due to three principal reasons. Firstly, chapter 5, part 2, section 105 of the 1999 constitution gives the Governor the power to issue the proclamation and dissolution of the state legislature. To this extent, the chief executives determine when the legislature begins and ends. Secondly, he stated that the legislature suffers from executive-induced problems due to the huge power of incumbency that was available to the state Governor in terms of patronage, access to money and opportunity to fix his favourites in appointments, many of which do not require clearance from the legislature. Thirdly, according to him, is what he termed as "environmental problems". This has to do with society itself and the push and pull of the elites, the electorates and other interest groups. Similarly, Eminue (2006) contended that since the commencement of the Fourth Republic in Nigeria, the Governors at the sub-national level have been in the driver's seat of the vehicle of the ruling parties in their states. This is because they funded it and subsequently influenced who occupied all the positions in both the party itself and the law-making body. Thus, in case of a contentious matter, the party gravitates towards the Governor at the detriment of the legislative arm of government to create what he referred to as the "golden era of party tyranny in Nigeria".

Alabi (2009) gave an inkling that it is not too difficult for the executive to interfere in the affairs of the legislature in Africa because the European colonial powers designed the parliament as a talk shop that was not expected to play decisive policy-making roles like their counterparts in Europe. This, he reiterated, has sustained the perception of

irritancy that the legislature was painted with, since that era in the minds of the people. Furthermore, according to him, the long years of military rule, the quasi-legislative powers that the executive arm of government exercised along with the law-making body, lack of financial autonomy, and paucity of facilities which they are also confronted with, were external problems that affected them. Posner and Park (2007) were in unison that absenteeism, low level of participation along bench warming and combustious sessions, were also distractions that weaken the legislature. In juxtaposition with this, lack of decorum, technical incompetence, lateness, and acts of violence were additional internal factors that continued to bedevil the legislature. Nijzink, Shaheen, and Elisabeth (2000).

Similarly, Onyebuchi (2013) believed that the humongous bureaucracy and security apparatus at the disposal of the Governors gave them the leverage for intrusion into legislative affairs. Aremu, Bakare and Kolapo (2017), asserted that in a federal state with the tiers as in our country, the transaction between the arms of government, as well as the tiers, should be conditioned by horizontal relationship, and not vertical. The essence of this, according to the scholars, is to ensure that the macro-tier on the one hand, does not consume the micro-tier. In the same manner, he maintained that one arm of the government should not subordinate the other(s). In his contribution, Fish, (2010) asserted that in a presidential democracy, the legislature was the first arm of the government, because they make laws that the executive implements. But he recognized that the legislature can be subjected to a barrage of overt and covert pressure by the executive because of the paraphernalia of office, within their reach.

A critical instrument of interference by Governors at the Sub-National legislature in Nigeria's Fourth Republic, according to Mogaji (2017) was ingrained in the fact that they have power of the purse. They prepare, present and implement the budget. The legislature merely considers and approves or otherwise. However, in practical terms, they commit numerous expenditures for several things and subsume it under a supplementary budget at the end of the fiscal year. In addition, all the revenue generation agencies of the state were under his purview through the bureaucracy.

Bernick and Bernick (2008), were emphatic that the personality trait of the Chief Executive was very significant to the type of relationship that subsisted between the two arms of government. This to them, also affected his intrusive tendencies into the affairs of the legislature, and in particular in the choice of the leadership at the Sub-National level. Also threading this path, Obidimma and Obidimma (2015) asserted in specific

terms, that the intrusive actions, postures, and tendencies of the executive arms of government into the affairs of the legislature in Nigeria's Fourth Republic, were a consequence of the personality of President Olusegun Obasanjo. He was a retired General of the Army and former military Head of State from 1976 to 1979. By the nature of his training, he dwelt in the vertical structure of leadership, by giving orders. Incidentally, this is antithetical to the work of Aremu, Bakare and Kolapo (2017) who contended that the executive and legislative arms of government should exist and operate as partners in a horizontal manner. This they believed would engender a balance of power and obviate the tinge of seniority and juniority in their relationship. However, Muhammad (2014) was specific that interference in legislative matters was particularly telling at the sub-national level in Nigeria, because of the role of political godfathers. They are often the powers behind the thrones; they direct the affairs from the sidelines.

METHODOLOGY AND DATA PRESENTATION

The methodology of this paper was the triangular method. This is a combination of the primary and secondary sources. The quantitative approach involved the distribution of a questionnaire on the issue in focus and it was conducted in the two states. The qualitative method was adopted through a Key Informant Interview. The population of the study comprises the members of the executive, legislature, and stakeholders such as the Nigeria Labour Congress (NLC), Trade Union Congress (TUC), Civil Society Organisation (CSO), Nigeria Union of Journalists (NUJ), and Nigeria Bar Association (NBA), ruling and opposition parties, academics, entrepreneurs. The Taro Yamane formula was adopted.

$$\text{Note : } n = \frac{N}{K+N(e)}$$

n= Sample size

N= Population of study

K= Constant which is 1

e= Degree of error expected

Where N = 3237

K = 1

$$\begin{aligned}
 e &= 0.05 \\
 n &=? \\
 n &= \frac{3237}{1 + 3237 (0.05)^2} \\
 n &= \frac{3237}{1 + 3237 (0.0025)} \\
 n &= \frac{3237}{3238 (0.0025)} \\
 n &= \frac{3237}{8.0925} = 399.99 \\
 n &= \text{Appropriately, 400}
 \end{aligned}$$

Based on the above formula, allotted questionnaires to each cluster are generated, using a simple percentage formula, and presented in the table below.

Table 1: *Total Population and Allotted Questionnaire to Each Cluster*

CLUSTER	POPULATION	ALLOTTED POPULATION
Kwara Legislature [members, legislative support staff & KHAC]	238	29
Kwara Executive [Council members, S.As, SSAs and SAs]	235	29
Kwara Higher Civil Servants [Perm. Secretaries & Directors]	250	31
Kwara Statutory Commissions [CSC, JSC, SUBEB, LGSC & SIEC]	150	18
Political parties in Kwara [Ruling and Opposition parties]	230	28
Mass Media in Kwara [NUJ, Correspondence, Radio and T.V]	290	35
Other Stakeholders in Kwara [NBA, NLC, TUC & CSOs]	185	23
Osun Legislature [members, legislative support staff & OSHAC]	254	31
Osun Executive [Council members, S.As, SSAs and SAs]	285	36
Osun Higher Civil Servants [Perm. Secretaries & Directors]	335	41
Osun Statutory Commissions [CSC, JSC, SUBEB, LGSC & SIEC]	150	19
Political parties in Osun [Ruling and Opposition parties]	225	29
Mass Media in Osun	225	28

Other stakeholders in Osun (NBA, NLC, CSOs, TUC etc)	185	23
TOTAL POPULATION	3,237	400

Source: Researcher's Field Survey, 2023

From the above Table 1, a total number of 400 questionnaires were administered across the identified clusters in Kwara State, but 376 were retrieved.

In order to test if interference occurs in the choice of the principal officers at the sub-national legislature in Nigeria, this paper inquired from critical stakeholders of their view. A former principal officer of the Kwara State House of Assembly (KWAHA) who represented Eesa/Shawo/Igboidun constituency of Offa Local Government from 2011-2019 offered this opinion on the notion that the structure of the ruling party was more supportive of the executive in its relations with the legislature: He stated that in the presidential party system at the sub-national level in Nigeria, the Governors interfere in the legislature because they have power of patronage such contracts and in appointments. According to him, they get the support of the political party in this quest, for these reasons. However, this position defers from the submission of a respondent who served in the executive arm of government in Kwara State from 2011-2019. According to him, the party structure got involved to build understanding between the executive and legislature.

In his contention, a former member of the legislative arm of government in Osun State, who represented the Ayedire constituency between 2007-2011, in his assessment, said: "The Governors, not just in Osun, but in all states of the federation controls the party and they use them as the instrument to interfere in the affairs of the legislature, especially in the choice of principal officers". Also, in the realm of interference of the President and Governor at the national and sub-national level respectively, a former National Secretary and Acting National Chairman of the then ruling party, the People's Democratic Party (PDP). He recalled that when he assumed office as the National Secretary of PDP in 2008, the party used to take permission from the presidency before they undertook major actions. While he asserted that it was a consequence of the military background of President Olusegun Obasanjo, it, however, signaled the capture of the party structure and the precursor to the subsequent interference in the choice of the principal officers of the National Assembly. He reiterated that the ignoble national example gave rise to its replication at the state level; with the Governors taking the commanding positions in the party on the choice of the principal officers at the sub-national level.

This appeared to have been confirmed by a former Secretary to the State Government (SSG) of Osun State from 2003-2010, who had a stint, as the State Chairman of PDP between 2001-2003. He was categorical, that in the choice of the principal officers of the OSHA “the party was involved because we were a political family. Many of us who found ourselves on the side of the executive and legislature started together”. He reiterated that “I was the PDP state Chairman between 2001-2003, so I midwife the victory of the party in the state. There was no member of the legislature in our party that did not pass through me for their nominations. After the elections, our party Senatorial Leader, Barrister Gbadegesin Adedeji, became the Attorney-General and Commissioner for Justice; my Deputy Chairman, Bashorun Omojeogbe became a Special Adviser; the Party Secretary, Mr. Akin Titiloye became the Commissioner for Agriculture; the Auditor, Alhaji Ashifat Olarinde became a Special Adviser, Local Government and Chieftaincy Matters”.

He however insisted that the involvement of the Governor in the choice of the principal officers of the State House of Assembly should not be looked at, in isolation. Rather according to him, it should be viewed as a continuation of the teamwork that began from the nominations, elections, and post-election governance process.

In his submission, a former legislator who represented the Ayedire constituency at OSHA from 2007-2011, maintained that the interference of Governors in the choice of principal officers at the sub-national legislature was a truism: in his words,

By the time the legislature would assume office, they would have decided who is going to be this, who is going to be that and so on. And we had no option; we would have been given instructions on the night of the inauguration of the House because the members are products of one godfather or the other, so we just had to listen.

All the above respondents were perturbed that the interference of the Governors in the choice of the principal officers at the sub-national level bred an imbalance of power. They also shared the opinion that it was unhelpful to the impeccable delivery of the dividends of democracy.

In a diverse strand of views, a former legislator who represented the Afon constituency from 2003-2011; another member who represented the Share/Oke-Ode constituency from 2011-2019, both at KWHa; and a legislator who represented the Isokan/Irewole constituency at OSHA, 2007-2011 and 2015-2019 respectively, had a confluence of opinion. They believed that interference of the Governors in the choice of principal officers could have positive effects. First, they contended that it bred unity, equity and commonality of purpose. In their perception, it helped to balance the allotment of political offices and affect demographic, ethnic and, or cultural representation in the government between the executive and legislature, since the government is one. This is notwithstanding their distinct roles of making laws and executing the laws respectively.

This was the quantitative analysis of respondents to test if the Governors interfere in the choice of principal officers This was the result of the quantitative test.

Table 4

Likert scale	Frequency	Percentage	Cum. Frequency	Cum percentage
SD	9	2.3	9	2.3
D	25	6.3	34	8.6
U	4	1.0	38	9.6
A	89	22.3	127	31.9
SA	249	68.1	376	100.0
Total	376	100.0	-	-

Source: Researcher's field survey 2023.

The table shows that respondents with a frequency rate of 9 (2.3%) strongly disagreed with the notion that the executive arm in Kwara State interfered in the choice of principal officers of the KWHa in the Fourth Republic. Also, respondents with a frequency rate of 25 (6.3%) disagreed with the notion, while respondents with a frequency rate of 4 (1.0%) were undecided. However, respondents with a frequency rate of 89 (22.3%) agreed with the notion. Also, respondents with a frequency rate of 249 (68.3%) strongly agreed with the above notion. The table revealed that the summation of respondents who strongly disagreed and disagreed had a frequency rate of 34 (8.6%). While the total summation of respondents who strongly agreed and agreed had a frequency rate of 262 (90.6%). Analytically, this showed that an overwhelming majority of the respondents agreed that the Governor interfered in the choice of principal officers of the KWHa, during the Fourth Republic.

This was the result of the quantitative test in Osun State.

Table 5

Likert Scale	Frequency	Percentage	Cum. Frequency	Cum percentage
SD	8	2.0	8	2.0
D	24	6.0	32	8.0
U	4	1.0	36	9.0
A	84	21.0	120	30.0
SA	256	70.0	376	100.0
TOTAL	376	100.0	-	-

Source: Researcher's field survey 2023.

The table shows that respondents with a frequency of 8, representing 2.0%, strongly disagreed with the notion that the executive arm of Osun State interfered in the choice of principal officers of the OSHA in the Fourth Republic. Respondents with a frequency of 24 (6.0%) also disagreed with the above notion. Respondents with a frequency rate of 4 (1.0%) were undecided. Also, respondents with a frequency rate of 84 (21.0%) agreed with the notion. Finally, respondents with a frequency of 256 (70.0%) strongly agreed with the notion. Analytically, the table shows that respondents with a frequency rate of 32 (8.0%) are the summation of those that strongly disagreed and disagreed with the above notion, while respondents with a sum frequency rate of 364 (91.0%) strongly agreed and agreed with the above notion.

DISCUSSION OF FINDINGS

In line with the first objective of this paper, to assess the extent and the rationale for the interference of the executive in the choice of principal officers, it is apposite to point out that it became profound in the Fourth Republic through the instrumentality of the 1999 Constitution. This is explicable, in Chapter 5, Part 1 (c), Section 65 and Chapter 5, Part 2 (c) Section 106 which gave only the political parties the power to nominate candidates to contest for elections into the National and Sub-National Assemblies respectively. Therefore, the President and Governors leveraged upon this, to make incursions through the political party structure, which they control to nominate their preferred candidates into the legislature. With this as the foundation, it thus makes their interference a fait accompli during the choice of the principal officers and gets compliance to his desires, with the other factors, such as bureaucracy and power of the purse in his kitty. And it conforms with the position of Alabi (2009), (Muheeb, 2015), who maintained that the Governor gets compliance to his wish through the power of

lobbying, patronage, compromise, negotiation and sometimes force or threats, to get acquiescence from the legislature.

In hindsight, this paper observed that in the Second Republic when the presidential system that is yet in practice, was initially introduced in Nigeria, interference of the executive in legislative affairs was not done. The leadership of the ruling party-maintained equilibrium in executive-legislative matters. Moreover, this tendency was contained and curtailed by the fact that the political parties jointly funded party activities and elections, Muheeb (2015).

Similarly, this paper posited what stunted, if not exterminated, the commanding influence of the ruling political parties in the government at the national and sub-national level and subsumed them under the overwhelming influence of the Governors was the awkward start to the Fourth Republic in 1999, when President Olusegun Obasanjo assumed office under the platform of Peoples Democratic Party (PDP). The tradition of joint party funding virtually collapsed, and the dominion of the President and Governors was kick-started. This was due to his military background and vertical command structure psyche of leadership, by giving orders from the top to bottom. They were characteristics under which he was trained and had attained the apogee of his career as a four-star General and military Head of State.

He instigated the sack of five National Chairmen of PDP in quick succession when they refused or were slow to act on his wishes. Chief Solomon Lar, Mr Barnabas Gemade, Mr Vincent Ogbulafor, Chief John Nwodo and Chief Audu Ogbeh lost their seats for this reason. Among others, their offence was that they could not get the National Assembly to act either quickly as desired by him, or act well enough to accede to his wishes and desires. Audu, O. (2013) said '*Obasanjo sacked me because I told him I'm his party leader, not his cook*', (Daily Post Newspaper, 17/02/2013). President Obasanjo could not be satisfied until he finally brought in Col. Ahmadu Ali (Rtd) as the National Chairman. Col. Ali (Rtd) was the Federal Commissioner for Education during his sojourn as Military Head of State between 1976 and 1979. At the national level, the party was funded surreptitiously by the government, and the party men lost their voices. Incidentally, these were antithetical to the works of Aiyede (2006); and Bernick and Bernick (2008).

With these wrong examples at the top, it became the stead of the Governors to fill the void, fund the ruling party in their states and take over. They called the shots in all

directions and on all issues. They brought in or took out any person(s) that caught their fancy, or displeasure. But the greatest victims of this malfeasance were not just the political parties, but the desecration, and institutionalization of the ethos of democracy. Aremu, Bakare and Kolapo (2017). Ironically, and in retrospect, as reported by International Centre for Investigative Reporting (2018), the principle of party supremacy was practiced at both the national and sub-national levels in the Second Republic, when the presidential system was first introduced in 1999. It was no doubt, a replication of the democratic etiquette and sublimity of President Shehu Shagari who allowed it to occur. He rose to the top under a democratic system. He was a parliamentarian and a Federal Minister who held seven different portfolios before and after Nigerian independence in 1960.

It is critical to note that the ‘taking over’ of political parties by Governors at sub-national levels in the Fourth Republic was a negation of the institutional theory as espoused by Guy-Peters (1999). He propounded that each institution of democracy should be distinct and enabled to play its role distinctively. The Governor, in a presidential democracy, is the head of the executive arm of government; the Speaker is the head of the legislature, and the political party is expected to be piloted by the Chairman of the party in truth, fact and fairness to the different arms of government. This is to engender balance of power; and derive the maximum dividends of democracy that was envisaged.

Furthermore, this paper however, asserted that interference of the Governor through the party in the choice of principal officers at the sub-national level is contrary to the provisions of Chapter 5, Part 2a, Section 92, Sub-Section 1, which, unequivocally provided that: " There shall be a Speaker and Deputy Speaker of a House of Assembly who shall be elected by the members of the House from among themselves". A similar provision exists in Chapter 4, Part 1a, Sub-Section 50 regarding the National Assembly. (CFRN,1999). In hindsight, the interference of the Governor to dictate the leaders of the sub-national legislature in the Fourth Republic was President Obasanjo-initiated.

The reference to godfathers signposted the fact that they were the power horses behind the thrones because legislators and the members of the executive get endorsements, nominations and appointments through them. More importantly, the small number of legislators at the Kwara and Osun State Houses of Assembly which have 24 and 26 respectively, as well as their proximity to the ‘men of power and influence’ makes it easier to give them instructions. It serves for good reasons to identify that the

interference that the Governor exercised was ingrained in the fact that they have power of the purse. They prepare, present and implement the budget. Regardless of budgetary provisions, the Governor determines which contractor(s) are to be paid, in what quantum and for what projects. This is further exercised by the contemporary lexicon of the Governor having to give his final signature of 'cash backing' before vouchers can be raised, cheques issued, and monies paid. In addition, all the revenue agencies of the state were under his purview. More importantly, the Governor controls the humungous bureaucracy and the security apparatus.

It is auspicious to emphasize, our findings revealed that the interference of the Governor in the choice of the leadership at the sub-national legislature was sometimes clouded in the garb of demographic, ethnic and religious balancing. Notwithstanding, muted discontent against the interference of the executive in the choice of the principal officers has sometimes resulted in acrimony and discord in executive-legislative relations. It became an open brawl at the 8th session of the National Assembly. And it also affected the governance process which is the second objective that this paper addressed. Senator Ahmed Lawan and Hon. Femi Gbajabiala were the candidates of the majority All Progressive Congress (APC) party as the President of the Senate and Speaker of the House of Representatives respectively. But Dr Bukola Saraki and Mr Yakubu Dogara were the choice of the members. And it prevailed. After they emerged, the Economic and Financial Crimes Commission (EFCC), arraigned Dr Saraki at the Code of Conduct Tribunal (CCT). They alleged that he did not declare his assets fully and correctly, when he was Governor of Kwara State, between 2003-2011. (8th June 2017; Vanguard). It was a long-drawn legal battle that ended at the Supreme Court, where Saraki was freed of all charges. (13th December 2017; The Punch; (15th June, 2017; Sahara Reporters)

Ultimately, when the President sought confirmation of Mr Ibrahim Magu twice, as head of EFCC in December 2016 and March 2017, the Senate rejected his nomination. President Buhari however neglected it and retained him, as the head of the anti-corruption agency, in defiance of his failure at the Senate. Consequently, The Senate, like a tit-for-tat, also declined to act on other nominations forwarded to it, for consideration. They included members of the Independent National Electoral Commission (INEC), Central Bank of Nigeria (CBN), Niger Delta Development Commission (NDDC) and Federal Emergency Road Maintenance Agency (FERMA), Adisa, (2017). This was on the one hand. On the other hand, President Buhari also refused to assent to over 40 duly passed bills before him (Daily Trust newspaper, (2019). These included the Petroleum Industry

Governance (PIG) Bill 2016; Stamp Duties (Amendment) Bill 2017; Electoral Act (Amendment) Bill 2016; National Housing Fund Bill 2018, Federal Mortgage Bank of Nigeria Bill 2018; Ajaokuta Steel Company Completion Fund Bill; National Oil Spill Detection and Response Agency Act (Amendment) Bill 2018. Others were the Revenue Allocation and Fiscal Commission Amendment Bill (RMAFC) among others. (18th June, 2021; The Guardian). (6th April, 2019; Daily Trust)

CONCLUSION AND RECOMMENDATIONS

From the findings that were conducted, it was obvious that that there was interference of the executive in the choice of the principal officers of the Sub-National legislatures of Kwara and Osun States in the Fourth Republic. This was a consequence of the humongous power of both the purse and the bureaucracy, in addition to the control of the security apparatus within the jurisdiction of the Governors. Inadvertently, the financial dependence of the legislature on the Governors, gave them the leverage to institutionalize the executive arm of government as the senior institution and exercise power dominion over the Sub-National legislature which was subjugated to being the junior partner. Moreover, the fact that the state Governors have overrun the party and assumed its headship was instrumental to and made their interference in the choice of principal officers of the Sub-National legislature, a *fait accompli*. The remote and immediate fallout of this scenario was that the legislature could not serve as an effective check and balancing institution to the actions of the Governor.

It is however instructive to note that President Muhammadu Buhari signed Executive Order 10, on May 22, 2020 to effect financial independence for the sub-national legislature and judiciary in the country. However, the 36 State Governors instituted an action at the Supreme Court to challenge the Order. The apex Court in a decision of 4-1, read by Hon. Justice Muhammed Musa Dattijo, nullified the Order, because the President over-reached his jurisdiction. (11th Feb., 2022; Premium Times). However, in the minority judgment by Hon. Justice Uwani Abba-Aji, which conforms with the findings of this paper, he held that the: “Executive Order is to aid the states’ legislature and judiciary in curing the constitutional wrong of their financial autonomy which the states always denied”. He lamented that “it is a pitiable eyesore what judicial (and legislative) officers and staff, go through financially at the hands of state executives

(Governors), who often flout constitutional and court orders to their whims and caprices”. (10th February 2023; The Guardian)

This paper recommends a constitutional amendment to provide for a more robust procedure, that would include the judiciary, just as in the case of the President and Governors, for the appointment and removal of the Speaker and other principal officers of the legislature. It would be in line with what exists in the case of the head of the executive arm of government, in Chapter 5, Section 189, Sub-Sections 1,2,3,4 (a & b) and 5 of the 1999 constitution. This would make the offices more secure and dignified unlike what obtains currently in reality when their status, dignity and tenure are left to the discretion, and whims of the Governor and godfathers. The only thing that is needed presently is to obtain a simple majority to remove the heads of the legislature. The process, venue, time and environmental conditions were not expeditiously spelt out. Therefore, many Presiding Officers were removed under shrouded circumstances.

More importantly, this paper recommends that it is critical to build strong internal democracy within the executive and legislature. Competence, knowledge, and experience must be the yardstick for picking the candidates for elections and for appointments into two arms of government. Sycophancy, stunting of differing opinions, and rotation of offices or what is called “turn-by-turn”, should be jettisoned. These are the hunch-heads to promote the much-desired checks and balances for effective delivery of the dividends of democracy and good governance.

Acknowledgements

We acknowledge the respondents for this paper and the authors of the works that were utilised towards the successful completion of this paper.

Funding

Financing of this work was undertaken by the scholars/authors.

Conflict of interest

There is no conflict of interest associated with this publication.

References

- Aiyede E. R.. (2006), Legislature –Executive Relations in Nigeria’s Democracy Chapter 9, in Challenges of Sustainable Democracy in Nigeria edited by Ojo, Emmanuel O. John Archers (publishers) Limited Ibadan.
- Alabi (2009), M. O. A. (2009). The Legislature in Africa; A trajectory of weakness. *African Journal of Political Science and International Relations* Vol. 3, Number 5 May
- Alabi, M. O. A. (2009). The legislature in Nigeria: Origin, powers and challenges. In H. A. Saliu, I. H. Jimoh, N. Yusuf, E. O. Ojo, *Perspectives on nation building and development in Nigeria*, (Ed.), Lagos: Concept Publications.
- Bernick, E, M, and Bernick E. L. (2008) Executive-Legislative Relations; where you sit really does matter. *Social Science Quarterly*, Volume 89, Number 4, December, by the South Western Social Science Association
- Chidiebere, I. Godswalth, C. Ahmad, Z. B. Jawan, J. A. (2016), Factors influencing the executive and legislative conflict in Nigeria's political development. *IOSR Journal of Humanities and Social Sciences*, Volume 21, Issue 8,
- Eminue, E. O (2006). Executive – Legislature Relations; some preliminary observations on the budget process: in Challenge of sustainable democracy in Nigeria.
- Fish, M. S. (2010) Stronger Legislatures, Stronger Democracies. *Journal of Democracy*. Volume 17
- Mogaji, I. S. (2017). *Functions, challenges and prospects of legislators and the legislature*. Paper presented at the legislative retreat organized by the Post Graduate Students Legislative Council of Unilorin. Tuesday, July, 1
- Muhammad, A. A. (2014), *Kwara state legislature: A docile parliament ?* in *The legislature and governance in Nigeria. A festschrift for emeritus Professor John. A. A. Ayoade*, Volume 1, Issue 23, 377-397

Muheeb, I. O. (2015). The Nigerian experience in legislative practice, process and legislation. *African Journal of Politics and Society*

Nijzink, Shaheen, and Elisabeth, 2000) (2006) ? “Parliaments and the Enhancement of democracy on the African continent: An Analysis of Institutional Capacity and Public Perceptions”. *The Journal of Legislative Studies*, Vol. 12. No. 3-4

Obidimma, A. E. and Obidimma, E. O. C. (2015). The executive-legislative relations in Nigeria's presidential democracy *International Journal of Business and Law Research Volume 3 Issue 1, Jan-Mar.*,

Onyebuchi, U.R. (2013). Executive-Legislative relations in parliamentary and presidential government. *Global Journal of Arts and Social Sciences September*,

Oyovbaire, S. E. (2007). The crisis of governance in Nigeria. *A convocation lecture delivered on the occasion of the 23rd Convocation Ceremony of the University of Port Harcourt, Port Harcourt, Rivers State, Nigeria. Thursday, March 15.*

Posner and Park (2007) Posner, O. and Park, C-K. (2007). Role of parliament in the budget process: Recent trends and innovations. *OECD Journal on Budgeting*. Vol. 7- No. X. 3. Retrieved on January 6, 2018 at 10:50 am on <https://www.oecd.library.org>

Varma, S. P. (2007). Modern Political Theory. Vikas Publishing House PVT Ltd. New Delhi, India

NEWSPAPERS

Daily Post Newspaper, 17/02/2.

Daily Trust Newspaper 14/04/ 2019. “Nigeria: Bills that Buhari refused to sign and why” Business Day, 23/4/ 2018. “Sign the Petroleum Industry Bill, Mr President, Nigeria’s delayed PIB Bill and disappearing opportunities”. By Femi Adekoya,

The Guardian Newspaper 11/01/2021. “Late PIB passage threatens N4trillion marginal fields earnings” By Femi Adekoya (Lagos), Kingsley Jeremiah (Abuja) and Ann Godwin (Port Harcourt).

Premium Times, 11/2/ 2022. “Why Supreme Court nullified Buhari’s executive order 10”.

The Guardian Newspaper, 12/2/2023 “Supreme Court throws out Buhari’s executive order”. By Bridget Chiedu Onochie, Ameh Ochojila (Abuja) and Joseph Onyekwere, (Lagos.).