

IMPROVING EXECUTIVE/LEGISLATIVE RELATIONS IN NIGERIA

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The Presidency's single most important political Relationship is with the Congress.¹

Abstract

Recent trends in Nigeria show that the simmering feud between the executive and legislative arms of government has degenerated to open conflict. As the 2019 general election approaches, this issue has become more concerning. Stability of the relations between these arms of government is essential to deepening democratic processes and fostering the growth of the country. Independence of the arms of government is an absolute necessity for the enthronement of civil liberties in any democracy. By the very nature of the presidential system, tension is unavoidable in legislative/executive relations. Nonetheless, political actors in the two branches are expected to manage their relationship with a view to ensuring that it translates to good governance for the overall benefit of citizens. There is, therefore, a need to establish good relations between these two arms of government in order to ward off disastrous consequences for the country's nascent democracy. This paper discussed the appropriate legal and policy mechanisms to improve in the relationship of the two arms. From legal standpoint, certain sections of the constitution need to be altered to clarify the legislative powers to screen executive nominations and the limits of such nominations; and to clarify the power of appropriation of the National Assembly. With regards to policy measures, there is need to deepen executive understanding of the strategic of the legislative branch in the entire democratic architecture in order to avoid the apparent prevailing impression that the legislative branch is an undesirable meddling interloper in governance.

Key Words: Executive, Legislative, Presidential System, Relations.

INTRODUCTION

Federalism and the Constitution require the President and National Assembly to work constructively together for the benefit of Nigerians.² Since the return to democracy from military dictatorship in 1999, it has become the norm for the executive arm to meddle in the legislative activities of both houses of the National Assembly. Frosty relations between the executive and legislative arm of the government breeds economic stagnation, inflation, dearth of foreign investors, unemployment, loss of public confidence, lawlessness, and anarchy,

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¹Nigel Bowles 'The Presidency and Congress' in Nigel Bowles, Robert K. McMahon (eds.) *Government and Politics of the United States* (New York: Palgrave Macmillan 2014) 159.

²C.N. Truman 'The President and Congress' (2015). Available at <https://www.historylearningsite.co.uk>

among others. Equally, decisions are too often taken based on prejudices, party interests, ethnicity and religion but not on national prosperity. The goal of both the executive and legislative arm should be to have a lasting legacy and etch their names in gold not squabbles and infighting.

Politics and by extension governance that emerges from it is not so much about the morality of men as to their ability through consensus building and constant engagement with other stakeholders to win even the most skeptical of men to the point of view that they want to project. There is indeed a possibility that everyone currently occupying a seat in the National Assembly may be a selfish money monger with a criminal past, but they have been elected by the people to represent them at those chambers. Until the law catches up with them or the people who put them in office recall them or refuse to renew their mandate, as the case may be, the president needs these people to realize whatever vision he has for the country.³The better option is to craft ways to work with the lawmakers and make them less antagonistic to presidential policies.

This article is divided into six parts. Part II immediately explores the executive legislative conflict in perspective, exposing why this issue is rife in the Nigerian political scene. Part III discusses the hidden costs and implication of frosty relations between the executive and legislative arms of the government. Part IV analyses the American model of governance to show how frosty relations between the legislative / executive relations is resolved in that country; this is particularly pertinent as Nigeria copied the presidential model of governance from the USA. Part V chronicles the standoff between the President and Senate since the return to civil rule. Part VI borrowing a leaf from Christenson's treatise analyses the rules a president should adhere to, to obtain cooperation from the legislative arm. Part VII concludes the work by making recommendation on how excellent relations between the legislative and executive arms of government can be achieved.

The paper excluded from its purview, executive/ legislative relationship in the constituents states of Nigeria

³ N. Adedokun, 'Buhari vs National Assembly: The Fight Between Good And Evil?', *The Cable online*, 25 March 2018, available at < <https://www.thecable.ng/buhari-vs-nass-fight-good-evil> >

PRESIDENTIAL-NATIONAL ASSEMBLY CONFLICT IN PERSPECTIVE

Presidential regimes are considered to be prone to produce institutional deadlocks. Presidentialism lacks a built-in mechanism to induce cooperation between the executive and legislative branches of the government.⁴ These institutional deadlocks are however not without cause. Presidential democracy abhors enthroning despots. The hallmark of a presidential model of government is a written constitution and the compartmentalizing of the duties of the arms of government. The National Assembly passes legislation and can override vetoes. It is a given that the executive in a presidential system of government cannot perform certain duties without the legislature, for instance declaring war on an enemy country⁵ or declaring a state of emergency in any part of Nigeria.⁶ One great source of conflict between the president and the legislature is their different constituencies. Only the president along with his vice-president is elected by the entire nation.⁷ Each member of National Assembly is elected by only a fraction of the populace.⁸ Inevitably, the president must form a broader electoral coalition in order to win his office than any member of the legislature. Another source of conflict between these two arms stems from the fact that the senate must approve the budget, ratify treaties, confirm presidential appointments to the cabinet, the federal courts, regulatory commissions, and other high offices of state.⁹ It equally acts as a watch dog in oversight functions especially in the area of public spending, and passes executive sponsored bills.¹⁰ These oversight functions of the legislative body over the executive were designed to prevent any single branch from dominating government in a presidential system and to ensure that policies have wide input especially in appointment of officials to sensitive and exalted posts.¹¹ With these institutional checks, presidential system of government confers a great deal of independence on each arm of the government.

⁴ A.C. Figueredo and L. Fenando, 'Presidential Power, Legislative Organisation And Party Behaviours in Brazil' (2000) *Comparative Politics*, Vol.32, No.2 pp. 151-170. See also J. Linz, 'Presidential or Parliamentary Democracy: Does it make a Difference?' in Juan Linz and Arturo Valenzuela, (eds.), *The Failure of Presidential Democracy: Comparative Perspectives* (Baltimore: Johns Hopkins University Press, 1994), pp.3-87; Scott Mainwaring, 'Presidentialism, Multipartisanism, and Democracy: The difficult Combination', (1993) *Comparative Political Studies*, Vol. 26, pp.198-222.

⁵S. 5(4) of the Constitution of the Federal Republic of Nigeria 1999 (CFRN)

⁶S. 305, *ibid*

⁷S. 132 (1), *ibid*

⁸S. 77, *ibid*

⁹ G. C. Edwards, 'The President and Congress: The Inevitability of Conflict', (1978) *Presidential Studies Quarterly*, Vol.8, No.3, pp. 245-257

¹⁰S.88 CFRN, 1999. See also B.A. Rockman, 'Legislative Executive Relations and Legislative Oversight', (1984) *Legislative Studies Quarterly*, Vol. 9 No. 3, pp. 387-440.

¹¹B. F. Crisp, S. W. Desposato, K Kanthak. 'Legislative Pivots, Presidential Powers, and Policy Stability' (2011) *Journal of Law, Economics, & Organization*, Vol.7 No.2, pp. 426-452.

Nigerian politicians perceive this independence wrongly; ambition is pitted against ambition as presidents and legislators respond to distinct manifestations of voters interests. Equally, institutional, political and cultural environments in Nigeria defeat this independence.¹² For instance a good number of Nigerian presidents were former military officers used to giving orders to their subordinates. It is therefore alien to them to wait for approval from the legislative arm in making key decisions in their presidency. The issue becomes more complex as these presidents /officers previously took over the reins of power through military coup d'états.¹³ Institutional retaliation is normally the weapon of choice by these two arms of government when they feud. The vast majority of retaliatory tools used by these arms of governments against each other include budget reductions, fund starvation, declining to confirm appointments to executive posts, delays in bills passage especially budgets, veto of bills, passing of revenge legislation among others.¹⁴ It is conceded that a certain degree of opposition is expected from the two organs i.e. the executive and the legislature such that each would be anxious to guide and assert its autonomy which is good for the citizens and democracy. This need for autonomy should be blended with co-operation.

Conversely in parliamentary systems, the governmental powers are concentrated in the hands of the winning party. The prime minister is first and foremost a member of the legislature, likewise his/ her cabinet members. If a parliamentary backbencher publicly criticizes the executive or its policies to any significant extent then he/she faces a much higher prospect of losing his/her party's nomination, or even outright expulsion from the party. Even mild criticism from a backbencher could carry consequences serious enough (in particular, removal from consideration for a cabinet post) to effectively muzzle a legislator with any serious political Ambition.

PRESIDENTIAL/LEGISLATIVE STANDOFF: HIDDEN COSTS AND IMPLICATIONS

¹² Some commentators theorise that it is the incessant criticism of the person of the president of the federal republic of Nigeria that triggered this siege on deputy senate president's residence. See P. Opara, 'Ekweremadu And His Increasing Anti-Buhari Rant', Sahara Reporters online, 23 July 2018 available at <http://saharareporters.com/2018/07/23/ekweremadu-and-his-increasing-anti-buhari-rants-peter-claver-oparah>

¹³ President Obasanjo who was elected president in 1999 was a former military Head of State from 1976-1979; President Buhari, Nigeria's current president who was elected president in 2015 was Nigeria's former military ruler from 1983 -1985.

¹⁴ GN Rosenberg, "Judicial Independence and the Reality of Political Power." *Review of Politics* [1992] (54) (3) 369

Besides giving Nigeria a bad image in the comity of nations, executive legislative standoff has some hidden costson an already bleeding economy. The standoff is a key political risk for Nigeria as it routinely gets in the way of the effective functioning of the economy¹⁵ The country is losing in terms of investment, job creation, money circulation and missed business opportunities. The uptake of loans, consumption patterns, bank returns and retail sector performance show declining performance as investment decisions take a back seat.

Furthermore, in January 2018, a standoff between the Presidency and the Senate over confirmation of new members of the Central Bank of Nigeria (CBN)'s Monetary Policy Committee (MPC) threatened the apex bank's independence and damaged fragile investor confidence in Africa's biggest economy; MPC's lack of quorum after the Senate refused to approve President Buhari's nominees for the panel, meant that the Central Bank could not formally set interest rates.¹⁶ The legislature cited the refusal of the president to sack the acting chairman of the anti-corruption agency, Economic and Financial Crime Commission, (EFCC) in accordance with the legislators' recommendation as the reason for their grouse.¹⁷ Nigeria needs less if any of this grandstanding by both the leadership of legislature and executive arms of government; the country is bigger than any individual. The arms of governments should focus on delivering on Nigeria's Economic Recovery and Growth Plan (ERGP) 2017-2020.

Also, Nigeria has been experiencing delays in its budget process since the return to democratic rule in 1999, owing to power tussle between the executive and the legislature. Seven months after President Buhari submitted a draft copy of the 2018 Appropriation Bill to the National Assembly it was finally signed into law on 20th of June 2018 with controversies. The President stated that he submitted a budget proposal of N8.621 trillion but the legislative returned a budget of N9.12 trillion, this means the initial figure was inflated by N508 billion.¹⁸ There is little need for the president to append his signature on an inflated budget; he should have the courage of convictions and should have flatly refused to sign the budget. If he sticks to his gun as matter of principle , his administration would not be cash strapped because s. 82 of the 1999 Constitution of the Federal Republic of Nigeria permits the president to withdraw funds from

¹⁵ DV Doya, Y Ibukun, P Wallace, 'Nigeria Political Deadlock Threatens Economic Rebound'(22nd January 2018) <<https://www.bloomberg.com/news/articles/2018-01-22/nigeria-s-political-deadlock-threatens-economic-rebound> >accessed 24th July 2018

¹⁶R Khan, Nigerian Political Standoff Threatens Central bank Independence.(23rd January 2018) available at <<https://www.reuters.com/article/nigeria-cenbank-politics/nigerian-political-standoff-threatens-central-bank-independence-idUSL8N1PI4V8>> accessed 24th July 2018

¹⁷O Mayowa, 2018 Budget Delay, Dire Implications On Economic Growth (13th March 2018) available at <<https://punchng.com/2018-budget-delay-dire-implications-on-economic-growth/>>accessed 24th July 2018

¹⁸The issue of padding of budget by the Nigeria National Assembly is beyond the scope of this paper.

the consolidated revenue account to run the government where the budget is pending approval by the legislative arm of the government.

The implication of this stalemate on the economy is hydra-headed; the stock market fell amid fears that monetary policy was being held hostage by the spat between President's office and the Senate over government appointments. Investors shunned Nigerian assets over the past three years and that put pressure on the currency and the economy. The stalemate in the relations of the two arms of government may cause investors to divert their investment capital to other countries particularly South Africa. Equally the delay in signing the budget triggers loss of job opportunities, thereby saturating the labour market and endangering the economy. Analysts have also expressed the fear that the government may not be able to execute up to 50 percent of capital expenditure; consequently, there would be low aggregate of income, as government borrows to pay salary. This does not bode well for an economy that is just emerging from the pangs of recession.¹⁹ Till the executive is able to resolve the tense situation with the legislative arm economic activities in the country will be governed by these highly incendiary conflicts.

EXECUTIVE/LEGISLATIVE RELATIONS: THE AMERICAN MODEL

Executive-legislature standoff is not alien to the presidential systems of government. The presidential model of government is designed to be so by the introduction of checks and balances and oversight functions for the legislature. Nigeria is not the only country that experiences executive/legislative conflict. USA undergoes the same challenges. The difference between the Nigerian and US experiences is that in the US the conflict is institutional in form and principled in spirit. It is also ultimately about the people and not the personal benefit of any of the parties involved in the misunderstanding.²⁰ Government shutdowns are familiar to most Americans; the result of government fallout in America triggers the government shutdown which happens when Congress fails to allocate funds for the ongoing functions of government. Where this happens, federal workers working in non-essential services are

¹⁹ National Bureau of Statistics, International Monetary Fund.

²⁰ However the 50th Speaker of the United States Congress Newt Gingrich confessed that he triggered a government shut down during the Clinton presidency because he was relegated to back of presidential flight on going for Israeli prime minister's Yitzhak Rabin's funeral in Israel and was asked to deplane by the rear door Gingrich: Snub Caused Impasse -- Treatment On Air Force One Blamed., "<http://community.seattletimes.nwsources.com/archive/?date=19951116&slug=2152925>" > accessed 29th September 2018 . In 1998, Gingrich said that these comments were his "single most avoidable mistake" as Speaker. N Gingrich, *Lessons Learned the Hard Way*. (New York: HarperCollins. 1998) 42–46.

furloughed.²¹ For instance, in January 2018 the United States of America was caught in a bi-partisan standoff, which led to a shutdown of government for a few days. Democrats stalled on a must-pass spending bill over the refusal of the Trump administration and Republican lawmakers to immediately discuss an Immigration Bill in the interest of young illegal immigrants. This resulted in an impasse in which government funding capacity was limited for about 48 hours.

Any student of American history would appreciate the 36th President of the United States Lyndon Baines Johnson's mastery of legislative executive relations in the history of American democracy. During his presidency, he understood the way the Senate worked; what senators needed and what they wanted.²² He had biographies on each of them so that he knew what their tastes, intentions, aims, desires, wishes and hopes were. He used this knowledge to negotiate with individual senators in return for a vote. He could get up every day and learn what their fears, their desires, their wishes, their wants were and he could then persuade them. He understood that what really made things work in the Senate were personal relationships and Johnson was just strictly the best at that. Johnson's skill at handling the legislature shows that those who do well as leaders in a democratic society are not those who look down on other members of society as irreversibly perfidious souls but those who are able to explore the corruption of the minds of others to bring out the best for society.

CHRONICLE OF STANDOFF BETWEEN PRESIDENT AND SENATE (1960-2018)

Nigerian political system since her independence in 1960 has experienced a high level of feud orchestrated by political figures in the country thereby either over-heating the already tensed system or at best, running the Nigerian entity more or less like a private estate.²³ In the first republic (1960-66), Nigeria practised a parliamentary system of government. The executive legislative tensions were non-existent.²⁴ This is owing to the fact that the legislature was also the executive, the cabinet members were first and foremost members of the legislative house.²⁵ During military rule in Nigeria, there was also no such conflict between the executive and

²¹The conflict does not degenerate into limitation of fundamental freedoms of legislators or arresting them.

²² R D Novak, *Lyndon B Johnson: The Exercise of Power* (New York: The New American Library, 1966), 380-381.

²³ O Omo. *Democratization in Africa: (Benin City: African Perspectives. 1994) 5.*

²⁴In parliamentary system, there is fusion of powers as the party with the most votes in the parliament forms the executive cabinet

²⁵ The third term bill of president Obasanjo where he sought to get the national assembly amend the constitution to elongate the tenure of the president was defeated though the president's ruling party PDP had majority numbers in the National Assembly. President Kennedy's civil rights equality bill languished in American congress though the democrats which is the president's party had majority numbers at the congress.

legislative arm of government, the reason is simple, Nigeria was not running a democracy; there was fusion of powers; the functions of the executive and legislative powers were fused into the executive powers. The Federal Military Government on assumption of power promulgated Decree No. 1 of 1966. This decree abolished parliament and the regional legislature. Section 3 provided that the Federal Military Government has the power to make laws for the peace, order and government of Nigeria. The above provision vested absolute legislative powers in the Federal Military Government. Thus separate arms of government were fused in the military at the centre. The head of state ruled the country through an advisory body -the supreme military council.²⁶ Legislations were drafted by him and implemented by him or his foot soldiers. The Military ruled Nigeria for thirteen years (1966-1979) after the 1966 Military Coup d'état until it finally handed over power to a democratically elected government of Shehu Shagari on 1st October, 1979. President Shehu Shagari's administration recorded little fracas with the legislature. His general attitude to the legislature and governing in general was liberal.²⁷ His party the National party of Nigeria (NPN) did not secure an absolute majority in the National Assembly (House of Representatives and Senate) but it still managed to survive through consensus and consultation-attitudes lacking in the subsequent years.²⁸

At the dawn of return to democracy in 1999, President Olusegun Obasanjo was elected as president; he immediately moved to install a lame duck legislature subservient to his will. According to a former speaker of the House of Representatives, Ghali N'abba, he opined that the history of the frosty relationship between the executive and legislature was triggered by the move by Obasanjo to impose a leadership on the National Assembly and the resolve to fight back by the lawmakers.²⁹ The relationship between the National Assembly and the executive arm thus became characterized by antagonism and strife. It is noted that it has been eleven years Obasanjo left office. The executive and the legislative should have matured enough to craft sterling relations in their dealings.

President Umaru Musa Yar'Adua on winning the 2007 presidential elections cited the principle of rule of law as one of the cardinal points of his administration. Respect for law and due process which was a governing principle of late President Yar'Adua laid the foundation for the

²⁶Or armed forces ruling council as the fancy catches the current leader.

²⁷ AM Awotokun 'Legislative Control Of The Executive In Nigeria Under The Second Republic 1979-1983' unpublished thesis Obafemi Awolowo University Ile Ife 76.

²⁸ O Nwaubani, 'The Legislature and Democracy in Nigeria, (1960-2003): History, Constitutional Role and Prospects' *Journal of Research on Humanities and Social Sciences* [2014](4) (15) 85-86.

²⁹ W Odunsi 'How Obasanjo Caused War Between Executive And Legislature N'Abba' <<http://dailypost.ng/2017/04/15/obasanjo-caused-war-executive-legislature-naabba/>>

harmonious executive-legislature relations. The Goodluck Jonathan administration reactivated legislative/ executive feud in Nigeria when it unsuccessfully interfered in the election of the speaker of House of Representatives.³⁰ This triggered off another frosty round of relations between the executive and legislature. What can be deduced from these developments is that the legislative arm is resentful of interference of the executive in election of her key officers. It has also been shown that Nigerian presidents rarely succeed in foisting a leader on the National Assembly. Furthermore, the preferred candidate of the legislature once he gets sworn in rarely forgets that his mandate was almost stolen. He then gets to work laying landmine for executive bills and appointments. The executive resentful of the fact that the legislature did not toe the line, in electing her candidate unleashes the machinery of governance on the legislature by slamming its members with corruption charges, harassing them with the police, meddling in their constituencies in form of spearheading a recall of the “disobedient and headstrong” law maker,³¹ the reason for this that the executive is very comfortable with rubber stamp legislature and fearful of a truly independent legislative arm. In having a rubber stamp legislature, the president’s key nominees for high offices are sure to sail through senate screening.

With the current 8th Senate, history repeated itself. It has been an uphill task to maintain good relations between her and the executive. The first clash of the arms of the government stemmed from the senate president “snatching” the reins of power from a candidate preferred by the executive.³² He was charged to Code of Conduct Tribunal (CCT) for falsification of assets. The Senate on its part retaliated by asking a committee of the Senate to in turn, investigate allegations of corruption against the chairman CCT.

The Centre for Literacy and Leadership (CALL) a democracy group summarized the current state of relations between the executive and legislative arms of government:

This is actually the worst executive-legislature relationship since 1999. For the first time, a sitting Senate President was arraigned twice. His only crime was that he was preferred and legitimately elected Senate President by his colleagues against the will of the executive. “For the first time, the executive arraigned the Senate President and his Deputy on trumped up charges of forgery of Standing Rule, whereas even the

³⁰N Ikeke ‘Defection Saga: Jonathan, Tambuwal Settle Differences’, available at <<https://www.naija.ng/344573-jonathan-tambuwal-resolve-feud.html#344573>> accessed 25th July 2018

³¹S 69 (a) of The Constitution Of The Federal Republic Of Nigeria.

³² J Erunke, ‘Saraki’s Senate Struggles, Successes’ (29th December 2015) available at <<https://www.vanguardngr.com/2015/12/2015-sarakis-senate-struggles-successes/>> accessed 25th June 2018. See also J Egbas, Is Saraki the smartest politician in the country? 24th July 2018 available at <<https://www.pulse.ng/news/politics/is-saraki-the-smartest-politician-in-the-country-id8652469.html>> accessed 25th July 2018.

cooked up police report neither mentioned any of their names let alone indict them. “For the first time, the nation heard something like a missing budget, with allegations that it was rewritten and returned through the back door. Even some Ministers denied the budgets of their ministry during budget defence. For the first time, the executive illegally keeps in office people nominees rejected by the National Assembly. Today, can we say that the Economic and Financial Crimes Commission is properly constituted? “For the first time, the President appointed 1,258 members of boards amid allegation that there was not a single input by the principal officers of the National Assembly, including the Senate President.. “What manner of best relationship do you have when the budget has never been passed earlier than May since this administration came on board because of lack of pre-budget consultation.”³³

Table below shows time line of instances of selected run-in between the legislative house and executive May 1999- July 2018

Year	Event	Outcome
June 1999	Presidency foisted the leaders of the Senate on members. The senators were cajoled to vote Evan Enwerem as the Senate President.	The Senate President was impeached
November 2014	President Jonathan locked out members of the National Assembly. Police teargassed them and they had to climb the fence to get to the National Assembly.	Impeachment notice against president circulated among the members of the National Assembly
2015	Nigeria’s Senate President, Dr. Bukola Saraki faces trial at Code Of Conduct Tribunal	He was cleared of misconduct. Government appealed the decision
June 2016	Nigeria’s Senate President, Dr. Bukola Saraki and his deputy, Senator Ike Ekweremadu charged to court on charges of alleged criminal conspiracy and forgery of the Senate Standing Rules, 2015.	The government withdrew these charges

³³ B Orji in L. Jeremiah Executive, Legislative Relations Worst Under Buhari (14th January 2018) available <<http://www.theadvocate.ng/executive-legislature-relationship-worst-under-buhari-group/>> accessed 25th July 2018.

December 2016	Senate declined to confirm the appointment of Ibrahim Magu as substantive chair of the country's premier anti-graft agency, the Economic and Financial Crimes Commission (EFCC)	The President resubmitted his name and he was rejected again
April 2018	Senator Dino Melaye arrested for crime	Granted bail.
May 2018	Inspector General of the police refuses to appear before senate to answer queries relating to insecurity in Nigeria	
July 2018	President of the Senate connected with armed robbery by the police force and invited for questioning	He shunned the invitation
July 2018	Police encircles the Senate President's house.	Speculations were rife that he will cross over to opposition party because of frosty relations between the National Assembly and the executive.
July 2018	Police encircles the Deputy Senate President's house and grills him on corruption charges.	He was released without charges.
August 2018	The President of the Senate defects to opposition party	The Presidents party APC lost the highest ranking position in the National Assembly to the opposition.

Information gleaned from the table confirms the stance of call. The Buhari administration has more run-ins with the legislature than any other administration since the return to civilian rule by Nigeria in 1999. Equally this defection is the culmination of three years of open conflict between the executive and legislature. The president's party APC has lost the position of the house leadership which management of the relations could have forestalled. As this defection

has largely show, the 8th Senate, has nothing to lose by engaging in this power play; the weight is on the presidency.³⁴

GOOD RELATIONS BETWEEN THE EXECUTIVE AND THE LEGISLATIVE: RULES OF ENGAGEMENT

Successful presidents have to master the ability to persuade. The president has no power over National assembly. Hence he has to negotiate and bargain. No-one in the presidential staff is a member of the legislature. Legislature does not even have to physically respond to any presidential recommendation as they can pretend that it does not exist. Therefore a president has to rely on developing good relations with the legislature, good tactics, good powers of persuasion and bargaining in order to win support.³⁵The failure of the government does not affect the legislators' political survival, thus they have few incentives to support the government. In other words the legislature can make life difficult for the president and frustrate his goals, plans and legacy. Nigerian presidents therefore resort to subterfuge and win at all cost strategy to install the leadership of the National Assembly in order to have a smooth sailing with them. This strategy has proven so many times not to work as the legislature fight back.

We draw inference from the stamp of authority of Reo M Christenson (1918 – 2015) in his treatise on presidential legislative relations.³⁶He gave several rules about how good relations with the American congress should be cultivated by the president. This is recommended for adaptation to Nigerian context to strengthen the very important relations between the two arms of government.

Christenson opines that the President ought to know the political players intimately. He gave an example of Lyndon B. Johnson's Administration, before Vietnam crippled his leadership. President Johnson's ability to get his policies sail through the Congress is recognized by both political parties. The President knows the deck. He knows the value of everyone. He knows the players intimately and he works at it night and day. Doing this is a popular and delicate art. Depiction of Lyndon Johnson as an arm twister while partly true, debase and distort a much more intricate, delicate, and positive art. He knew where the wires of power lie, who are the

³⁴*Attorney General Of The Federation v Abubakar (2007) 20WRN 1.*

³⁶R M Christenson, Presidential Leadership Of The Congress: Ten Commandments Point The Way. *Presidential Studies Quarterly*, [1978] (8) (3) 257-268.

key men, what one group wants that other opposing groups can be persuaded to accept and a third group is likely to tolerate, however unwillingly.

First Law: Knowledge is still power even in political realm; knowledge of men, of the legislative milieu, of the contours and permutations of power is essential. Having this knowledge does not guarantee one can use it wisely; not knowing it can handicap the president by his unfamiliarity with the folkways, nuances and personalities of the three arms zone scene. One needs to understand the particular political environment in which one operates and this can only come from experience. In applying this assertion to the Nigerian political terrain, Former president Goodluck Jonathan if he had known the personality of former Speaker of the house of Representatives, Aminu Tambuwal, he would not have antagonised him rather he would have courted him assiduously. He made the costly mistake of picking up fights with him, it therefore cost him his 2015 re-election.³⁷

Furthermore, the President needs to establish his priorities, in terms of both substantive importance and legislative strategy. He needs to know therefore, what matters most to him and to concentrate his best efforts there. Ordinarily, then, The President should not lack a sense of domestic priorities. During the Obasanjo years, he travelled abroad so many times without any clear indication of where his priorities lay. President Obasanjo antagonised the Senate so much with his incessant foreign trips that they retaliated by impeaching the Senate President Senator Evan Enwerem who they dubbed his “boy”. The impeachment occurred one November afternoon in 2000 as Enwerem followed the presidential entourage to the airport to see the President off to yet another foreign trip, a group of Senators collected signatures to sack Enwerem. As the presidential plane lifted up, the deed was done and Obasanjo returned to the country to meet a new Senate President

Second Law: the President should consult with party leaders in Congress before launching major policy initiatives foreign or domestic. Always! Especially when he doesn't want to. Yet there are compelling reasons for submitting proposals to party leaders before the president's decisions have crystallized. If his party leaders raise considerations a president has overlooked or interpreted differently, his basis for decision is improved. If they don't, the president can move forward with increased confidence. The Congressional leadership will be more

³⁷ E Ejere, ‘Tambuwal: The Rebellion That Caused Jonathan’s Downfall’ (18th May 2015)

<<http://hallmarknews.com/tambuwal-the-rebellion-that-caused-jonathans-downfall/>>

Accessed 24th July 2018

cooperative and more willing to press hard for legislation if they've had their hands in the dough. And if things go badly later on, the President will be less vulnerable for having sought their advice. The leadership of the legislature can give the president invaluable advice on the political reception which the bill will receive. Any President who doesn't want the best political intelligence he can get is not much of a politician.

A consistent practice of consulting with party leaders of both Houses has another tremendous advantage. It tends to convert the President's program into a party program. The pardon of former speaker of the house Salisu Buhari (who falsified educational certificates) by president Obasanjo could not have been said to be a collective decision made after consultation with members of the National Assembly. This pardon caused public belief in his dedication to fight corruption to drop. From then on, the belief of his government's sincerity on eradication of corruption in Nigeria went downhill.

Third Law: A President needs a first-rate legislative liaison staff. While Congressional leaders are indispensable political advisors, the President needs a more refined intelligence network to keep him well-informed on a day-to-day basis of the temperature of Congress and the status of legislation. For this task there is no substitute for a competent liaison staff. The presidential liaison officer with the National Assembly 2011- 2013 Senator Joy Emodi was faced with serious challenges in the performance of her duties especially the seeming reluctance of the President to assent to resolutions and bills passed by the National Assembly. Their seething anger nonetheless, the Honourable members of the House and Senators almost always capitulated to the entreaties of Emodi. Her persuasive abilities could not have been further confirmed than by the passage of the 2013 budget of the Federal Government in December, 2012. A laudable feat in the Nigerian Political terrain.

Fourth Law: the President should build rapport with the rank and file of Congress. Time does not permit any President to personally keep in touch with this rank and file but an active and skilful staff can help. Liaison does provide intelligence, especially when the staff works closely with party whips. It is rare that a president can alter the outcome of a legislative struggle in Congress unless the pending division on a bill is fairly close. It is imperative therefore, that a President knows when this situation exists. Almost any president can win over a few votes by personal appeals. Invitation to the presidential villa for dinners no matter how mundane it seems will go a long way in creating interpersonal relationship with the congressmen. The

President should not be tempted to distribute cash for votes as it will expose him to charges of vote buying which would impair both the President's moral standing and his political power. It didn't bode well for President Obasanjo for the third term neither did it bode well for President Goodluck Jonathan. The result is that the senators will take the money and vote against the bill to pass the message that their votes are not for sale.

Fifth Law: The President should respect Congress as a co-equal institution, and respect its individual members. This is obvious but history shows that presidents sometimes ignore the obvious. Woodrow Wilson's attitude toward members of the Senate is the prime example. Wilson once referred to Senators opposing him as "contemptible . . . narrow . . . selfish . . . poor little minds. More importantly, his general demeanour towards members of the Senate was once described as that of "the schoolmaster incarnate."³⁸ In Nigeria, the actions of some principal officers of the executive like the Inspector General of the Police declining Senate summons depict this feeling of superiority that the executive metes out to the legislature; this is inevitably offensive to members of the Senate. The continued invitation of the Senate President, Deputy Senate President by the police to answer criminal charges, the siege and cordoning off their homes by the Nigeria police force shows anything but respect for the members of the legislature. This is one of the reasons why many senators from the President's political party defected to the opposition party in July 2018.

There is no contradiction between firm presidential leadership and unflinching courtesy toward one's opponents. The temptation to lash out at one's Congressional foes will become intense, from time to time, but yielding to it will only produce resentments that will someday foster revenge. Today's opponents are tomorrow's potential allies a fact no president should ever forget. Lyndon Johnson's treatment of members of Congress was exemplary during at least the early years of his administration. Not only was he careful to show public respect for the equal dignity and status of the legislative branch of government, but he went out of his way, following the passage of important bills, to praise individual members for their support making sure that TV cameramen were on hand to appropriately record the event. Congress men, like all politicians, have perpetually voracious egos, and the President who gives cooperative congressmen the publicity they yearn for, will often find the crooked places made straight.³⁹

³⁸G Smith, *When the Cheering Stopped* (New York: William Morrow, 1964) 56

³⁹ Stephen Wayne, *The Legislative Presidency*, (New York: Harper and Row, 1978), 24.

Sixth Law: A President should seek bipartisan support for his policies. This is particularly relevant where foreign policy is concerned, but is of no small moment in other issues as well. President Kennedy's solicitous attitude toward Republican senators during the Test Ban Treaty struggle provides an illuminating contrast. On domestic legislation, Kennedy's persistent cultivation of Republican Senators minority leader won him the minority leader's critically important support on many occasions. Eisenhower's excellent relations with Senate Majority leader and Speaker helped produce unusually amicable relations with Congress, despite Democratic control of both Houses. Obviously, a good deal of discretion needs to be exercised in dealing with members of the opposite party. A President's own party may resent undue solicitude to members of the other party, especially if it seems to blunt the partisan advantage members feel their party properly merits on certain bills. Members of the opposition party may also be wary of excessive efforts to woo them in order to strengthen the President, and therefore, his party, during the next election. Nonetheless, in a political system which lacks party unity and party discipline and in which virtually all successful bills receive bipartisan support, a president is derelict if he ignores potential votes from opposition ranks. Wooing them is a delicate operation but there are various quiet and informal ways of cultivating friendly and informal ways of cultivating friendly and fruitful relations with potentially cooperative members of the other party. A President who is respectful and appreciative of them is sure to experience serendipity from time to time.

Seventh Law: A President needs to be able to compromise and to know when to do it. If he yields too soon, he will lose more ground than he needs to. If he waits too late, the decision may be out of his hand. If he becomes too stubborn to compromise at all, he will be doomed, doomed to disaster, with only the time table uncertain.⁴⁰ Woodrow Wilson's intransigence on the League of Nations and Herbert Hoover's stubborn adherence to his hobbling economic ideology are cases in point. In Nigeria, the President should have submitted the names of another incorruptible citizen of Nigeria to replace Ibrahim Magu who the senate rejected twice as the head of the anti-corruption agency EFCC in a show of compromise. The nominee Ibrahim is not the only upright Nigerian qualified for the job. Per chance he gets confirmed and sheds off this mortal coil, there would indeed be replacement for him. Compromise is not the same as weakness. In submitting another candidate's name, the President would have gained some political capital at the National Assembly which he could spend freely in other issues.

⁴⁰JD Barber, *The Presidential Character* (Englewood Cliffs, N.J.: Prentice Hall, 1972) 8.

Finally the President must learn who to trust, it may be his party leaders, his liaison staff, a member of a Congressional committee, a journalist with sure political instincts. Above all, the President should not be misled by "can do" aides who ignore convincing evidence that he is persisting in a lost cause or by his own ego-involvement in that cause. It is imperative that the president should have in his inner circle an experienced person who is not subservient to him at all or kowtows to him; a Nathan to his David. The advice of an independent intelligent and experienced person who is not in his payroll is often invaluable. He needs to bounce his ideas off him.⁴¹ This would prevent his political ruin.

CONCLUSION

The one thing that neither the legislature nor the President should accept, is a public perception of two squabbling bodies which are meant to be the pinnacle of political power within Nigeria. To this end, the Constitution of the Federal Republic of Nigeria 1999 ought to be amended so that re-fielding rejected candidates by the president will become a thing of the past. Furthermore s.171 of the 1999 constitution should be amended to put rest to the argument about which executive appointments require the senate's confirmation and vice versa. The amended section should state strictly the comprehensive list of those appointments that require senate confirmation in order to bring uniformity in interpretation. Furthermore amendment of s. 171 will align it with s.2 (3) of the EFCC Act. Secondly, s 81 of the Constitution should be amended to reflect unequivocally the constitutional powers of both arms of government in the preparation, passage and execution of the nation's Appropriation Bill. This will put paid to the blame game and passing of buck regarding late passage of budgets. Finally a policy measure to be adopted in settling this rift would be educating the officers of the executive about the co-equality of the legislative arm of government.

⁴¹ S Hess Organizing the Presidency (Washington: Brookings, 1976), p. 37.